



EMPLOYMENT TRIBUNALS

Claimant: Mr A Warbrick

Respondent: Rouse Landscape & Civils Ltd

Heard at: Manchester (by CVP)

On: 18 September 2024

Before: Employment Judge Cookson

REPRESENTATION:

Claimant: In person

Respondent: did not attend

JUDGMENT

The judgment of the Tribunal is as follows:

1. The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages in the respect of his final month of employment in April 2024
2. The respondent shall pay the claimant **£2248.41**, which is the gross sum deducted. The claimant is responsible for the payment of any tax or National Insurance.

REASONS

1. As the respondent did not attend this hearing, I have set out brief reasons to explain my judgment.
2. Notice of this hearing was sent to the parties at the time the claim was sent to the respondent. The claimant informed me he had not received it and was unaware of the directions given for today. He became aware of the hearing when he received a cvp link for the hearing which was sent to both parties. The fact the

respondent filed a response shows me that the respondent at least had had notice of today's case.

3. The respondent did not attend today. My clerk tried to call using the number on the response form. There was no reply. The claimant also had a contact number for a director of the company, Mr Rouse. My clerk tried that but there was no reply. My clerk also sent an email to seek to contact the respondent. The start of the hearing was delayed for 35 minutes in the hope that someone from the respondent would attend but no one did. In the circumstances I concluded that it was in accordance with the overriding objective for the hearing to proceed under Rule 47 of the Employment Tribunal Rules of Procedure given the lack of any reason being given by the respondent for non-attendance at a hearing it had been made aware of and the reasonable attempts of HMCTS to secure attendance in a timely way.
4. I treated the response form as written representations. The claim is resisted on the basis there was no contractual relationship whatsoever between the respondent and the claimant and he was not employed by them.
5. The claimant sent me evidence in the form of a wage slip attached to an email from the company which shows the name of the company and a P45 also in the name of the company. The claimant gave me sworn evidence that he had been employed by the respondent for a number of years. After leaving employment he had received the final payslip and P45 from the company's bookkeeper but no payment. He contacted the bookkeeper who told him she would pass on his messages to Mr Rouse and he made various attempts to contact Mr Rouse directly but has heard nothing further. He has never been paid his final pay in accordance with that payslip.
6. The claim was submitted within the statutory time period. Although the respondent disputed there had been ACAS early conciliation, I am satisfied that the claimant had complied with the statutory requirements and there is a valid certificate. Accordingly the tribunal had jurisdiction to consider this claim.
7. I am satisfied on the balance of probabilities that the claimant has demonstrated that he was an employee of the respondent and that he was properly due the wages claimed.

Employment Judge Cookson
18 September 2024

Judgment sent to the parties on:

20 September 2024
For the Tribunal:

Note

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments (apart from judgments under rule 52) and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **6004514/2024**

Name of case: **Mr A Warbrick** v **Rouse Landscapes &
Civils Ltd**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 20 September 2024

the calculation day in this case is: 21 September 2024

the stipulated rate of interest is: **8% per annum**.

Mr S Artingstall
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:
www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called the **calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoument notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.