



EMPLOYMENT TRIBUNALS

Claimant: Miss A Moore

Respondent: Ms N Taha trading as Inspire UK Care

HELD AT: Sheffield

ON: 27 and 28 August
2019

BEFORE: Employment Judge Little

REPRESENTATION:

Claimant: In person (PSU volunteer Miss J Garvey in attendance)

Respondent: Mr M Keenan, solicitor (Peninsular Business Services Limited)

JUDGMENT

My Judgment is that:-

1. The claimant is only entitled to pursue an unfair dismissal complaint on the basis that she contends her dismissal was automatically unfair because the reason for it was the assertion of a statutory right.
2. However that complaint fails because I find that neither the reason nor the principal reason for the claimant's dismissal was the assertion of a statutory right (provision of a payslip).
3. The claimant no longer proceeds with her complaint in respect of holiday pay and so that is treated as dismissed on withdrawal.
4. The claimant is entitled to a declaration that the respondent was in breach of its Employment Rights Act 1996 section 8 obligation (provision of an itemised pay statement) in respect of the payment made to the claimant in respect of August 2018 but there were no unnotified deductions within the period stipulated in section 12(4) of the 1996 Act.

5. The claimant was wrongfully dismissed and is entitled to damages in the amount of £1881.60 gross. That sum is to be paid gross by the respondent to the claimant forthwith. Upon receipt the claimant is to account to HMRC for that payment. In the circumstances it is not necessary to determine the complaint of unauthorised deduction from wages because the claimant has obtained the remedy she sought via the successful wrongful dismissal complaint.
6. The respondent failed to provide the claimant with a statement of changes to her particulars of employment contrary to section 4 of the 1996 Act and accordingly the claimant is entitled to a minimum award under the provisions of Employment Act 2002 section 38 being two weeks' pay which is £923.07.
7. Accordingly the respondent is required to pay to the claimant forthwith the total amount of £2804.67.

Employment Judge Little
Date: 3 September 2019

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.

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