



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms S Roachford

v

National Westminster Bank plc

Heard at: Watford (CVP)

On: 8 July 2020

Before: Employment Judge R Lewis

Appearances

For the Claimant: In person

For the Respondent: Mr B Campbell, Solicitor

JUDGMENT

1. The claimant's claim is dismissed.

REASONS

1. Neither side asked for written reasons after this hearing, but it seems to me in the interests of justice to provide them.
2. This was the fourth hearing arising out of this claim.
3. The tribunal file shows that the claim was presented on 19 January 2018.
4. The first hearing took place before Employment Judge Manley on 20 July 2018, and her order was sent out the same day. A second preliminary hearing was listed to take place on 1 March 2019, but unfortunately could not proceed.
5. The second preliminary hearing took place before Employment Judge Hyams on 6 August 2019, and lasted the entire day. Judgment was sent on 3 September 2019. Judge Hyams struck out the claimant's claims of discrimination, and ruled that the claim for unlawful deductions should proceed. In due course that hearing was listed to take place before Employment Judge Chudleigh on 9 March 2020. Her order was sent to the parties on 25 March.

6. Judge Chudleigh's order is a crucial document. Although it had been sent to the claimant over three months before this hearing, it appeared that she had not understood paragraphs 1, 4, 5, 6 and 7. She had in particular not understood that where Judge Chudleigh set out the list of issues, that meant the the list of the only questions which the tribunal had to decide.
7. In preparation for this hearing the respondent submitted a pdf bundle and a statement explaining their payment systems from Ms Karen Strand. The claimant had written to the tribunal at the end of 7 July setting out a complaint which was difficult to follow.
8. I proceeded relatively informally. The following matters could not be disputed.
9. In about November 2017 there were agreements between the claimant, the respondent and Aviva that the claimant would receive Disability Cover payments. Allowing for the time it took to assess the claimant's application, the payments were to be backdated from 1 June 2017.
10. As the first payment was not to be made until at the earliest December 2017, it was to be a considerable sum, £12,095.60. Although this was called a lump sum in some of the papers, that seemed to me a misleading term. It was arrears, not a lump sum.
11. On 18 December the respondent paid the claimant £5,000.00 of this sum and on 20 December it paid £1,721.00.
12. On 18 January 2018 a further payment was made into the claimant's bank account of £4,073.35. That payment was evidenced in the claimant's bank statements and in a payslip (112).
13. The payslip is relatively clear. It was clarified further by Ms Strand's written statement.
14. By the time of the January payment, the six months of arrears (the so-called lump sum) had been increased by liability to pay DC for January 2018. Therefore the payslip recorded a gross payment of just under £14,000. That figure represented gross payments since 1 June 2017.
15. The payslip shows that the December payments of £6,721.00 were deducted from the overall figure because they had already been paid. The payslip also shows tax and National Insurance of just over £2,900. That very large sum is self evidently explicable because it is tax and National Insurance on payments going back seven months, ie June 2017 to January 2018.
16. The payslip also records sundry deductions such as pension contributions, etc. totalling about £180. The net sum paid to the claimant on 18 January was £4,073.35.
17. The claimant agreed that she had received this sum. (I noted that she presented her ET1 the very next day).

18. I asked the claimant a number of times what task remained for the tribunal to do or decide. In reply, the claimant became upset, and referred to a number of issues which she felt arose out of her employment, which were unresolved and for which justice had not been done. They included the speed of payment and an apparently unresolved issue relating to tax coding.
19. I explained to the claimant and I repeat that the task of the tribunal is limited to deciding the legal issues and claims which come before us. Many issues which arise in the workplace, such as the operation of PAYE, are not questions which the tribunal has power to decide. That is a general proposition which applies in all cases.
20. In this case, my only task today was limited to that summarised first by Judge Hyams and then by Judge Chudleigh. It was to decide whether at the date of this hearing the claimant had demonstrated that any unauthorised deduction had been made from the arrears figure of £12,095.60. As she agreed that the whole sum had been paid by 18 January 2018, the claimant was unable to demonstrate that any part of that sum was outstanding, and therefore the claim failed.

Employment Judge R Lewis

Date:13 July 2020.....

Sent to the parties on:

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For the Tribunal Office