



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs N Akhtar

**Respondent:** New Focus Health Care Ltd

## JUDGMENT

1. By consent the respondent is ordered to pay the claimant the sum of £342.50 unlawfully deducted from her pay, save insofar as that sum has already been paid by the respondent.
2. The claim in respect of taxi fares for travel to work on six occasions in August and September 2019 is dismissed.

## REASONS

1. The “Code P” in the heading indicates that this is a decision made on the papers without a hearing.
2. The claim form presented on 19 October 2019 brought a claim in respect of unlawful deductions from pay.
3. No response was received, and consideration was given to issuing a judgment without a hearing under Rule 21. The claimant was asked for details of the amount claimed.
4. On 14 February 2020 the Tribunal received a letter from the claimant confirming that she was claiming £342 for unpaid wages. She also said that there had been a promise to reimburse her transportation costs for getting to work in the sum of £360, these being taxi fares incurred because she had had an accident and was not able to drive to work.
5. On 22 February 2020 the Tribunal wrote to the claimant on the instructions of Employment Judge Sherratt. The letter pointed out that the claim form did not include any complaint in respect of expenses. It asked for further details. The claimant supplied an invoice for taxi fares in the sum of £360.
6. In the meantime, the respondent queried why the Tribunal was considering issuing a Judgment, and that correspondence resulted in a response form being filed

on 8 April 2020. An explanation was given for why it was late. The response form admitted that the claimant was owed £342.50 as pay for work done, but disputed that any expenses were due. I understand that the admitted amount has since been paid.

7. On 6 May 2020 the claimant confirmed that she did not object to an extension of time being provided for the response form to be accepted. It was accepted, and the parties were notified of this by a letter of 18 June 2020.

8. That same day I caused a letter to be sent to the parties informing them that I would make a decision on the claim for taxi fares without a hearing unless either side requested a hearing by 2 July 2020. I made it clear that the parties could make any further written submissions they wanted to.

9. The respondent made written submissions on 29 June 2020. It said that the expense claim had not been included on the original claim form, and the taxi fares were incurred simply because the claimant had been unable to drive.

10. By a letter of 18 July 2020 I asked the claimant to make any comments on that response by 3 August 2020. No response was received and on 29 August 2020 I gave her a final opportunity to make any representations by 12 September 2020.

11. The claimant replied on 14 September 2020. She explained that she had been unwell. She said that she was told to attend the meetings. She was unable to drive and had to incur taxi fares.

12. Having considered these representations I am not prepared to make any award in relation to the taxi fares.

13. Firstly, they were not mentioned on the original claim form, and no permission to amend to introduce a complaint of breach of contract has been granted.

14. Secondly, although the Tribunal has power under section 24(2) Employment Rights Act 1996 to order the employer to pay to the worker such amount as the Tribunal considers appropriate to compensate the worker for any financial loss sustained by her attributable to the unlawful deduction, in my judgment it would not be appropriate to make any such order in this case. These trips were not attributable to the unlawful deduction but to the claimant's efforts to resolve the matter. Those efforts are to be applauded but the need for a taxi arose because of the claimant's inability to drive due to her accident, not because of any unlawful deduction by the respondent.

Regional Employment Judge Franey

21 October 2020

JUDGMENT AND REASONS SENT TO THE PARTIES ON  
5 November 2020

FOR THE TRIBUNAL OFFICE

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## THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: 2413937/19  
Mrs N Akhtar v New Focus Health Care Ltd

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:

"the calculation day" is:

"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/collections/employment-tribunal-forms](http://www.gov.uk/government/collections/employment-tribunal-forms)

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.