



EMPLOYMENT TRIBUNALS

Claimant: Mrs C Anderson

Respondent: Lancashire County Council

HELD AT: Manchester (by CVP)

ON: 15th December 2020,
22nd & 23rd February &
11th June 2021

BEFORE: Employment Judge Peck (sitting alone)

REPRESENTATION:

Claimant: In person

Respondent: Mr Mensah (Counsel)

JUDGMENT

1. The claimant's unauthorised deduction from wages claim, regarding non-payment for 86 "banked" hours, fails and is dismissed.
2. By consent, the respondent is ordered to make a payment to the claimant in the gross amount of £61.20 in relation to the claimant's breach of contract claim (regarding VAT payable on her long-service award).
3. The claimant's claim for financial loss attributable to the respondent's delay in reimbursing her for her long-service award is dismissed.
4. The claimant was unfairly dismissed. The respondent did not follow an overall fair procedure.
5. Had the respondent followed a fair procedure, it would have made no difference to the outcome and the claimant would have been fairly dismissed in any event. Any compensatory award to which the claimant would be entitled is therefore reduced by 100% to nil under *Polkey v AE Dayton Services [1987]*.
6. The dismissal was contributed to by the claimant's conduct before the dismissal and the claimant's basic award is reduced by 75% in accordance with section 122(2) Employment Rights Act 1996.

7. The total award payable by the respondent to the claimant is **£1,889.11** (being the claimant's basic award of £7,556.43 calculated by reference to a gross weekly wage of £256.15, less a 75% reduction for contributory fault).

Employment Judge Peck

11th June 2021

JUDGMENT SENT TO THE PARTIES ON

24 June 2021

FOR THE TRIBUNAL OFFICE

Notes

1. 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.
2. Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2416662/2019**

Name of case: **Mrs C Anderson** v **Lancashire County Council**

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: 24 June 2021

"the calculation day" is: 25 June 2021

"the stipulated rate of interest" is: 8%

For the Employment Tribunal Office