



# EMPLOYMENT TRIBUNALS

**Claimant:** Anthony Anderson

**Respondent:** ISS Mediclean Ltd

## JUDGMENT

The claimant's claim is struck out because:

- (a) the claimant has failed to comply with Tribunal orders;
- (b) the claim has not been actively pursued;
- (c) it is no longer going to be possible to have a fair final hearing.

## REASONS

1. By a letter of 7 April 2026, the claimant was warned that an Employment Judge was considering striking out the claimant's claim because the claimant had not complied with the orders of Employment Judge Battsby made on 11 June 2025, as varied by Regional Employment Judge Jones on 28 August 2025, related to the provision of further information, provision of a Schedule of Loss, and disclosure of documents and because the claim was not being actively pursued. The claimant was given until 15 April 2026 to raise any objections. The date of this judgment is 22 May 2026 and he has still not raised any objections or otherwise responded to the strike out warning.
2. The background to the claimant being given that strike out warning is:
  - 2.1 he was dismissed from his employment with the respondent on 26 September 2024 and on 8 October 2024 presented a claim involving allegations of unfair dismissal, racial discrimination and harassment, and whistleblowing detriment;
  - 2.2 there was a preliminary hearing for case management of the kind that is standard for cases of the kind the claimant is bringing on 11 June 2025. At that hearing, Employment Judge Battsby listed the claim for a 9-day final hearing, beginning on 20 July 2026, and made case management orders taking the case to that final hearing;
  - 2.3 those case management orders included the usual orders for provision of a schedule of loss, disclosure of documents, preparation of a final hearing file

/ 'bundle', exchange of witness statements and so on, as well as an order that the claimant provide further information about his claims. Employment Judge Battisby would not have ordered the provision of further information unless he was satisfied that the respondent needed that information in order adequately to understand the claimant's case and to prepare for the final hearing;

- 2.4 on 28 August 2025, Regional Employment Judge Jones put back the dates for compliance with Employment Judge Battisby's orders, such that they had to be complied with between 2 October 2025 (provision of further information) and 12 February 2026 (exchange of witness statements);
  - 2.5 by a series of letters and emails sent between 8 October 2025 and 4 March 2026, all of which were copied to the claimant, the respondent wrote to the Tribunal applying for the claim to be struck out on the basis that the claimant had not complied with any of the orders;
  - 2.6 unfortunately, that correspondence was not referred to a Legal Officer or Employment Judge until April 2026, when Employment Judge Faulkner directed that the strike-out warning letter be sent out;
  - 2.7 as best I can tell, the claimant has not communicated with the respondent or the Tribunal since August 2025 and has not complied with any case management orders.
3. Plainly, the claimant has not complied with Tribunal orders and is not actively pursuing this claim and that means there is a discretion to strike the claim out, pursuant to Rule 38 of the ET Procedure Rules 2024. The question for me [Employment Judge Camp] is therefore whether it would be appropriate, in the exercise of my discretion and in accordance with the overriding objection, the strike it out.
  4. I think it would be. This is for a number of reasons, but principally because I do not think it is going to be possible to have a fair final hearing on the listed hearing dates. There is simply not in practice going to be enough time between now and 20 July 2026 to take the steps that would need to be taken to ensure a fair final hearing, starting with the claimant providing the further information he was ordered to provide.
  5. Further, to stand any chance of getting the claim ready for the final hearing in the 8 weeks or so there is between now and the planned start of it, there would have to be close cooperation between the parties. Given the claimant's complete failure to communicate with the Tribunal or the respondent for over 6 months, the chances of such close cooperation being forthcoming from his side appear negligible.
  6. Moreover: the claimant's claim has already taken up significant Tribunal time and resources; there are many other claimants who are waiting for their cases to be dealt with and who are doing their best actively to pursue their claims; striking out this claim would free up 9-days'-worth of judicial and Tribunal time and resources that could usefully devoted to other claimants' claims; and would do so in all

likelihood more efficiently if the claim is struck out now, 8 weeks or so before the hearing dates, than if, for example, I were to give him a further opportunity to comply with Tribunal orders and waited another few weeks before striking out, until he failed to take that opportunity, which it appears almost inevitable he would.

7. I therefore strike out the claim pursuant to Rules 38(1)(c), (d) and (e) and cancel the final hearing due to take place in July 2026.

**Employment Judge Camp  
Birmingham Employment Tribunals  
Approved on 22 May 2026**