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EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Mr G Bolibrzuch

and

Respondent

Check Your Security Limited

Held at Cambridge on 30 August 2019

Representation

Claimant:

In Person

Respondent:

Mr C Button, Commercial
Director

Employment Judge Kurrein

JUDGMENT

- 1 The Respondent has made unauthorised deductions from the Claimant's pay and is ordered to compensate him in the sum of £441.06.

REASONS

- 1 This has been a short hearing in which I have heard the evidence of the Claimant on his own behalf of the evidence of Mr Button, Commercial Director on behalf of the Respondent.
- 2 Much of the evidence is not in dispute. The Claimant started his appointment with the Respondent on 16 November 2016 and on that day he was issued with terms of conditions of employment and also signed an agreement to repay costs of training courses that the Respondent might enrol him on.
- 3 That agreement made specific provision for the details of the courses of which the Claimant would be attending to be added at a later date. I consider that to be commercially sensible because at the time the document was signed it was not known which courses would be set up for the Claimant.
- 4 It's not in dispute that the Claimant did attend four courses known as Lenel, SIPASS, SSSTS and Gallagher. They each appear in the Schedule to that agreement.
- 5 The Claimant had only very recently finished the Lenel course when he gave his resignation.
- 6 That agreement is in my view a perfectly ordinary agreement for liquidated damages. It set the level of damages in advance and did not work as a penalty to discourage the Claimant. The sums due were reduced for every month after the course had ended.

- 7 The Respondent carried out careful calculations on that basis and the only challenge to them at the original time they were imposed was the fact that one of the charges was for a course that the Claimant and a colleague both attended so that that charge should have been reduced by half, which it then was.
- 8 The only error that I can see that the Respondent has made has been pointed out today and has been accepted as an error: each of the charges that it has made against the Claimant has included a sum for VAT which the Respondent, being VAT registered, has already re-claimed.
- 9 On the basis of all the evidence I have heard I therefore find in favour of the Claimant to the extent that the Respondent has made an unauthorised deduction from his wages in the total sum of £441.06, and the Respondent his order to compensate the Claimant in that sum

Employment Judge Kurrein

30 August 2019

Sent to the parties and
entered in the Register on : :
20 September 2019

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For the Tribunal