



EMPLOYMENT TRIBUNALS

Claimant

Mrs J Newitt

v

Respondent

WWAC Automotive Ltd
T/A WAC Automotive Engineers

Heard at: Bury St Edmunds

On: 8, 9, 10, 11, 12, 15, 16 January 2024

Before: Employment Judge K J Palmer (Sitting alone)

Appearances

For the Claimant: Mrs D Smith (Claimant's daughter)

For the Respondent: Miss S MacIntosh (Consultant)

JUDGMENT

Pursuant to a hearing conducted by CVP.

It is the Judgment of this Tribunal as follows:

1. The Claimant's claim for unlawful deduction of wages succeeds and the Tribunal makes a declaration to that effect. In this respect the Claimant is awarded the following sums:
 - 1.1 £557.10 + £139.28 for a failure to follow ACAS grievance procedures, making a total of £696.38. This sum is to be paid to the Claimant by the Respondent without deductions.
 - 1.2 £174.90 for underpayment of net amount plus £43.73 uplift for a failure to follow grievance procedures, making a total of £218.63. This sum is to be paid to the Claimant by the Respondent without any deductions.
2. The Claimant's claim for a failure to provide itemised pay statements succeeds and the Claimant is awarded the sum of £457.16. This sum is payable without any deductions.
3. The Claimant's claim for payment in lieu of accrued untaken holiday succeeds for 2020 and 2021 holiday years. The Claimant is awarded the sum of £3,693.60 plus an increase of £923.40 for a failure to follow ACAS

grievance procedures. The total of £4,617.00 is payable to the Claimant by the Respondent without deductions.

4. The Claimant's claim for damages for wrongful dismissal succeeds and she is awarded the sum of £4,718.76. This is a net sum so there should be no deductions from this figure payable to the Claimant by the Respondent.
5. The Claimant's claim for constructive unfair dismissal succeeds and the Claimant is awarded the sum of £32,006.30. The Respondent should deduct tax at 20% on the sum of £2,006.30.

TOTAL PAYABLE BY THE RESPONDENT TO THE CLAIMANT: £42,714.23.

Employment Judge K J Palmer

Date: 22 January 2024

Sent to the parties on: 08/02/2024

For the Tribunal Office

Note

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 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 is likely to be payable in most but not all circumstances. 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-practice-directions/>