



EMPLOYMENT TRIBUNALS

Claimant: Mr C Hibbard
Respondent: Mr Ashley White
Heard at: Birmingham (by Skype)
On: 8 June 2020
Before: Employment Judge Flood (sitting alone)

Representation

Claimant: Mr V Hibbard (lay representative and claimant's father)
Respondent: No attendance or representation

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's complaint of unlawful deduction of wages against the respondent for the 5 days he worked between 16 and 20 September 2019 succeeds. The respondent is ordered to pay the claimant the sum of **£630**.
2. The claimant's complaint of accrued holiday pay succeeds. The respondent is ordered to pay the claimant the sum of **£2,961** for 23.5 days accrued but untaken or unpaid holiday pay.
3. The claimant is also awarded 4 weeks' pay in respect of the failure of the respondent to provide him with a written statement of his terms and conditions in breach of the obligations under section 1 of the Employment Rights Act 1996 ("ERA"). The respondent is ordered to pay the claimant the sum of **£2,100** (average weekly pay of £630 (capped at the maximum weekly pay of £525 per week applicable under section 227 ERA in accordance with section 38 (6) (b) of the Employment Act 2002) x 4 weeks awarded).

4. The sum(s) payable above are the gross amount to be paid and the claimant is to be responsible for any income tax and National Insurance Contributions thereon.

Employment Judge Flood

Date: 8 June 2020

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.