



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms M Rispin

**Respondents:** (1) Kings College Hospital NHS Foundation Trust  
(2) Your World Recruitment Limited

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

The First Respondent having failed to enter a response to this claim and the Second Respondent having stated that it does not contest the claim, Judgment for the Claimant is entered as follows:

1. The Claimant was entitled from 18 June 2018 until the end of January 2019 to the same pay as she would have been entitled to for doing the same job if she had been recruited directly by the First Respondent.
2. The Claimant is awarded compensation of two weeks' pay, calculated at £1,000. Each Respondent is ordered to pay the Claimant £500.

## REASONS

1. By a claim form presented on 16 June 2019, following a period of early conciliation from 17 April to 17 May 2019, the Claimant brought a complaint against both Respondents that they had infringed her rights under Regulation 5 of the Agency Worker Regulations 2010. She essentially complained that, as an agency worker hired by the Second Respondent to work for the First Respondent from 18 June 2018 until the end of January 2019, she did not receive any pay for bank holidays. She therefore received less pay than she would have done if she had been recruited by the First Respondent directly. She calculates a week's pay pursuant to Regulation 19 at £500 and claims the minimum amount of compensation, namely two weeks' pay, under Regulation 18(12).
2. The Second Respondent having conceded in its response that the Claimant should have been paid for the bank holidays, and the First Respondent having not entered a response (despite having been served with the claim form at least twice and having been sent all relevant orders

and correspondence with the Tribunal), I am satisfied that a determination can properly be made that the complaint is well founded, and that it is just and equitable to make the above declaration and order the Respondents to pay compensation to the Claimant. There is no basis to reduce the minimum compensation under Regulation 18(12).

3. Pursuant to Regulation 18(9), where a tribunal orders compensation and there is more than one respondent, the amount of compensation payable by each or any respondent “shall be such as may be found by the tribunal to be just and equitable having regard to the extent of each respondent's responsibility for the infringement to which the complaint relates.” In the absence of hearing any evidence, I consider the logical and fair assessment is that each Respondent should pay 50% of the compensation.

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Employment Judge Ferguson

Date: 13 May 2020