



EMPLOYMENT TRIBUNALS

Claimant

Miss L Dyer

v

Respondent

Intelligent Processing Solutions
Limited, (iPSL)

Heard at: Cambridge (in person)

On: 18 December 2025

Before: Employment Judge Laidler

Appearances

For the Claimant: Did not attend

For the Respondent: Mr D Brown, Counsel

JUDGMENT

1. The claims are struck out on the following grounds: -
 - 1.1. The Claimant's failure to attend this Hearing (Rule 47 Employment Tribunal Rules of Procedure 2024).
 - 1.2. Pursuant to Rule 38.
 - 1.2.1. The way the proceedings have been conducted has been unreasonable.
 - 1.2.2. The Claimant has failed to comply with orders of the Tribunal.
 - 1.2.3. The claims have not been actively pursued.
 - 1.3. The claim is significantly out of time, and the Tribunal has no jurisdiction to determine it.

REASONS

Background

1. The claim in this matter was received on 2 May 2024 following a period of ACAS Early Conciliation between 30 April and 1 May 2024.

2. In the Claim Form the Claimant ticked the boxes claiming unfair dismissal, race and disability discrimination and an additional claim of “deductions of payments” which was not further clarified. At section 8.2 of the form the Claimant stated,

“No payments have been made to me by my previous employers and if they did I would like to know what account number the amount was paid into”.
3. At section 9.2, in answer to what compensation or remedy the Claimant was seeking, she stated it was to,

“Receive payments. I am willing to negotiate through mediation.”
4. In giving the dates of her employment with the Respondent, the Claimant stated she had started employment on 20 July 1987 and that her employment ended on 29 August 2006.
5. In its Grounds of Resistance, the Respondent stated that the Claimant’s continuous employment was indeed from 20 July 1987 and had ended by dismissal on 29 August 2006. The Claimant had not been employed by it during the intervening period.
6. It was the Respondent’s understanding the Claimant had brought two Tribunal claims in 2006, (case numbers: 1201486/2006 and 1202167/2006 which were consolidated), bringing amongst other matters unfair dismissal and race discrimination.
7. Counsel at this Hearing explained that they had not yet been able to obtain copies of the decision in those proceedings. It was their understanding that the Claimant was wholly unsuccessful.
8. The Respondent raised in its Response that it could not sensibly reply to the allegation of deductions of payments as there was not sufficient information provided.
9. It was further submitted that the Tribunal did not have jurisdiction to hear the claims for unfair dismissal and race discrimination on the basis that these claims had already been brought by the Claimant and dealt with as part of the previous claims and therefore, they should be struck out on that basis.
10. Further, the Claim Form had been submitted seventeen and a half years after the effective date of termination and the Tribunal did not therefore have jurisdiction to determine it.
11. The Respondent also asked that the Claimant give further particularisation of the claims that she was bringing, as there was now also a claim of disability discrimination.

12. The Tribunal listed a Preliminary Hearing for Case Management on 20 February 2025 and the parties were sent Notice of that Hearing on 28 October 2024. At the same time, Employment Judge Hutchings directed a List of Issues to be agreed between the parties, for the Respondent to request further information if it sought it and for the Claimant to prepare and forward an Impact Statement by 25 November 2024, setting out the medical conditions relied upon as a disability under the provisions of the Equality Act 2010.
13. The Tribunal had to postpone the Hearing scheduled for 20 February 2025 and a new date was listed for 23 July 2025, with notification sent to the parties on 19 February 2025. The Hearing listed for 23 July 2025 also needed to be postponed and it was relisted for 18 December 2025. Notice of that Hearing was sent to the parties on 5 August 2025.
14. By email of 31 October 2024 at 20:43, the Claimant wrote to the Employment Tribunal stating,

“I rang earlier today to let you know that I will be travelling overseas with my mum who is unable to travel on her own and I am unable to reply at this time by the 25 November 2024 and would like an alternative date to respond from December 2024.”
15. On 21 November 2024, the Respondent’s representative had written to the Claimant in respect of the information that had been ordered to be provided by Employment Judge Hutchings. They asked the Claimant to provide a response by 22 December 2024. A detailed request dated 21 November 2024, was sent with that letter.
16. On 22 November 2024 the Respondent submitted to the Tribunal, copied to the Claimant, an application to strike out the claims or make a deposit order. Employment Judge Hutchings directed that the application would be determined at the Preliminary Hearing listed for 23 July 2025.
17. On 29 November 2024, the Respondent’s solicitor had a telephone call with the Claimant, and a typewritten note of that call was seen in the bundle at page 62 A – C. In that call the solicitor reminded the Claimant to seek independent legal advice on their letter and the implications of their application to strike out. It was also pointed out to the Claimant that she had not provided information about her disability claim as directed. The Claimant intimated she had sent something to the Watford Employment Tribunal but maintained that she did not need to send it to the Respondent. Later in the call, the Claimant said she had not provided the disability information as she had to,

“...leave the country to support my mum”.
18. Regarding the Respondent’s requests for further information, her response was that she could not,

“...respond to this”.

19. The Claimant then suggested that she was suffering unfairness and injustice,

“...just like the Post Office and Al Fayed”.

20. Later in the call she compared her situation to the Windrush scandal. It is not clear from the note on what basis.

21. The solicitor also asked the Claimant about having brought previous proceedings. The Claimant acknowledged that she had and that they had been heard. She confirmed that she was not successful. The Claimant then went on to state, however,

“It was never dealt with. Things weren’t dealt with.”

22. She acknowledged that she did not appeal the decision.

23. Again, it was recommended to the Claimant that she seek independent legal advice.

24. The Respondent wrote to the Claimant on 4 December 2024, again stating that the Claimant had not replied to orders of Employment Judge Hutchings and stressing that the Claimant should seek independent legal advice.

25. By letter of 6 January 2025, the Respondent wrote to the Claimant indicating that they were seeking an “Unless Order” in view of the non-compliance with the previous orders.

26. By letter of 10 February 2025, the Claimant was informed by the Employment Tribunal that Employment Judge Hutchings was considering striking out the claim because the Claimant had not complied with the order dated 28 October 2024, nor provided the information by the extension agreed by the Respondent. If she wished to object to that proposal she was to write to the Tribunal by 17 February 2025 giving reasons or requesting a Hearing at which she would give them.

27. On 12 February 2025, the Respondent sent in an Agenda for the Preliminary Hearing scheduled for 20 February 2025.

28. On 12 February 2025, the Claimant also wrote to the Tribunal, copied to the Respondent, stating,

“I am waiting to receive from DWP for written confirmation that the set aside for upper tribunal case was withdrawn... and also to receive copies of all documents including medical information that is held with the Department of Work and Pensions about me.”

In the meantime I am waiting for correspondence for the next step before the preliminary meeting / hearing.”

29. By letter of 24 February 2025, the Respondent repeated its strike out application.
30. On 17 April 2025, the Claimant stated that a medical letter had been sent to the Tribunal by post. This was from the Queensway Medical Centre dated 20 March 2025 and set out various health issues suffered by the Claimant.
31. In their letter of 8 May 2025, the Respondent still maintained that this did not comply with the Tribunal’s order and therefore it was not able to confirm whether it accepted the Claimant had a disability, as what the disability was, was still not clear.
32. The July 2025 Hearing did not proceed as stated and was relisted for 18 December 2025.
33. On 6 November 2025, the Claimant wrote to the Tribunal stating that although she had noted the Judge required information on disability, there was also a race discrimination element,

“I kindly request confirmation that also the race discrimination claim is properly addressed in the proceedings”

Even though no details of it had been provided.

34. By letter of 20 November 2025, from the Tribunal, the parties were reminded that at the Hearing on 18 December 2025, the Respondent’s strike out application would be dealt with.

This Hearing

35. When the Tribunal was ready to start this Hearing at 10am, the Claimant had not attended. The Judge’s clerk telephoned the Claimant and although not successful on the first attempt, did then make contact with her. The Claimant stated she was unable to attend. She was asked to put this in writing and an email was received at 10:32 which stated,

“Thank you for contacting me this morning and apologies of being unable to attend today.”

No explanation was given for the non-attendance.

36. The Respondent had provided in the bundle for today’s Hearing, a witness statement of Duncan Blackwell of the Respondent, who was aware of the previous claim as he had been a named Respondent to it. He recalled the Claimant brought claims of unfair dismissal and race discrimination. He is the only person from the list of Respondents in the first claim still to be employed by the Respondent. He was the disciplining officer who heard

the disciplinary hearing involving the Claimant and who terminated her employment. He had given evidence to the Employment Tribunal Hearing which took place in Bedford in April 2007 and attended the Hearing each day. It was understood the parties did not now have a copy of the Tribunal Judgment. He could not recall the outcome but was told at some point by a colleague that the Tribunal had ruled in the Respondent's favour.

37. Counsel explained that although enquiries were being made the earlier decision had not yet been obtained.

The Law

38. The Employment Tribunal Rules of Procedure 2024, Rule 38 provides,

38. Striking out

- (1) The Tribunal may, on its own initiative or on the application of a party, strike out all or part of a claim, response or reply on any of the following grounds—
 - (a) that it is scandalous or vexatious or has no reasonable prospect of success;
 - (b) that the manner in which the proceedings have been conducted by or on behalf of the claimant or the respondent (as the case may be) has been scandalous, unreasonable or vexatious;
 - (c) for non-compliance with any of these Rules or with an order of the Tribunal;
 - (d) that it has not been actively pursued;
 - (e) that the Tribunal considers that it is no longer possible to have a fair hearing in respect of the claim, response or reply (or the part to be struck out).
- (2) A claim, response or reply may not be struck out unless the party advancing it has been given a reasonable opportunity to make representations, either in writing or, if requested by the party, at a hearing.
- (3) Where a response is struck out, the effect is as if no response had been presented, as set out in [rule 22](#) (effect of non-presentation or rejection of response, or case not contested).
- (4) Where a reply is struck out, the effect is as if no reply had been presented, as set out in rule 22, as modified by [rule 26\(2\)](#) (replying to an employer's contract claim).

39. The Employment Tribunal Rules of Procedure 2024, Rule 47 provides,

47 Non-attendance

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.

40. The Employment Rights Act 1996, section 111 provides,

111. Complaints to employment tribunal

- (1) A complaint may be presented to an employment tribunal against an employer by any person that he was unfairly dismissed by the employer.
- (2) Subject to the following provisions of this section], an employment tribunal] shall not consider a complaint under this section unless it is presented to the tribunal—
 - (a) before the end of the period of three months beginning with the effective date of termination, or
 - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

41. The Equality Act 2010, section 123 provides,

123. Time Limits

Subject to section 140B proceedings on a complaint within section 120 may not be brought after the end of—

- (a) The period of 3 months starting with the date of the act to which the complaint relates, or
- (b) Such other period as the employment tribunal thinks just and equitable.

Conclusions

42. The Claimant's claims are struck out for numerous reasons.
43. Rule 47 enables the Tribunal to strike out on the ground of the party's non-attendance. The Claimant did not attend this Hearing, she had ample notice of it, and even when she was asked on the day, has failed to provide any reasons why she was unable to attend.
44. The Claimant has not complied with Tribunal orders. She provided a letter from her GP surgery but has not provided all the information that she was ordered to provide in relation to her alleged disability. She may well have the medical conditions mentioned in the GP's letter but it is not known which she relies upon as a disability falling within the provisions of the Equality Act 2010.
45. The Respondent also served on her a request for further information and that has not been answered either.
46. Rule 38 of the Employment Tribunal Rules also provides for strike out of claims in certain circumstances. There is no doubt from the information before this Tribunal that the way the proceedings have been conducted by the Claimant has been unreasonable. She has failed to comply with the Rules, and the claim appears to not have been actively pursued. She has not attended this Hearing and has failed to give any reason as to why.
47. Further, the claim brought by the Claimant is significantly out of time. There is absolutely no evidence before this Tribunal as to why it was not reasonably practicable to have presented it in time. Indeed, it was reasonably practicable because the Claimant did just that and brought two claims in connection with what appears to be fundamentally the same matters, although it may be that there was no disability claim at that time.
48. That of course raises other issues of whether this Tribunal would have jurisdiction if the matters the Claimant now complains of have already been litigated or if not could have been at that time. The Tribunal, however, is not striking out on that basis as it does not have the previous decisions in front of it, so cannot state categorically what was brought in those proceedings. It does, however, appear quite clear that the Claimant was claiming that her dismissal was unfair and that is a matter also before this Tribunal.

49. It follows, for all the reasons given, that the claims are dismissed.

Approved by:

Employment Judge Laidler

Date: 23 December 2025

Sent to the parties on:

.4 February 2026.....

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For the Tribunal Office.

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