



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 8000614/2026

Held in Dundee via Cloud Video Platform (CVP) on 27 July 2026

Employment Judge Murphy (sitting alone)

Ms K Gaffney

**Claimant
In Person**

Cygnet (DH) Limited

**Respondent
Represented by:
Ms H Wilson -
Solicitor**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is that all claims brought under claim number 8000614/2026 are dismissed pursuant to Rule 47 of the Employment Tribunal Rules 2024.

REASONS

1. The claimant entered a claim including complaints of automatic unfair dismissal (whistleblowing), disability discrimination and breach of contract on 16 March 2026. She said she was employed from 25 March 2025 to 7 November 2025.
2. A preliminary hearing (PH) on case management was listed for 27 July 2026 at 10 am (later adjusted to 10:15 am). Notice of the preliminary hearing was sent to the claimant (C) at the address indicated on her ET1 on 18 March 2026. In the same letter, C was asked to complete an 'Agenda' for the preliminary hearing by 6 July 2026.
3. On 14 April 2026, the respondent (R) entered a response, disputing her claims.
4. The respondent's name is amended to that shown above in this judgment.
5. On 16 April 2026, the Tribunal wrote to the parties to confirm that the initial consideration of the claim and response had been completed and that claim would proceed to the preliminary hearing listed for 27 July 2026 at 10 am.

6. On 23 July 2026, the respondent's representative advises the Tribunal she wrote to the claimant. On that date, Ms Wilson says she sent to the claimant the respondent's completed agenda and asked the claimant for a copy of hers. She also sent a draft List of Issues for C's consideration. In that correspondence, Ms Wilson advised the Tribunal that she also reminded the claimant of the date and time of the hearing. Ms Wilson advises she asked for a copy of C's agenda. Ms Wilson advises that C did not respond to her.

7. On the morning of the 27 July 2026 (the date of the hearing), the claimant sent an email to the Tribunal. She didn't copy in R's representative. The email was in the following terms:

"To whom it may concern,

I am writing to respectfully inform the Tribunal that I am unable to attend the hearing scheduled for 27/04/26 at 10am

Due to unforeseen circumstances, I am unable to be present today. I sincerely apologise for any inconvenience this may cause the Tribunal and the Respondent.

I respectfully request that the Tribunal considers either postponing the hearing to a later date or providing any alternative directions that it considers appropriate.

Yours faithfully, K Gaffney

8. The application for a postponement was refused. This was communicated to the parties in the morning before the hearing was due to proceed. The refusal included the following text:

"No reason has been given for the claimant's unavailability. The hearing has been listed since 18 March 2026. The postponement request has been received on the morning of the hearing without explanation of the 'unforeseen circumstances' to which she refers.

The postponement application having been refused, the claimant should be aware that, if she declines to attend the hearing, the Tribunal could dismiss the claim or proceed with the hearing in the claimant's absence pursuant to Rule 47 of the Employment Tribunal Rules 2024."

9. C did not complete the PH Agenda as she was asked to do in the Tribunal's letter of 18 March 2026.

10. C did not attend the PH on 27 July 2026. I adjourned the hearing for a further 15 minutes until 10.30 am. During the adjournment, the clerk attempted to contact. Her mobile went to voicemail. The clerk sent an email to her to which

no response was received. The claimant did not join the hearing following the sending of the email.

11. I commenced the hearing at 10.30 am. At that time, Ms Wilson made an application that the claim be dismissed in full pursuant to Rule 47 of the Employment Tribunal Rules 2024. She summarized the procedural history and the history of contact (or lack thereof) from C. She explained her view that the hearing could not meaningfully go ahead without C present as aspects of her complaints required to be particularized / clarified. She said she didn't understand the basis of the claimant's complaints. In the circumstances of the lack of substantive contact from C, she invited me to dismiss the claim.
12. I dismissed the claim orally under Rule 47. The claimant had received notice of the PH some four months before the hearing date. She did not seek a postponement until a matter of two hours before the hearing was due to begin and she did not give a substantive explanation, referring only to 'unforeseen circumstances'. Various aspects of the complaints required clarification and particularised. It was not possible to carry on with the hearing and achieve the necessary clarification of the issues without the claimant in attendance, particularly in circumstances where she had not completed the PH Agenda.
13. I took all relevant circumstances into account. Based on the circumstances known to me, having made such enquiries as were practicable, it was wholly unclear why C did not attend the hearing. It did not appear to, on the information before me, that the claimant was actively pursuing her complaints or alternatively that she had failed to do so without reasonable explanation and had unreasonably failed to attend the hearing. I considered that it would be in accordance with the overriding objective to dismiss the claim in the interests of avoiding further unnecessary waste of the Tribunal's resources and unnecessary expense to the respondent.
14. C may apply for reconsideration of this judgment if she believes it to be necessary in the interests of justice within 14 days of the date it is sent to the parties. Rules 68-70 of the Employment Tribunal Rules of Procedure 2024 set out the requirements for any such application and the process that would be followed in the event of such an application. On reconsideration, the decision to dismiss the claims may be confirmed, varied or revoked. If it is revoked, it may be taken again.