



EMPLOYMENT TRIBUNALS

Claimant 1: Miss Hayley Jane Tomkinson “the claimant”
Claimant 2: Mr Mark Pollock - claimant in respect of case 2408796/2022
Respondent 1: Oliver’s Hairstyling Hale Limited “the respondent”
Respondent 2: Vocla Limited - removed from proceedings 31 January 2023

Heard at: Manchester, in person **On:** 04 April 2023
Before: Employment Judge Gibson

PARTIES IN ATTENDANCE:

Claimant 1: Miss Hayley Jane Tomkinson
Claimant 2: Mr Mark Pollock
Respondent 1: Mr Alex Fellows, Oliver’s Hairstyling Hale Limited
Respondent 2: Mr Carl Roberts, Vocla Limited

JUDGMENT

Case 2409421/2022 and case 2408796/2022 were heard together. For the purposes of the written judgments, the Tribunal has provided written judgment in respect of each case separately. Any reference in this judgment to “the claimant” and “the respondent” should be read as relating to claimant 1 and respondent 1 only.

The judgment of the Tribunal is as follows:

1. The complaint of unpaid wages contrary to Section 13 Employment Rights Act 1996 is well-founded. The respondent made an unauthorised deduction from the claimant’s pay in respect of the period 1 October 2022 – 31 October 2022. The respondent is ordered to pay to the claimant in this case the agreed gross sum of £3,333.33.
2. The claimant’s complaint of breach of contract (notice pay) is withdrawn by the claimant and is dismissed.
3. The respondent’s application for a costs order is dismissed.

Employment Judge Gibson

04 April 2023

JUDGMENT SENT TO THE PARTIES ON
12 April 2023

FOR THE TRIBUNAL OFFICE

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2409421/2022**

Name of case: **Miss H J Tomkinson** v **Oliver's Hairstyling Hale Limited**

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: 12 April 2023

the calculation day in this case is: 13 April 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

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.