



EMPLOYMENT TRIBUNALS

Claimant: Miss S Hunt

Respondent: Ashmore Care Limited

FINAL HEARING

Heard at: Birmingham **On:** 19 September 2019

Before: Employment Judge Camp (sitting alone)

Appearances

For the claimant: in person

For the respondent: Mr T Huckerby, Director

JUDGMENT

- (1) The respondent may rely in evidence on a statement from Mr Huckerby dated 17 September 2019 and all of the documents appended to it notwithstanding the respondent's failure to comply with the tribunal's case management order for provision of the same.
- (2) The claimant was dismissed on 12 May 2019 and not before.
- (3) The claimant's salary at all relevant times was £22,000 per annum (£421.94 per week).
- (4) The respondent made unauthorised deductions from the claimant's wages and must pay her the sum of £3796.42, which is the amount of those deductions and is made up as follows:
 - a. salary from 1 April to 12 May 2019 (6 weeks) - £2,531.64
 - b. on call payments - £697.50
 - c. for additional care hours outside of salaried hours - £567.28

- (5) It is noted that in light of paragraph (4) above, in accordance with section 25(4) of the Employment Rights Act 1996, the respondent may not now recover from the claimant, by whatever means (including but not limited to by way of a claim / counterclaim / set-off in the County Court):
- a. any sum up to £1,072 in respect of loans / cash advances made to the claimant, notwithstanding the fact that the claimant admits she owes the respondent some money under this heading;
 - b. any sum up to £362 in respect of a tablet computer in the claimant's possession, notwithstanding the fact that she admits it is the respondent's property;
 - c. any sum up to £673.70 in respect of payments for service visits previously made to the claimant that the respondent alleges she has failed to establish her entitlement to;
 - d. any sum up to £460.97 in respect of payments for mileage previously made to the claimant that the respondent alleges are unsubstantiated or duplicate claims.
- (6) The respondent breached the claimant's contract of employment by failing to give her notice of dismissal or pay her in lieu and must pay her a further sum of £421.94 in damages, being 1 week's gross pay.
- (7) The respondent must pay the claimant £822.80 in compensation for accrued but untaken annual leave under the Working Time Regulations 1998, being 9.75 days' pay.
- (8) The total sum payable by the respondent to the claimant is: **£5,041.16**
- (9) This Judgment was made and took effect on 19 September 2019.
- (10) Reasons for the Judgment were given orally at the hearing. Written reasons will not be provided unless asked for by a written request presented by any party within 14 days of the sending of the written record of the decision.

EMPLOYMENT JUDGE CAMP

20/09/2019