



EMPLOYMENT TRIBUNALS

Claimant: Ms V Amador Gonzalez

Respondent: Bright Learners Montessori Nursery Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of **£719** (subject to any lawfully required PAYE deductions, but without any other deduction or set off).
2. The complaint seeking £500 for time and administrative costs chasing up payments, and for distress and hardship caused by the non-payment, is not within the jurisdiction of the Tribunal and is dismissed.
3. The claim for £1505 connected with alleged pension rights and alleged interest is noted, but cannot be decided on the information presently available. There will be a Rule 21 hearing for both liability and remedy.

REASONS

1. The Claimant presented a claim form on 28 March 2023, following early conciliation from 7 February 2023 to 21 March 2023. There were some minor differences between the names of the respondent on the ACAS certificate and in Box 2.1 of the claim form. The claim form was correctly not rejected, and was sent to the respondent on 13 April 2023.
2. I am satisfied that the correct name for the intended respondent was Bright Learners Montessori Ltd, which is (part of what is) written in Box 2.1. The intention was not to bring a claim against the individual (whom the Claimant believes is a director) whose name is also written in Box 2.1. Nor was the intention to bring a claim against "Bright Learners Montessori School"; that is the name used in the ACAS certificate, but not the claim form.

3. Having checked Companies House records for the registered address, and having noted the information in the email sent on behalf of the Claimant at 09:54 on 8 September 2023, I am satisfied that the correct respondent has been correctly served at an appropriate address.
4. The Respondent has failed to respond to the claim.
5. The Claimant has supplied sufficient information (which is unchallenged) for me to decide that there was an underpayment of £719 (gross) from the payment in lieu of holiday. This claim is well-founded and is in time.
6. There is no cause of action within the Tribunal’s jurisdiction that would lead to a decision to award damages or compensation for the time and administrative costs of chasing up payments, and/or for distress and hardship caused by the non-payment. Rules 74 to 84 deal with costs orders and preparation time orders, but I am not treating the claim form as an application for such an order.
7. It is unclear what the precise basis is for the claim in relation to pension (or interest). There will need to be a hearing at which the Claimant will present evidence and arguments to a judge.
8. The hearing date will be notified.

Employment Judge Quill

Date: 22 September 2023

JUDGMENT SENT TO THE PARTIES ON

2 October 2023

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AND ENTERED IN THE REGISTER

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FOR THE TRIBUNAL OFFICE