



EMPLOYMENT TRIBUNALS

Claimant: Mr A Sanyaolu

Respondent: Upwards Care Solutions Ltd

Heard at: Liverpool (in private) **On:** 17 July 2024

Before: Employment Judge Shotter (sitting alone)

REPRESENTATION:

Claimant: (representing Self with Richard Adeuga, friend, in support)

Respondent: Mr A Williams – Consultant (Peninsula)

JUDGMENT

The judgment of the Tribunal is:

1. The respondent did not pay to the claimant 30 hours worked as agreed and his complaint of unlawful deduction of wages is well-founded. The respondent is ordered by agreement to pay to the claimant the sum of £330 hours less lawful deductions of tax and national insurance (30 hours x £11 per hour gross).
2. The claimant's claim for breach of contract claim (unpaid expenses) is dismissed on withdrawal.

Employment Judge Shotter

DATE 17th July 2024

JUDGMENT SENT TO THE PARTIES ON

Date: 23rd July 2024

FOR THE TRIBUNAL OFFICE

(1) Any person who without reasonable excuse fails to comply with an Order to which section 7(4) of the Employment Tribunals Act 1996 applies shall be liable on summary conviction to a fine of £1,000.00.

(2) Under rule 6, if this Order is not complied with, the Tribunal may take such action as it considers just which may include (a) waiving or varying the requirement; (b) striking out the claim or the response, in whole or in part, in accordance with rule 37; (c) barring or restricting a party's participation in the proceedings; and/or (d) awarding costs in accordance with rules 74-84.

(3) You may apply under rule 29 for this Order to be varied, suspended or set aside.

Sources of Guidance

Note: some of these may not be relevant to this case.

- i. More information about Employment Tribunals can be found via <https://www.judiciary.uk/courts-and-tribunals/tribunals/employment-tribunal/employment-tribunal-england-wales/>, including a link to the [Employment tribunal procedure rules - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/employment-tribunal-procedure-rules).
- ii. Presidential Practice Directions and Guidance can be found at this link: www.judiciary.gov.uk/publications/employment-rules-and-legislation-practice-directions/, including guidance on case management, remote hearings, postponements, dispute resolution, compensation for injury to feelings, pension loss, and witnesses giving evidence from abroad by video.
- iii. That link will provide access to the Presidential Guidance on 'General Case Management' (which incorporates Guidance Notes on a range of matters), and to the Presidential Practice Direction and Presidential Guidance on remote and in person hearings issued on 14 September 2020. At the same link can be found Presidential Guidance on alternative dispute resolution (including judicial assessment and judicial mediation), on taking evidence by video or telephone from persons located abroad, and on seeking a postponement.
- iv. Further information, including copies of regional leaflets about sources of free advice, can be found here: <https://www.judiciary.uk/courts-and-tribunals/tribunals/employment-tribunal/employment-tribunal-england-wales/further-information/>
- v. The parties may also find the following guidance helpful:
- vi. Ten short guides produced by BPP Law School providing an overview of Employment Tribunal procedures, including what happens at a hearing, can be found here: <https://vimeo.com/user/71831050/folder/4038961>

**Case Number: 2402088/2024 &
2402515/2024**

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Annex

Complaints and Issues

Claimant: **Mr A Sanyaolu**

Respondent: **Upwards Care Solutions Ltd**

List of Issues to be determined:

1. **Unauthorised deductions**

- 1.1.1 Were the wages paid to the claimant on 14 December 2023 less than the wages he should have been paid? Should the claimant have been paid 20 hours overtime? Should the claimant have been paid during his suspension?
- 1.2 Was any deduction required or authorised by statute?
- 1.3 Was any deduction required or authorised by a written term of the contract?
- 1.4 Did the claimant have a copy of the contract or written notice of the contract term before the deduction was made?
- 1.5 Did the claimant agree in writing to the deduction before it was made?
- 1.6 How much is the claimant owed calculated at NMW?