



EMPLOYMENT TRIBUNALS

Claimant: Mr. Chibisa

Respondent: Circle Health Group Ltd

Heard at: London South, by video

On: 25 June 2026

Before: Employment Judge Cawthray

Representation
Claimant: Did not attend
Respondent: Ms. M Diouf, Litigation Executive

JUDGMENT

The Claimant's claim is dismissed under Rule 47 of the Employment Tribunal Procedure Rules 2024.

FULL REASONS

JUDGMENT with full reasons was given at the hearing on **25 June 2026** and written full reasons have been provided as the Claimant was not present.

1. The Claimant did not attend the hearing.
2. Tribunal staff to attempt to try and telephone the Claimant twice, at around 10.00am and 10.15am. It went straight to voicemail. The Tribunal staff also emailed the Claimant and he did not reply.

3. I waited until approximately 10.25am and there was no response or contact from the Claimant.

4. Rule 47 of the Employment Tribunal Rules states:

“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.”

5. I asked the Respondent’s representative if there had been any contact with the Claimant. She said there had not been any contact with him since the last hearing. Ms. Diouf requested the claim be struck out in accordance with Rule 47 and gave brief oral submissions.

6. By way of background, I undertook a case management preliminary hearing with the parties on 29 April 2026. That hearing was not effective due to the Claimant joining via phone.

7. The hearing today was scheduled by me for a further case management preliminary hearing, primarily to clarify the issues and set directions.

8. In order for this hearing to be effective, the Claimant was ordered to provide comments on the draft list of issues:

“Within 14 days of receipt of the revised draft list of issues from the Respondent the Claimant must amend the document, either in track changes or a different colour font, to set the basis of the complaints. It has been clearly explained to the Claimant that this is not an opportunity to expand his claim, and it is not a witness statement. The list of issues is a succinct and precise summary of the factual allegation: who, what, when. If the Claimant considers that he is also pursuing any allegations of harassment, he must also set them out.”

9. The case management order contained the draft list of issues but the Respondent also sent a copy to the Claimant on 9 June 2026.

10. The Claimant did not reply to the Respondent.

11. The Claimant has not provided his comments on the draft issues.

12. I reviewed the portal and noted that the Claimant has not contacted the Tribunal or the Respondent at all since the last hearing. The Tribunal staff checked the Tribunal email inbox and there was no email from the Claimant.

13. I determined that it would not be in the Overriding Objective to list his claim for a further preliminary hearing to take place another day. I considered listing another hearing and would be prejudicial to the Respondent and incur additional costs and lead to further delay for the Respondent but further the Claimant had not complied with the Tribunal's Orders and had not provide any explanation for his non-attendance.
14. In the absence of any reasonable explanation from the Claimant for his non-attendance, and also noting his total failure to comply with the Orders I determined it was appropriate to exercise my powers under rule 47 and dismiss the claim.
15. For completeness, had I not dismissed the claim under rule 47 I would have been minded to strike it out under rule 37 on the basis that the claim had not been actively pursued, and there had been non-compliance with Orders from the Tribunal.

Approved by:

Employment Judge Cawthray

25 June 2026

Notes

All judgments (apart from judgments under Rule 51) and any written full 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/