



EMPLOYMENT TRIBUNALS

Claimant: Ms S Dingwall

Respondents: (1) Dabbl Invest Ltd
(2) Dabbl Group Ltd

Heard at: East London Hearing Centre

On: 11 January 2024

Before: Regional Employment Judge Burgher

Appearances

For the Claimant: In person
For the Respondent: (1) No attendance
(2) No attendance

JUDGMENT having been sent to the parties on 16 January 2024 and reasons having been requested in accordance with Rule 62(3) of the Rules of Procedure 2013.

REASONS

1. The Claimant brought claims for unpaid wages, statutory notice and redundancy pay. She advanced claims against two Respondents namely Dabbl Invest Ltd (R1) and Dabble Group Ltd (R2). As such it was necessary to determine who her correct employer was as a preliminary issue. There was no attendance from either Respondent.
2. The Claimant commenced employment with one of those entities on 17 May 2021 as an operation analyst earning £35,000 per year gross.
3. The Claimant gave evidence before me that she had a specific contract of employment with R1, signed in May 2021 and R1 paid the Claimant issuing payslips and pension amounts until October 2021. Following that R2 assumed responsibility for paying the Claimant, and in fact paid the Claimant her wages and pension entitlements up until 31 May 2023.

4. Following June 2023 there have been no payments made to the Claimant who has not been informed by either entity of the status of her employment or her continuing employment.

5. The Claimant gave evidence that she worked under secondment from R1 to Cotswold Limited for the period March 2023 until 30th of September 2023. When she sought to return to work and enquire about her salary. There was no indication given and there has been no communication from any director or person either entity to the claimant and since that period.

6. On 6 December 2023 the Claimant contacted HMRC to enquire about the tax affairs of the Respondents and was informed that R2 had informed HMRC on 6 November that they had not been paying the Claimant from the 31 July 2023.

7. The Claimant does not know what her current employment status is with either Respondent and what her entitlements are.

Correct Respondent

8. The first question I have to consider is who, on the evidence is the Claimant's employer. This is confusing. The Claimant frankly stated that R1 and R2 were used interchangeably and during meetings and discussions. There were issues surrounding regulatory approval for R1 with European Bonds and regulatory approval was expected but was not forthcoming. R2 was in place for this purpose.

9. Having considered the Claimant's evidence, I conclude that she was employed by R1. The reasons for this are that she had a specific contract of employment with R1. There was no indication from that contract of employment that her employment had changed entity. Whilst there was confusion, and I may have been prepared to conclude that her employment transferred to R2, the contract seconding her to Cotswold Ltd in March 2023 expressly stated that the secondment was from R1 to Cotswold Ltd. This supports the conclusion that the Claimant's employer was R1. I also observe that R1 has no active directors registered on Companies House and as a result, I conclude that R1 is the Claimant's employer which has ceased operating. As such the Claimant's claims against R2 are dismissed.

Claimant's entitlements

10. In respect of the Claimant's claims against R1, I conclude that R1 has failed to pay the Claimant's salary for the periods from 1 June 2023 through to 30 November 2023. I take the date of 30 November 2023 as the appropriate date as the Claimant was reasonably informed by HMRC that there was no continuing intention to pay her. This would have given a reasonable employee notification that her employment was no longer continuing at that point in time. Therefore I conclude that the Claimant would have reasonably known that she was no longer employed 6 December 2023, when she had information of that by HMRC. Her employment is not continuing as she asserted. In any event the Claimant could not advance a claim for a redundancy payment if she was still employed.

11. The Claimant is entitled to one months' notice from 6 December 2023

12. So, doing the best I can with the evidence available I conclude the claimant has established that she is entitled to the following sums.

Redundancy pay	£1538.82 (3 x £512.94)
Unpaid wages (net) for 1 June 2023 to 6 December 2023	£14,114.56 (net)
1 month unpaid notice pay	£2222.76

13. Dabbl Invest Limited is therefore ordered to pay the Claimant the total sum of **£17,876.14**

Regional Employment Judge Burgher
Dated: 4 April 2024