



EMPLOYMENT TRIBUNALS

Claimant: Mr Kelvin Whyte

Respondent: Mr Nicholas Turner Brown

Heard at: London South (by CVP)

On: 2 July 2024

Before: Employment Judge Hamour

REPRESENTATION:

Claimant: In person

Respondent: Mr Alan Williams, Peninsula

JUDGMENT

The judgment of the Tribunal is as follows:

Employer

1. The employer of the claimant is Nicholas Turner Brown, not the Griffin's Head Ltd. Nicholas Turner Brown is accepted as the respondent to this claim.
2. The application for out of time acceptance of the respondent's ET3 is not granted.

Wages

3. The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages in the amount of 50 pence per hour, over 297 hours of work.
4. The respondent shall pay the claimant £148.50, which is the gross sum deducted, but subject to deductions for PAYE.

Notice Pay

5. The complaint of breach of contract in relation to notice pay is well-founded.
6. The respondent shall pay the claimant £500 as damages for breach of contract. This is the gross figure, as it will be subject to tax as Post Employment Notice Pay.

Holiday Pay

7. The complaint in respect of holiday pay is well-founded. The respondent failed to pay the claimant for holidays accrued but not taken on the date the claimant's employment ended.
8. The respondent shall pay the claimant £466, subject to deductions for PAYE.

Failure to provide a written statement of employment particulars

9. When the proceedings were begun the respondent was in breach of its duty to provide the claimant with a written statement of employment particulars. There are no exceptional circumstances that make an award of an amount equal to two weeks' gross pay unjust or inequitable. It is just and equitable to make an award of an amount equal to four weeks' gross pay. In accordance with section 38 Employment Act 2002 the respondent shall therefore pay the claimant £2,000.

**Employment Judge Hamour
1 August 2024**

Note

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments (apart from judgments under rule 52) 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.