



# **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 8000970/2024**

**Mr D Scott**

**Claimant**

**Chef Jamie Scott Ltd**

**Respondents**

## **JUDGMENT**

### **Rule 21 of the Employment Tribunal Rules of Procedure 2013**

No response has been presented to this claim and an Employment Judge has decided to issue the following judgment on the available material under rule 21:

- 1 The respondent has unlawfully withheld wages and is ordered to pay the claimant the gross sum of Three Hundred and Forty Seven Pounds and Eighteen Pence (£347.18) being payment thereof.
- 2 The respondent having failed to pay the claimant's holiday entitlement is ordered to pay the claimant the sum of Four Hundred and Seventy Seven Pounds and Five Pence (£477.05) (Calculated on the basis of 41.7hrs x 11.44 p/h).

- 3 The respondent failed to comply with their duty to provide the claimant with a statement of initial employment particulars and written pay statement and shall pay to the claimant the sum of Nine Hundred and Three Pounds and Seventy Six Pence (£903.76)(39.5hrs x £11.44 x 2) being two weeks pay in terms of s38 of the Employment Act 2002. (The tribunal has no information before it which would suggest that in the circumstances it is just and equitable to award the higher amount provided for in s38.)
- 4 The PID claim is dismissed as there is no averment the claimant suffered any detriment as a result of making any disclosures and the box on the ET1 form would appear to have been ticked in error.
- 5 The hearing schedule for 16 October 2024 at 10.00am is cancelled.
6. The respondent shall be at liberty to deduct from the above sums prior to making payment to the claimant such amounts of Income Tax and Employee National Insurance Contributions (if any) as it may be required by law to deduct from a payment of earnings of that amount made to the claimant, and if it does so, duly remits such sums so deducted to HM Revenue and Customs, and provides to the claimant written evidence of the fact and amount of such deductions and of the sums deducted having been remitted to HMRC, payment of the balance to the claimant shall satisfy the requirements of this judgment.

**Employment Judge: I McFatridge**  
**Date of Judgment: 16 August 2024**  
**Entered in register: 19 August 2024**  
**and copied to parties**