



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4121205/2018 Hearing at Edinburgh on 4 January 2019

Employment Judge: M A Macleod (sitting alone)

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Georgina Otu

Claimant
In Person

Strongtower Eco Cleaning Company UK Limited

Respondent
Represented by
Mrs J Babasola
Operations Manager

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is that the claimant's claim succeeds, and that the respondent is ordered to pay to the claimant the sum of **Two Hundred and Sixty Four Pounds (£264)**.

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REASONS

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1. The claimant presented a claim to the Employment Tribunal in which she alleged that the respondent had failed to pay her the sum of £260 in respect of four days' work in June 2018, as a cleaner for them.
2. The respondent submitted an ET3 denying that any payments were due to the claimant, as she had been paid the appropriate amount.
3. A hearing was fixed to take place on 4 January 2019. The claimant attended and appeared on her own behalf, and the respondent was represented by Mrs Janet Babasola.

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4. Both the claimant and Mrs Babasola gave evidence, and documents were produced to the Tribunal.
5. The facts of the case are simple, and it became clear during the evidence why each side was so convinced that their position was the correct one.
- 5 6. The respondent accepted that the claimant was due £264 in respect of hours worked over four days in June 2018 for the company.
7. Mrs Babasola explained that she could not pay the claimant until an application form was completed by her, and so following discussions with the Citizens' Advice Bureau, a form was downloaded by the adviser from
10 the respondent's website, and completed by him with the assistance of the claimant. That form (R2) contained accurate details about the claimant's then address, and date of birth, together with details of referees from whom references could be obtained.
8. On page 2 of the form, the claimant's bank details were recorded. The
15 bank's name was noted to be Santander, and the account number 01463860.
9. Mrs Babasola was adamant that the respondent had paid the claimant on 14 September 2018. The claimant was equally adamant that no such payment had been received by her, and produced her bank statement from
20 Santander covering the period 4 September to 2 October 2018 to demonstrate this (C1).
10. On reviewing the documents presented by Mrs Babasola, she pointed to R1 and then R3 to show that payment having been made.
11. On R1, the respondent's business current account statement shows that a
25 payment was made on 14 September 2018, of £264, with the following narrative: "Bill payment to Georgina Out reference Strongtower wages, mandate no 0107".
12. On R3, that payment was expanded to show the payee as Georgina Otu, and the account number as 01463860.

13. However, the claimant provided her bank statement from her current account with Santander (C1) and there is no reference to such a payment having been received.

14. It became clear why that was, when I noted that the account number on that bank statement is 10483860.

15. The payment was made by the respondent to a bank account bearing the wrong number. This explains why the claimant did not receive it. It is not clear where that payment actually went, but there is no doubt that the claimant was not paid this sum by the respondent.

16. Accordingly, I find that the claim is proved and that the claimant was not paid the sum of £264 which she was due by the respondent.

17. The claimant expressed very strong feelings towards the respondent, and did not accept that this was an accidental error, but felt that they had made clear from the start that they would not pay her. I explained that I could not accept this view, since I believed the evidence of Mrs Babasola, who, when it was pointed out to her that there was a difference in the bank details, immediately realised what had happened and expressed her willingness to make a payment to the claimant of the correct amount. In my judgment, it was clearly an error brought about by the CAB adviser's inadvertent mistake in noting the claimant's bank account details on the form submitted to the respondent for payment.

18. This is an unfortunate case. The claimant asked if she would be able to take matters further, but I confirmed to her at the conclusion of the hearing that she had succeeded in full. No other payments are sought in her claim and I can see no basis for any other payment being made to her. She was clearly upset and angry about what she perceived her treatment to have been, but in my judgment this is a case in which an unfortunate error in the bank account details gave rise to an entirely unnecessary dispute, through no fault of either the claimant or Mrs Babasola.

19. Accordingly, the claimant's claim succeeds, and the respondent is ordered to pay to the claimant the sum of £264.

Employment Judge: Macleod

5 Date of Judgment: 04 January 2019

Entered into the Register: 07 January 2019

And Copied to Parties