



EMPLOYMENT TRIBUNALS

Claimants:

- (1) Mr K Giber
- (2) Mr L Riffoid
- (3) Mr M Ali
- (4) Mr H Rauf
- (5) Miss K-A Stocks
- (6) Miss D Kasavetova
- (7) Mr J Jo-Nes
- (8) Mr L Zaidner
- (9) Mr D Davison
- (10) Miss C de la Parra Leyba
- (11) Mr C Gambamba
- (12) Mr B McDavitt

Respondents:

- (1) Bright Idea Education Limited
- (2) Mr I Farook

Heard at: East London Hearing Centre

On: 6th January 2023

Before: Employment Judge Reid

Attended:

- Mr Davison
- Mr Jo-Nes
- Ms Kasavetova
- Mr McDavitt
- Mr Riffoid
- Ms Stocks
- Ms de la Parra Leyba

Attached: multiple claims schedule

JUDGMENT (Remedy) (Reserved)

Judgment under Rule 21 of the Tribunal Rules 2013 having been sent to the parties on 5th September 2022, the Claimants set out below are entitled to the following payments of unpaid wages under s13 Employment Rights Act 1996 (and, in the

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linked multiples**

case of Mr Davison only, also accrued but untaken holiday pay under Regulation 24 of the Working Time Regulations 1998 and in the case of Mr Rauf only, also statutory notice pay under s86 Employment Rights Act 1996). The amounts are expressed as the net payments they should have received, it being up to the Respondent to account for tax on the gross amounts. Tax rates applied are for the 2021/2022 tax year.

1. Mr Davison

Unpaid wages for November 2021, December 2021 and January 2022: **£6,015 (net)**

(based on net monthly pay of £2005.00 x 3 months)

Accrued but untaken holiday pay for the 2022 holiday year (0.5 days): **£46.26 (net)**

(based on annual net salary £24,060 divided by 260 working days to get daily net rate £92.53)

Mr Davison is not entitled to claim accrued but untaken holiday pay for the 2021 holiday year because he had the opportunity to take that holiday in that holiday year (he took other days that holiday year) and there was no agreement to carry that holiday forward to the next holiday year. The situation did not fall within *Smith v Pimlico Plumbers [2022] EWCA Civ 70* because the Respondent had recognised his right to take paid holiday in 2021 (he took some) and he was able to take paid leave during the 2021 holiday year. The claim for 2021 holiday pay is therefore dismissed.

2. Mr Jo-Nes

Unpaid wages for part of October 2021 (shortfall) and for November 2021, December 2021 and January 2022: **£7,203.81 (net)**

(based on net monthly pay of £2,288 x 3 plus net shortfall October 2021 of £339.81)

3. Ms Kasavetova

Unpaid wages for part of October 2021 (shortfall) for November 2021, December 2021 and January 2022: **£5,400.80 (net)**

(based on net monthly pay of £1794.70 x 3 plus net shortfall October 2021 of £16.70)

4. Mr McDavitt

Unpaid wages for November 2021, December 2021 and January 2022: **£9,414.00 (net)**

(based on net monthly pay of £3138.00 x 3)

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5. Mr Riffoid

Unpaid wages for November 2021, December 2021 and January 2022: **£12,321.00 (net)**
(based on net monthly pay of £4107.00 x 3)

6. Ms Stocks

Unpaid wages for November 2021 and December 2021: **£4,577.40 (net)**
(based on net monthly pay of £2,288.70 x 2)

7. Ms De la Parra Lebaya

Unpaid wages for November 2021 and December 2021: **£4577.20 (net)**
(based on net monthly pay of £2288.60 x 2)

8. Mr Zaidner (did not attend and no losses form returned but based on the documents provided on 18th July 2022)

Unpaid wages for November 2021, December 2021, January 2022: **£10,871.94 (net)**
(based on gross monthly pay £5,000, net monthly pay £3,623.98 x3)

Mr Zaidner also appeared to claim losses under s24(2) Employment Rights Act for consequent financial loss which he said was £5,000. However as he has not explained or broken down this figure or related it to any identified financial loss caused by the non payment of his pay, the Tribunal cannot award any additional sum, based on the information and evidence before it. That part of his wages claim is therefore dismissed.

9. Mr Giber (did not attend, no supporting documents provided, no losses form returned, only claim form available)

Unpaid wages – shortfall July 2021 and August 2021: **£689.44 (net)**

Mr Giber also claimed holiday pay but did not identify how many days he was claiming in his claim form and the amount claimed, did not respond to the reminder to send in relevant documents and did not complete the losses form. The Tribunal therefore cannot make any award for holiday pay based on the information and evidence before it. The claim for holiday pay is therefore dismissed.

10. Mr Ali (did not attend, no supporting documents provided, no losses form returned, only claim form available)

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Unpaid wages for November 2021 and December 2021: **£ 4,577.02 (net)**
(based on gross monthly pay of £2,916.66 (the claim form at Q 6.2 must be the annual gross salary and not the monthly salary taking into account Qs 9 and 10) and net monthly pay of £2,288.51 x 2)

Mr Ali also claimed a pay shortfall in January 2021 but it was not possible to ascertain from his claim form how much that was for, he did not respond to the reminder to send in relevant documents and did not complete the losses form so no award can be made for that based on the information provided. Mr Ali also claimed holiday pay but did not identify how many days he was claiming in his claim form so the Tribunal could not make an award for that. The claims for January 2021 wages and holiday pay are therefore dismissed.

11. Mr Rauf (did not attend, no supporting documents provided, no losses form returned, only claim form available)

Unpaid wages for shortfall September and October 2021 and for November 2021, December 2021 and January 2022: **£8,421.75 (net)**
(based on gross pay claim of £10,525, net £8,421.75)

Notice pay (one week):**£462.73 (net)**
(statutory minimum notice, no evidence provided of a longer contractual notice)

Mr Rauf also appeared to claim losses under s24(2) Employment Rights Act for consequent financial loss which amount he did not identify. However as he has not identified this loss or related it to any identified financial loss caused by the non payment of his pay, the Tribunal cannot award any additional sum, based on the information before it. That part of his claim is therefore dismissed.

12. Mr Gambamba (did not attend, no supporting documents provided, no losses form returned, only claim form available)

Unpaid wages for November 2021 and December 2021: **£4006 (net)**
(based on net monthly pay £2003 x 2)

**Employment Judge Reid
Date: 9th January 2023**

3207315/2021 & Others (Mr K Giber & Others -v- (1) Bright Idea Education Ltd & (2) Mr I
Farook)
Multiple Claims Schedule

Claimant	Case Number(s)
Mr K Giber	3207315/2021
Mr L Riffiod	3200230/2022 3200239/2022 3200251/2022 3200264/2022 3200276/2022 3200288/2022 3200300/2022 3200416/2022 3200445/2022 3200562/2022 3200689/2022 3200680/2022 3200786/2022
Mr M Ali	3200254/2022 3200409/2022 3200555/2022 3200682/2022 3200779/2022 3200232/2022 3200244/2022 3200257/2022 3200269/2022 3200281/2022 3200293/2022 3200438/2022
Mr H Rauf	3200412/2022 3200685/2022 3200558/2022 3200782/2022 3200235/2022 3200247/2022 3200260/2022 3200272/2022 3200284/2022 3200296/2022 3200436/2022 3200441/2022

Miss K-A Stocks	3200417/2022
	3200690/2022
	3200452/2022
	3200563/2022
	3200787/2022
	3200240/2022

	3200252/2022
	3200265/2022
	3200277/2022
	3200289/2022
	3200301/2022
	3200446/2022

Miss D Kasavetova	3200413/2022
	3200686/2022
	3200559/2022
	3200783/2022
	3200236/2022
	3200248/2022
	3200261/2022
	3200273/2022
	3200285/2022
	3200291/2022
	3200297/2022
3200442/2022	

Mr J Jo-Nes	3200410/2022
	3200683/2022
	3200556/2022
	3200780/2022
	3200233/2022
	3200245/2022
	3200258/2022
	3200270/2022
	3200282/2022
	3200279/2022
	3200294/2022
	3200439/2022

Mr L Zaidner	3200408/2022 3200681/2022 3200554/2022 3200778/2022 3200231/2022 3200243/2022 3200256/2022 3200268/2022 3200267/2022 3200280/2022 3200292/2022 3200437/2022
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Mr D Davison	3200242/2022 3200414/2022 3200687/2022 3200560/2022 3200781/2022
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	3200237/2022 3200249/2022 3200262/2022 3200274/2022 3200286/2022 3200298/2022 3200443/2022
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Miss C de la Parra Leyba	3200407/2022 3200418/2022 3200693/2022 3200564/2022 3200788/2022 3200241/2022 3200253/2022 3200266/2022 3200278/2022 3200290/2022 3200302/2022 3200447/2022
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Mr C Gambamba	3200415/2022 3200688/2022 3200553/2022 3200561/2022 3200785/2022 3200238/2022 3200250/2022 3200263/2022 3200275/2022 3200287/2022 3200299/2022 3200444/2022
Mr B McDavitt	3200411/2022 3200685/2022 3200557/2022 3200781/2022 3200777/2022 3200234/2022 3200246/2022 3200259/2022 3200255/2022 3200271/2022 3200283/2022 3200295/2022 3200440/2022