



EMPLOYMENT TRIBUNALS

Claimant

Ms G Smith

Respondent

v Diligent Care Services Limited

REMEDY HEARING

Heard at: East London

On: 25th September 2017

Before: Employment Judge Reid

Appearances

For the Claimant: Ms Stanley, Counsel

For the Respondent: Did not attend

JUDGMENT

1. A judgment on liability was made on 6th September 2017 on the Claimant's claim under s11(1) NMWA 1998. The Respondent did not attend today's hearing. The Respondent's representative came off the record on 22nd September 2017 after receipt of the Tribunal's letter dated 22nd September 2017.
2. In accordance with s11(2) NMWA 1998:
 - 2.1 The Tribunal makes a declaration that the Respondent failed to produce relevant records requested by the Claimant by letter dated 20th February 2017, received by the Respondent on 22nd February 2017; and
 - 2.2 The Tribunal makes an award against the Respondent in favour of the Claimant in the sum of £600 (80 x £7.50).
3. The Claimant has paid a fee in connection with this claim. In R (on the application of UNISON) v Lord Chancellor [2017] UKSC 51, the Supreme Court decided that it was unlawful for her Majesty's Courts and Tribunal Service (HMCTS) to charge fees of this nature. HMCTS has undertaken to repay such fees. In these circumstances I shall draw to the attention of HMCTS that this is a case in which a fee has been paid and therefore to be refunded to the Claimant. The details of the repayment scheme are a matter for HMCTS.
4. The Claimant's representative said today that a costs application will be made in writing in respect of the costs of today's hearing.

Employment Judge Reid

25 September 2017