



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

MS L HEWITT COOPER (C1) AND
MR J BRAMELD (C2)
MS T LEGRESLEY (C3)
MR L REED (C4)

Respondent

COX AND BALONEY LTD

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT: BRISTOL ON: 23RD AUGUST 2024

EMPLOYMENT JUDGE MR P CADNEY
(SITTING ALONE)

MEMBERS:

APPEARANCES:-

FOR THE CLAIMANTS:- MR N HEWITT-COOPER (C1 AND C2)
NO ATTENDANCE (C3 / C4)

FOR THE RESPONDENT:- NO ATTENDANCE

JUDGMENT

The judgment of the tribunal is that:-

C1 – Ms L Hewitt- Cooper

1. The claimant's claim that she was not provided with written particulars of the primary terms of her contract of employment pursuant to s1 Employment Rights Act 1996 is well founded and is upheld. The respondent is ordered to pay the claimant the sum of **£938.84** (£234.71 x 4) pursuant to s38 Employment Act 2002.

2. The tribunal declares that the respondent has failed to supply properly particularised payslips to the claimant pursuant to s8 Employment Rights Act 1996 for the period January – July 2023 (except for April / May2023).
3. The respondent unlawfully deducted the total sum of **£462** from the wages of the claimant and is ordered to pay the said sum to the claimant.

C2 – Mr J Brameld

4. The claimant's claim that he was not provided with written particulars of the primary terms of his contract of employment pursuant to s1 Employment Rights Act 1996 is well founded and is upheld. The respondent is ordered to pay the claimant the sum of **£931.68** (£232.92 x 4) pursuant to s38 Employment Act 2002.
5. The tribunal declares that the respondent has failed to supply properly particularised payslips to the claimant pursuant to s8 Employment Rights Act 1996 for the period January – July 2023 (except for April /May2023).
6. The respondent unlawfully deducted the total sum of **£207.00** from the wages of the claimant and is ordered to pay the said sum to the claimant.

C3 Ms T Legresley / C4 Mr L Reed

7. Neither claimant has attended and their claims are dismissed pursuant to rule 47 Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013

Reasons

C1 – Ms L Hewitt- Cooper

1. The claimant was employed by the respondent from 15th January 2023 until 31st July 2023. She originally brought claims including unpaid salary but accepts that those sums have now been received. The respondent has not entered any response to the claims nor attended this hearing.
2. The remaining claims are:
3. Failure to Provide Written Particulars of the Main Terms of Employment (s1 Employment Rights Act 1996) – The claimant's claim is that she was never provided with a contract of employment or any documentary record of the main terms. No defence has been entered to this claim

4. I have awarded 4 week's pay pursuant to s38 Employment Act 2002 on the basis of the average pay as provided by the claimant (as set out above) which I accept as accurate.
5. Failure to Provide Itemised Payslips (s8 Employment Rights Act 1996) – The claimant's claim is that she was only provided payslips for April and May of her employment. No defence has been entered to this claim and I have made a declaration to that effect pursuant to s12(3) Employment Rights Act 1996)
6. Unlawful Deduction From Wages - As set out above the unpaid wages originally claimed have now been paid. However the payslips provided show deductions for tax of £169 and £293. However no such payments have been made to HMRC and accordingly the deductions were not lawfully made .

C2 – Mr J Bardem

7. The respondent has not entered any response to the claims which are:
8. Failure to Provide Written Particulars of the Main Terms of Employment (s1 Employment Rights Act 1996) – The claimant's claim is that he was never provided with a contract of employment or any documentary record of the main terms. No defence has been entered to this claim
9. I have awarded 4 week's pay pursuant to s38 Employment Act 2002 on the basis of the average pay as provided by the claimant (as set out above) which I accept as accurate.
10. Failure to Provide Itemised Payslips (s8 Employment Rights Act 1996) – The claimant's claim is that she was only provided payslips for April and May of her employment. No defence has been entered to this claim and I have made a declaration to that effect pursuant to s12(3) Employment Rights Act 1996)
11. Unlawful Deduction From Wages - As set out above the unpaid wages originally claimed have now been paid. However the payslips provided show deductions for tax of £95 and £112. However no such payments have been made to HMRC and accordingly the deductions were not lawfully made .

C3 Ms T Legresley / C4 Mr L Reed

12. Neither Claimant has submitted a Schedule of Loss pursuant to the directions from the tribunal and neither has attended today's hearing. Accordingly there is no evidential basis for making any award and the claims are dismissed pursuant to r47 Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013.

Employment Judge Cadney
Date: 23 August 2024

Sent to the parties on:
18 September 2024

Jade Lobb
For the Tribunal Office