



EMPLOYMENT TRIBUNALS

Claimant: Mrs A Bickley

Respondent: Jarretts Motors Limited

Heard at: London South
Employment Tribunal (by CVP) **On:** 4 October 2021

Before: Employment Judge Barker

Representation

Claimant: Mr Bithell, Free Representation Unit volunteer

Respondent: Mr Wilmoth, director of respondent

JUDGMENT

The respondent failed to enter a response to the claimant's claims. The claimant's claims for unfair dismissal, breach of contract and unpaid annual leave succeed.

REASONS

1. The respondent failed to enter a response to the claimant's claims. The respondent was informed in an Order of the Tribunal dated 5th March 2021 that consequently they would only be entitled to participate in any hearing to the extent permitted by the judge, as per Rule 21(3) of the Employment Tribunals Rules of Procedure Regulations 2013.
2. The purpose of this hearing was to consider the claimant's claims, including the remedy that may be awarded to her. However, the claimant did not attend the hearing and documents relating to remedy were not available to the Tribunal. The Tribunal took the opportunity to discuss with the respondent, who attended in person, the next steps in the proceedings, including the possibility of alternative dispute resolution.
3. In terms of the respondent's participation in the hearing, the Tribunal noted that the respondent had been sent at least five items of correspondence by the Tribunal administration or ACAS which had not been responded to, over the period between the end of October 2020 and September 2021, to the respondent's registered office address. Mr Wilmoth indicated that the Tribunal had used an incomplete address and suggested that this had contributed to the respondent's difficulties in addressing the claimant's claims, but the letters before the Tribunal at the hearing

did not reflect this and indicated that correspondence had been sent to the registered office address.

4. The respondent also told the Tribunal at the outset of the hearing about the lack of personnel at the respondent's registered office address during the Covid-19 lockdown and suggested that this contributed to a lack of awareness of the claimant's claims. However, this discussion did not progress further because Mr Wilmoth told the Tribunal that the respondent accepted the claimant's submissions in her ET1 claim form and did not seek to contest them.
5. The matter will be set down for a remedy hearing at the first available date in the Tribunal's listing calendar, with a time estimate of three hours. The respondent may participate in the Tribunal's determination of the claimant's remedy.
6. Case management orders were made to enable the parties to prepare for the remedy hearing and assist the Tribunal with assessment of the claimant's award of compensation. These are recorded separately.

Employment Judge Barker

Dated: 4 October 2021

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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