



EMPLOYMENT TRIBUNALS

Claimant: Mrs VL Harris

Respondent: Notes of Northumberland (Alnwick) Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim of unlawful deduction of wages (arrears of pay) is well-founded and succeeds. The Respondent is ordered to pay to the Claimant the gross sum of **£645.33**
2. The claim of failure to pay outstanding accrued holiday pay is well-founded and succeeds. The Respondent is ordered to pay to the Claimant the gross sum of **£57.75**.
3. The total gross amount to be paid to the Claimant is **£703.08**.

REASONS

1. On 06 June 2022, the Claimant presented a Claim Form to the Tribunal in which she brought complaints of:
 - 1.1. unlawful deduction of wages (under section 23 Employment Rights Act 1996);
 - 1.2. failure to pay accrued but untaken holiday pay on termination of employment (Regulation 30(1)(b) Working Time Regulations 1998 and/or section 23 Employment Rights Act 1996);
2. The proceedings were served on the Respondent at the address provided by the Claimant, which is the Respondent's registered office, with a response date of 02 August 2023. No response was returned.
3. Under rule 21 of the Tribunal Rules of Procedure 2013, where on the expiry of the time limit in rule 16 no response has been presented and no application for a reconsideration is outstanding, an employment Judge shall decide whether on the available material, a

determination can properly be made of the claim or part of it. If there is, the judge shall issue a judgment, otherwise a hearing must be fixed before a judge alone.

4. The Claimant wrote to the Tribunal, on 10 August 2023 providing a breakdown of the amounts claimed, attaching a wage slip and a copy of her timesheets.
5. The Claimant was entitled to be paid £10.50 an hour. As at the date of termination of employment, the Claimant had not been paid gross salary of £645.33. That amount is made up as follows:
 - 5.1. £309.33 for the week ending 26 March 2023 (payable on 31 March 2023);
 - 5.2. £336 for the week ending 02 April 2023 (payable on 07 April 2023);
6. The amounts claimed were properly payable to the Claimant on the above dates. The Respondent has failed to pay them in contravention of section 13 Employment Rights Act 1996.
7. The Claimant also claimed outstanding holiday pay. At the date of termination of employment had 5.5 hours of accrued untaken holiday, equating to a payment of £57.75.
8. I was satisfied that I had sufficient information to enable me to issue a judgment in respect of the claims for unpaid wages and outstanding holiday.

Employment Judge **Sweeney**

Date: 21 August 2023