



EMPLOYMENT TRIBUNALS

Claimant: Ms Gray

Respondent: Sabrina Health Care Limited

Heard: In Leeds by CVP

On: 10 September 2026

Before: Employment Judge Shepherd

Appearances:

For the Claimant: No attendance

For the Respondent: Ms Hancock, Area Manager

JUDGMENT

The claimant's claim for automatically unfair dismissal for the reason or principal reason of making a protected disclosure (whistleblowing) is dismissed pursuant to Rule 47 upon the claimant's failure to attend or be represented at today's hearing.

REASONS

1. The claimant presented a claim to the Employment Tribunal on 30 April 2025 claiming unfair dismissal after whistleblowing. A preliminary hearing for case management purposes took place before Employment Judge Deeley on 26 January 2026. The claimant did not attend that hearing.
2. At that Preliminary Hearing it was identified that the claimant had presented a claim for automatically unfair dismissal for making one or more qualifying disclosures as defined in section 43B of the Employment Rights Act 1996.
3. The issues were set out and case management orders were made.
4. It was ordered that the claimant must write to the Tribunal (copied to the respondent) stating why she did not attend the hearing and whether or not he intended to continue with her claim. If she did not do this her claim may be struck out.

5. On 28 January 2026 the claimant sent an email to the Tribunal but not copied to the respondent. She stated that she has severe anxiety and speaking to people she doesn't know gives her anxiety attacks. She had not attended the hearing on 26 January 2026 due to being ill.

6. In the email claimant stated

“... I don't remember exactly when but when I was employed by Meadowfield originally I had seen signs of abuse such as forcing residents to bed at a certain time, not giving them a choice to choose, I brought this up with my manager which morning was done about, I had brought up the fact of when we started our morning round, people were shut in their bedrooms that were mobile, night staff and told us they don't want to get dressed and get up, although the resident specifically on this occasion was always up and dressed by 6 am, told by the night staff everyone had been checked and changed if needed, we found numerous residents laying in bed soaked through with urine and faeces...”

The claimant referred to having documented it on her phone ready to send to her manager, and also photographs she had sent. The claimant went on to say:

“I won't be attending the hearing but with to follow on with my claim, I cannot be present when the hearing is scheduled as it brings me severe anxiety but see this as my statement.”

7. In advance of the hearing I considered the information on the file and noted that the claimant had indicated that she was not going to attend this hearing that was listed for two days on Thursday 10 and Friday, 11 September 2026.
8. The claimant did not attend this hearing. The clerk to the Tribunal telephoned the claimant and informed her that she must attend if she wished to continue with her claim. The claimant indicated that she could not join the video hearing as she was too anxious.
9. The claimant did not attend the hearing. Ms Hancock, on behalf of the respondent was sent the email from the claimant dated 28 January 2026 . The evidence and allegations within the claim form and that email were denied on behalf of the respondent but there was no further documentary evidence save for the information about the claimant's induction, contract of employment and staff handbook.
10. I decided the just course of action pursuant to the Tribunal's rules. I weigh in the mix the impact on justice as a whole, when one party's conduct affects the administration of justice for all Tribunal users. While dismissal at Rule 47 is potentially draconian, the prejudice to a party in such a decision is much less if, as here, the claimant has indicated that she does not intend to attend a hearing by CVP video link.
11. The claimant had not provided sufficient evidence for me to determine her claim and without any further oral or documentary evidence I was unable to reach a judgment on this claim. I also considered that it would not be just to continue

with the hearing and hear any sworn evidence that might be provided by the respondent without the claimant having the opportunity to challenge that evidence.

12. For these reasons and in these circumstances the claim is dismissed pursuant to Rule 47 of The Employment Tribunal Procedure Rules 2024, which provides:

Non-attendance

47. 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.

Employment Judge Shepherd

10 September 2026

JUDGMENT SENT TO THE PARTIES ON

Dated:

FOR THE TRIBUNAL OFFICE

All judgments (apart from those under rule 52) 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. There is a practice direction about recording in Tribunal hearings.