



EMPLOYMENT TRIBUNALS

Claimant: MR I LISOUF

Respondent: GRAD2TEACH LIMITED

Heard at: Cambridge (by CVP) **On:** 13 June 2025

Before: Employment Judge L Brown

Members: Ms Deem
Mr Holford

Appearances

For the Claimant: In person.

For the respondent: Ms Bennett, Company Director.

JUDGMENT

The Claimant's claim is dismissed pursuant to Rule 47 of Schedule 1 to the Employment Tribunals Rules of Procedure 2024

REASONS

Background

1. This matter came before this Tribunal on the 24th of March 2025 for a final hearing of the Claimants claims.

2. There had been a previous case management preliminary hearing before Judge Graham where it was made quite clear to the Claimant that when he attended the final hearing of this matter, he would need to get permission to give evidence from abroad, which was Morocco, in order to be able to give his evidence.
3. At the last hearing on the 24th of March 2025 before this Tribunal, which was to be the final hearing of this claim, he attended again from Morocco and, despite having been advised at the last preliminary hearing by Judge Graham that responsibility lay with him to obtain the necessary permissions to give evidence out of the jurisdiction he confirmed he had not applied for such permission. He said he did not know how to attain such permission.
4. I therefore explained the new Practice Direction on giving evidence from abroad and told him that as there was no standing permission from Morocco for witnesses of all parties to give evidence from abroad and that Morocco was a signatory to The Hague Convention, he must contact the relevant authorities in Morocco in accordance with the presidential guidance to obtain such consent to give evidence out of the jurisdiction remotely.
5. The final hearing was postponed until such time as he had obtained such permission and I advise him that it would then be listed for a final hearing.
6. At that hearing the Respondents made an application for strike out of the Claimants claim under Rule 38 due to what they said was his unreasonable conduct and said that this was not the first time he had failed to comply with tribunal orders and that had been a pattern of non-compliance.
7. I said that such an application for strike out based on his unreasonable conduct and any other basis, such as no reasonable prospects of success, and including any application for a preparation time order that they had indicated they wished to make, would have to be made in writing and that the Claimant then had 14 days following receipt of the application to make a response. I said that there would be another public preliminary hearing by CVP to consider that application which was listed for today the 13th of June 2025.
8. They filed their application, for a strike out and for a preparation time order, and the Claimant did not respond in writing as ordered by me.
9. Upon this preliminary hearing commencing at 2:00 pm today the Claimant had not attended the hearing and I therefore instructed the clerk to telephone and to enquire of his whereabouts.
10. The telephone number that the tribunal had on record simply didn't ring out suggesting that the Claimants mobile number was no longer in existence.
11. I therefore instructed the clerk to send him an e-mail telling him that we would wait until 2:30 pm before commencing this hearing and to give him an opportunity to attend, and instructed the clerk to advise him that if he did not attend the hearing the likelihood was that his claim would be dismissed.
12. That e-mail was sent out 14.17 pm which said as follows:-

'Good afternoon you have a preliminary hearing that was supposed to commence at 2:00 PM. I have spoken to the Judge and have been told confirm with you that the case will continue with or without your presence at 2:30 PM and there is the distinct possibility that the claim will be dismissed. Please try to attend the hearing as soon as possible. Thank you.'

13. There was no response to that e-mail by 2:30 pm. This tribunal is not obliged to wait indefinitely for a Claimant to attend a hearing that he clearly knows about as it was listed, and the date was agreed with him, at the last hearing on the 24th of March 2025.

Rule 47

14. Under Rule 47 of the Employment Tribunal Rules of procedure 2024 it states that 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, but 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.
15. I am satisfied that we have made all enquiries that were practicable by trying to telephone the Claimant and by sending an e-mail. We don't have any information about why he did not attend today but we are satisfied he knew this hearing was taking place today.
16. That being the case this tribunal unanimously has decided to dismiss the Claimants claim under rule 47 based on his non-attendance and the claim is therefore dismissed.
17. The Respondents representative stated that on the basis that we were dismissing the claim under rule 47 they no longer pursued the Claimant for a preparation time order and that they withdrew their application.
18. We considered and gave full effect to the Tribunal's overriding objective (Rule 3 of the Tribunal Rules). In the circumstances, we concluded that dismissing this claim under Rule 47 is proportionate and in accordance with the Tribunal's overriding objective. The claim is dismissed.

Approved by:

Employment Judge L Brown

13 June 2025

ORDER SENT TO THE PARTIES ON

22 July 2025

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision. If written reasons are provided, they will be placed online.

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/