



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant **Respondent**
Mrs J Walker and Foxenden Healthcare Limited

Hearing held at Reading on 23 September 2020

Representation **Claimant:** In person
Respondent: Mr D Ewer, director

Employment Judge Vowles (sitting alone)

JUDGMENT

Evidence

1. The Tribunal heard evidence on oath and read documents provided by the parties.

Itemised Pay Statements - section 8 Employment Rights Act 1996

2. The Claimant was provided with itemised pay statements. This claim is dismissed.

Rolled Up Holiday Pay Scheme – regulations 13-16 Working Time Regulations 1998

3. The Respondent's rolled up holiday pay scheme was a consensual agreement for genuine payments for holidays representing a true addition to the contractual rate of pay for time worked and there was the necessary transparency and clarity required to be a lawful scheme. This claim is dismissed.

Travel Time – regulations 17 and 27 National Minimum Age Regulations 2015

4. Travel time was paid such as to ensure the Claimant was not paid less than the national minimum wage. Travel expenses were also paid. This claim is dismissed.

Unauthorised Deduction from Wages – section 13 Employment Rights Act 1996 Holiday Pay – regulation 13 and 14 Working Time Regulations 1998

5. The parties are to liaise to seek to agree any shortfall in wages and rolled up holiday during the period 31 January 2019 and 14 May 2019. Any claim relating to an

earlier period would be out of time. No later than **4 November 2020** the parties shall inform the Tribunal in writing whether they have resolved these claims. If they have not been resolved the case will be re-listed for further 2 hour hearing before Employment Judge Vowles at Reading Employment Tribunals at 10:00am on **25 November 2020** to consider what further sums are payable, if any, by way of wages and holiday.

Reasons – rule 62 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

6. Reasons for this judgment were given orally at the hearing. Written reasons will not be provided unless a written request is presented within 14 days of the date this judgment is sent to the parties.

I confirm that this is my Judgment in the case of Mrs J Walker v Foxenden Healthcare Ltd case no. 3314842/2019 and that I have dated and signed by electronic signature.

Employment Judge Vowles

Date: 23 September 2020

Sent to the parties on: 15/10/2020

.....

.Jon Marlowe
For the Tribunals Office