



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms J Copeland

**Respondents:** (1) Manor of Groves Limited  
(2) Mr IP Singh

**Heard at:** East London Hearing Centre

**On:** 4 May 2021

**Before:** Employment Judge Gardiner

**Members:** Ms M Daniels  
Mr M Wood

## Representation

**Claimant:** No attendance

**Respondent:** Mr Brotherton, Solicitor

# JUDGMENT

The judgment of the Tribunal is that:-

The Claimant's complaints are struck out pursuant to Rule 37 of the Employment Tribunal Rules 2013.

# REASONS

1 The Final Hearing was listed to take place between 4 May 2021 and 7 May 2021 as an in-person hearing, at the East London Hearing Centre at Import Building. It was scheduled to take place on these future dates back in July 2020. Notice was duly provided to the parties, by email dated 18 July 2020.

2 Since that date, the Claimant has not communicated with the Tribunal or with the Respondents. She has not indicated that the scheduled dates for the Final Hearing were inconvenient to her or to her witnesses. She has not applied for a postponement.

3 On 28 April 2021, Mr Brotherton wrote to the Tribunal seeking clarification whether the Final Hearing would proceed as an in-person hearing, or would take place instead by Cloud Video Platform. By email notification provided at 11:16 on 30 April 2021, the Tribunal informed the parties that the Final Hearing would proceed and would be held as an in-person hearing. There was no response from the Claimant.

4 By 10am on 4 May 2021, neither the Claimant nor her two witnesses had arrived at Import Building ready for the start of the Final Hearing. The Tribunal waited until 10.30am but there was still no appearance or communication from the Claimant. The Tribunal's clerk attempted to speak to the Claimant by telephone in calling the mobile number provided by the Claimant on the Claim Form. There was no answer and the phone went straight to voicemail.

5 The Final Hearing started shortly after 10.35am with no attendance from the Claimant or explanation for her non-attendance. Mr Brotherton, solicitor, attended to represent the Respondent.

6 In these circumstances, the Tribunal has concluded that the Claimant is not actively pursuing her claim. On that ground, Rule 37 provides the Tribunal with a discretion to strike out the Claimant's claim. The Tribunal considers it would be appropriate to exercise that discretion in the current circumstances. This is the fourth occasion on which the case has been listed for a Final Hearing. The dispute relates to verbal comments that were allegedly made by Mr Singh, the Second Respondent, in or around June 2018, almost three years ago. If the case were to be postponed further, there would be a significant delay in it being relisted, given the current pressure on the Tribunal's limited resources. That delay would inevitably further impact on the ability of the witnesses to remember whether the alleged comments were made. It would not be just to either Respondent, but particularly to Mr Singh, to have to continue to face an allegation of discriminatory treatment without the dispute being resolved for many more months.

7 Therefore, the Tribunal considers it appropriate to exercise its discretion to strike out the Claimant's claim under Rule 37 of the Employment Tribunal Rules 2013, on the basis that the claim is not being actively pursued.

**Employment Judge Gardiner  
Date: 4 May 2021**