



# EMPLOYMENT TRIBUNALS

**Claimant:** Sean Kidwai  
**Respondent:** Carlisle Support Services Group Ltd  
**Heard at:** Cambridge Employment Tribunal (in public; by CVP)  
**On:** 1 September 2026  
**Before:** Employment Judge Hutchings (sitting alone)

## Appearances

For the claimant: did not attend  
For the respondent: Mr R. Katz, solicitor advocate

# JUDGMENT

The claim is dismissed pursuant to rule 47 of the Employment Tribunal Procedure Rules 2024.

# REASONS

## Introduction

1. To date there have been two case management hearings in this claim:
  - 1.1 Before Employment Judge (“EJ”) W. Anderson on 10 February 2025; and
  - 1.2 Before EJ Cowen on 16 July 2025.
2. A final hearing is listed for 15 – 23 November 2027 at Watford Employment Tribunal, Radius House, 51 Clarendon Road, Watford WD17 1HP. A suggested timetable for that hearing is set out in EJ Cowen’s order.
3. A dispute resolution appointment will take place on 9 July 2027 by CVP. Information for that appointment accompanies EJ Cowen’s order.
4. This hearing was listed to consider the respondent’s application to strike out the claim or, in the alternative, the tribunal issue a deposit order. Details of that application and the history of this case are in the case summary below.

**Background to the case**

5. The claimant was employed by the respondent, national provider of security services to clients in the private and public sector, as a Revenue Security Officer, from 1 November 2019 until 30 June 2024 when his employment was terminated by summary dismissal, the respondent says for punching a colleague.
6. The claimant presented two claim forms on 15 May 2024. For the first claim form early conciliation started on 18 March 2024 and ended on 29 April 2024. For the second claim form early conciliation started on 11 July 2024 and ended on 22 August 2024. An amended claim form was presented on 14 September 2024. EJ Cowen granted the claimant leave to amend his claim. The list of issues below reflects this amendment. However at that hearing EJ Cowen was unable to finalise the list of issues due to a lack of detail from the claimant. That is no criticism, EJ Cowen notes in her case management order that while the claimant was able to engage in the hearing he repeatedly referred to having poor mental health and being medicated, which makes him drowsy and disorientated. EJ Cowen notes that the claimant understood that in order to progress his claim he must provide details of the incidents of discrimination and harassment that he wishes the Tribunal to decide. He also understood that he must provide the reasons why he says his dismissal was unfair, harassment. The claimant told EJ Cowen that he had provided all such information but could not identify an email which had been sent to the tribunal or respondent containing this information, nor could the respondent and there was no record of such an email on the tribunal file. EJ Cowen made an order that the claimant must provide the details of all his claims and warned the claimant that failure to comply may result in a strike out of his claims. EJ Cowen also ordered the respondent to prepare a draft list of issues on receipt of this information from the claimant.
7. On 15 September 2025 the respondent made an application to under Rule 38 of the Employment Tribunal Procedure Rules 2024 (the "Rules") for an Order that the Claimant's claim be struck out on the following grounds: it has no reasonable prospect of success (Rule 38(1)(a)). The basis on which the respondent seeks this order is set out in that email as follows:

"The Claimant's claim for harassment and discrimination are for incidents which took place in 2021. The Claimant's employment came to an end on 1 September 2024 and submitted a ET1 on 15 May 2024. It is the Respondent's position that the Claimant's claims for harassment and discrimination are out of time given they are one off acts, and as such the Tribunal does not have the jurisdiction to hear such complaints. The Respondent further asserts the Claimant has also not specified why it would be just and equitable to proceed with those complaints.
8. The respondent applies for a deposit order under Rule 40(1) that the claimant pay a deposit for continuing with the claim on the basis that it has little reasonable prospect of success.

**Dismissal of claim pursuant to Rule 47**

9. The claimant did not attend the hearing.
10. Rule 47 states:

**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*

11. The tribunal clerk emailed the claimant at 9.15am to confirm that he would attend the hearing, noting that he had been sent the hearing link by tribunal administration on 28 August 2026. The claimant did not reply. The notice of hearing instructed the claimant to join the hearing link at 9.30am. When he had not done so by 10am the tribunal clerk emailed the claimant again. Around 10.10am the tribunal clerk telephoned the claimant on the telephone number he had included in his claim form. There was no answer and no message facility. The clerk allowed the telephoned to ring out so there was every opportunity for the claimant to answer the telephone.
12. At 10.20am I started the hearing, at which time there had been no recent correspondence from the claimant either to the ET Waford email inbox in recent weeks or in response to the clerk's attempts today to contact him and no explanation as to why he was not attending the hearing.
13. Mr Katz told me that those instructing him had received an email around the beginning of last week in which the claimant referred to a "GP issue". Mindful the claimant is not represented, the respondent's representative had replied to the claimant that if there was any reason he could not attend the hearing he must obtain medical evidence to support this and send it to the tribunal. Mr Katz told me the respondent's representative had not received any further communication from the claimant. Nor has the tribunal.
14. Since the second case management hearing the claimant has provided some information about his direct discrimination complaint and this is recorded in the draft list of issues prepared by the respondent for this hearing. However, the claimant has not provided details (who, when) of the factual allegations in his harassment claim, or any information about the amounts he says he is owed for holiday pay and in his unlawful deduction from wages claims, despite being ordered to do so by EJ Cowen. Nor has the claimant provided any reply to the application to strike out /deposit order, despite the respondent in its 15 September 2026 application indicating:

"In accordance with Rules 31(2) and 90, we have sent a copy of this application to the other party/parties and hereby notify them that any objections to the application should be sent to the Tribunal (with a copy to us) as soon as possible."
15. I also consider it relevant to my assessment under Rule 47 that at the last hearing EJ Cowen referred to the claimant being medicated and that there is a reference on his ET1 to a mental health episode which evidently, and regrettably, from the records of previous case management hearings, are making this process difficult for the claimant.

16. I have taken account of the overriding objective of the Employment Tribunal, mindful the claimant is not represented, specifically Rule 3(2)(a) and the requirement to ensure parties are on an equal footing and Rule 4 that parties should work constructively to assist the tribunal. I consider the tribunal has assisted the claimant in the two case management hearings to date with judges seeking to clarify the claimant's complaints and the respondent has complied with Rule 3(4) in giving the claimant guidance about responding to its application and notifying the tribunal of the GP issue.

***Overriding objective***

***3.—(1) The overriding objective of these Rules is to enable the Tribunal to deal with cases fairly and justly.***

***(2) Dealing with a case fairly and justly includes, so far as practicable—***

***(a) ensuring that the parties are on an equal footing,***

***(b) dealing with cases in ways which are proportionate to the complexity and importance of the issues,***

***(c) avoiding unnecessary formality and seeking flexibility in the proceedings,***

***(d) avoiding delay, so far as compatible with proper consideration of the issues, and***

***(e) saving expense.***

***(3) The Tribunal must seek to give effect to the overriding objective when it—***

***(a) exercises any power under these Rules, or***

***(b) interprets any rule or practice direction.***

***(4) The parties and their representatives must—***

***(a) assist the Tribunal to further the overriding objective, and***

***(b) co-operate generally with each other and with the Tribunal.***

17. Despite this, and the tribunal's efforts today, the tribunal has no information from the claimant about his reasons for not attending this hearing, not providing the outstanding information about his claims or not replying to the application for strike out / a deposit order.
18. I have balanced the circumstances before me today with the knowledge that the claimant has had mental health issues over the duration of these proceedings, and these may be ongoing. However, the tribunal cannot assist the claimant in moving his claim forward if he does not attend the hearing or provide requested information. Furthermore, the tribunal must balance the time and cost to the respondent in defending this claim, mindful this is the third case management hearing it has attended.
19. Furthermore, the claimant was notified of the date of this hearing on 15 April 2026. I consider this sufficient notice to ensure that any routine medical appointments can be diarised around this date. Or if there was an existing appointment, he has had almost 5 months to request an alternative date. Furthermore, current wait times for a 3 hour CVP hearing in the tribunal are 1 year. This would make it very difficult to maintain the hearing date in November 2027 as once the list of issues is finalised, the dates of orders for disclosure and witness statements would need to be revisited. Any future case management hearing would therefore take place over 6 years from the events about which the claimant complains (March 2021), and any relisted final hearing longer still.

20. For the above reasons I did not proceed with the hearing. I consider it fair and just in all the circumstances of which I was aware at the hearing (recorded above) to dismiss this claim pursuant to Rule 47. If after two case management hearings the claimant is still not able to engage with the proceedings, which seems apparent from his non-attendance today, for whatever reason, I do not consider it fair to the respondent or other tribunal users to allocate any more time to this claim. There is no benefit to hearing party in proceeding with the hearing because the claimant's explanation as to why he did not bring his claim in time is fundamental to my decision.
21. Accordingly, I did not consider the application. However, I make the observation that the only complaint the claimant has particularised is an event in March 2021 which is out of time based on the dates of ACAS conciliation and the date he presented his claim form. He has not provided any reason to the tribunal why it is just and equitable to extend time. Of course, as the claim is dismissed for non-attendance I do not need to consider the substance of this application. However, I consider that the claimant's lack of engagement in a process in which the respondent has made it clear they are asking the tribunal to strike out the claim supports my decision under Rule 47.

Approved by:

Employment Judge Hutchings

**1 September 2026**

SENT TO THE PARTIES ON

5 October 2026

FOR THE TRIBUNAL OFFICE