



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Ms Lynnette Bamfo**

**v**

**Go-Ahead Group Plc**

**Heard at:** London Central (via video)

**On:** 1 June 2022

**Before:** Employment Judge P Klimov (sitting alone)

**Representation:**

**For the Claimant:** Not present or represented

**For the Respondent:** Ms V. Spires (solicitor)

## JUDGMENT

The Claimant's claim is dismissed for non-attendance (Rule 47, Employment Tribunals Rules of Procedure 2013).

## REASONS

1. On 28 March 2022, the Tribunal listed the case for a case management preliminary hearing on 1 June 2022, starting at 10am.
2. On 25 May 2022, the claimant applied for a postponement of the hearing without giving any reasons.
3. On 26 May 2022, following the Tribunal's enquiry as to the reasons for the requested postponement, the claimant emailed the Tribunal stating that she needed more time to get legal advice
4. By an email to the Tribunal of 27 May 2022, the respondent questioned the genuineness of the claimant's reason, pointing out that in her claim form the claimant stated that she had taken legal advice, and that she had had ample

time to take advice before the hearing. The respondent stated that it would be willing to agree to the postponement, subject to the claimant's clarification of her position on legal advice and addressing the issue of wasted costs.

5. On 30 May 2022, REJ Wade refused the claimant's application, stating *"Progress in this case needs to be made and sadly it is very hard to find affordable legal help so the claimant might not succeed. The judge will ensure that she is fairly treated"*.
6. The parties were sent the joining instructions on 31 May 2022 at 16:42, telling them to join the hearing at 9:40am.
7. The respondent joined the hearing. The claimant did not join the hearing and did not contact the Tribunal to explain why she was not joining the hearing.
8. Around 10am, the clerk emailed the claimant asking her to join the hearing or contact the clerk by telephone if the claimant had technical difficulties with joining the hearing. The claimant did not reply and did not join the hearing.
9. At about 10:05am I asked the clerk to telephone the claimant and ask her to join the hearing. The claimant did not answer the phone, and the clerk left her a voice message to join the hearing or contact the clerk on the phone. The claimant did not call back and did not join the hearing.
10. At about 10:15am I asked the clerk to telephone the claimant again with the same message. The claimant did not answer the phone, and the clerk left her another message to urgently join the hearing or telephone the clerk. The claimant did not join the hearing and did not contact the clerk.
11. At 10:30am the clerk emailed the claimant with the following message:  
  
*EJ Klimov has asked me to write to you as follows. Your request to postpone the preliminary hearing was refused by REJ Wade on 30 May 2022. You are expected to attend the preliminary hearing today at 10am. You did not join the hearing. The Tribunal clerk emailed and telephoned you twice and left voice messages for you to join the hearing. You did not reply. If you do not join the hearing by 10:35am, the hearing will proceed in your absence and your claim may be dismissed.*
12. The claimant did not reply and did not join the hearing.
13. At 10:40am I started the hearing without the claimant being present. I invited the respondent to make submissions on how to proceed in the circumstances.
14. The respondent asked that the claimant claim was dismissed for the reason of the claimant's non-attendance. The respondent pointed out that the claimant was aware that her request for a postponement had been refused, and that she was required to join the hearing at 9:40am. An hour later she did not join the hearing and made no attempts to contact the Tribunal.
15. The respondent also stated that the claimant had failed to engage with them in the preparation for the hearing and had left their emails concerning the

hearing bundle and the agenda unanswered, and thus was in breach of the Tribunal's orders.

16. I considered whether the hearing should proceed in the claimant's absence and have decided against that. The claimant's claims require clarifications, and in the absence of the claimant and any written representations from her it would not have been possible to clarify the issues in the case or sensibly give any case management directions.
17. I then considered whether the hearing should be postponed and have decided against that. The claimant's application was refused by REJ Wade and there was no material change in the circumstances for me to vary REJ Wade's order.
18. I was satisfied that all practicable enquiries had been made about the reasons for the claimant's absence. The claimant did not provide any information as to the reasons for her non-attendance and indeed did not even inform the Tribunal that she would not be attending the hearing.
19. In the circumstances, I have decided that it would be in accordance with the overriding objective to exercise my powers under Rule 47<sup>1</sup> of the Employment Tribunals Rules of Procedure and dismiss the claimant's claim.

**Employment Judge P Klimov**  
1 June 2022

Sent to the parties on:

01/06/2022.....

For the Tribunals Office

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#### **<sup>1</sup> 47. Non-attendance**

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.