



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms H Kassim

**1<sup>st</sup> Respondent:** Ms Heather Bird

**2<sup>nd</sup> Respondent:** Heather Bird Health of Knightsbridge Ltd

**3<sup>rd</sup> Respondent:** HB Health Limited

**At:** London Central Employment Tribunal

**Before:** Employment Judge Nicolle in Chambers

## JUDGMENT

1. The Respondents have failed to file an ET3 Grounds of Resistance in this case.
2. Having considered the ET1, Employment Judge Nicolle has decided that a determination of the claim can properly be made without a hearing and the Judgment of the Tribunal, made under Rule 21 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 is as set out below.
3. The claim form named only the 1<sup>st</sup> Respondent. However, having considered the following factors I consider it appropriate to add the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents as additional parties in accordance with Rule 34 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (the Rules):
  - a) The Respondents' failure to provide the Claimant with a contract of employment specifying the name of the employing entity;
  - b) That on the ET1 form the Respondent is named as Heather Bird of HB Health of Knightsbridge and on the ACAS early conciliation certificate as HB Health Knightsbridge;
  - c) That there has been interchangeability on email communications and bank payments between the various entities now listed as the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Respondents; and
  - d) Heather Bird is the sole director of both the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents and appears to be the sole shareholder of each.

4. The Respondents have unlawfully failed to pay the Claimant 7 days' accrued holiday pay in the period 23 March 2020 until 20 June 2020 in the gross sum of £658.
5. The Respondents have failed to pay the Claimant 1 week's statutory notice pay in the gross sum of £470.
6. The Respondents have failed to provide the Claimant with a written statement of terms and conditions of employment as required by s.1 of the Employment Rights Act 1996 and I consider it just and equitable in all the circumstances to award the Claimant 4 weeks' pay in accordance with s.38 (4) (b) of the Employment Act 2002 and therefore award the Claimant the gross sum of £1,880.
7. The Tribunal orders the Respondents to pay unpaid holiday pay, notice pay and compensation for a failure to provide written particulars of employment to the Claimant in the gross sum of £3,008.
8. The Respondents are jointly and severally liable to the Claimant for the above sum.
9. Where payments of wages are made gross the Claimant will be responsible for all applicable tax and employee national insurance contributions.

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**Employment Judge Nicolle**

**20 January 2021**

Sent to the parties on:

29/1/21.

For the Tribunal:

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