



EMPLOYMENT TRIBUNALS

Claimant: Mr J Spence
Respondents: (1) The BSS Group Limited
(2) Travis Perkins PLC

Heard at: Watford **On:** 10 March 2026

Before: Employment Judge Dick

Representation

Claimant: Did not attend
Respondents: Miss Campbell (legal specialist for the second respondent)

JUDGMENT

The claim is dismissed under rule 47 because the claimant did not attend the hearing.

REASONS

1. The claimant did not attend today's hearing. I did wonder whether the email address on the claim form, to which all of the Tribunal's correspondence will have been sent, contained a typographical error – the address omitted the final "e" in the claimant's surname. However, Miss Campbell for the respondents was able to tell me that the one and only email the respondents had received from the claimant – on 17 November 2025 – had come from the email address without an "e", so clearly the Tribunal's correspondence was sent to the right address. Miss Campbell further told me that the respondent had had no recent contact from the claimant, and in particular no response to its email of 15 August 2026 reminding the claimant about his obligation to respond to the Tribunal's orders of 17 July.
2. The 17 July orders required the claimant to provide further detail about his claim, including the basis for his assertion that he is disabled within the meaning of the Equality Act 2010. My clerk was able to tell me that the Tribunal had not received any correspondence from the claimant after April 2025, when the claimant submitted an application to amend his claim.

3. The 17 November email, Miss Campbell told me, was the claimant's response to the Tribunal's letter which informed the parties that the previous date for this hearing had been vacated – the claimant provided dates to avoid, none of which were today's date. Miss Campbell told me that the claimant had also cc'd in the Tribunal, so I asked my clerk to double-check that the Tribunal had not received any emails from the claimant. My clerk confirmed that she could not find any emails from the claimant, having searched using the case number, and the claimant's name and email address. I accept that this is somewhat odd on the face of it, given that the respondent agrees that the November email was sent to the Tribunal. I considered whether there was a possibility that the claimant had tried to send other emails to the Tribunal, which had also not got through, either responding to the Tribunal's orders or explaining his absence today. That seemed unlikely to me, but I decided to make further enquiries.
4. Although the Tribunal did not have a telephone number for the claimant, Miss Campbell was able to provide one and I asked my clerk to ring it. There was no answer, so my clerk left a message inviting the claimant to contact the Tribunal by email if he was having any difficulties. By 2.35 there had been no response to that.
5. I considered rule 47, which says:

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.

6. I considered that I had made all practicable enquiries about the reasons for the claimant's absence. Although the November email at least suggested a willingness to attend a future hearing, it appeared to me that the claimant had failed to comply with orders the Tribunal made quite some time ago and had also failed to engage with the respondent's efforts to contact him. In short it appeared the claimant was not actively pursuing the claim. In those circumstances I considered in the interests of justice to exercise my discretion to dismiss the claim today.
7. It is of course open to the claimant, under rule 69, to seek a reconsideration of my decision to dismiss the claim, but the onus will be on him to provide a good reason, supported by evidence, for his non-attendance. In the circumstances of this case the claimant may also wish to explain why he did not comply with the Tribunal's 17 July orders.

Approved by:

Case No: 6001807/2025

Employment Judge Dick

10 March 2026

JUDGMENT SENT TO THE PARTIES
ON

27 April 2026

FOR THE TRIBUNAL OFFICE

Notes

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/