



EMPLOYMENT TRIBUNALS

Claimant: Miss M S Fazil

Respondent: Phoenix Care (UK) Limited

RULE 21 JUDGMENT

MADE PURSUANT TO RULE 21 OF THE EMPLOYMENT TRIBUNALS RULES OF
PROCEDURE 2013

1. The respondent has made an unauthorised deduction from the claimant's wages. The respondent is ordered to pay to the claimant £2587. This is the gross amount. If the respondent pays the tax and national insurance due to HMRC, payment of the net amount will meet the judgment debt.
2. The respondent failed to pay the claimant in lieu of entitlement to annual leave. The respondent is ordered to pay to the claimant the sum of £597.30.
3. The respondent is ordered to pay to the claimant the sum of £1956.00 pursuant to section 38 Employment Act 2002. This is the higher amount specified in section 38(4) and subject to the limit imposed by section 38(6).
4. The claimant's claim in respect of non-payment of sleep in hours in the sum of £240 is stayed pending the outcome of the decision in *Mencap v Tomlinson-Blake* [2018] EWCA Civ 1641

Employment Judge Gumbiti-Zimuto
Date: 26 September 2018

Sent to the parties on: 12 October 2018

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For the Tribunals Office