



EMPLOYMENT TRIBUNALS

Claimant: Mr G Hatton

Respondent: NWMS Facilities Services Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent has made unauthorised deductions from the claimant's wages as follows:

1-15 November 2019: £1083.35 due; £810.76 paid, shortfall £272.59
1-15 November 2019: unpaid overtime £325.00
16 November-15 December 2019: £2166.67 due, £1695.16 paid, shortfall £471.51
16 November-15 December 2019: unpaid overtime £375.00
16 December – 16 January 2020: £2166.67 due, £1842.76 paid, shortfall £323.91
Out of hours jobs unpaid £210.00
Shortfall and non-payments total £1978.01

The claimant also gives credit for the final payment of £841.60 of which £610.000 was a tax rebate, ie gives credit for £231.60 net, making total deductions of £1746.41.

Accordingly, the respondent is ordered to pay the claimant the gross sum of £1746.41

2. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the gross sum of £500.00.

3. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the gross sum of £639.16.

Damages for breach of contract have been assessed on the basis of the claimant's gross pay for the notice period. Once the respondent pays that amount to the claimant, HMRC is likely to require the claimant to pay tax and national insurance on it as Post-Employment Notice Pay.

Regional Employment Judge Parkin

Date: 27 May 2020

JUDGMENT SENT TO THE PARTIES ON
2 June 2020
AND ENTERED IN THE REGISTER

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2401708/2020**

Name of case: **Mr G Hatton** v **NWMS Facilities Services Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 2 June 2020

"the calculation day" is: 3 June 2020

"the stipulated rate of interest" is: **8%**

MR S ARTINGSTALL
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.