



EMPLOYMENT TRIBUNALS

Heard at Croydon (by video) **On:** 25 March 2024

Claimant: Mr Christopher Morris

Respondents: (1) Reed Staffing Services Limited
(2) London Borough of Lewisham

Claimant No appearance

Respondents Richard O'Keefe of counsel

Before: Employment Judge E Fowell
Mr S Corkerton
Mr S Huggins

JUDGMENT

Rule 47 Employment Tribunal Rules of Procedure

The claim is struck out

REASONS

1. By Rule 47 of the Employment Tribunal Rules of Procedure a claim may be struck out where a party fails to attend or to be represented at the hearing. The rule provides that before doing so the tribunal shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.
2. Mr Morris is a litigant in person. He has been assisted by his sister, Mrs Shantelle Morris, in the preparation of this claim although she has not in fact been appointed as his representative.
3. There was a preliminary hearing on 20 February 2023 which listed this case for hearing in Croydon with a time estimate of four days.

4. Mrs Morris wrote to the tribunal on 4 March 2024 to say that there had been a bereavement in the family and that she would be out of the country between 13 and 28 March 2024. Consequently, she requested that the hearing be put back by a week until 1 April 2024. The application also stated that she was under the impression that the case “was being settled with ACAS directly with Mr Morris.”
5. The first respondent replied the following day stating that there were no settlement discussions underway and that everything was ready for a hearing. (The respondents were jointly represented at this hearing and the first respondent has taken the lead in dealing with such correspondence.)
6. That application was therefore made 3 weeks before this hearing. In the meantime correspondence continued between the parties about arrangements for the hearing. During the last week the respondent has supplied a copy of a witness statement bundle to Mrs Morris and a further document which had been omitted from the bundle - the terms of business between the 2 respondents. They also requested a link to upload the main bundle, a request that was copied to Mrs Morris.
7. It does not appear that the application for an adjournment was put before a Judge before the hearing although not all items on the tribunal’s file are accessible remotely. Certainly, no adjournment was granted.
8. The hearing was changed to a virtual hearing last week and a link was sent to Mr Morris for him to attend. However, he did not attempt to do so and had to be contacted by the tribunal clerk this morning. In the course of 5 separate telephone calls to him, each initiated by the tribunal clerk, he was invited to attempt to join the hearing by telephone and then as a further alternative to attend the hearing centre in Croydon and take part in a hybrid hearing. It emerged that he was unable to do so because he was at work and in the centre of London.
9. Mrs Morris did however request a link to the hearing this morning and this was provided. However, she did not join the hearing either.
10. Having established that Mr Morris was unable to join the hearing remotely or in person by any means, nothing further was heard from him or Mrs Morris. At around midday an email was sent to them both requesting a response by 2 pm to explain their absence, asking whether the claim was pursued and their proposals for dealing with the case in the time remaining.
11. No such reply had been made known to the tribunal by 2 pm, despite requests to check the position and so the claim was struck out for failure to attend.
12. Subsequently emails were forwarded to the tribunal which had been sent between 1.30 and 2 pm. These were considered and treated as an application for reconsideration of the decision to strike out the claim.

13. In his email Mr Morris said that he was only made aware of the court hearing this morning when he was called by the court office asking if he would be attending. It did not explain why he was unaware of the hearing. It also confirmed that he was at work today in the city and that he explained that he would not be able to make it to Croydon on time.
14. In her email Mrs Morris said that they were not told on Friday that the “zoom request” was granted. She added that she was in another country and had not been sent the link but would attend tomorrow morning.
15. It is not clear what is meant by this “zoom request”. In person hearings are frequently converted to video hearings. No objection was made before the hearing and no one physically attended the hearing centre. Mr Morris was sent the link last Friday.
16. Tribunal hearings are arranged with care and at considerable notice. The previous case management hearing was held in order to ensure that both sides had taken the necessary steps to prepare for a fair hearing today. On the understanding that there may have been some confusion about whether the adjournment request had been granted, or whether there was some technical issue preventing him from taking part, the tribunal waited for a response or explanation from the claimant. It then took the initiative in contacting Mr Morris for an explanation. Overall, it appears that the main reason for Mr Morris’s failure to attend was that he did not plan to attend and was working elsewhere today. There is no satisfactory explanation as to why he thought that the hearing was not going ahead. In the circumstances the tribunal refused to set aside or vary the order made and the position remains that the claim is struck out.

Employment Judge Fowell
Date: **25 March 2024**

JUDGMENT & REASONS SENT TO THE PARTIES ON
Date: **3 April 2024**

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