



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr C Scamell

**Respondent:** 5 Solutions Ltd.

**Heard at:** East London Hearing Centre (by telephone)

**On:** 24 August 2022

**Before:** Employment Judge LS Muir Wilson

## Representation

**Claimant:** In person

**Respondent:** Did not attend

# JUDGMENT

1. The Claimant's claim of unlawful deductions from wages succeeds.
2. The Respondent is ordered to pay to the Claimant the gross sum (i.e. before any relevant tax and National Insurance) of **£633.81**.
3. The Respondent did not attend the hearing and has not engaged in respect of the claim nor has it communicated with the Tribunal at any stage.
4. On 7 July 2022 the Respondent was written to by the Tribunal and informed that as there had been no response to the claim received, a judgment may now be issued under rule 21 of the Employment Tribunals Rules of Procedure 2013. This letter informed the Respondent of what to do if it wanted to defend the claim. This letter also informed the Respondent of the details of the Final Hearing. No reply was received from the Respondent.
5. The Claimant attended the remote telephone Final Hearing on 24 August 2022. The Respondent did not attend.

6. I considered the circumstances and took account of the letter of 7 July 2022, which had been sent to the Respondent's registered address as recorded at Companies House.
7. I exercised my power under Rule 47 of the Tribunal Rules of Procedure 2013 to proceed in the absence of the Respondent to hear the Final Hearing.
8. Having heard evidence from the Claimant, and considered the material provided, I found I had sufficient information to reach a judgment. I found the Claimant to be an honest witness. The material provided by the Claimant included a screen shot of the timesheet application used by the Respondent and bank statements.
9. The Claimant's claim for unlawful deduction of wages for pay due on 2 November 2021 for work completed between 26 September 2021 to 25 October 2021 succeeds. The Respondent is ordered to pay the Claimant the sum of **£40 gross** (before any relevant tax or national insurance deduction).
10. The Claimant's claims for unlawful deduction of wages and breach of the Working Time Regulations 1998 in respect of work completed on 27 October 2021, and in respect of agreed, taken but unpaid holiday in the period 28 October until 1 November 2021, which should have been paid between 1 and 3 December 2021, succeeds. The Respondent is ordered to pay the Claimant the sum of **£455.05 gross** (before any relevant tax or national insurance deduction).
11. This sum of £455.05 being the amount informed by the Claimant's manager to the Claimant and representing the total sum of hours shown on the Respondent's time sheet which was to be paid at £9.50 an hour.
12. Therefore pursuant to paragraphs above I order the Respondent to pay the Claimant **the total gross sum of £495.05**, from which appropriate deductions for tax and national insurance may be made. This comprises of £40 plus £455.05.
13. By way of section 24(2) Employment Rights Act 1996, I order the Respondent to pay the Claimant the **additional sum of £12** being the sum I consider in all the circumstances the Respondent must pay to compensate the Claimant for financial loss sustained by him, attributable to the matter complained of.
14. The Respondent is also ordered to pay the Claimant an **additional £126.76** pursuant to s207A of the Trade Union and Labour Relations (Consolidation) Act 1992, representing a 25% uplift on the awards made for unlawful deduction from wages.

15. The total gross sum due to the Claimant before any deduction for tax or national insurance is **£633.81**. This comprises of £495.05 plus £12 plus £126.76.

**Employment Judge LS Muir Wilson  
Dated: 25 August 2022**