



EMPLOYMENT TRIBUNALS

Claimant: Ms S Williams

Respondent: 365 Care Homes Limited

JUDGMENT

Having considered the representations and documents supplied by the parties, and the parties having consented to this claim being determined by an Employment Judge on the papers and without a hearing, the judgment of the Tribunal is that:

The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant wages in the gross sum of £196.33.

REASONS

1. The claimant complains of an unauthorised deduction from her wages, in that she says she worked for the respondent from 21 October 2019 until 27 October 2019 as a care assistant but was never paid for the work she did.
2. The respondent has confirmed that the claimant worked for it between those dates. On 21 October 2019, the claimant attended voluntarily for a pre-employment observation which she agreed would be on an unpaid basis. Thereafter the claimant worked 3 shifts, on 23, 24 and 25 October 2019 and the respondent agreed to pay her for these shifts. The gross wages earned by the claimant for the 3 shifts, or 33 hours of work at £8.21 per hour, is £270.93 which remains unpaid.
3. However, the respondent contends that the claimant owes the respondent the cost of her DBS check and that she had previously agreed that such cost could be deducted from her wages. The respondent has produced a short agreement, signed by the claimant on 18 September 2019, to the effect that the claimant consented to the deduction of the cost of a DBS check from her first payroll wages.
4. In an email to the Tribunal dated 1 May 2020, the respondent stated that the cost of the DBS check was £74.60. Since then, the respondent has produced documents which appear to relate to a "disclosure application" in the amount of £177.60. There is nothing to suggest that this was a charge for the claimant's DBS check and the amount is different to that which the

respondent originally stated was owing. In the circumstances, the Tribunal considers that the respondent shall be entitled to retain the amount of £74.60 only in respect of the cost of the claimant's DBS check.

5. Pursuant to section 13 of the Employment Rights Act 1996, the claimant is therefore entitled to be paid her wages in the sum of £196.33 after the cost of the DBS check is accounted for.

Employment Judge Batten
31 July 2020

JUDGMENT SENT TO THE PARTIES ON

3 August 2020

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2401208/2020**

Name of case: **Miss S Williams** v **365 Care Homes 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: 3 August 2020

"the calculation day" is: 4 August 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.