



## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4107368/2023 & 4017369/2023**

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**Held in Glasgow via Cloud Video Platform (CVP) on 28 February 2024**

**Employment Judge Campbell**

10 **Mr Liam Patrick Ellis**

**First Claimant  
Represented by:  
Mr J McCourt -  
Inverclyde Advice &  
Employment Rights  
Centre**

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**Mr Dylan Adamson**

**Claimant  
Represented by:  
Mr J McCourt -  
Inverclyde Advice &  
Employment Rights  
Centre**

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**Ventureways Limited**

**Respondent  
No appearance and  
No representation**

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### **JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

The judgment of the tribunal is that:

1. Each claimant's claim for unlawful deduction from wages succeeds.
- 30 2. The claimants are therefore awarded the following:
  - a. Mr L Ellis - the sum of £1,377.94 in respect of unpaid wages; and
  - b. Mr D Adamson - the sum of £2,465.97 in respect of unpaid wages.
3. The complaints made by each claimant of failure to pay accrued holidays are dismissed upon their withdrawal.

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**REASONS**

1. These two joined claims were heard on 28 February 2024 by video. The claimants were each represented by Mr Mc Court. The claim forms had been served on the respondent but it had not submitted a response form or otherwise indicated that it wished to defend the claims. No-one attended the hearing on behalf of the respondent.
2. At an earlier stage in the proceedings the claims were also lodged against a company known as River Insolvency Limited as second respondent. It was confirmed at the beginning of the hearing that any claims against that company were being withdrawn.
3. Similarly, each claimant had included in their claim form a complaint of failure to pay accrued annual leave on termination of employment, which they withdrew at this hearing. Those complaints are formally dismissed.
4. At the hearing each claimant gave oral evidence and spoke to documents submitted beforehand. After a short adjournment the tribunal decided and confirmed to the claimants that their claims were successful. Oral reasons were given, subject to calculation of the appropriate remedy for each. A written judgment on remedy was therefore to follow, which is issued now.

*Unlawful deduction from wages*

5. It was found that each claimant was subject to unlawful deductions from his wages, contrary to section 13 of the Employment Rights Act 1996.
6. The claimants were paid monthly by the respondent. Each received payslips as normal at the end of September and October 2023, but not payment of salary set out in them. They ought to have been paid on 29 or 30 September 2023, but were not. This would have covered pay earned up to 25 September 2023.
7. Mr Ellis resigned with effect from 24 October 2023 and Mr Adamson resigned on 9 October 2023. Neither received any pay in respect of the period between

the last date covered by their September 2023 payslip – i.e. 26 September - and their leaving date.

8. The claimants received no payment of salary at any later date, as evidenced by bank statements produced.
- 5 9. Each claimant's October 2023 payslip details a deduction to cover training costs incurred by the respondent. However, neither ever gave authorisation in writing (or indeed at all) for a deduction of that nature to be made from his pay, and so the deductions were unauthorised and unlawful.
- 10 10. Mr Ellis only sought compensation up to 29 September 2023, as that was the last day he came to work before his resignation took effect.
11. Based on the evidence provided orally and by way of documents, the amount of the unlawful deduction made from Mr Ellis' salary is:
  - a. £1,168.50 as calculated in his September 2023 payslip; plus
  - b. £209.44, which is the net value of the gross pay he earned between  
15 25 and 29 September 2023, following deduction of income tax at 20% and employee National Insurance contributions at 12%.
12. Similarly, the amount of the unlawful deductions made from Mr Adamson's salary is:
  - a. £2,172.72 as calculated in his September 2023 payslip; plus;
  - 20 b. £293.25 which is the net value of the gross pay he earned between 25 and 29 September 2023, following deduction of income tax at 20% and employee National Insurance contributions at 12%.

13. The respondent is therefore ordered to pay the above sums to the claimants as compensation.

B Campbell

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**Employment Judge**  
**21 March 2024**

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**Date sent to parties**

\_\_\_\_\_  
**Date**

**25 March 2024**

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