



# EMPLOYMENT TRIBUNALS

Claimant: Mrs K Banks

Respondent: Park Hall Hotel Ltd (in creditors voluntary liquidation)

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the complaints of breach of contract and unauthorised deduction from wages, in accordance with rule 21 of the Rules of Procedure.
2. The respondent was in breach of contract by deducting pension contributions from the claimant's pay but not applying the pension contributions to the claimant's pension. The respondent is therefore ordered to pay the claimant damages of **£401.19** for this breach (£53.66 for September 2021 + £55.57 for August 2021 + £65.21 for July 2021 + £44.48 for June 2021 + £40.65 for February 2021 + £50.23 for January 2021 + £41.71 for December 2020 + £49.68 for November 2020).
3. The respondent has made an unauthorised deduction from wages by failing to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of **£1,722.00** (£408.00 divided by 5 = £82.00 per day x 21 days unpaid holiday).
4. The claimant was dismissed in breach of contract in respect of notice. The respondent is ordered to pay damages to the claimant in the sum of **£2,676.00** (£4896 (12 x £408) less earnings during this period £2220 (12 x £185)). This is a net sum but is based on the claimant's gross pay because it is likely that upon receipt the claimant will have to pay tax on this amount as Post Employment Notice Pay.

5. The claim to be entitled to a statutory redundancy payment and the complaint of unfair dismissal will be decided at a final hearing.

Employment Judge Slater  
Date: 4 January 2023

JUDGMENT SENT TO THE PARTIES ON  
10 January 2023  
AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2403451/2022**

Name of case: **Mrs K Banks** v **Park Hall Hotel Ltd (in  
creditors voluntary  
liquidation)**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

**the relevant decision day** in this case is: 10 January 2023

**the calculation day** in this case is: 11 January 2023

**the stipulated rate of interest** is: **8% per annum**.

Mr S Artingstall  
For the Employment Tribunal Office

### GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:  
[www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.