



EMPLOYMENT TRIBUNALS

Claimant: Mr P Clayton

Respondent: Barwarwick Limited

HELD AT: Newcastle, in public by video and telephone **ON:** 26 October 2023

BEFORE: Employment Judge Aspden

REPRESENTATION:

Claimant: In person

Respondents: No attendance

JUDGMENT

The judgment of the Tribunal is:

1. The claimant's complaint that the respondent made deductions from his wages in contravention of section 13 of the Employment Rights Act 1996 on 20 and 27 February 2023 is well founded.
2. The claim concerns a matter to which the ACAS Code of Practice on Discipline and Grievances applies. The respondent unreasonably failed to comply with that Code.
3. When these proceedings were begun the respondent was in breach of its duty to the claimant under section 1(1) of the Employment Rights Act 1996.
4. The respondent must pay to the claimant £2,577.20 made up as follows:
 - a. £1,248.00 deducted from the claimant's wages in contravention of section 13 of the Employment Rights Act 1996;

- b. plus a 15% increase (£187.20) made under section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 in respect of the failure to comply with the ACAS Code;
 - c. plus £1,142, representing two weeks' pay awarded under section 38 of the Employment Act 2002 for the breach of s1(1) of the Employment Rights Act 1996.
5. The claimant's complaint about holiday pay is dismissed having been withdrawn by the claimant.

Employment Judge Aspden

Date 26 October 2023

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.