



EMPLOYMENT TRIBUNALS

Claimant Mrs Maxine Anderson
Respondent NHS England
Heard at Croydon (by video) **On** 20 August 2025
Before Employment Judge Fowell
Appearances
Claimant No appearance
Respondent Clare Moore, Associate, DAC Beachcroft LLP

JUDGMENT

Rule 47 Employment Tribunal Rules of Procedure 2024

The claim is dismissed because the claimant has failed to attend or be represented at the hearing today.

REASONS

1. Rule 47 provides 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. 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. This hearing was listed as a private preliminary hearing for case management following the claimant’s failure to attend the previous such hearing on 4 November 2024.
3. According to the record of that hearing, Mrs Anderson made an application to postpone that hearing on the morning of the hearing itself, on the grounds that she was unwell. She then failed to attend.
4. The issues and allegations raised in the claim form were, and remain, unclear, so in her absence it was not possible to identify them with any clarity. Accordingly, the hearing was relisted for today. Notice of the hearing, to take place at 10 am

today, was sent to the parties on 22 November 2024. It was to take place by video with a time estimate of two hours.

5. As usual for such hearings, the only requirement made of the parties in advance of the hearing was to complete the agenda form and return it to the Tribunal, with a copy to the other side, seven days before the hearing.
6. As at the last hearing, Mrs Anderson did not provide an agenda. The respondent did, and sent it to her by email at 2.40 pm last Thursday, 14 August 2025, together with a proposed hearing bundle, agenda and draft list of issues for discussion. Mrs Anderson responded at 3.29 pm by simply stating, "cannot mentally cope with this."
7. She then forwarded that exchange to the Tribunal on Monday 18 August at 10.33 pm to ask for the time of the hearing on Wednesday and for some joining instructions.
8. The next email was sent from her on Tuesday 19 October at 1357 to the Tribunal to request an adjournment because:
 - a) the documents prepared by the respondent had not been sent seven days prior to the hearing and so had not given her adequate time to prepare, and
 - b) she had only just received the hearing details, including a time for the hearing, and was unable to rearrange child care to be able to join.
9. The respondent's solicitor wrote promptly at 5.12 pm yesterday to oppose any adjournment. The reasons given were that:
 - a) the previous hearing had been rearranged to take place today because of another late application for an adjournment;
 - b) the notice of hearing stated that the hearing was due to commence at 10 am;
 - c) the final hearing has been listed for 13 to 16 July 2026 and case management needed to take place as soon as possible to allow time to prepare for that hearing;
 - d) their documents had been sent on 14 August 2025 and were almost identical to those sent on the previous occasion.
10. Mrs Anderson did not join the hearing at 10 am and so the Tribunal clerk telephoned her. She responded that she would not be joining the hearing as she does not have child care.
11. Ms Moore, for the respondent, then applied for an order dismissing the claim under rule 47.
12. Rule 47 gives a wide discretion to the Tribunal to dismiss a claim where a party fails to attend a hearing. There is no need for it to happen twice, but that is an important consideration.

13. Overall, Mrs Anderson had ample notice of the hearing, and of the time of the hearing. Had she been in any doubt about the time she could have made enquires at any time over the last nine months. She did not suggest that she had arranged child care for another time of day. The fact that she was provided with documents six days before the hearing is no reason to adjourn it again
14. The nine month delay in re-listing such hearings is a reflection of the pressure on the Tribunal list. If this hearing was relisted for another occasion, there would not be enough time before the final hearing to assemble documents and witness statements and so that hearing too would have to be postponed. The delay would be at least a further year.
15. It may well be that the real reason for Mrs Anderson's non-attendance is anxiety about such hearings. Tribunals understand that unrepresented parties find such hearings stressful. Nevertheless, they are essential to ensuring a fair hearing. The respondent is also put to cost and effort in attending.
16. The ultimate aim of the Employment Tribunal Rules of Procedure, known as the overriding objective, set out at rule 3, is to enable the Tribunal to deal with cases fairly and justly. That is simply not possible in a case where a claimant repeatedly fails to attend a preliminary hearing of this sort. In the circumstances, it would not be in accordance with that objective to adjourn this hearing (and by extension, the final hearing) for a further occasion. The claim is dismissed.

Employment Judge Fowell
Date: 20 August 2025

Sent to the parties on:
Date: 3 September 2025