



EMPLOYMENT TRIBUNALS

Claimant: Ms S Dias

Respondents: (1) Concept Care Solutions
(2) Edith Fongho

Heard at: Watford Tribunal **On:** 2 and 3 February 2026

Before: Employment Judge Cowen
Mr M Bhatti
Mrs L Thompson

Representation

Claimant: Did not attend

Respondent: Ms Barlay (consultant)

JUDGMENT

1. The Claimant's claim of race discrimination is struck out under rule 38 (1) Employment Tribunal Rules of Procedure 2024, on the basis that she has;
 - a. Failed to attend the final hearing,
 - b. Failed to comply with the order to provide a witness statement
 - c. Failed to pursue her claim.
 - d. It is no longer possible to have a fair hearing

REASONS

2. The Claimant indicated to the Tribunal on 23 January 2026 that she did not

consider that the hearing on 2- 6 February 2026 should proceed, as her claim was now with the Employment Appeal Tribunal.

3. The Tribunal and the Respondent in separate correspondence both pointed out to the Claimant that her appeal had been rejected as out of time on 23 September 2025.
4. The Claimant has failed to exchange a witness statement with the Respondent.
5. The Claimant failed to attend the hearing on 2 February 2026. A letter was sent by the Tribunal, enclosing the Judgment of the Employment Appeal Tribunal which rejected her appeal, asking her to attend for the hearing at Watford on 3 February 2026.
6. The Claimant replied to this email on 2 February saying once again that the case is no longer in the Watford Tribunal as it has been appealed to the EAT.
7. The Claimant did not attend on 3 February 2026.
8. The Respondent applied for strike out under rule 38 on the basis that the Claimant had failed to comply with an order and failed to pursue the case. The Tribunal accepted these points.
9. The Tribunal noted that she had also failed to exchange witness statements and therefore the case could not proceed in any event.
10. As the incidents relied upon by the Claimant occurred in 2023, the Tribunal considered that if the case were to be postponed, a new listing would be likely in 2028 and by then it would not be in the interests of justice or equity to rely on the evidence of witnesses who were being asked to recall incidents over 5 years previously. A fair hearing would therefore not be possible in the future.
11. For these reasons, the Tribunal decided to strike out the Claimant's claim.

Approved by

Employment Judge Cowen

3 February 2026

JUDGMENT SENT TO THE PARTIES ON

30 March 2026

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/