



EMPLOYMENT TRIBUNALS

Claimant: Ms Ayesha Dotting

Respondents: Natureza Dental Practice Ltd (sued as Dr Zankruti Patel)

Heard at: London South (by video link) **On:** 14 November 2023

Before: Employment Judge R S Drake

Representation:

Claimant: In person

Respondent: Ms Z Patel (Shareholder/Director)

JUDGMENT

1. The Respondent's title is amended so as to describe it as appears in the above citation/title.
2. The Claimant has established that she is entitled to holiday pay pursuant to Regulation 15 of the Working Time Regulations 1998 and thus a total of 8.5 days taken and accrued but unpaid at a rate of £14.50 per hour and therefore a total of £986.00 which the Respondent shall pay to the Claimant.
3. Further, the Claimant has also established that she is entitled to be paid arrears of pay unlawfully withheld for the months of October and November 2022 contrary to Section 13 of the Employment Rights Act 1996 ("ERA") calculated in the net sum of £899.94. After deduction of an agreed damage cost of £776, Judgment is granted to the Claimant which the Respondent shall pay in the sum of £123.94.

REASONS

4. after technical difficulties delayed start of this hearing, I was able to hear oral evidence from the claimant in person and from the respondent company's principal shareholder and director doctor Patel. Both presented to me some but not necessarily all of the documentary evidence they could have produced. Therefore my judgement had to be based only on that

material which had been produced to me.

- 5 No or insufficient evidence was put before me by the Respondent to displace or rebut the Claimant's case on evidence which I therefore found established the Claimant's claim for unpaid holiday pay. For the same reasons I accepted the Claimant's case and evidence on her claim for arrears of pay accrued as at the date of termination of her employment.
6. Dr Patel sought to argue that she had attempted to provide evidence during the Early Conciliation process but of course I was unable to consider this given the context of its then use in without prejudice discussions and in the absence of more detailed documentary evidence being disclosed to the claimant or being filed at the Tribunal.
7. Thus I can readily accept that the Claimant has established her claims both for holiday pay and unpaid salary in the sums now identified above, but after taking account of an agreed repayment of the cost for equipment damaged by the Claimant.

6 The award is therefore:-

Holiday Pay -	£986.00
Unpaid salary (less salary actually received) -	<u>£899.94</u>
Total	£1,885.94
Less agreed equipment repair cost	<u>£776.00</u>
Final total	£1,109.94

Employment Judge R S Drake

Date 14 November 2023