



# EMPLOYMENT TRIBUNALS

**Claimant**

Mr D Soneji

v

**Respondent**

GoCode Academy Limited

**Heard at:** Watford

**On:** 16 October 2020

**Before:** Employment Judge Wyeth

**Appearances**

**For the Claimant:** In person

**For the Respondent:** No representation (no response submitted)

## JUDGMENT

### Rule 21 of the Employment Tribunal Rules 2013 (as amended)

1. The claimant's claim in respect of unauthorised deduction of wages (including failure to pay holiday entitlement) is well founded.
2. The claimant's claim that the respondent failed to provide an accurate and complete written statement of terms in breach of s1 of Employment Rights Act 1996 ("ERA 1996") (and s38 Employment Act 2002 ("EA 2002")) is well founded.
3. For the purposes of calculating the financial remedies to which the claimant is entitled consequent upon the respondent failing to submit a response and having heard evidence from the claimant today, it is found:
  - 3.1. The claimant's gross basic pay per week was £360.00 calculated in accordance with s224 ERA 1996.
  - 3.2. The claimant was contractually entitled to 28 days of paid annual leave, which he had not received over the previous twelve months.
  - 3.3. The claimant had worked 89.5 hours in August 2019 at a rate of £8.00 per hour.
  - 3.4. The claimant was entitled to be paid, by agreement, the sum of £80 per month for September, October and November 2019 in respect of the provision of a software programme, server and labour in respect of that programme.

3.5. In respect of the sums earned in paragraphs 3.3 and 3.4 the respondent made a payment of £200 on 9 September 2019 leaving a shortfall of £756.00.

4. Accordingly, the respondent is ordered to pay the claimant the total sum of **£4,196.94** made up as follows:

- 4.1. **£756.00** in respect of wages earned but unpaid;
- 4.2. **£2,016.00** being 5.6 weeks (28 days) unpaid holiday;
- 4.3. **£693.00** uplift of 25 per cent on the total of 4.1 and 4.2 above for breach of the ACAS Code of Practice on Disciplinary and Grievance Procedures;
- 4.4. **£11.94** lost interest resulting from the failure to pay the sum at 4.1 above in accordance with s24(2) ERA 1996;
- 4.5. **£720.00** being two weeks' pay in accordance with s38 EA 2002.

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Employment Judge Wyeth  
16 October 2020  
Sent to the parties on:  
19<sup>th</sup> November 2020

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T Henry-Yeo

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For the Secretary to the Tribunals