



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms Kimberly Jane Allibone

v

Community Spaces Northampton

Heard at: Cambridge (by CVP)

On: 4 June 2025

Before: Employment Judge Tynan (sitting alone)

Appearances

For the Claimant: Did not attend and was not represented

For the Respondent: Mr D Brown, Counsel

JUDGMENT

Rule 47 Employment Tribunal Procedure Rules 2024

The claim is dismissed pursuant to Rule 47 of the Employment Tribunal Procedure Rules 2024.

REASONS

1. Rule 47 of the Employment Tribunal Procedure Rules 2024 provides as follows:

“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.”

2. The Claimant presented her claim to the Employment Tribunals on 21 June 2024 following ACAS early conciliation. The claim was acknowledged on 1 July 2024 and served on the Respondent the same day. The Respondent filed a response, though subsequently, on 3 October 2024, solicitors instructed by it applied on its behalf for permission to serve an amended response. It seems by then that the Respondent had the benefit of legal expenses insurance cover to defend the claim and accordingly that it wished to submit a professionally drafted response. The application to amend was copied to the Claimant at the email address she had provided on her claim form. In their letter to the Tribunal, the Respondent’s solicitors additionally confirmed that the Claimant had been

advised that any objection to the application should be sent to the Tribunal office as soon as possible. No objection or other comments were thereafter received by the Tribunal from the Claimant.

3. The parties were notified of today's hearing on 14 December 2024. Notice of Hearing was emailed to the Claimant at the email address she had provided in her claim form. On 6 January 2025 and again on 26 March 2025 the Respondent's solicitors emailed the Tribunal seeking clarification regarding the Notice of Hearing and copied the Claimant into their emails. Mr Brown tells me that his instructing solicitors received no communications from the Claimant following their emails and further, that the Claimant did not acknowledge receipt of the Preliminary Hearing Bundle when this was emailed to her.
4. Before today's hearing commenced I telephoned the Claimant on the mobile phone number provided in her claim form. My call went through to voicemail, so I left a message for the Claimant, identifying myself and explaining that we were waiting for her to join the hearing and that the Clerk would contact her by email in case she was having any difficulties joining the hearing by Cloud Video Platform (CVP).
5. At 10:12am my clerk emailed the Claimant to confirm that I had left a message on her voicemail and that she was to email the clerk if she was having difficulty joining the hearing and if she intended to continue with her claim.
6. By 10:30am there had been no response from the Claimant. I tried to call the Claimant a second time, but again my call went through to voicemail so I did not leave a second message.
7. I am satisfied that the Claimant was on notice of today's hearing and aware therefore that the Tribunal was giving consideration to whether to strike out part of her claim and / or to make a deposit order in respect of the whole claim. There is no explanation for her absence. Her failure to attend and her seeming failure to engage with the Respondent indicates to me that she is no longer actively pursuing her claim. If she is on notice of today's hearing and that consideration is being given to strike out and a deposit order, then I infer from her failure to attend the hearing or to make any written representations that she recognises that her claim does not have good prospects of success. She has not sought to place any information before the Tribunal regarding her financial circumstances in terms of the level of any deposit order to be made. Other than presenting her claim nearly a year ago, the Claimant has seemingly taken no further action to progress it.
8. In my judgement it would be proportionate to dismiss the claim rather than to proceed with the hearing in her absence or even postpone it to give her a further opportunity to attend.

Approved by:

Employment Judge Tynan

Date: 6 June 2025

Sent to the parties on:

.3 July 2025.....

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For the Tribunal Office.

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Recording and Transcription

Please note that if a Tribunal Hearing has been recorded you may request a transcript of the recording, for which a charge is likely to be payable in most but not all circumstances. If a transcript is produced it will not include any oral Judgment or reasons given at the Hearing. The transcript will not be checked, approved or verified by a Judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

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