



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Miss C Donnelly

Respondent

Overton House Limited

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Manchester on 31 January 2019.

EMPLOYMENT JUDGE Warren

Representation

Claimant In person

Respondent did not attend

JUDGMENT

1. The claims of breach of contract, unpaid wages and unpaid untaken annual leave are well founded and succeed.
2. The respondent dismissed the claimant in breach of contract and is ordered to pay her 1 week's pay amounting to three hundred and forty six pounds (£346) net of statutory deductions.
3. There was an unlawful deduction from the claimant's wages in the sum of two hundred pounds (£200) (net) for the period of August 2018.
4. There was an unlawful deduction from wages in the sum of three hundred and sixty pounds (£360.00) gross when the claimant worked three night shifts for the respondent.
5. There was an unlawful deduction from wages when the claimant worked unpaid on the 7 September for 13.5 hours at a rate of nine pounds an hour totalling one hundred and twenty one pounds (£121) (gross).

6. There was an unlawful deduction from wages when the respondent sent the claimant to work for thirty five hours (at a rate of nine pounds an hour) at the Safe Hands site and then failed to pay her in the sum of three hundred and fifteen pounds (£315).

7. The claimant incurred lawful expenses which, in breach of contract, have not been reimbursed, in the sum of one hundred and fourteen pounds (£114). The respondent is ordered to pay the claimant one hundred and fourteen pounds.

8. On the date of her dismissal the claimant had accrued 9 days annual leave of which she had taken 4. The respondent is ordered to pay the claimant for 5 days accrued and untaken leave which amounts to three hundred and forty six pounds (£346) net

9. In total the respondent is ordered to pay the claimant the sum of eighteen hundred and two pounds. (£1802)

Employment Judge Warren

Signed on 6 March 2019

Oral reasons having been given at the Hearing, written reasons may be requested within 14 days

Judgment sent to Parties on

19 March 2019



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2416218/2018**

Name of case(s): **Miss C Donnelly** v **Overton House Limited**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **19 March 2019**

"the calculation day" is: **20 March 2019**

"the stipulated rate of interest" is: **8%**

MISS H KRUSZYNA
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.

