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EMPLOYMENT TRIBUNALS

Claimant: Miss T Gyima
Respondent: Healthcare Solutions Services Ltd
Heard at: East London Hearing Centre
On: Monday 7 January 2019
Before: Employment Judge Prichard

Representation

Claimant: In person
Respondent: No appearance or representation

JUDGMENT

The judgment of the Tribunal is that: -

1. The respondent is ordered to pay the claimant £434.00 for monies owed for working two shifts and carrying out four hours smoking cessation training in prisons.
2. The respondent shall pay the claimant the said sum by routine payment through an umbrella company of their choice in order to comply with legislation.

REASONS

1 This is a curious case. The claimant states that the respondent refused to pay through her own chosen umbrella company Gift Aid Services Limited. There was apprehension on the respondent's part that this would not be acceptable for a payment originating from the NHS who have a list of IR35 approved umbrella companies. The NHS runs the healthcare services in prisons. For Healthcare Solutions the claimant accepted placements as far away as Leeds Prison. She is paid £18 per hour for working, and £12 per hour for training. The total she claims is made up of £386 for two prison shifts, and £48 four hours smoking cessation training.

2 The claimant was confused particularly because she has undertaken NHS work for another healthcare provider Midas, who apparently have no worries or apprehensions about paying her through Gift Aid Services. Not so the respondent, as they consider that IR35 prevents them paying their healthcare workers through umbrella companies which are not on the NHS approved list- such as the claimant's Gift Aid Services. I cannot get to the bottom of this but it strikes me, as a matter of law, that the respondent needs to comply with what they see as being the requirements of the NHS and IR35. They have a right to do so however inconvenient that may be for the claimant.

Employment Judge Prichard

Date: 23 January 2019