



EMPLOYMENT TRIBUNALS

Heard at: London South **On:** 22 September 2026, 2pm

Claimant: Ms S Croft

Respondent: Yell Sales Limited

Before: Employment Judge Ramsden

Representation:

Claimant Non-attending

Respondent Miss Dunsden, Solicitor

Ms J Smalley, an observer from the Respondent's organisation, also attended

JUDGMENT

1. The Claim is dismissed pursuant to Rule 47 of the Employment Tribunal procedure Rules 2024.

REASONS

Background

1. The Claimant was employed by the Respondent, a digital marketing business, as a Premier Digital Agency Consultant, from May 2022 until 17 February 2025.
2. Early conciliation started on 1 May 2025 and ended on 16 May 2025.
3. The Claim Form was presented on 13 June 2025.
4. The case is about the Claimant's dismissal by the Respondent. The Claimant says it was unfair, and amounted to discrimination arising from disability. The Respondent says that it fairly dismissed the Claimant on capability grounds, after she had been absent for extended periods, and after several return-to-work attempts had been unsuccessful.

5. This hearing was listed on 8 November 2025. The Final Hearing of the Claim is listed for 25 to 28 October 2027.

6. The day before the hearing, shortly after dial-in details for remote attendance were sent to the Parties, at 4:54pm, the Tribunal asked if the Parties could attend the hearing one hour earlier than listed (at 1pm instead of 2pm the following day). The Respondent replied that it could do so, the Claimant did not reply until later that evening, at 10:39pm, and failed to copy the Respondent on that email. The Claimant wrote:

"Apologies, I have been dropped by my solicitor, and been unable to get another one.

I am currently on benefits, not well, still suffering from exhaustion from shingles which may or may not have been caused by the steroid injection I had to have after my fall when Orla disregarded the occupational health report which state so can lie down if I felt a seizure coming on.

My internet has been stopped, I have no respresentTion and I am shakihn writing this.

I do not know what to to do."

7. The Tribunal replied at 10:46 am, copying the Respondent, in the following terms:

"The purpose of the hearing is not to decide your claim, but:

- 1. To understand what you say happened and what the Respondent says about that, and*
- 2. To make arrangements for the final hearing in October 2027 at which your claim will be determined.*

It is very common for claimants to attend these hearings without legal representation. They are not generally controversial hearings, but just to help both parties prepare for the final hearing.

If you are unable to attend today, please provide medical evidence of that fact within the next hour. If you fail to attend without a good excuse, the Tribunal could dismiss your claim. Otherwise, EJ Ramsden will conduct the hearing, which she would like to start at 1pm.

The Parties are encouraged to consider if there are alternative ways this claim could be resolved. The services of ACAS are available to both parties."

8. No such medical evidence was provided by the Claimant. The Claimant had not provided a telephone number on the Tribunal's records, and nor was the Respondent aware of a telephone number at which the Claimant could be reached.

9. The Respondent attended the hearing at 1pm as requested, but the Claimant did not. The Employment Judge put the hearing back to the listed 2pm start.

The hearing today

10. The hearing commenced at 2pm. The Claimant did not attend.
11. When asked about the Respondent's last contact with the Claimant, Miss Dunsden said that the Claimant had emailed her at 10:39pm last night, saying:
"I don't have internet- I don't have representation. I don't know what to do".
12. Miss Dunsden told the Tribunal that she replied at 9:24am today, noting that she was unable to advise the Claimant, but suggesting that she could connect to the internet using her mobile telephone, and that she contact the Tribunal about her difficulties. The Claimant does not appear to have followed her suggestion.

Law

13. Rule 47 provides:
"If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence."

Whether to proceed with the hearing

14. The Claimant did not attend at either 1pm (the earlier time slot the Tribunal had asked whether the Parties could accommodate) or 2pm (the listed slot), and nor did she respond to the Tribunal's earlier email to say that she would not be attending. She did not provide medical evidence by 11:46am, as had been Ordered. There was no medical evidence before the Tribunal that the Claimant was unable to attend, and she should have made arrangements to overcome any technical difficulties she would have in attending, given the hearing has been listed since November 2025. The Employment Judge therefore considered it appropriate to proceed with the hearing.

Consideration of the Respondent's application

15. The Respondent asked the Tribunal to dismiss the Claimant pursuant to Rule 47. The Respondent made the following points in support of its position:
 - 15.1 The Claimant did not provide medical evidence, as the Tribunal had instructed;
 - 15.2 The Claimant did not attend the hearing to explain her poor health;
 - 15.3 The Respondent is sceptical as to whether the Claimant is too unwell to attend, given her health was not referred to in the Claimant's email to the Respondent's solicitors of yesterday evening;

- 15.4 The Claimant had been giving instructions to her solicitors until 3 September 2026, when they came off the record, i.e., she was sufficiently well to do so, and that date is fairly proximate to now;
 - 15.5 The Claimant had been liaising with the Respondent's solicitors, which incurred time and cost for the Respondent;
 - 15.6 This hearing has been listed for some time; and
 - 15.7 The Claimant was aware, from the Tribunal's earlier communication, that the Tribunal had a power to dismiss the Claim if she did not attend, and she still did not do so or provide medical evidence.
16. The Employment Judge agreed with the Respondent that the Claim should be dismissed:
- 16.1 The Claimant should have been able to provide medical evidence to demonstrate her inability to attend;
 - 16.2 It is suspicious that her shingles was not mentioned to the Respondent's solicitor in the Claimant's email to Miss Dunsden of yesterday evening;
 - 16.3 The fact that the Claimant is on benefits is irrelevant;
 - 16.4 The fact the Claimant is now unrepresented is also not relevant: the Tribunal frequently conducts Case Management Hearings where the claimants are litigants-in-person;
 - 16.5 The Claimant lost her representation nearly three weeks ago. She should have been ready for this hearing by that time, and this hearing has been listed since November 2025. Moreover, she has had sufficient notice since her solicitors stopped acting to get ready to represent herself at this hearing;
 - 16.6 Tribunal time and resources are extremely stretched. Every non-attended hearing is a hearing slot another set of parties could have used to advance their claim, when many parties write to the Tribunal pleading for their hearing to be brought forward; and
 - 16.7 The Respondent has incurred costs attending today.
17. Should the Claimant be in a position to adduce medical evidence of her unfitness to attend this hearing, she could apply for reconsideration of this decision pursuant to Part 12 of the ET Rules..

Conclusions

18. The Claimant's Claim is dismissed by reason of the Claimant's non-attendance at the Preliminary Hearing for Case Management on 22 September 2026.

19. The hearing listed for 25 to 28 October 2026 is vacated.

Employment Judge Ramsden

Date 22 September 2026

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>