



EMPLOYMENT TRIBUNALS

Claimant: Mr P Williams

Respondent: Art of Smart Group Limited

Heard at: Leeds (by video) **On:** 8 April 2024

Before: Employment Judge T Knowles

Appearances

For the claimant: In person For the respondent: No appearance

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The claim was issued in the Leeds Employment Tribunals on 31 December 2023. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim, or part of it, in accordance with rule 21 of the Rules of Procedure.

1. Art of Smart Group Limited is substituted as the correctly named respondent under rule 34. The claim form was served on Art of Smart at the respondents trading office and was re-sent to the respondents registered office address.
2. The claim for unfair dismissal is well founded and it succeeds. The Claimant is awarded a basic award of **£2,192.32** and a compensatory award of **£8,550.95**.
3. The Claimant has received jobseekers allowance during the period covered by the compensatory award. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply:
 - a. The total monetary award (i.e. the compensatory award plus basic award) payable to the claimant for unfair dismissal is **£10,743.27**.
 - b. The prescribed element is **£8,550.95**.
 - c. The period of the prescribed element is from **6 December 2023 to 8 April 2024**.
 - d. The difference between (1) and (2) is **£2,192.32**.
4. The respondent has made unauthorised deductions from the claimant's wages and must pay the claimant the gross amount of **£1,800.47**.
5. For the unreasonable failure of the respondent to comply with The ACAS Code of Practice on Discipline and Grievance Procedures, the respondent is ordered to pay to the claimant a 25% increase on the above awards of **£3,135.93**.

6. The claim of unlawful deductions of wages insofar as the money deducted from wages for pension contributions that have not been paid into the relevant pension fund is not a matter the Employment Tribunal has jurisdiction to determine and should be referred to the Pensions Regulator.

Employment Judge T Knowles
8 April 2024

JUDGMENT SENT TO THE PARTIES ON

8 April 2024

AND ENTERED IN THE REGISTER

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/employmenttribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practicedirections/>