



EMPLOYMENT TRIBUNALS

Claimant: Ms N Peerbux
Respondent: Oak Lodge Care Ltd
Heard at: East London Hearing Centre (by CVP)
On: 8 July 2022
Before: Employment Judge Byrne

Representation

Claimant: Mr Richard O'Keefe, of Counsel
Respondent: Neither present nor represented

JUDGMENT

Judgment in favour of the claimant was made on 22 June 2022.

REMEDY

Following a remedy hearing on 8 July 2022, the claimant is awarded the following amounts in respect of her claims:

- a) 30/6/21: 140 hours claimed at £9.44ph (£1,321.60), less 138 hours paid at £9.01ph (£1,243.38) – Shortfall £78.22
- b) 31/7/21: 87.50 hours claimed at £9.44ph (£826.00), less 81 hours paid at £9.01ph (£729.81) – Shortfall £96.19 (pay)
- c) 31/7/21: 36 hours claimed at £9.44ph (£339.84), less 23.40 hours paid at £8.91ph (£208.49) - Shortfall £131.35 (annual leave)
- d) 31/7/21: Deduction of £62.80 (DBS Check Charge) – Shortfall £62.80
- e) 30/9/21: SSP paid £385.40 versus SSP due £417.51 – Shortfall £32.11

f) 31/10/21: SSP due £417.51 – None paid

Shortfall - £417.51

Total Underpayment: £818.08 (X)

Payments in respect of a) to d) above were subsequently received by the claimant and are to be deducted from the "Total Underpayment" shown above, namely:

g) £91.16 (made up of one payment each of £56.33 plus £34.83), paid by the respondent on 6/8/21

h) £62.80 (DBS Check Charge reimbursement), paid by the respondent on 30/12/21

Total received: £153.96 (Y)

Net loss of earnings (X – Y): £664.12

Uplift to compensatory award of 25% for failure to follow the ACAS Code:
 $£664.12 \times 25\% = £166.03$

Grand total award

The grand total sum of **£830.15** is payable to the Claimant by the Respondent forthwith.

Employment Judge M Byrne
Date: 11 July 2022