



EMPLOYMENT TRIBUNALS

Claimant: Mrs O Kovtun

Respondents: Aneetra Keen (R1)
Sue Seymour (R2)
The Freemantle Trust (R3)

Heard at: Watford (By CVP)

On: 28 February 2025

Before: Employment Judge Bansal

Representation:

Claimant: No attendance & Not Represented
Respondents: Mr C Devlin (Counsel for R1)
Mrs S Seymour (In person for R2)
Mr Ellis (Counsel for R3)

JUDGMENT

The Claimant's claim is dismissed under rule 47 of the Employment Tribunal Procedure Rules 2024 due to the claimant's non-attendance at the hearing on 28 February 2025.

REASONS

1. This preliminary case management hearing was listed by Notice of Hearing dated 3 December 2024. A previous hearing listed for 26 January 2024 was postponed on 25 January 2024 at the request on the claimant.
2. On 11 August 2023 the claimant presented a Claim form (ET1) making a complaint of race discrimination against the named Respondents. The named respondents are employees of The Free Mantle Trust, a registered charity. At the date of presentation of the Claim Form the claimant was represented by Mr David Ofosu-Appiah, of J&C Soul Cic. On 25 April 2024 the Tribunal wrote to the claimant in the following terms, "*As Mr David Ofosu-Appiah, is not representing the claimant, claimant is required to provide her email address to the Tribunal and the respondents*". There is no record on the Tribunal file that the claimant has replied to this request. The respondents confirmed they have received no communication from the claimant either.
3. The Notice of Hearing for today's hearing was sent to the claimant at the address stated on the Claim Form. There has been no correspondence or contact from the claimant at all

4. At today's hearing, the claimant did not attend. I therefore instructed my Clerk to make contact with the claimant on her mobile number stated in the Claim Form. My Clerk was able to make contact and confirmed the claimant told her that she was not aware of any Tribunal claim made by her and of today's hearing; and also did not know of The Freemantle Trust.
5. Mr Devlin, acting for respondent Mrs Keen made two applications. The first was to determine the application made on 24 January 2024 to add The Fremantle Trust as a respondent to this claim. Mr Mellis representing The Freemantle Trust did not oppose the application. Accordingly, I made an order that The Freemantle Trust be added as a named respondent. The second application was to make an Unless Order (the terms of this to be determined) and in the absence of a response the claim be struck out. Mr Mellis, representing The Freemantle Trust, invited me to exercise my discretion under rule 47 of The Employment Tribunals Procedure Rules 2024 and dismiss the claim.
6. Rule 47 provides;
"If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it must consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence."
7. I reviewed the history of this claim. There has been no communication from the claimant since her representative came off record. I also took account of the claimant's response to my Clerk in their telephone conversation and that she did not join this hearing to explain her position. I was not able to continue in the claimant's absence because the purpose of the hearing was case management which would have included an analysis and discussion about the claim. I also had regard to the interests of justice which includes the interest of the respondents and that the Tribunal has a duty to save costs, resources and the public purse.
8. In the circumstances I considered it to appropriate and proportionate with the overriding objective to exercise my discretion to dismiss the claim pursuant to rule 47.

Approved By
Employment Judge Bansal
Date 28 February 2025

JUDGMENT SENT TO THE PARTIES ON

21 March 2025

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FOR THE TRIBUNAL OFFICE

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