



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss N Battensby

**Respondent:** Multiclean Supplies Ltd

**Heard at:** Leeds (by telephone)      **On:** 2 February 2021

**Before:** Employment Judge Parkin sitting alone

## Representation

Claimant: In person

Respondent: No attendance or representation; no response presented

# JUDGMENT

## Employment Tribunals Rules of Procedure 2013, Rule 21

### The judgment of the Tribunal is that:

- 1) The claimant was employed by the respondent limited company as a housekeeper at the Castle Inn, Spofforth, Harrogate from 22 November 2019 to 5 March 2020; and
- 2) The respondent made unlawful deductions from the claimant's wages in the total sum of £680.00 gross and is ordered to pay her that sum.

# REASONS

1. "Code A" in the heading indicates that this was a remote hearing by telephone conference call.
2. The claimant presented her ET1 claim claiming arrears of pay/unlawful deduction by his employer. At box 2.1, she named Mr Dan Metcalfe as her employer, but referred in the body of her claim to "Multiclean" and "the company". Her Early Conciliation notification to ACAS identifying Multiclean Supplies Ltd as the prospective respondent was made on 9 July 2020, with issue of the EC certificate on 14 July 2020.

**Code A**

3. No ET3 response was presented to the claim, whether by the limited company or by Mr Metcalfe. The Companies Register showed the respondent company as active on 2 January 2021, albeit under a proposal to strike it off the register.
4. Ordinarily, the Tribunal may have been able to issue a Rule 21 judgment on paper in favour of the claimant in the absence of any response but the claimant, although forwarding screenshots of extracts of her statement of main terms of employment and text messages she had sent the respondent, was unable to provide documentary evidence of the hours she worked at the Castle Inn, Spofforth for which she remained unpaid. Her statement of particulars confirmed that the respondent company was the employer. This hearing was listed as a case management preliminary hearing for the express purpose of gathering information for a Rule 21 judgment. The Tribunal was satisfied that the respondent had notice of the hearing sent to its registered office address.
5. By her claim form and documents, the claimant established that the respondent should have paid her the initial 2 weeks "in hand" payment together with her final two weeks' pay, alongside a tax rebate, in its April payroll. No such payment was made by the respondent despite the claimant's text messages on 13 May, 2 June and 12 June 2020 nor was there any contact or payment by the respondent following the commencement of proceedings. The claimant has since received her tax rebate from HMRC.
6. In all the circumstances and in the absence of any response and grounds of resistance to the claim, the Tribunal was satisfied the respondent made unlawful deductions from the wages of the claimant in the total sum of £680.00 gross (£340.00 for 2 weeks in hand, 20 hours at £8.50 per hour plus £340.00 for her final 2 weeks' work, again 20 hours at £8.50 per hour). Whilst she had referred to unpaid bonus in her claim form, no such performance bonus had ever been paid and it appeared to be discretionary and geared to performance targets and KPIs never declared to her; no award is made in respect of bonus.
7. Accordingly, the respondent is ordered to pay the claimant the total sum of £680.00 gross.

Employment Judge Parkin

Date 2 February 2021