



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Ali

**Respondents:** HCB Franchising Ltd t/a Headcase Barbers (1)  
Castleford Rose Ltd (2)  
Barbers Alliance Ltd (3)  
Jol (Wimbledon) (4)

**Heard via Cloud Video Platform (London Central) On:** 17 July 2024

**Before:** Employment Judge Davidson

## Representation

Claimant: in person  
Respondents: did not attend

# JUDGMENT

## Employment status

1. The claimant was an employee of the first respondent at the relevant time. The claimant had no contractual relationship with the other respondents.
2. The claimant was not self-employed, and any label given to him as 'self-employed' by the first respondent was incorrect. Any sums paid to him represented his net pay and the first respondent is responsible for accounting to HMRC for any tax or National Insurance due on these amounts.

## Wages

3. The complaint of unauthorised deductions from wages is well-founded. The first respondent made unauthorised deductions from the claimant's wages in the period 30 May to 13 September 2023.
4. The first respondent shall pay the claimant **£5,100**, which is the net sum deducted. The first respondent is responsible for the payment of any tax or National Insurance.

## Notice Pay

5. The complaint of breach of contract in relation to notice pay is well-founded.

6. The respondent shall pay the claimant **£550 net** as damages for breach of contract.

### Holiday Pay

7. The complaint in respect of holiday pay is well-founded. The first respondent failed to pay the claimant in accordance with regulation 14(2) and/or 16(1) of the Working Time Regulations 1998.
8. The respondent shall pay the claimant **£1280**. The first respondent is responsible for paying any tax or National Insurance.

### Failure to provide a written statement of employment particulars

9. When the proceedings were begun the first respondent was in breach of its duty to provide the claimant with a written statement of employment particulars. There are no exceptional circumstances that make an award of an amount equal to two weeks' gross pay unjust or inequitable. It is just and equitable to make an award of an amount equal to four weeks' gross pay. In accordance with section 38 Employment Act 2002 the respondent shall therefore pay the claimant **£2200**.

### Conclusion

10. The first respondent is ordered to pay to the claimant the total of £9130 as set out above.
11. The claims against the second respondent, third respondent and fourth respondent are dismissed.

Employment Judge Davidson  
Date 17 July 2024

JUDGMENT SENT TO THE PARTIES ON

23 July 2024

.....  
FOR EMPLOYMENT TRIBUNALS

### Notes

Written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions: Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

### CVP hearing

This has been a remote which has been consented to by the parties. The form of remote hearing was Cloud Video Platform (CVP). A face to face hearing was not held because it was not practicable and all issues could be determined in a remote hearing.