



# EMPLOYMENT TRIBUNALS

**Claimants:** Ms A V Jackson  
Mrs L Malcolm  
Mrs L Stephens  
Mrs A Yoli-Moore

**Respondent:** Creative Solutions (Manchester) Limited

**Heard at:** Manchester

**On:** 29 October 2019

**Before:** Employment Judge Leach

## REPRESENTATION:

**Claimants:** Mr J Webster, Solicitor

**Respondent:** Not in attendance, notice of appearance not entered.

# JUDGMENT

The judgment of the Tribunal is that:

1. Each of the four claimants was dismissed by the respondent on 30 April 2019.
2. In each case the reason for dismissal was redundancy and each claimant is entitled to a statutory redundancy payment to be paid by the respondent. The amounts are set out in the schedule attached.
3. Each claimant was entitled to a notice period of 12 weeks in accordance with section 86 of the Employment Rights Act 1996. No notice of dismissal was given. The respondent is ordered to pay damages for breach of contract in the sums set out in the schedule attached.
4. None of the claimants was paid their salary for April 2019. This non payment of salary amounts to an unlawful deduction of wages contrary to section 13 of the Employment Rights Act 1996 ("ERA"), and a declaration that the complaint is well

founded is made in accordance with section 24 of the ERA. The respondent is ordered to pay wages of the amounts set out in the schedule attached.

5. Each claimant is entitled to payment of accrued untaken holidays. The amounts owing are set out in the schedule attached. The respondent is ordered to pay this amount by way of further damages for breach of contract.

6. The respondent failed to make contributions into the relevant pension scheme for the months of February, March and April 2019. Accordingly,

- a. the amounts deducted by the respondent from the wages of the claimants by way of employee contributions to pension are unlawful deductions from salary contrary to section 13 of the Employment Rights Act 1996. A declaration to that effect is made, in accordance with section 24 of the ERA. The respondent is also ordered to pay wages of the amounts set out in the schedule attached.
- b. The amounts payable by the respondent by way of employer contributions to pension were not paid. The respondent is ordered to pay damages for breach of contract in the sums set out in the schedule attached.

## SCHEDULE

### A. Ms A V Jackson

1. Unpaid salary for April 2019 (unlawful deduction contrary to section 13 ERA)	£1,666.67 gross
2. Breach of contract (unpaid notice)	£4,615.44 gross
3. Breach of contract (unpaid holiday)	£615.36 gross
4. Unpaid pension contributions:	
-Unlawful deduction contrary to section 13 ERA	£111.72
-Breach of contract	£70.11
5. Statutory Redundancy payment	£5,769.23

### B. Mrs L Malcolm

1. Unpaid salary for April 2019 (unlawful deduction contrary to section 13 ERA )	£2333.00 gross
2. Breach of contract (unpaid notice)	£2153.84 gross
3. Breach of contract (unpaid holiday)	£681.68 gross
4. Unpaid pension contributions:	
-Unlawful deduction contrary to section 13 ERA	£483.21
-Breach of contract	£109.83
5. Statutory Redundancy payment	£11,812.50

### C. Mrs L H Stephens

1. Unpaid salary (unlawful deduction contrary to section 13 Employment Rights Act 1996)	£1,750.00 gross
2. Breach of contract (unpaid notice)	£4,136.58 gross

3. Breach of contract (unpaid holiday)	£619.51 gross
4. Unpaid pension contributions:	
-Unlawful deduction contrary to section 13 ERA	£392.82
-Breach of contract	£74.82
5. Statutory Redundancy payment	£7875.00

**D. Mrs A L Yoli-Moore**

1. Unpaid salary (unlawful deduction contrary to section 13 Employment Rights Act 1996)	£1,276.83 gross
2. Breach of contract (unpaid notice)	£21345.02gross
3. Breach of contract (unpaid holiday)	£464.12 gross
4. Unpaid pension contributions:	
-Unlawful deduction contrary to section 13 ERA	£128.76
-Breach of contract	£45.99
5. Statutory Redundancy payment	£4252.40

Employment Judge Leach

Date: 29 October 2019

JUDGMENT SENT TO THE PARTIES ON  
22 November 2019

**Case Nos. 2410738/2019  
2417039/2019  
2410740/2019  
2410741/2019**

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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



Case Nos. 2410738/2019  
2417039/2019  
2410740/2019  
2410741/2019

## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case numbers: **2410738/2019 & Others**

Name of cases: **Ms AV Jackson & v Creative Solutions  
Others (Manchester) 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: 22 November 2019

"the calculation day" is: 23 November 2019

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

MR S ARTINGSTALL  
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](http://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.