



EMPLOYMENT TRIBUNALS

Claimant: Mr Adam Hadwen

Respondent: FTB Inns Limited

JUDGMENT

1. IT IS HEREBY DECLARED THAT:
 - 1.1. The respondent failed to provide the claimant with the statement of initial employment particulars as required by section 1 of the Employment Rights Act 1996.
 - 1.2. The respondent failed to provide the claimant with itemised pay statements as required by section 1 of the Employment Rights Act 1996.

REASONS

1. The two complaints presented in this case are under section 11 Employment Rights Act 1996 (“the Act”), namely:
 - 1.1. failure at any stage to provide a statement of initial employment particulars, as required by section 1 of the Act;
 - 1.2. failure during the course of his employment to provide itemised pay statements as required by section 8 of the Act.
2. The respondent has failed to provide any response to the claim and so, under Rule 21 of the Employment Tribunal Rules of Procedure, judgment is entered for the claimant.
3. By Rule 21(2) “An Employment Judge shall decide on the available material (which may include further information which the parties are required by a Judge to provide), a determination can properly be made of the claim, or part of it. To the

extent that a determination can be made, with the shall issue judgement accordingly. Otherwise a hearing shall be fixed before a judge alone.”

4. This matter was considered at a telephone case management hearing on 1 May 2020. The respondent was notified of the hearing but did not supply contact information to join the hearing. Had it done so, any submissions made would be limited to the appropriate remedy.
5. By section 12 of the Act the only remedy available is a declaration of the extent of the employer’s default, as given above. (In certain circumstances additional compensation of 2 to 4 weeks’ pay is also available under section 38 of the Employment Act 2002, but only where such complaints are brought together with another substantive complaint as listed in Schedule 5 to that Act.)
6. In respect of the complaint of failure to provide a statement of employment particulars, the claimant’s case is that no such document was provided at any stage, and so a declaration is made of that fact.
7. In respect of the complaint of failure to provide itemised pay statements, the claimant’s case is that he was paid weekly, that there were no corresponding weekly pay statements, that three monthly pay statements were provided over the course of his employment (which lasted from 26 November 2018 to 29 July 2019).
8. Although consideration was given at the telephone hearing to further directions that the claimant supply those three monthly pay statements, on further consideration the resulting declaration (above) is not materially affected by the dates of these documents and so no further hearing or evidence is required.

Employment Judge Fowell

Date 1 May 2020