EMPLOYMENT TRIBUNALS

Claimant		**Respondent**
Mr D Stevens-Fox	**v**	Racelogic Limited

Heard at: Cambridge (by CVP) **On:** 9 October 2026

Before: Employment Judge Collins

Appearances
For the Claimant: No attendance
For the Respondent: Mr Crow, Counsel

JUDGMENT

The Claimant's claim under Case Number: 6008999/2024 is dismissed under Rule 47 of the Tribunal Procedure Rules upon his non attendance at a Hearing on 9 October 2026. His claim under Case Number: 3304489/2025 is unaffected by this Judgment.

REASONS

Introduction

1. By Notice of Hearing dated 5 October 2026, the Tribunal notified the parties that a Public Preliminary Hearing would take place by Cloud Video Platform (CVP) on 9 October 2026, commencing at 2pm.

2. The Hearing was ordered by Employment Judge Quill to be for the following purpose:

> "The Preliminary Hearing will assess why a fair Final Hearing could not take place as scheduled, and whether claim or response should be struck out. Subject to that, it will make any appropriate case management Orders for the future progress of the matter."

3. The Order was referring to the Final Hearing of this case which had been scheduled for a five day Hearing commencing on 6 October 2026 and had been postponed on the request of both parties.

4. At 2pm on 9 October 2026, the Claimant did not join the CVP Hearing.

5. Following the Claimant's non-attendance, the Judge's Clerk telephoned the Claimant and emailed the Claimant to check on his whereabouts. The Clerk was not able to contact the Claimant.

6. The Tribunal and the Respondent's representative waited approximately 30 minutes for the Claimant to join the Hearing. The Hearing was ultimately open for the Claimant to join for over an hour.

7. The Claimant did not respond to the Tribunal's communications and did not join the Hearing.

8. The Respondent confirmed they had received the Hearing Notice themselves without any issue. The Respondent further confirmed they had sent an email to the Tribunal copying the Claimant's usual email address yesterday afternoon referring to today's Hearing.

9. My Clerk confirmed that no email or correspondence had been received from the Claimant requesting today's Hearing to be postponed.

10. I checked the Tribunal file to see if there was any reason that would indicate why the Claimant had not attended. I noted that although the Claimant had stated he had been unable to progress his claim some months ago due to caring duties and the challenges of his alleged disabilities, he had recently been in touch with the Tribunal. So there was no evidence the Claimant was currently unwell and indeed had indicated that he had been working two days a week.

Background Facts to this Case

11. The Claimant commenced employment with the Respondent on 5 June 2014. On 20 August 2024, the Claimant presented a claim for disability discrimination to the Tribunal under case number 6008999/2024.

12. The Claimant stated in their ET1 Claim Form that they have ADHD and ASD (Autism Spectrum Disorder), that means it can take a while to find the appropriate language to respond and would like their partner who is an experienced HR professional to assist them in Hearings.

13. The Respondent presented its ET3 Response on 18 September 2024, resisting the claim in its entirety.

14. A Case Management Preliminary Hearing took place before Employment Judge Hunt on 1 April 2025. The case was listed for a five day Final Hearing commencing on 6 October 2026, a draft List of Issues was produced and directions were made for its preparation, all to be completed by the end of September 2025.

15. At the Hearing on 1 April 2025, the parties appeared close to agreeing a revised List of Issues. The Respondent sent an amended draft List of Issues to the Claimant's representative on 18 April 2025. Despite

repeated requests from the Respondent, the Claimant has not responded to that draft during the 18 months since the 1 April 2025 Hearing.

16. On 25 July 2025, the Claimant presented a second claim against the Respondent for unfair dismissal, (Case Number: 3304489/2025).

17. By correspondence dated 14 November 2025, the Claimant accepted responsibility for some of the delay and explained that his ADHD, ASD and difficulties in his personal life had affected his ability to progress the litigation and provide instructions.

18. On 25 May 2026 the Claimant sought clarification as to whether the disability discrimination and unfair dismissal claims had been formally joined or consolidated. He indicated that this issue affected his ability to finalise the List of Issues. No response appears to have been provided by the Tribunal. Had the Claimant attended today's Hearing, the issue of consolidation would have been considered as part of the Tribunal's case management of the proceedings.

19. In the absence of an agreed List of Issues, the parties were unable properly to progress disclosure, Bundle preparation and Witness Statements. As a consequence, the timetable set by Employment Judge Hunt was not complied with. Both parties subsequently applied on 17 September 2026 for the Final Hearing listed on 6 October 2026 to be vacated and that Application was granted.

20. On 1 October 2026, the Claimant sent a List of Issues together with extensive further particulars to the Tribunal. The Respondent submits that these documents are different to the draft List of Issues circulated following the Hearing on 1 April 2025 and they are less close to agreeing them than then.

Preliminary Hearing on 9 October 2026

21. The Preliminary Hearing took place before me on 9 October 2026. The Claimant did not attend. Mr Crow appeared on behalf of the Respondent. As the Claimant did not attend without any explanation, as set out above, I considered my power under Rule 47 of the Employment Tribunal Rules of Procedure 2024.

The Law

22. Rule 3 of the Employment Tribunal Rules of Procedure 2024 sets out the Overriding Objective of the Tribunal as follows:

> 3. Overriding Objective
>
> (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 of 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.

23. Rule 47 provides,

47. Non attendance

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.

24. In Arrow Nominees Inc. v Blackledge [2000] 2 BCLC 167, the Court held that a fair trial,

"…is a trial conducted without undue expenditure of time",

and

"…with a proper regard to the demands of other litigants upon the finite resources of the Court." [55]

Conclusion and Decision

25. I have fully considered all the information which is available to me, after any enquiries that may be practicable, about the reasons for the party's absence. I am satisfied that the Claimant was aware of today's Hearing as the Tribunal had written to him and the Respondent had also written to him yesterday by email, indicating that the Hearing was today. I could not proceed in the absence of the Claimant as I needed to hear from him about his reasons for not progressing the case for the last 18 months, his agreement to the cases being consolidated and discuss and agree Case Management Orders for the progress of his claims.

26. I was mindful of the cost to the Tribunal of listing Hearings which make no real progress. I was further mindful of the impact upon other Tribunal users waiting patiently in the queue for their Hearings. Other Hearings would have had to wait in order for this matter to take place.

27. I considered that a fair trial is one which is conducted without undue expenditure of time and costs, and which takes into account the needs of other Tribunal users.

28. I am not satisfied, having considered all the information before me, that the Claimant has established a good reason for his non-attendance at today's Hearing.

29. I was not provided with an explanation for the Claimant's absence at the video Hearing today so instead have considered the previous possible explanations available on the Tribunal's file and confirmed with the Respondent they know of no possible reason for his absence.

30. I could see no explanation on the file for the Claimant's absence. He recently contacted the Tribunal and indeed asked for a Case Management Hearing during this week.

31. I have also taken account of the fact that the Tribunal made every reasonable effort to facilitate the Claimant's attendance today. The Judge's Clerk telephoned and emailed the Claimant. Despite those efforts, the Claimant did not respond and did not attend.

32. I have taken into account that the Claimant is unrepresented. I have also considered his alleged disabilities, circumstances and adjustments and the fact he states he has a partner who is an HR professional with some experience in Tribunal cases who has been acting as his advocate.

33. In all the circumstances, I am satisfied that the Claimant had Notice of the Hearing and a reasonable opportunity to participate in it. I am not satisfied that he has shown a good reason for his non-attendance. I have considered all the information available to the Tribunal after any practicable enquiries have been made. Having considered the overriding objective, I conclude that it is appropriate to dismiss the claim pursuant to Rule 47 of the Employment Tribunals (Constitution and Rules of

Procedure) Regulations 2024. This dismissal is also in furtherance of the overriding objective of the Tribunal to deal with cases in a manner which is fair and just to both parties and to avoid the further unnecessary expenditure of time and costs for all concerned.

34. The claim is dismissed in full under Rule 47.

35. The Claimant's claim under Case Number: 3304489/2025 continues.

36. I was grateful to Mr Crow for his assistance today.

Approved by:

Employment Judge Collins

Date: 23 10 2026

Sent to the parties on: 3 November 2026

For the Tribunal Office.

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All Judgments (apart from Judgments under Rule 51) and any full 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.

Recording and Transcription

If a Tribunal Hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral Judgment or Reasons given at the Hearing. The transcript will not be checked, approved or verified by a Judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found here:

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