



EMPLOYMENT TRIBUNALS

Claimant: Ms. A. Khan
Respondents: R Townhouse Ltd, trading as Raffles

London Central by CVP
Employment Judge Goodman

Hearing 17 January 2024

REASONS

1. These are the reasons for the judgment of the tribunal made 17 January 2024 under rule 21. The judgment referred to reasons being given in the case management order of 17 January. Paragraphs 3 to 9 below have been copied and pasted from that order so that the reasons for the judgment are made public.
2. Rule 21 of the Employment Tribunal Rules of Procedure 2013 sets out what is to happen if an employer fails to respond to a claim in time:

Effect of non-presentation or rejection of response, or case not contested

21.—(1) Where on the expiry of the time limit in rule 16 no response has been presented, or any response received has been rejected and no application for a reconsideration is outstanding, or where the respondent has stated that no part of the claim is contested, paragraphs (2) and (3) shall apply.

(2) An Employment Judge shall decide whether on the available material (which may include further information which the parties are required by a Judge to provide), a determination can properly be made of the claim, or part of it. To the extent that a determination can be made, the Judge shall issue a judgment accordingly. Otherwise, a hearing shall be fixed before a Judge alone.

(3) The respondent shall be entitled to notice of any hearings and decisions of the Tribunal but, unless and until an extension of time is granted, shall only be entitled to participate in any hearing to the extent permitted by the Judge.

3. The respondent was sued as Raffles Chelsea at 287 Kings Road London SW3 5EW. The claim form was posted by the tribunal to that address on 9 October calling for a response on ET3 by 6 November 2023. No formal response has been served. An email from Hamish Ross on 23 November shows the employer is R Townhouse Ltd trading as Raffles. The Companies House register shows that company is registered at 287 Kings Road and that Mr Ross is one of two directors. I am satisfied that the respondent company was correctly served in its trading name.
4. The respondent did not enter a response to the claim. The claimant was asked to supply an email address and did. I have reviewed the email exchanges between HMCTS staff and Mr Ross on 27 November. At his request copies of the claim form and letter of service were emailed to him by B. Hall at 10.35 am on 27 November. So even if the posted documents have gone astray, he has had the claim papers.
5. There was to have been a case management hearing on 29 November. It was postponed to today in the expectation that the respondent would respond to the claim. They have not. An email was sent to the Mr Ross on 9 January warning him that judgment may be issued without notice and that if the company wished to defend the claim they must send a response on ET3 and application to extend the time for filing it, explaining why it was not filed. He was also told that a hard copy of the new notice of hearing had been posted to him. There has been no response.
6. Yesterday the parties were emailed joining instructions for this morning's hearing. No one joined the hearing and at 10 am the clerk telephoned Mr Ross to find out if he was delayed, but the call was not answered, and he left a message.
7. I asked the claimant a number of questions to clarify her claim. Based on that I was satisfied that there was enough to determine that the respondent was liable to the claimant for harassment related to sex and for victimisation for her having complained of harassment.
8. Remedy is to be decided at a hearing, listed for 11 April. I made orders to ensure the tribunal is provided with information to be able to assess remedy, and so that the respondent can understand the case on remedy if permitted by the judge to take part in the hearing.

Employment Judge Goodman

16 April 2024

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17 April 2024

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FOR THE TRIBUNAL OFFICE