



EMPLOYMENT TRIBUNALS

Claimant:
Miss A Warder

v

Respondent:
St Christopher's Robins
Childcare Services Limited

Heard at: Reading

On: 12 December 2022

Before: Employment Judge Anstis (sitting alone)

Appearances

For the Claimant: In person

For the Respondent: Written representations

REASONS

1. These are the written reasons for the tribunal's judgment of 12 December 2022. The judgment was sent to the parties on 18 December 2022 and the respondent requested these written reasons on 20 December 2022.
2. The claimant was employed by the respondent. She claims that she is due unpaid wages from the respondent.
3. The claimant attended the hearing but the respondent did not. I was not aware of any explanation for the respondent's non-attendance. In accordance with rule 47 I asked a clerk to phone and email the respondent to check if it was intending to attend. There was no response to either a phone call or an email, and I decided to proceed in the absence of the respondent at 10:30.
4. I have since seen an email from the respondent sent at 16:57 the afternoon before this hearing saying "*I am extremely sorry but I cannot attend tomorrow I was hoping to feel better but I have the flu and have lost my voice also. I can send doctors evidence. I have send my bundle in I'm not sure if it will proceed with me or not but like the opportunity to show we acted accordingly*".
5. I was not aware of this email at the time of deciding to proceed in the respondent's absence. If the respondent wishes to make any further applications based on this it can do so in accordance with the tribunal's rules. I note, however, that the application was not copied to the claimant as it should have been under rule 30, and does not appear to comply with the Presidential Guidance on seeking a postponement of a hearing.

6. I proceeded on the basis that the respondent's letter of 20 April 2022 (and accompanying documents) and email of 14 September 2022 were to be treated as its written representations. It was not clear whether the claimant had seen the letter (and documents) from 20 April 2022. I gave them to her at the start of the hearing, allowing time for her to consider these documents.
7. The claimant told me that she had been told that her rate of pay was to be £9.50/hour, and she had not previously seen any documentation showing it as £9/hour or the induction checklist that the respondent had provided. She confirmed to me that the schedule of loss she had produced was an accurate account of her hours and the payments she was due.
8. I accepted that evidence in respect of the wages due for the time she was employed (the first and second sections of the schedule of loss) and gave judgment accordingly. The other elements of the schedule of loss seemed to me not to have been claimed by the claimant in her claim form (and no application to amend had been made) or were not within the jurisdiction of the tribunal.
9. Finally, the name of the respondent was amended to the name agreed by both parties.

Employment Judge Anstis

Date: 10 January 2023

Sent to the parties on: 19 January 2023

For the Tribunal Office