



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms N Winter  
**Respondent:** OTGL Ltd  
**Heard at:** London Central  
**On:** 31 January 2020  
**Before:** Employment Judge Quill (Sitting Alone)

## Appearances

For the Claimant: In Person  
For the respondent: Mr P Ferris, chief executive

## JUDGMENT

1. The complaint of unauthorised deduction from wages succeeds. The gross sums due to the Claimant from the Respondent are
  - 1.1. £2465.75 in respect of salary 1 July to 12 July 2019 plus
  - 1.2. Employer's pension contribution of £73.97 in respect of salary 1 July to 12 July 2019
2. The complaint of breach of contract succeeds, and the gross sum due to the Claimant from the Respondent in lieu of holiday accrued but not used is £1825.96.
3. The Respondent is ordered to pay those sums to the Claimant making no deductions other than appropriate PAYE deductions (if any).
4. No order is made in relation to itemised pay statements for February to June 2019 (inclusive). The Claimant is entitled to receive an itemised pay statement for the month of July 2019.

**Employment Judge Quill**

Date 3<sup>rd</sup> Feb 2020

JUDGMENT SENT TO THE PARTIES ON

03/02/2020

.....  
FOR THE TRIBUNAL OFFICE

Notes

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.



## EMPLOYMENT TRIBUNALS

### CLAIM REJECTION - EARLY CONCILIATION: YOUR QUESTIONS ANSWERED

#### Q: Why has my claim been rejected?

A: Your claim has been rejected because you have not followed one of the rules of the “early conciliation” process - the judgment tells you which one.

Under the early conciliation rules, you must contact the Advisory, Conciliation and Arbitration Service (“ACAS”) before sending a claim to the Tribunal. The aim is to ensure that disputes about employment rights do not come to the Tribunal until the possibility of them being resolved with ACAS’s help has been considered. If you need further information about the early conciliation process, contact ACAS’s Helpline on 0300 123 1100 or visit their website at [www.acas.org.uk](http://www.acas.org.uk).

- Almost all claims to a Tribunal are “relevant proceedings” where contacting ACAS is compulsory.
- In some cases, there is no requirement to contact ACAS, but these “exemptions” from the rule are very limited.
- When you contact them, ACAS issues an “early conciliation number”, which you must then include in your claim.
- You must contact ACAS about every person you want to bring a claim against.

#### Q: If I think the Tribunal has made a mistake or I have now followed the early conciliation rules, what do I do?

A: There are two things you can do:

- If you think the Tribunal’s decision was wrong or you have now followed the early conciliation rules, you can ask the Tribunal to **reconsider** its decision.
- If you think the Tribunal has made a mistake about the law, you can **appeal** to the Employment Appeal Tribunal (EAT).

If you want the Tribunal to **reconsider** its decision, write to us. Give the case number. If you believe the Tribunal’s decision was wrong, say why. If you have now followed the early conciliation rules, explain how. If you want the chance to put your points to the Tribunal at a hearing before the Tribunal reaches a final decision on whether your claim should be rejected, say so. **The time limit for asking the Tribunal to reconsider its decision is 14 days from the date of the rejection, but there is also an overall time limit for starting a claim. The Tribunal will allow late claims only in very limited circumstances. So if you want the Tribunal to reconsider its decision to reject your claim, don’t delay in writing in.**

If you believe that the Tribunal has made a mistake about the law, or its decision is one that no reasonable Tribunal could have reached, you can **appeal** to the Employment Appeal Tribunal (EAT). Your appeal must be on the official appeal form and set out why you think the Tribunal's decision was wrong. You must enclose copies of your claim form and the rejection letter. You can get appeal forms and information on how to appeal at: [www.gov.uk/appeal-employment-appeal-tribunal](http://www.gov.uk/appeal-employment-appeal-tribunal)

or from:

Employment Appeal Tribunal  
Second Floor  
Fleetbank House  
2-6 Salisbury Square  
London  
EC4Y 8AE  
e-mail: [londoneat@justice.gov.uk](mailto:londoneat@justice.gov.uk)  
tel: 020 7273 1041.

**You must ensure that you comply with all relevant time limits and procedural requirements if submitting an appeal to the EAT. The time limits are strictly enforced and late appeals are likely to be rejected if there is not an exceptionally good reason for the lateness.**

If you decide to appeal, you might also want to ask the Tribunal to reconsider its decision in the meantime.