



EMPLOYMENT TRIBUNALS

Claimants:
1 - Miss F McNab
2 - Mr R Burns
3 - Mr J McEwan
4 - Mr J Mc Mahon

Respondent: Physical Education Solutions Ltd

Heard at: Liverpool **On:** 20 May 2021

Before: Employment Judge Ord

Representation:

Claimants: In person
Respondent: Not appearing

JUDGMENT

Claimant 1 – Miss F McNab

1. The claimant's complaint of unauthorised deductions from wages is well-founded. The respondent unlawfully deducted the gross sum of £2,519.75 and is ordered to pay this sum to the claimant subject to such deductions as it is required to make for tax and national insurance. [This sum consists of 25 days' pay for July and August 2020, being £1,250 at £50.00 per day, and 1 calendar month's pay for September 2020, being £1,894.75 at the rate of £1,894.75 per calendar month, minus payment of £625.00].
2. The respondent is in breach of contract by failing to pay the claimant travel expenses, and is ordered to pay the claimant damages in the gross sum of £515.82 [bridge tolls and fuel].

Claimant 2 – Mr R Burns

3. The claimant's complaint of unauthorised deductions from wages is well-founded. The respondent unlawfully deducted the gross sum of £3,223.41

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and is ordered to pay this sum to the claimant subject to such deductions as it is required to make for tax and national insurance. [This sum consists of 2 calendar months' pay for September and October 2020, being £2,880.50 at the rate of £1,440.25 per calendar month, plus 5 working days in November 2020, being £342.91 at the rate of £68.58 per day].

4. The respondent is in breach of contract by failing to pay the claimant travel expenses, and is ordered to pay the claimant damages in the gross sum of £590.00 [taxi fares].

Claimant 3 – Mr J McEwan

5. The claimant's complaint of unauthorised deductions from wages is well-founded. The respondent unlawfully deducted the gross sum of £2,048.85 and is ordered to pay this sum to the claimant subject to such deductions as it is required to make for tax and national insurance. [This sum consists of 1 calendar month's pay for October 2020, being £1,500.00 at the rate of £1,500.00 per calendar month, plus 5 working days in November 2020, being £357.15 at the rate of £71.43 per day, plus 2 weeks' Statutory Sick Pay for November 2020, being £191.70 at the rate of £95.85 per week].

Claimant 4 - Mr J Mc Mahon

6. The claimant's complaint of unauthorised deductions from wages is well-founded. The respondent unlawfully deducted the gross sum of £5,224.25 and is ordered to pay this sum to the claimant subject to such deductions as it is required to make for tax and national insurance. [This sum consists of 29 days' pay for July and August 2020, being £1,450 at the rate of £50.00 per day, and 3 calendar months' pay for September, October and November 2020, being £6,284.25 at the rate of £2,094.75 per calendar month, minus payment of £2,510.00].
7. The respondent is in breach of contract by failing to pay the claimant travel expenses, and is ordered to pay the claimant damages in the gross sum of £348.00 [bridge tolls and fuel].

Employment Judge Liz Ord

Date : 11 June 2021

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JUDGMENT SENT TO THE PARTIES ON

17 June 2021

FOR THE TRIBUNAL OFFICE

Notes

1. Neither party objected to the hearing taking place on a remote video platform.
2. 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. If written reasons are provided, they will be displayed on the tribunal's online register of judgments, which is visible to internet searches.

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NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case numbers: **2400065/2021 & Others**

Name of cases: **Miss F McNab & Others** v **Physical Education Solutions 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 judgment day" is: 17 June 2021

"the calculation day" is: 18 June 2021

"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.