



EMPLOYMENT TRIBUNALS

Claimant: Thomas Lowther

Respondent: Lowther Decorators Limited

Heard at: Newcastle (by video)

On: 14 & 15 July 2022

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was by Cloud Video Platform. A face to face hearing was not held because the relevant matters could be determined in a remote hearing.

Before: Employment Judge Withers

Representation

Claimant: Mr Haywood, counsel

Respondent: Miss Zakrewska, litigation executive

JUDGMENT

1. The respondent made an unauthorised deduction from wages by failing to pay the claimant the full amount of wages due for the period 19 November 2021 to 15 December 2021 and is ordered to pay to the claimant the gross sum of £3,600.00 in respect of the amount unlawfully deducted.
2. The respondent made an unauthorised deduction from wages by failing to pay the claimant's income protection premiums for the period 1 November 2021 to 15 December 2021 and is ordered to pay to the claimant the gross sum of £315.00 in respect of the amount unlawfully deducted.
3. The respondent made an unauthorised deduction from wages by failing to pay the claimant in lieu of accrued but untaken annual leave on termination of employment and is ordered to pay to the claimant the gross sum of £2,000.00 in respect of the amount unlawfully deducted.
4. The respondent was in breach of contract by dismissing the claimant without notice and the respondent is ordered to pay to the claimant damages in the gross sum of £25,000.00 in respect of that breach.

5. The respondent's breach of contract claim against the claimant is dismissed.
6. The claimant was unfairly dismissed.
7. The claimant is entitled to a basic award of £16,048.00.
8. The claimant is entitled to a compensatory award of £52,000.00.
9. The Employment Protection (Recoupment of Benefits) Regulations 1996 do apply to the award of compensation for unfair dismissal and the details required by Regulation 4(2) are as follows:
 - (a) Grand total = £68,048.00
 - (b) Prescribed element = £4,832
 - (c) Period of prescribed element from 15 December 2021 to 15 July 2022
 - (d) Excess of grand total over prescribed element = £63,216

Employment Judge Withers

Date 15 July 2022