



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss J Starkey

**Respondent:** Walton Lea Partnership Limited

**HELD AT:** Liverpool

**ON:** 21 and 22 July 2016

**BEFORE:** Employment Judge T V Ryan

## REPRESENTATION:

**Claimant:** Mr J Heath, Solicitor

**Respondent:** Mr A Lord, Consultant

## JUDGMENT

The judgment of the Tribunal is:

1. The respondent breached the claimant's contract of employment by dismissing her without notice.
2. The claimant was unfairly dismissed by the respondent on 2 December 2015 for a reason related to her conduct.
3. The respondent made unauthorised deductions from the claimant's wages in respect of overtime worked by her on the following dates:

- 4 October 2014
- 15 November 2014
- 29 November 2014
- 31 January 2015
- 14 February 2015
- 14 March 2015
- 4 April 2015

4. The claimant's claim that the respondent made unauthorised deductions from her wages in respect of overtime allegedly worked on 8 August 2015 is not well-founded, fails and is dismissed.

5. The claimant's claim that the respondent failed to pay to her holiday pay due on termination of her employment in respect of accrued leave is dismissed on it having been withdrawn by the claimant.

## PRELIMINARY HEARING CASE MANAGEMENT

In the light of the above the following Case Management Orders were made in respect of remedy considerations by agreement:

1. By no later than 12 August 2016 –
  - 1.1 The claimant will send to the respondent a statement addressing all relevant remedy issues.
  - 1.2 The parties will mutually disclose all relevant documents and other evidence relating to remedy issues.
2. By no later than 26 August 2016 the claimant will send to the respondent an indexed and paginated remedy bundle and will ensure that two copies of the remedy bundle are available to the Tribunal by no later than 9.30am on the morning of the remedy hearing.
3. By no later than 7 October 2016 the claimant will provide the respondent with an updated Schedule of Loss calculated to the date of the remedy hearing.
4. By no later than 14 October 2016 the respondent will provide the claimant with a counter schedule if so advised.
5. The case is listed for a remedy hearing for half a day on **28 October 2016 at Liverpool Employment Tribunal, 3<sup>rd</sup> Floor, Civil & Family Court entre, 35 Vernon Street, Liverpool, L2 2BX** commencing at **10.00am**.

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Employment Judge T V Ryan

25<sup>th</sup> July 2016

JUDGMENT AND ORDERS SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

**(1) Any person who without reasonable excuse fails to comply with an Order to which section 7(4) of the Employment Tribunals Act 1996 applies shall be liable on summary conviction to a fine of £1,000.00.**

**(2) Under rule 6, if this Order is not complied with, the Tribunal may take such action as it considers just which may include (a) waiving or varying the requirement; (b) striking out the claim or the response, in whole or in part, in accordance with rule 37; (c) barring or restricting a party's participation in the proceedings; and/or (d) awarding costs in accordance with rule 74-84.**

**(3) You may apply under rule 29 for this Order to be varied, suspended or set aside.**

[AF]