



EMPLOYMENT TRIBUNALS

Claimant: Mr Simon Gill

Respondent: (1) Fusion Lifestyle
(2) London Borough of Haringey
(3) Wheely Tots
(4) Miss N Nichols

Heard at: Watford Tribunal by CVP **On:** 22 August 2025

Before: Employment Judge Cowen

Representation

Claimant: Did not Attend
Respondent: R1 – Miss Moor (HR Consultant)
R2 – Miss Bollard (solicitor)
R3 – Mr Pickard (counsel)
R4 – Ms Nichols (in person)

JUDGMENT

- 1 The name of the Second Respondent is amended to London Borough of Haringey.
- 2 The claim is dismissed in its entirety.

REASONS

1. The Claimant failed to attend today's hearing. Ms Nichols indicated that she was attending the CVP hearing from the Broadwater Farm Community Centre and that the Claimant was present carrying out his work duties. Upon request from the Tribunal, she asked the Claimant's manager to ask him whether he was attending today's hearing. The response was that he was not aware of the hearing and hadn't heard from the Tribunal.

2. The Tribunal file showed that all correspondence, including the amended notice of hearing had been sent to the email address provided by the Claimant on the ET1. None of the Respondent's have had any correspondence recently from the Claimant, but nor had their emails to him bounced back from the address on the ET1.
3. At 10am the Claimant was not in attendance on CVP and so the clerk of the Tribunal phoned the mobile number provided by the Claimant on his ET1. A voicemail message was left to indicate that there was a hearing and to ask if he was attending. No reply was received to that call.
4. The Tribunal asked each Respondent whether they had received any communication from the Claimant prior to the hearing and all replied in the negative.
5. The Tribunal was content under rule 40 to proceed in the absence of the Claimant, as it was reasonable to assume that the Claimant had been notified about the hearing. It also noted that having been asked if he was attending today, the Claimant took no steps to contact the Tribunal to enquire about the hearing, whilst it was happening.
6. The Grounds of Response of the Second Respondent in this case identified that the Claimant had failed to fully particularise his claim in sufficient detail that the Respondents could understand the claims being made. Requests were made for further details of the claim.
7. By an order of the Tribunal dated 2 June 2025, the Claimant was ordered to provide details of his claim by 16 June 2025 and the case was listed for a preliminary hearing on 22 August 2025. The Claimant neither provided the details, nor corresponded with any of the Respondents to prepare for today's case management hearing. Nor has he attended the hearing today.
8. The Second Respondent informed the Tribunal that they have not received any further information from the Claimant and they requested strike out of the claim on the basis that the Claimant had failed to comply with the order of 2 June 2025 and had failed to pursue his claim.
9. Having considered all the circumstances, including the fact that the Claimant was asked to provide details of his claim, which he has failed to do; was asked to co-operate with the Respondents to provide a list of issues for the case management hearing, which he has failed to do and his failure to attend today's hearing, or to enquire about it, the Tribunal concluded that the Claimant has both failed to comply with an order and failed to pursue his claim.
10. The Tribunal also noted that the Claimant had had notice of this hearing since 2 June 2025 and had not indicated to either the Tribunal, nor to the Respondents, at any time prior to today, that he was not available, nor unable to attend the hearing.

11. The Tribunal took into account the overriding objective at rule 3 Employment Tribunal Rules 2024, in particular avoiding delay and saving expense.
12. The Tribunal concluded that this claim should be dismissed under rule 38 on the grounds that the Claimant has failed to comply and failed to pursue his claim.
13. The Tribunal noted that, if the Claimant has reasons why he has not complied, it is open to him to apply for reconsideration under rule 69. If he chooses to do so, he is asked to make the application in writing, to include her detailed reasons for his non -compliance and his non-attendance today, together with any evidence to support that.

Approved by:

Employment Judge Cowen
On 22 August 2025

JUDGMENT SENT TO THE PARTIES ON
16 September 2025

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FOR THE TRIBUNAL OFFICE