



EMPLOYMENT TRIBUNALS

Claimant: Miss S Skinner

Respondent: County Cars (2003) Limited

FINAL HEARING

Heard at: Midlands (West) (by CVP)

On: 31 March 2021

Before: Employment Judge Camp

Appearances

For the claimant: in person

For the respondent: Mr A Wallace, Transport Manager & Mr A Hafeez, Director

JUDGMENT & ORDER

- (1) The time for presentation of the response is extended to 9 March 2021 and the respondent may rely on the response presented on that date.
- (2) The respondent's applications to postpone the entire case to a later date are refused. The start of the substantive part of this hearing is put back to 1 pm on 31 March 2021 and the hearing on this date will be to deal with the claimant's claims other than constructive unfair and wrongful dismissal. Subject to paragraph (9) below, the hearing of the constructive unfair and wrongful dismissal claims is postponed to a date to be notified to the parties.
- (3) The respondent made unauthorised deductions from the claimant's wages and must pay her the amount of those deductions: £838.92 gross (consisting of £784.80 underpaid furlough pay for the period from 6 April 2020 to 9 September 2020 and £54.12 for work done on 10 September 2020).
- (4) The respondent failed to pay the claimant after her employment ended for accrued but untaken annual leave and must pay her £415.34 in compensation under regulation 14 of the Working Time Regulations 1998.
- (5) The respondent breached its duty to provide itemised pay statements – wageslips – between 6 April 2020 and the end of the claimant's employment on 10 September 2020. Those pay statements should have shown that the claimant was paid at the rate of £200.56 gross per week from 6 April 2020 to 9 September 2020.

- (6) When these proceedings were begun, the respondent was in breach of its duty under section 4(1) of the Employment Rights Act 1996 and the claimant is awarded an additional sum of £589.14, being two weeks' pay, in accordance with section 38 of the Employment Act 2002.
- (7) The total amount the respondent must pay the claimant in relation to all her claims other than her claims for constructive unfair and wrongful dismissal is: **£1843.40**
- (8) Other than for the purposes of the claimant complying with paragraph (9) below, these proceedings are stayed until 21 April 2021.
- (9) On or before **22 April 2021**, the claimant must email the Tribunal and the respondent:
 - a. to confirm whether she is continuing with or is withdrawing her constructive unfair and wrongful dismissal claims;
 - b. if she is continuing with those claims, she must provide full details of them. She must write down / type out, on no more than one sheet of paper, in date order, all the facts she relies on that she says mean she was constructively dismissed, consisting of a numbered list of dates of when relevant things happened, and what happened on those dates, including who did what and when.
- (10) If the claimant emails to say she is continuing with her constructive unfair and wrongful dismissal claims, the respondent must provide to the claimant and the Tribunal an amended response to those claims by **13 May 2021**.

Employment Judge Camp
1st April 2021