

Case Nos: 2501948/2021
2501950/2021
2501951/2021
2501960/2021



EMPLOYMENT TRIBUNALS

FINAL HEARING

Case Number 2501948/2021

Claimant: Ms E Davison (First Claimant)

Respondent: Serenity H2O Ltd (First Respondent)

Case Number 2501950/2021

Claimant: Mr D McMenamin (Second Claimant)

Respondent: Hamilton Facilities Management Ltd (Second Respondent)

Case Number 2501951/2021

Claimant: Mrs L Hockings (Third Claimant)

Respondent: Serenity H2O Ltd (First Respondent)

Case Number 2501960/2021

Claimant: Mr R Brand (Fourth Claimant)

Respondent: Hamilton Facilities Management Ltd (Second Respondent)

Heard at: Newcastle (remotely in public by video)

On: 4 March 2022

Before: Employment Judge Shore

Appearances

For the first claimant: No Appearance
For the other claimants: In Person For
the respondents: No Appearance

JUDGMENT AND REMEDY

First Claimant – Elke Davison

1. The first claimant's claim of unauthorised deduction of wages contrary to section 13 of the Employment Rights Act 1996 is not well-founded and fails.
2. The first claimant's claim of failure to pay for holidays accrued but not taken at the date of dismissal is not well-founded and fails.
3. The first claimant's claim of unfair dismissal fails.

Second Claimant – David McMnamin

4. The second claimant's claim of unauthorised deduction of wages contrary to section 13 of the Employment Rights Act 1996 is well-founded and succeeds against the second respondent.
5. The second respondent, Hamilton Facilities Management Ltd, shall pay David McMnamin the sum of £7,500.00 (gross before deduction of income tax and National Insurance) in respect of unauthorised deductions of pay for the period December 2021 to 30 April 2022.
6. The second respondent, Hamilton Facilities Management Ltd, shall pay David McMnamin the sum of £370.00 (gross before deduction of income tax and National Insurance) in respect of unauthorised deductions of pension contributions.
7. The second claimant's claim for failure to pay for holidays accrued but not taken is well-founded and succeeds against the second respondent.
8. The second respondent, Hamilton Facilities Management Ltd shall pay David McMnamin the sum of £2,076.00 (gross before deduction of income tax and National Insurance) for the failure to pay for holidays accrued but not taken.
9. The second claimant's claim of breach of contract (failure to pay notice pay) is well founded and succeeds against the second respondent.
10. The second respondent, Hamilton Facilities Management Ltd shall pay David McMnamin the sum of £1,500.00 (gross before deduction of income tax and National Insurance) for the failure to pay notice pay.
11. The second claimant's claim of unfair dismissal is dismissed upon withdrawal.

Third Claimant – Leah Hockings

12. The third claimant's claim of unauthorised deduction of wages contrary to section 13 of the Employment Rights Act 1996 is well-founded and succeeds against the first respondent.

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13. The first respondent, Serenity H2O Ltd, shall pay Leah Hockings the sum of £3,848.60 (this is a net sum) in respect of unauthorised deductions of pay for the period December 2021 to 31 March 2022.
14. The first respondent, Serenity H2O Ltd, shall pay Leah Hockings the sum of £1,541.66 (this is a net sum) in respect of unauthorised deductions of pay for the KIT days worked whilst she was on maternity leave.
15. The first respondent, Serenity H2O Ltd, shall pay Leah Hockings the sum of £106.14 (this is a net sum) in respect of unauthorised deductions of pension contributions.
16. The third claimant's claim for failure to pay for holidays accrued but not taken is well-founded and succeeds against the first respondent.
17. The first respondent, Serenity H2O Ltd, shall pay Leah Hockings the sum of £3,915.00 (gross before deduction of income tax and National Insurance) for the failure to pay for holidays accrued but not taken.
18. The third claimant's claim of breach of contract (failure to pay notice pay) is well founded and succeeds against the first respondent.
19. The first respondent, Serenity H2O Ltd, shall pay Leah Hockings the sum of £3,038.33 (gross before deduction of income tax and National Insurance) for the failure to pay notice pay.
20. The third claimant's claim of unfair dismissal is dismissed upon withdrawal.

Fourth Claimant – Robert Brand

21. The fourth claimant's claim of unauthorised deduction of wages contrary to section 13 of the Employment Rights Act 1996 is well-founded and succeeds against the second respondent.
22. The second respondent, Hamilton Facilities Management Ltd, shall pay Robert Brand the sum of £7,258.75 (gross before deduction of income tax and National Insurance) in respect of unauthorised deductions of pay for the period December 2021 to 30 April 2022).
23. The second respondent, Hamilton Facilities Management Ltd, shall pay Robert Brand the sum of £121.75 (gross before deduction of income tax and National Insurance) in respect of unauthorised deductions of pension contributions.
24. The fourth claimant's claim for failure to pay for holidays accrued but not taken is well-founded and succeeds against the second respondent.
25. The second respondent, Hamilton Facilities Management Ltd shall pay Robert Brand the sum of £2,004.75 (gross before deduction of income tax and National Insurance) for the failure to pay for holidays accrued but not taken.

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26. The fourth claimant's claim of breach of contract (failure to pay notice pay) is well founded and succeeds against the second respondent.
27. The second respondent, Hamilton Facilities Management Ltd shall pay Robert Brand the sum of £1,471.75 (gross before deduction of income tax and National Insurance) for the failure to pay notice pay.
28. The fourth claimant's claim of unfair dismissal is dismissed upon withdrawal.

Employment Judge Shore

Date 11 August 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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