



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs D Hood

**Respondent:** Cooplands Direct Ltd

**Employment Judge J M Wade (in chambers)**

## JUDGMENT

The respondent shall pay to the claimant the sum of £123 pursuant to Rule 79 of Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) 2013.

## REASONS

### Introduction

1. The events of 7 January 2022 are set out in the Orders below, signed by me on 7 January 2022 and sent to the parties on 19 January 2022. The orders were sent to the email of the respondent identified in its response form:

***“Claimant:*** Mrs D Hood

***Respondent:*** Cooplands Direct Ltd

***Employment Judge JM Wade:*** in chambers – 7 January 2022

*Introduction: Today I had cause to review this file in the event of the non attendance of the respondent at a preliminary hearing for Judicial Mediation. The Tribunal made all attempts to contact the respondent’s representative Mr Steel. Mr Macken, the claimant’s representative, tells me he contacted Ms Yates (HR), who initially said Mr Steel was fine and at work; she then called to say he had long Covid or something similar. The claim is listed for hearing later this year. The respondent has not complied with Order 12 of Employment Judge Shulman’s orders of 10 September 2020. The respondent should be aware that there are shortly a number of deadlines for hearing preparation and any further failures to comply with case management orders may result in preparation time orders and/or striking out of the response.*

## ORDERS

1. Unless by no later than 4pm on 21 January 2021 the respondent shows reasonable cause for its not compliance with Order 12, and provides its position, it will not be entitled to suggest the

**Case No. 1803351/2021**

*claimant was not a disabled person at the material times at the hearing (and to the extent that is implicit in its grounds of resistance, that assertion shall be struck out).*

*2. The respondent shall by no later than 4pm on 21 January 2021 show cause for it its non attendance at today's hearing, and/or for failing to seek a postponement.*

*3. The respondent shall, by no later than 4pm on 21 January 2021 set out any opposition to the making of a preparation time order requiring it to pay £123 to the claimant (three hours at £41) arising from the time thrown away in her preparation for today's hearing.*

2. There has been no contact from the respondent in compliance with the orders below and on 24 January 2022 the claimant's representative wrote seeking enforcement of the orders. He also identified that the respondent has now not complied with a further case management order (Order 13 - disclosure). The hearing is to take place in late May 2022.

3. I take into account that something untoward may have happened to Mr Steel. If he is incapacitated then communications to his email address may not be actioned. Ordinarily operating a company comes with obligations and that includes reasonably making arrangements for email forwarding (or others might in the event of incapacity), and that may not have happened. I also take into account that there was delay in sending out the Order, but as at today's date (which is more than a week since the sending of the Orders) there has been no contact.

4. In all the circumstances I consider the respondent acted unreasonably in failing to attend the preliminary hearing for Judicial Mediation without first alerting the Tribunal and the claimant; there is no opposition to the making of the Order and I am satisfied that the sum is such the respondent's means can bear it (bearing in mind and taking judicial notice of the fact that its stores are trading) . Furthermore, there has been no contact or action from the respondent since an email on 29 September 2021.

**Dated: 3 February 2022**

Employment Judge JM Wade

JUDGMENT SENT TO THE PARTIES ON

4 February 2022

FOR THE TRIBUNAL OFFICE

Note: this judgment will be made available on the public register soon after it is sent to the parties.



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs D Hood

**Respondent:** Cooplands Direct Ltd

**Employment Judge J M Wade (in chambers)**

## JUDGMENT

The respondent shall pay to the claimant the sum of £123 pursuant to Rule 79 of Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) 2013.

## REASONS

### Introduction

1. The events of 7 January 2022 are set out in the Orders below, signed by me on 7 January 2022 and sent to the parties on 19 January 2022. The orders were sent to the email of the respondent identified in its response form:

***“Claimant:*** Mrs D Hood

***Respondent:*** Cooplands Direct Ltd

***Employment Judge JM Wade:*** in chambers – 7 January 2022

*Introduction: Today I had cause to review this file in the event of the non attendance of the respondent at a preliminary hearing for Judicial Mediation. The Tribunal made all attempts to contact the respondent’s representative Mr Steel. Mr Macken, the claimant’s representative, tells me he contacted Ms Yates (HR), who initially said Mr Steel was fine and at work; she then called to say he had long Covid or something similar. The claim is listed for hearing later this year. The respondent has not complied with Order 12 of Employment Judge Shulman’s orders of 10 September 2020. The respondent should be aware that there are shortly a number of deadlines for hearing preparation and any further failures to comply with case management orders may result in preparation time orders and/or striking out of the response.*

## ORDERS

1. Unless by no later than 4pm on 21 January 2021 the respondent shows reasonable cause for its not compliance with Order 12, and provides its position, it will not be entitled to suggest the

**Case No. 1803351/2021**

*claimant was not a disabled person at the material times at the hearing (and to the extent that is implicit in its grounds of resistance, that assertion shall be struck out).*

*2. The respondent shall by no later than 4pm on 21 January 2021 show cause for it its non attendance at today's hearing, and/or for failing to seek a postponement.*

*3. The respondent shall, by no later than 4pm on 21 January 2021 set out any opposition to the making of a preparation time order requiring it to pay £123 to the claimant (three hours at £41) arising from the time thrown away in her preparation for today's hearing.*

2. There has been no contact from the respondent in compliance with the orders below and on 24 January 2022 the claimant's representative wrote seeking enforcement of the orders. He also identified that the respondent has now not complied with a further case management order (Order 13 - disclosure). The hearing is to take place in late May 2022.

3. I take into account that something untoward may have happened to Mr Steel. If he is incapacitated then communications to his email address may not be actioned. Ordinarily operating a company comes with obligations and that includes reasonably making arrangements for email forwarding (or others might in the event of incapacity), and that may not have happened. I also take into account that there was delay in sending out the Order, but as at today's date (which is more than a week since the sending of the Orders) there has been no contact.

4. In all the circumstances I consider the respondent acted unreasonably in failing to attend the preliminary hearing for Judicial Mediation without first alerting the Tribunal and the claimant; there is no opposition to the making of the Order and I am satisfied that the sum is such the respondent's means can bear it (bearing in mind and taking judicial notice of the fact that its stores are trading) . Furthermore, there has been no contact or action from the respondent since an email on 29 September 2021.

**Dated: 3 February 2022**

Employment Judge JM Wade

JUDGMENT SENT TO THE PARTIES ON

4 February 2022

FOR THE TRIBUNAL OFFICE

Note: this judgment will be made available on the public register soon after it is sent to the parties.