



# EMPLOYMENT TRIBUNALS

## FINAL HEARING

**Claimants:** Ms Louise Douglas (First Claimant)  
Ms Carol Ann Graham (Second Claimant)

**Respondent:** Children4us Childcare Ltd (in liquidation)

**Heard:** Remotely (in public by video)      **On:** 4 March 2022

**Before:** Employment Judge Shore

### Appearances

For the claimants: Mr N Guss, Solicitor

For the respondent: No Appearance

# JUDGMENT AND REMEDY

### First Claimant – Louise Douglas

1. The first claimant's claim of unauthorised deduction of wages contrary to section 13 of the Employment Rights Act 1996 is well-founded and succeeds.
2. The respondent will pay Louise Douglas **£286.00** (gross) calculated as 10 hours @ £8.00 per hour on 1 October 2019 and 3 October 2019, 5 hours @ £8.00 per hour on 4 October 2019 and £86.00 of overtime.
3. The first claimant's claim of failure to pay for holidays accrued but not taken at the date of dismissal contrary to section 13 of the Employment Rights Act 1996 is well-founded and succeeds.
4. The respondent will pay Louise Douglas **£880.00** (gross) calculated as 11 days' holiday accrued but not taken @ £80.00 per day.
5. The first claimant's claim of unfair dismissal succeeds.
6. The respondent will pay Louise Douglas a basic award of **£960.00** calculated as 3 weeks' pay @ £320 per week. No tax or National Insurance is deductible from a basic award.

7. The recoupment provisions in the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 do not apply.
8. The first claimant's claim of breach of contract (failure to pay notice pay) is well-founded and succeeds.
9. The respondent shall pay Louise Douglas **£1,280.00** (gross) calculated as 4 weeks' pay @ 320.00 per week.
10. The first claimant's claims of:
  - 10.1. Failure to provide payslips under s.8 ERA 1996 /unnotified deduction under s.12 ERA 1996; and
  - 10.2. Unlawful deduction of Employee & Employee pension contributions & NI contributions under S.13 ERA 1996 and/or breach of contractare both dismissed upon withdrawal.

**Second Claimant – Carol Graham**

11. The second claimant's application to amend her claim to include a claim for failure to pay for holidays accrued but not taken at the date of dismissal contrary to section 13 of the Employment Rights Act 1996 is granted.
12. The second claimant's claim of failure to pay for holidays accrued but not taken at the date of dismissal contrary to section 13 of the Employment Rights Act 1996 is well-founded and succeeds.
13. The respondent will pay Carol Graham **£1,108.35** (gross) calculated as 13.5 days' holiday accrued but not taken @ £82.10 per day.
14. The second claimant's claim of unfair dismissal succeeds.
15. The respondent will pay Carol Graham a basic award of **£739.90** calculated as 3 weeks' pay @ £246.30 per week. No tax or National Insurance is deductible from a basic award.
16. The recoupment provisions in the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 do not apply.
17. The second claimant's claims of:
  - 17.1. Failure to provide payslips under s.8 ERA 1996 /unnotified deduction under s.12 ERA 1996;
  - 17.2. Unlawful deduction of Employee & Employee pension contributions & NI contributions under S.13 ERA 1996 and/or breach of contract;
  - 17.3. Unlawful deductions in respect of salary and SSP under S.13 ERA 1996 and/or breach of contract; and
  - 17.4. Failure to make reasonable adjustments under S.20 & 21 EqA 2010

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are all dismissed upon withdrawal.

**Employment Judge Shore**

**Date 4 March 2022**

**Note**

**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.**

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