



# EMPLOYMENT TRIBUNALS

**Claimant** Mr G Sclater

**Respondents** Wadworth & Co Limited (1)  
Mr R Green (2)  
Ms E Fergusson (3)  
Mr R Hodder (4)

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

**HELD IN CHAMBERS** at Exeter

**On:** 5 November 2018

**Before:**  
Employment Judge Goraj

### **THE TIME FOR PRESENTING A RESPONSE HAVING EXPIRED AND NO VALID RESPONSE HAVING BEEN PRESENTED**

#### **JUDGMENT UNDER RULE 21**

#### **The JUDGMENT of the tribunal is that: -**

1. The 4<sup>th</sup> respondent (Mr R Hodder) has made unlawful deductions from the claimant's pay in the sum of £400 in breach of section 13 of the Employment Rights Act 1996 ("the Act"). The claimant is therefore awarded and the 4<sup>th</sup> respondent is ordered to pay to the claimant the sum of £400 in respect of such unlawful deductions.
2. The claimant is also awarded a further sum of £673.08 (2 week's x gross weekly pay of £336.54 (gross annual salary of £17,500 per annum)) pursuant to section 38 of the Employment Act 2002 in respect

of the 4<sup>th</sup> respondent's failure to provide the claimant with a statement of terms and conditions of employment as required pursuant to section 1 of the Act.

3. The claimant is therefore awarded and the 4<sup>th</sup> respondent is ordered to pay to the Claimant the total sum of £1,073.08.
4. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply in this case.

### **REASONS**

1. The claimant has outstanding wages of £400.
2. The 1<sup>st</sup> respondent has denied liability for the monies.
3. The 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> respondents have failed to enter a response to the proceedings.
4. On 20 September 2018 the tribunal wrote to the claimant informing him that it proposed to enter a default judgment for £400 plus any proven consequential losses against the 3<sup>rd</sup> or 4<sup>th</sup> respondents (who depending upon whether the outstanding monies accrued prior to or after 25 October 2017 appeared on the available evidence to be the claimant's employer at the relevant time).
5. In the light of the claimant's email dated 22 September 2018 it appears that the payment of the outstanding sum of £400 accrued after 25 October 2017 and the default judgment has therefore been entered against the 4<sup>th</sup> respondent who took over responsibility on 25 October 2017 for the franchise of the public house at which the claimant was employed.
6. The tribunal has not awarded the claimant any compensation for any consequential losses as the claimant has not provided the tribunal with any evidence of any such losses.
7. The tribunal has however awarded the claimant a further sum of 2 week's gross pay (as calculated above) pursuant to section 38 of the Employment Act 2002 as it does not appear that the 4<sup>th</sup> respondent has issued the claimant with a statement of terms and conditions of employment as required pursuant to section 1 of the Act.

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Employment Judge Goraj

Date: 5 November 2018