



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms MJ Stephens

**Respondent:** Payswell Limited

**Heard at:** Manchester

**On:** 18 March 2020

**Before:** Employment Judge Phil Allen

## Representation

Claimant: In person

Respondent: Not represented (having not presented a response)

# JUDGMENT

1. The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the gross sum of **£2,205.24**.
2. The respondent has breached the claimant's contract of employment (in not reimbursing the claimant for expenses) and the respondent is ordered to pay damages to the claimant in the sum of **£58.20**.
3. The respondent has failed to pay the claimant the sum due for accrued but untaken annual leave as provided by regulation 14 of the Working Time Regulations 1998 and is ordered to pay the claimant the sum of **£1,371.04**.
4. The respondent was in breach of its duty to provide the employee with a statement of employment particulars, and the respondent must pay the claimant the sum of **£1,855.48** (being an amount equal to four weeks pay).
5. The claimant was unfairly dismissed by the respondent, as the principal reason for her dismissal was that she asserted a statutory right (being that there had been an unlawful deduction from her wages), as provided by section 104 of the Employment Rights Act 1996.
6. The respondent failed to follow the ACAS code of practice on discipline and grievance procedures when dismissing the claimant, and the Tribunal finds that it is just and equitable to increase the compensatory award for unfair dismissal by 25%.
7. The respondent is ordered to pay the claimant a compensatory award for unfair dismissal (which has been uplifted by 25%) of **£17,203.50**.

8. The sums shall be paid to the claimant within 14 days of the date of this Judgment.

Employment Judge Phil Allen

18 March 2020

JUDGMENT SENT TO THE PARTIES ON

20 March 2020

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



## THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2414720/2019**

Name of case: **Ms MJ Stephens** v **Payswell Limited**

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: 20 March 2020

"the calculation day" is: 21 March 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](http://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.