



EMPLOYMENT TRIBUNALS

Claimant: Mr L Smith
Respondent: Cliffemount Community Care Limited
Heard at: Manchester Employment Tribunal (sitting at Crown Square)
On: 15th October 2019
Before: Employment Judge Howard

Representation

Claimant: Mr T Wood, Counsel
Respondent: Not in attendance

JUDGMENT

The claimant's claim of unfair dismissal because of making protected disclosures, pursuant to S103A Employment Rights Act 1996, succeeds.

The claimant's claim for unlawful deductions from pay; deductions wrongly identified as payments made to the relevant authorities of tax and national insurance contributions; pursuant to the provisions of Part II Employment Rights Act 1996, succeeds.

The claimant's claim of breach of contract, being unpaid notice of termination of employment, succeeds.

The claimant's claim of failure to provide an updated statement of employment particulars and itemised payslips, complying with the requirements of Ss 1,4 & 8 Employment Rights Act 1996, succeeds.

The Tribunal makes a declaration that the respondent has failed to provide payslips which comply with S8 Employment Rights Act 1996, in that they wrongly itemised deductions for tax and national insurance contributions which were not paid to the relevant authorities.

The respondent is ordered to pay to the claimant the sum of £14,429.09, consisting of the following sums:

1. Breach of contract (notice pay); net: £3,929.98

2. Unfair dismissal compensatory award:	£1,013.03
3. Unlawful deduction from wages (wrongly itemised tax and national insurance contributions):	£7,178.40
4. Failure to provide an updated statement of written employment particulars:	£2,307.68

The recoupment provisions do not apply to this award.

Employment Judge Howard
Date: 15th October 2019

ORDER SENT TO THE PARTIES ON
31 October 2019

FOR THE TRIBUNAL OFFICE

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.



Case No: 2413744/2018

NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2413744/2018**

Name of case(s): **Mr L Smith** v **Cliffemount Community Care 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: **31 October 2019**

"the calculation day" is: **1 November 2019**

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

MR I STOCKTON
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.