



EMPLOYMENT TRIBUNALS

Claimants: Miss B Basiryazdi
Ms M Donetto

Respondent: Pierpoint International (UK) Ltd (formerly known as Accenture Group Worldwide Ltd)

Heard at: Manchester (by CVP)

On: 15 October 2024

Before: Employment Judge Phil Allen

REPRESENTATION:

Claimants: Did not attend and were not represented

Respondent: Did not attend, no response having been submitted

JUDGMENT

The judgment of the Tribunal is that:

1. The claim brought by Miss Basiryazdi is dismissed under rule 47, as she has failed to attend the final hearing and no reason has been provided for her non-attendance.
2. The complaint brought by Ms Donetto for unauthorised deduction from wages has been considered under rule 21, and the complaint is well-founded. The respondent made an unauthorised deduction from the claimant's wages in the period from 29 April to 31 May 2024. The respondent shall pay Ms Donetto the gross sum of **£4,166.67**.
3. The complaint brought by Ms Donetto for breach of contract in relation to expenses has been considered under rule 21 and is well-founded. The respondent shall pay Ms Donetto **£1,043** as damages for breach of contract.
4. The complaint brought by Ms Donetto for a redundancy payment is struck out.

REASONS

Claims and Issues

1. Both of the claimants had entered a claim at the Tribunal claiming a redundancy payment from the respondent and claiming that they had not been paid sums due. The respondent had not responded to the claims entered and therefore was not entitled to take any further part in the proceedings (unless leave was given). This was the final hearing listed to determine the claims.

Procedure

2. In previous correspondence, both of the claimants had been informed that it was proposed that their claims for a redundancy payment would be struck out because section 155 of the Employment Rights Act 1996 requires employees to have not less than two years' service to claim a redundancy payment. Neither claimant had been employed for two years. The claimants were both informed that unless they wrote to the Tribunal by 26 July 2024 explaining why it was they said they were entitled to a redundancy payment, that complaint would be struck out. Neither had done so.

3. Both claimants had previously responded to a request made by the Tribunal to provide further information about the sums claimed. Miss Basiryadzi responded on 31 July 2024. Ms Donetto responded on 11 August 2024.

4. Nobody attended the final hearing (which was arranged by CVP remote video technology).

5. The Tribunal clerk was unable to establish from Miss Basiryadzi whether she would be attending and, if not, why she had not attended.

6. An email was sent to Ms Donetto. She responded to say that she thought the hearing had been cancelled and re-listed for December. It was not clear why she thought that, as no such notification could be located. Nonetheless she provided a reason for non-attendance.

Decisions and the reasons for them

7. Under rule 47 of the Employment Tribunal rules of procedure, I can dismiss a claim if a party does not attend the hearing. Before doing so, rule 47 provides that I shall consider any information which is available to me, after any enquiries that may be practicable, about the reasons for the party's absence.

8. I must apply the overriding objective. That means I must deal with the cases fairly and justly. That includes, so far as is practicable, dealing with cases in ways which are proportionate to the importance of the issues, and saving expense.

9. Today was intended to be the final hearing to determine the claims. Employment Tribunal time and resource had been allocated to enable the claims to be determined.

10. Miss Basiryazdi did not attend. There was no reason provided for her non-attendance. No further information could be established after the practicable enquiries. As a result, I decided that the claim should be dismissed under rule 47. In doing so, I applied the overriding objective and took into account the limited value of the claim (when deciding what was proportionate) and the importance of saving further expense, in circumstances where no reason for non-attendance had been provided or obtained.

11. Ms Donetto also did not attend. However, her position was different because a reason for her non-attendance had been established (even if it was a reason which was based upon an error).

12. Both claimants had been told that their claims for a redundancy payment would be struck out because of their limited length of service and the fact that meant they could not pursue such a complaint. Neither claimant had provided any explanation why the complaint should not be dismissed following the Tribunal's letter. As a result, and because she did not have the service required to pursue such a complaint, Ms Donetto's claim for a redundancy payment was struck out. If Ms Basiryadzi's claim had not been dismissed following non-attendance, her redundancy pay claim would also have been struck out.

13. Under rule 21, where no response has been presented, I can decide whether, on the available material, a determination can properly be made of the claim. I considered Ms Donetto's email of 11 August 2024. I decided that, based upon the claim form and the content of that email, I could properly make a determination of the claim. I did so and awarded Ms Donetto the sums claimed as an unauthorised deduction from wages and as damages for breach of contract in respect of expenses. As a result, a Judgment has been issued and no further hearing is required.

Employment Judge Phil Allen

15 October 2024

RESERVED JUDGMENT AND REASONS
SENT TO THE PARTIES ON

21 October 2024

FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

Judgments 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: **2403586/2024**

Name of cases: **M Donetto** v **Pierpoint International (UK) Ltd**
(formerly known as Accenture
Group Worldwide 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: 21 October 2024

the calculation day in this case is: 22 October 2024

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

For the Employment Tribunal Office