



EMPLOYMENT TRIBUNALS

Claimant: Mr G Pollitt

Respondent: Spectrum Facilities Maintenance Limited

Heard at: Manchester

On: 15 October 2024

Before: Employment Judge Phil Allen

REPRESENTATION:

Claimant: Did not attend

Respondent: Did not attend

JUDGMENT

The judgment of the Tribunal is that:

1. The claim is dismissed under rule 47 of the Employment Tribunal rules of procedure, the claimant not having attended the final hearing.

REASONS

Introduction

1. The claimant was employed by the respondent from April 2022 until he was dismissed on 11 January 2024. He was a cleaner.

Claims, issues and procedure

2. In his claim form, the claimant had claimed unfair dismissal. That claim was struck out in a Judgment sent to the parties on 23 September 2024. The claimant did not have the two years' service required to pursue an unfair dismissal claim.

3. The claimant also claimed for unauthorised deduction from wages, breach of contract, failure to provide written pay statements, and failure to pay annual leave due. The respondent defended the claim and denied that any sums were due. Whilst it is not entirely clear, the value of the remaining complaints appeared from the claim form to be £969.06.

4. In a letter dated 12 July 2024, the parties were informed that the final hearing in the claim would be held on 15 October 2024. I am satisfied that the letter was sent because it was also the letter which informed the respondent about the claim and informed it that it was required to enter a response (which it did).

5. Neither party has attended the final hearing, which was arranged to take place in-person at the Employment Tribunal.

6. In accordance with rule 47, the clerk endeavoured to contact the parties to establish their reasons for non-attendance. She was unable to contact the respondent. The claimant informed her that he was not aware of the hearing. If he was not, that would appear to be because he had either not read the letter sent to him, or he had not been able to do so.

Decision and the reason for it

7. Under rule 47 of the Employment Tribunal rules of procedure, I can dismiss a claim if a party does not attend the hearing. Before doing so, rule 47 provides that I shall consider any information which is available to me, after any enquiries that may be practicable, about the reasons for the party's absence.

8. Today was intended to be the final hearing to determine the claim. Employment Tribunal time and resource had been allocated to enable the claim to be determined.

9. I must apply the overriding objective. That means I must deal with the case fairly and justly. That includes, so far as is practicable, dealing with cases in ways which are proportionate to the importance of the issues, and saving expense. I noted the value of the claim. I decided that the claim should be dismissed under rule 47. Whilst this was not necessarily a clear-cut and obvious decision in the light of what the claimant had said when contacted by the clerk, I nonetheless decided that it was the right decision in dealing with the case in a way which was proportionate to the amount claimed in the light of the claimant's non-attendance at the final hearing.

Employment Judge Phil Allen
15 October 2024

JUDGMENT AND REASONS
SENT TO THE PARTIES ON
21 October 2024

FOR THE TRIBUNAL OFFICE

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Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>