



EMPLOYMENT TRIBUNALS

BETWEEN

Claimants

Respondent

(1) Mr Travis Hereward
(2) Ms Grace Hereward

Javed Stores Limited

AND

JUDGMENT OF THE TRIBUNAL

Heard at: Manchester

On: 13 January 2020

Before: Employment Judge A M Buchanan

Appearances

For the Claimants: Ms Caroline Hereward - mother

For the Respondent: No attendance

JUDGMENT

It is the Judgment of the Tribunal that:

Claim Number 2411551/19

1. The claim for a declaration of unauthorised deduction from wages advanced by the first claimant pursuant to section 23 of the Employment Rights Act 1996 is well-founded and the respondent is ordered to pay to the first claimant the sum of **£153.75** (25 hours x £6.15 per hour) in respect of unpaid wages. This is a gross sum and the first claimant shall account to the appropriate authorities for any income tax and employee national insurance contributions due in respect of such sum on receipt.

2. The claim in respect of unpaid holiday pay advanced by the first claimant pursuant to Regulation 30 of the Working Time Regulations 1998 is well-founded and the respondent is ordered to pay to the first claimant the sum of **£804.42** (130.8 hours x £6.15 per hour) in respect of unpaid holiday pay. This is a gross sum and the first

COMBINED PROCEEDINGS

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claimant shall account to the appropriate authorities for any income tax and employee national insurance contributions due in respect of such sum on receipt.

3. The claim for unpaid notice pay is not well-founded and is dismissed.

4. The total sum due to the first claimant from the respondent is **£958.17** and is payable forthwith.

Claim Number 2411552/2019

5. All claims advanced under this claim number by the second claimant are dismissed on withdrawal by the second claimant.

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6. The claim in respect of unpaid holiday pay advanced by the second claimant pursuant to Regulation 30 of the Working Time Regulations 1998 is well-founded and the respondent is ordered to pay to the second claimant the sum of **£558.50** (111.7 hours x £5.00 per hour) in respect of unpaid holiday pay. This is a gross sum and the second claimant shall account to the appropriate authorities for any income tax and employee national insurance contributions due in respect of such sum on receipt.

7. The sum of **£558.50** due to the second claimant from the respondent is payable forthwith.

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8. All claims advanced under this claim number by the first claimant are dismissed on withdrawal by the first claimant.

**EMPLOYMENT JUDGE A M BUCHANAN
JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 13 January 2020
JUDGMENT SENT TO THE PARTIES ON
27 January 2020
AND ENTERED IN THE REGISTER**

FOR THE TRIBUNAL

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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

Judgements 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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case numbers: **2411551/2019 & 2411553/2019**

Name of cases: **Mr T Hereward** v **Javed Stores Limited**
Miss G Hereward

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: 27 January 2020

"the calculation day" is: 28 January 2020

"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

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.