



EMPLOYMENT TRIBUNALS

Claimant: Elouise Whittle

Respondent: Kenley Care Services Limited

JUDGMENT

The claim is struck out.

REASONS

1. The Tribunal wrote to the claimant on 26 August 2026 warning them that the Tribunal was considering striking out the claim. This was because it appeared to the Tribunal, applying Rule 38 of the Employment Tribunal Procedure Rules 2024, that the claimant had not complied with the Order of the Tribunal dated 19 November 2025 requiring the parties to exchange witness statements by 30 January 2026 despite repeated prompts from the respondent and that it therefore appeared that the claim is not being actively pursued.
2. The letter gave the claimant an opportunity to explain why the claim should not be struck out. The claimant has not replied to the Tribunal's letter of 26 August 2026 requiring the claimant to provide her witness statement to the Respondent and/or write to the Tribunal by no later than 4.00pm on 8 September 2026 explaining her position.
3. I am satisfied that the grounds for striking out the claim under Rule 38 apply, and that it would be in accordance with the overriding objective in Rule 3 to strike out the claim. This is because the claim does not appear to be being actively pursued by the claimant and, given the final hearing is listed to take place in less than 2 weeks' time (1-2 October 2026), the claimant's non-engagement with the Tribunal process means a fair trial is no longer possible in the allocated hearing window.
4. The claim is therefore struck out. The Hearing listed for 1-2 October 2026 will not take place.

Approved by:
Employment Judge Abbott
Date: 21 September 2026

Sent to the parties on:
Date: 22 September 2026