EMPLOYMENT TRIBUNALS

Claimant Ms Merisha-Meisha Destiny

Respondent Serco Limited

Heard at Croydon (by video) **On** 3 November 2026

Before Employment Judge Eoin Fowell

Appearances
Claimant No appearance
Respondent Annette Parker, In House Employment Adviser

JUDGMENT

Rule 47 Employment Tribunal Rules of Procedure

The claim is dismissed as the claimant failed to attend the hearing.

REASONS

1. This is the second case management hearing in this case, and the second time the claimant has failed to attend. Rule 47 allows the Tribunal to dismiss a claim where a party fails to attend on any one occasion.

2. At the previous hearing, on 26 May 2026, neither party attended the hearing. Employment Judge Perry assumed, understandably, that for some reason the notice of hearing had not been sent out. However, at this hearing it became clear why the respondent had failed to attend last time. The file handler concerned had left the firm. When that happens, their inbox is closed. Ms Parker took over as case handler and notified the Tribunal of her contact details, but these were not updated on the system and the invitation to the hearing was sent to the closed inbox.

3. It follows that there is no explanation for Ms Destiny's failure to attend the first hearing.

4. Not only was the respondent unaware of that hearing but they were never sent, or correctly sent, a copy of the resulting case management order. In that order, Employment Judge Perry noted that the claim appeared straightforward. It concerned the claimant's dismissal at the end of her probationary period. She was in training to work as a Detention Custody Officer at Gatwick and had to carry

out Use of Force training. She completed the relevant health form or questionnaire by stating that there *were* health reasons why she could not do it, and so she was not allowed to take part. She tried to change her answer but that was not allowed. She was then sent to occupational health, who confirmed that she had some health conditions which would affect her ability to carry out the training, and so she failed her probationary period.

5. She says that this was disability discrimination, relying on dyslexia and the health conditions which prevented her from carrying out the Use of Force training, including shoulder pain.

6. Employment Judge Perry set out reasons why the two claims, (a) for discrimination arising from disability and (b) for failure to make reasonable adjustments, had little reasonable prospects of success. In short:
   a) the reason she was not allowed to do the training was likely to be her answers on the form, not the effect of her health conditions, and
   b) the proposed reasonable adjustments claim was based on the fact that trainees had to complete the form first – and she had not explained why that put her at a substantial disadvantage – or that all trainees should be sent to occupational health first – which was not considered practicable.

7. Before making a deposit order, he asked Ms Destiny to provide evidence of her means by 30 June 2026. She did so, showing that she had received a copy of the case management order.

8. Perhaps owning to the fact that Serco was unaware of the directions given for exchange of documents and witness statements, no progress has been made since the last hearing in preparing for the final hearing, which was due to take place on 1 June 2027, over 4 days. This hearing was listed to check that everything was on track for that hearing, which of course is not the case.

9. It appears therefore that Ms Destiny has failed to attend both hearings, her claims have little reasonable prospects of success, and no effective preparations have begun for the final hearing.

10. Rule 47 provides that before dismissing a claim, the Tribunal must consider what information it has available after any enquiries that may be practicable. The Tribunal clerk emailed her and telephoned her without success. It was only after a careful review of the file that an email was noted from Ms Parker, and she was then contacted by email, and Ms Parker then attended at about 14.40, 40 minutes after the intended start time. In that time, nothing was heard from Ms Destiny.

11. In all the circumstances, there has been a marked lack of effort to pursue the claim, and given its merits, dismissal appears to be a proportionate response to the failure to attend.

Employment Judge Eoin Fowell
Date: 3 November 2026

Sent to the parties on:
Date: 6 November 2026