



EMPLOYMENT TRIBUNALS

Claimant: Mrs C Morton

Respondents: 1. A
2. Disability Equality (NW) Ltd
3. Lancashire County Council

HELD AT: Manchester **ON:** 26 June 2019

BEFORE: Employment Judge Slater

REPRESENTATION:

Claimant: In person
First Respondent: Not present (no response presented)
Second Respondent: Miss C Elvin, consultant
Third Respondent: Mr Tinkler, counsel

JUDGMENT

The judgment of the Tribunal is that:

1. The tribunal does not have jurisdiction to consider the complaint of unfair dismissal against the first respondent which was presented out of time.
2. The complaint of unlawful deduction from wages in respect of unpaid wages prior to sick leave and unpaid sick pay is dismissed on withdrawal by the claimant.
3. The claimant was employed by the first respondent and not by the second and third respondents, so the complaints against the second and third respondents are dismissed.
4. The claimant was entitled to be paid a statutory redundancy payment by the first respondent in the sum of £1944.

5. The first respondent made an unlawful deduction from wages by failing to pay the claimant in lieu of accrued but untaken holiday and is ordered to pay to the claimant the gross sum of £427.68, being the sum unlawfully deducted.

6. The first respondent was in breach of contract by terminating the claimant's employment without the full notice to which she was entitled and by failing to pay the claimant the full wages and pension contribution to which she was entitled during that notice period. The first respondent is ordered to pay to the claimant damages of £1034.25. This is a net sum but is based on the claimant's gross pay because it is likely that upon receipt the claimant will have to pay tax on the notice pay element of this amount as Post Employment Notice Pay.

Employment Judge Slater

Date: 26 June 2019

JUDGMENT SENT TO THE PARTIES ON

8 July 2019

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.



THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case numbers: **2413667/2018, 2414560/2018**

Name of cases: **Mrs C Morton** v **1. A**
2. Disability Equality
(NW) Ltd
3. Lancashire County
Council

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: **8 July 2019**

"the calculation day" is: **9 July 2019**

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

For the Employment Tribunal Office