



EMPLOYMENT TRIBUNALS

Claimant: Mrs C Lewis

Respondent: Axiom Ince Limited (in administration)

In chambers on: 9 October 2025

Before: Employment Judge JM Wade

JUDGMENT

The claimant's claims are dismissed pursuant to Rule 47 upon the claimant's failure to attend at today's public preliminary hearing.

REASONS

1. The claimant is one of a great many people who lost their employment in 2023 following the firm above falling into difficulties.
2. Many claims for a protective award have been addressed in Judgments already given by the Tribunal. The claimant was not part of those claims. Her single claim form was presented much later, although it was joined. It describes her previous role as "Head of Revenue, AP and Payroll" and she had ticked boxes for "notice pay" and unfair dismissal, and described a protective award claim in the document attached.
3. The last email from Mrs Lewis on the file is 4 June 2025 at 17.41, with the administrator's consent for the claim to proceed. I then directed a public preliminary hearing to address the time limit points. On 9 June at 13.34 an email was sent to the claimant's email address cml1979@live.co.uk with the notice of hearing for today. At 15.18 yesterday the CVP link was sent by email to the same address and at 15.19 a correction email was sent.
4. Today when the claimant had not attended our clerk telephoned her, and she confirmed she was at work and in meetings and could not attend. I directed a message be read on a second call to the claimant around 30 minutes later, giving the information on the file above and explaining that I would wait until 11.45 for the claimant to attend. The email/message also explained that Rule 47 provides that if a party does not attend or is not represented at a hearing

the Tribunal can continue with the hearing in the party's absence, or dismiss the claim."

5. The claimant emailed at 10.55 to say she was not aware of the hearing, had had problems in the past with receipt of emails from LeedsET, and could not attend.
6. I did wait in the electronic hearing room until 12.10, to see if the claimant could have re-arranged matters – she was sent the link again this morning.
7. My reading of the file and attachments tells me this. All three claims (protective award, unfair dismissal, notice pay/breach of contract, have a three month time limit (in the protective award running from the first of the dismissals to which the award relates), and in the unfair dismissal/breach of contract running from the claimant's dismissal date – the claimant describes 9 November 2023 as her dismissal date. We know from other Judgments some dismissals were a month or more earlier and therefore the time limit in the protective award claim is even earlier.
8. The claimant did not commence ACAS conciliation until April 2024, outside the relevant time limits. She presented her claim on 29 April 2024.
9. The claim form also gives details of new employment taken up by the claimant on 2 December 2023.
10. Had the claimant attended today, my focus would have been on hearing from her about why it was not doable or practicable for her to present her claims within the time limits. While everyone's circumstances are different, bearing in mind she was working at the time, there is no information in the claim form details which explains why it was doable to work, but not doable to complete a short online form to present a claim to the Tribunal, or research the relevant time limits.
11. From other claims I know that many claimants have been able to receive redundancy payments, holiday pay and other sums from the Secretary of State and likely the claimant also has received some such protected sums.
12. Her contractual claim form three month's loss of pay and benefits (subject to the mitigating sums of any statutory guarantee sums paid up to 12 weeks' notice from DWP and the sums from new employment) may not be great, once these calculations are done, and may also already have been submitted to the administrator.
13. The assessment of any unfair dismissal award would also take these mitigations into account and would likely apply a Polkey deduction bearing in mind when a fair redundancy could have taken place.
14. The Protective Award is not for a sum of money, but would form part of a payment from the Secretary of State and would be treated as wages, to the extent the appropriate limit has not been reached by other payments. It may also fall as a debt in the administration if not covered by the Secretary of State.

15. In simple terms, it may well be that the claimant can see, or had already established the potential value of her claim is limited and that she had a time limit hurdle to overcome, and weighed the cost/benefit of attending accordingly.
16. Or it may be, as said, the emails had not arrived to her inbox, she had not seen them, and could not attend within the three hours allocated this morning.
17. Ineffective hearings are not without cost to the public purse to which the claimant, as a tax payer, contributes. Weighing all the circumstances of this case I consider it in the interests of justice to dismiss the claims. The claimant may well apply to re-consider this Judgment, and if she does so, the interests of justice will not be served unless she is able to provide witness evidence, in a statement, of sound reasons why it was not doable to present the claims in time – the issue I would have decided today.
18. It would also be necessary to prepare and submit to the Tribunal all of her documents which are relevant, which would include all of the correspondence with the administrators, and the insolvency fund/Secretary of State after dismissal and until payment, such that if a hearing was to revoke this Judgment and decide the time limit issue in the claimant's favour, it could go on and decide the complaints. It would be disproportionate to have two further hearings. Current listing of short hearings is from March 2026.

Employment Judge JM Wade

Dated: 9 October 2025

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