



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr M J Frost

v

G4S Secure Solutions (UK) Limited

Heard at: Bury St Edmunds (hybrid)

On: 25 February 2025

Before: Employment Judge Laidler

Appearances

For the Claimant: Did not attend and was not represented

For the Respondent: Mr A Clark, In House Solicitor (by CVP)

JUDGMENT

All claims brought by the Claimant are dismissed under Rule 47 of the Tribunal's Rules of Procedure 2024, the Claimant failing to attend this Hearing.

REASONS

Background

1. The claim in this matter was received on 11 October 2023 following a period of ACAS Early Conciliation between 2 October and 17 October 2023. The Claimant claimed age discrimination in connection with being told by the Respondent that his death in service benefits would cease upon reaching 80 years of age. He stated in Section 8.1 of the Claim Form that this benefit was part of his contract and it could not be cancelled without his agreement. He stated he was relying upon the Age Discrimination Act, the Equality Act 2010 and the Human Rights Act 1988 and that he claimed harassment / victimisation.
2. In its Response, the Respondent denied all of the claims and in particular relied on Paragraph 14 Schedule 9 of the Equality Act 2010, which states that it is not unlawful for access to insured benefits such as life in service to be withdrawn at the age of 65 or state pension age, whichever is the greater. It therefore submitted that rather than it being in breach of statutory provisions, the Respondent had,

“...been more accommodating than it is required to be by providing life assurance cover to age 80 before withdrawing it.”

3. It applied in its Grounds of Resistance for strike out of the claims, they having no reasonable prospect of success, or a deposit order on the basis the claim had little reasonable prospect of success.
4. By notice of 26 February 2024, the parties were provided with the date of a Preliminary Hearing by using the Cloud Video Platform (CVP) to be conducted on 17 April 2024. It was made clear that at that Hearing the Judge would discuss the Claim and Response and make Orders to prepare the claim for a Hearing and fix the date of the next Hearing.
5. The Claimant completed by hand an Agenda for that Hearing and at box 2.2 on the Claim Form stated,

“While I accept Respondent’s grounds of resistance point 4 – other ET points remain relevant.”

6. In Section 4.1 of the Agenda, the Claimant stated that the issues to be decided were:-

“EC Law

Discrimination

Victimisation

Duty of Care”

7. By a further Notice dated 26 February 2024, the parties were advised that the following were to be decided at the Preliminary Hearing already listed:-

“To decide whether any of the Claimant’s claims should be struck out as having no reasonable prospects of success; and / or

To decide whether a Deposit Order should be made on the grounds that the Claimant’s claims stand little reasonable prospects of success.

The Claimant and the Respondent shall send each other a list of any documents that they wish to refer to at the Hearing, or which are relevant to the case. They shall send each other a copy of any of these documents if requested to do so.”

8. By email of 10 April 2024, the Claimant stated he had not received the Respondent’s list of documents, copy documents or their Agenda and requested that the Hearing be postponed. The Respondent objected stating they only intended to refer to the Claim Form, the Response and the relevant section of the Equality Act 2010 as referred to above. They objected to the Hearing being postponed.

9. The Respondent replied on 14 April 2024, again stating he had not received the Respondent's documents and again requesting a postponement. The postponement request was granted and the parties were advised of that on 16 April 2024 with a new date of Hearing given as 12 June 2024.
10. By email of 16 April 2024, the Respondent's representative took issue with the fact that the notice of the adjourned Hearing stated there had been a joint postponement application, when the Respondent had never made such. The Respondent also requested that the re-listed Hearing be converted to a hybrid Hearing to allow the representative to attend by video, as he was based in the North East of England.
11. By email of 25 April 2024, the Claimant requested a Hearing near to his place of work which was Felixstowe. The parties were advised that the Hearing would be conducted as a "hybrid Hearing" in the Bury St Edmunds Employment Tribunal, with the Respondent's representative attending remotely. The Claimant was to attend in person.
12. Regrettably, on 11 June 2024, the parties were advised that the Hearing listed for 12 June 2024 could not proceed due to lack of judicial resources. It was re-listed for 3 September 2024.
13. The Hearing came before Employment Judge Graham on 3 September 2024. The Claimant failed to attend. The details were as set out in a Summary the Judge sent to the parties following that Hearing on 4 September 2024. The Claimant had contacted the Tribunal the day before the Hearing at 5:17pm to state he would not be in attendance as he required a face to face Hearing. The Tribunal informed the Claimant at 5:37pm and 5:41pm that it was a hybrid Hearing whereby parties may attend in person.
14. The Judge did not dismiss the claim on that occasion, but issued a strike out warning that the claim was not being actively pursued. That was sent to the parties on 4 September 2024. The Claimant was advised that if he wished to object to the proposal to strike out he was to provide written reasons by 18 September 2024.
15. The Claimant sent a number of emails in September 2024. The first dated 5 September 2024 was querying the timing of Tribunal emails compared to the timing of the Respondent's.
16. A further email of 7 September 2024 asked whether the Hearing was intended as a Preliminary Hearing or otherwise.
17. An email of 15 September 2024 made express reference to the strike out warning which the Claimant objected to. He maintain he had not been told of a 4 September 2024 Hearing. It was actually on 3 September 2024, not the fourth. In this email the Claimant deals with the strike out warning

(amongst other matters) and stated that his emails and the ET1 Claim Form points 8.1 – 8.2 – 9.2,

“...should make claim clear”.

18. He then went on to state he had named,

“...three acts relevant to claim”.

19. The Claimant went on to state in that email that his belief was that the ET1 Claim Form is an “outline claim” to enable specific details to be stated at a Hearing. That is exactly what the Case Management Hearings that the Tribunal has been endeavouring to conduct are for. To clarify the issues in the claims and make further directions for their progression.

20. The Tribunal then listed a further Private Preliminary Hearing to be hybrid, whereby the Claimant would attend in person and the Respondent by video, or in person. It would take place at the Bury St Edmunds Employment Tribunal and the Claimant was advised if he failed to attend this Hearing without good reason, his claim may be struck out. That Hearing was listed for today’s date, 25 February 2025 and Notice of that Hearing sent to the parties on 19 November 2024.

21. By email of 7 January 2025, the Claimant requested replies to previous correspondence to the Employment Tribunal and stated that,

“It would be unjust – unfair to expect me to attend any Hearing without such”.

22. By email of 3 February 2025, the Respondent wrote to the Claimant, copied to the Tribunal, indicating that his Freedom of Information Request was unrelated to the Employment Tribunal claim. This was in response to an email from the Claimant of 2 February 2025, dealing with that request.

23. On 9 February 2025, the Claimant wrote to the Tribunal and copied to the Respondent, stating he was making a formal application for an order for discovery on the Respondent. He stated without that and replies to his previous emails he would,

“...be on an unequal – unjust – unfair footing at any ET Hearing and I am – justly – not prepared to attend such in their absence such being solely attributable to Respondent.”

24. The Respondent replied that it considered an application for disclosure to be premature because the case was listed for Case Management when such Orders would be made.

25. There was further correspondence from the Claimant in February about disclosure and on 18 February 2025, Employment Judge Graham directed that a letter be sent to the parties stating as follows:-

“The parties’ correspondence has been placed before Employment Judge Graham who advises that the correspondence can be discussed at the next Preliminary Hearing for Case Management which has been listed for 25 February 2025 at 10am. The Claimant is reminded that if he fails to attend the case may proceed in his absence, or alternatively it could be dismissed under Rule 47 of the Employment Tribunal Rules of Procedure 2024. It is in the Claimant’s own interest that he attend that Hearing.”

26. On 23 February 2025, the Claimant wrote to the Tribunal stating that his wife was ill ‘making further reasons for my unavailability for 25 February 2025.’

27. The correspondence was placed before this Employment Judge who instructed that a letter be sent to the parties refusing the Claimant’s request for a postponement. It was made clear in that letter that the Hearing was to clarify the issues in the claim and the Claimant did not need documents to enable him to do that. It also stated:-

“The Claimant states his wife is ill but provides no further information as to why that prevents him attending the Hearing. There have been three previous attempts to hold this Case Management Hearing and it is only in accordance with the overriding objective that it go ahead and the case is progressed.

The Claimant is reminded of the contents of the Tribunal’s letter of 18 February 2025 when it was confirmed that if the Claimant fails to attend, the Hearing may go ahead in his absence or alternatively, it could be dismissed under Rule 47 of the Employment Tribunal Rules of Procedure 2024.”

28. On the evening before this Hearing the Claimant wrote twice to the Employment Tribunal. The first time at 18:52 stating,

“On 9/2/25 and 19/2/25 I made application for order for discovery – having no reply I now make application for respondent case to be struck out”.

29. The second email at 19:42 stated as follows,

“You – again – chose to ignore my correspondence re my wife – she is 80 years old – has severe diabetes and other illnesses – which – recently caused her to have a nasty fall – for you to question why I should see need to stay with her is an insult to us both – you have suggested I leave her alone in such circumstances which could possibly – should such happen again, put her life at risk – you obviously consider 25/2/25 hearing takes preference – I am not prepared to take that risk and again request a postponement.

I accept that any refusal would be you admitting your lack of concern for my wife's medical condition – which obliges me to remain with her and not attending 25/2/25.

Respectfully – I submit your overriding objective should be consideration of my need to attend my wife's health and safety – not the case at this time.”

The Hearing Today

30. The Respondent attended this Hearing and the Tribunal had a Bundle of 80 pages and the Respondent's submissions in writing that had been prepared for the earlier Hearing which should have proceeded in June 2024.
31. The Respondent also made oral submissions at this Hearing. It was argued that the Tribunal should now dismiss the claims as this is the fourth Hearing that the Claimant has failed to attend. A strike out warning was issued after the last Hearing. The Claimant has subsequently sent emails referring to questions put to the Tribunal and requesting disclosure, although it is not clear what questions he needs answered and what specific documents he is seeking. The Respondents have told the Claimant that the Freedom of Information Request is a completely separate matter.
32. The Respondent's representative stated this is the fifth claim he has had to deal with involving the Claimant and that every claim follows a similar pattern of behaviour. (This was also set out in the Respondent's email of 10 June 2024 in which it set out the case numbers that it had previously dealt with). The Respondent submits that these claims all demonstrated a similar pattern of non-attendance with claims ultimately being struck out.
33. In the lead up to this Hearing it was submitted the Claimant has been warned a number of times that his non-attendance could result in the claim being dismissed. In relation to the Claimant's wife's ill health, initially no detail had been provided and it is not clear why, for a few hours that would have been required to attend this Hearing, she could not have someone else with her. No medical evidence has been provided.
34. There was an adjournment whilst the Judge considered the position before giving the decision.

Conclusions

35. Rule 47 of the Employment Tribunal Rules of Procedure 2024 provides as follows,

Non-attendance

47. If a party fails to attend or to be represented at a 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.
36. After the last Hearing on 3 September 2024, the Claimant was issued with a strike out warning. This Hearing was listed on 19 September 2024 as a hybrid Hearing so that the Claimant could attend in person as he does not have the technology to attend via Cloud Video Platform (CVP), but the Respondent's representative could attend on video. This is a means of accommodating parties which has been used regularly since the Covid-19 pandemic.
37. The Claimant says in correspondence he needs answers from the Tribunal. The Tribunal is a Judicial body here to determine claims brought by Claimants and not to provide advice to parties.
38. On 18 February 2025, the Claimant was reminded that failure to attend could result in the dismissal of his claim.
39. On 23 February 2025, the Claimant wrote saying his wife was ill and that he required full discovery. He was told by email of 24 February 2025 he did not need full discovery of documents for this Hearing and to attend. He was again reminded that the failure to do so could lead to the dismissal of the claim.
40. On the evening before this Hearing, the Claimant provided further details about his wife. He did not provide this information initially, he does not state when the fall was and neither does he set out why it requires him to remain with her and for example, why someone else could not keep an eye on her for the duration he was away to attend this Hearing.
41. In a further email sent the evening before this Hearing, the Claimant said he had made application for specific disclosure and was again told that he did not need documents to be able to participate in this Hearing.
42. This Tribunal has also taken into account that it appears the Claimant accepted the Respondent's position at Paragraph 4 of the Grounds of Resistance that there is express exemption in Paragraph 14, Schedule 9 of the Equality Act 2010 with regard to the access to insured benefits. The Claimant, however, seems to suggest he has other claims and refers in his emails to the Human Rights Act, the European Court and there is mention of harassment and victimisation.

43. As the Claimant, however, never attends a Hearing it has not been possible to identify what other claims he believes he has brought and whether such would be within the jurisdiction of this Employment Tribunal.
44. In all of the circumstances, the Claimant having shown he does not intend to attend the Tribunal Hearings in pursuing this matter, the Claim is dismissed under Rule 47.

Approved by:

Employment Judge Laidler

Date: 10 March 2025

Sent to the parties on: 22 March 2025

For the Tribunal Office.

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