



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Miss H Wells

and

Respondents

R1 – Secundo 2015 Limited (no response entered)

R2 – Costcutter (no response entered)

R3 – Steven Rees (no response entered)

WRITTEN REASONS FOR JUDGMENT

Rule 21 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

Application

1. On 20 May 2020 the Claimant presented an ET1 claim form to the Tribunal with complaints of Failure to Give a Written Statement of Employment Particulars, Pregnancy and Maternity Discrimination and Automatically Unfair Constructive Dismissal.
2. Copies of the claim form were sent to the Respondents on 10 June 2020 with a time limit of 8 July 2020 for responses. No responses were entered.
3. On 9 October 2020 a rule 21 Judgment was entered in favour of the Claimant as the Respondents had failed to present responses to the claim. The Judgment was sent to the parties on 9 November 2020.
4. On 23 November 2020 the 3rd Respondent requested written reasons for the Judgment.

Reasons

5. Rule 21 reads as follows:

Effect of non-presentation or rejection of response, or case not contested

(1) Where on the expiry of the time limit in rule 16 no response has been presented, or any response received has been rejected and no application

for a reconsideration is outstanding, or where the respondent has stated that no part of the claim is contested, paragraphs (2) and (3) shall apply.

(2) An Employment Judge shall decide whether on the available material (which may include further information which the parties are required by the 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, the Judge shall issue a judgment accordingly. Otherwise, a hearing shall be fixed before a Judge alone. Where a Judge has directed that a preliminary issue requires to be determined at a hearing, a judgment may be issued by a Judge under this rule after that issue has been determined without a further hearing.

(3) The Respondent shall be entitled to notice of any hearings and decisions of the Tribunal but, unless and until an extension of time is granted, shall only be entitled to participate in any hearing to the extent permitted by the Judge.

6. In this case there was sufficient available material in the ET1 claim form (copied to the Respondents) on which a determination could be made on the complaints of Failure to a Written Give Statement of Employment Particulars, Pregnancy and Maternity Discrimination and Automatically Unfair Constructive Dismissal. A judgment on liability was issued accordingly.
7. There was not sufficient available material to make a determination on remedy and a remedy hearing before an Employment Judge sitting alone was ordered. The remedy hearing has now been listed on 1 April 2021 with a time allocation of 3 hours.

Public Access to Employment Tribunal Judgments

8. The parties are informed that all judgments and reasons for judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the Claimant and the Respondent.

I confirm that these are the Reasons for my Judgment in the case of Miss H Wells v Secundo 2015 Ltd and 2 others case no. 3304867/2020 and that I have dated and signed by electronic signature.

Employment Judge Vowles
Date: 17 December 2020

Sent to the parties on:

13/01/2021

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T Henry-Yeo

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For the Tribunals Office