



# EMPLOYMENT TRIBUNALS

## Claimant

## Respondent

Miss Nathalie Cross-Padden

v (“R1”) Kitrinios Healthcare (charity No. 1172586)

(“R2”) Kitrinios Healthcare Ltd

(“R3”) Team Kitrinios Non-Profit Ltd

**Heard at:** London South (in public, by video)

**On:** 13 April 2023

**Before:** Employment Judge P Klimov (sitting alone)

### Appearances:

**For the claimant:** Ms K Zielinska, FRU Volunteer

**For the respondents:** Ms S-J Wood, Litigation consultant

**JUDGMENT by Consent** having been sent to the parties on 14 April 2023 and written reasons having been requested by the claimant on 25 April 2023, in accordance with Rule 62(3) of the Rules of Procedure 2013, the following reasons are provided:

## REASONS

1. On 31 May 2022, the claimant presented complaints against R1 and R2 for unfair dismissal, unauthorised deduction from wages, failure to pay the national minimum wage, for accrued but not taken holidays, and a claim for breach of contract with respect to notice pay and unilateral reduction in contracted hours.
2. On 18 January 2023, by an order of Employment Judge Chapman KC R3 was joined as a party to the proceedings. The respondents later sought to disjoin R3 from the proceedings. However, at the start of the hearing they abandoned that application.

3. The respondents entered a response denying all the claims, chiefly on the basis that the claimant was not an employee but a self-employed.
4. At the start of the hearing, the respondents sought to introduce a supplemental witness statement by Dr Siyana Mahroof-Shaffi, which they had served on the claimant on the eve of the hearing. I refused the respondents' application for the reasons I gave to the parties orally.
5. I then proceeded to discuss with the parties the list of issue and timetabling for the hearing. In the course of that discussion Ms Wood said that the respondents were conceding that the claimant was an employee and her claims for unauthorised deduction from wages with respect to the failure to pay the national minimum wage and for the accrued holidays. The respondents also conceded that the claimant was unfairly dismissed. However, Ms Wood said, that the respondent would argue the Polkey reduction point on the issue of compensation for unfair dismissal.
6. Ms Wood then asked for a short adjournment to take instructions on the remaining parts of the claimant's claim, which I granted. The parties then asked for a further adjournment to allow them to discuss the remaining issues, which I granted.
7. The hearing resumed at 12:30pm. The parties confirmed to me that they had reached a settlement, and the respondents had agreed to pay to the claimant the sum of £11,210.89 (gross) in full and final satisfaction of all the claimant's claims in these proceedings. They asked me to enter a judgment by consent on these terms, which I did.

**Employment Judge Klimov**

20 May 2023

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