



EMPLOYMENT TRIBUNALS

Claimant: Mrs Lynn Appleby
Respondent: Isys Care Ltd
On: 18 July 2024
Before: Employment Judge Ahmed (sitting alone)
At: Nottingham

Representation

Claimant: Mr Graham Hales (lay representative)
Respondent: No appearance or representation

JUDGMENT

The decision of the Tribunal is that:

1. The complaint of an unauthorised deductions from wages is well-founded. The Respondent shall pay the Claimant £1,797.45, which is the gross sum deducted. The Claimant shall be responsible for payment of any tax or National Insurance.
3. The complaint of breach of contract in relation to notice pay is well-founded. The Respondent shall pay the Claimant £4,774.68 gross as damages for breach of contract. The Claimant shall be responsible for any tax and national insurance thereon.
4. The complaint in respect of unpaid holiday pay is well-founded. The Respondent made an unauthorised deduction from the Claimant's wages by failing to pay the Claimant for holidays accrued but not taken on the date the Claimant's employment ended. The Respondent shall pay the Claimant £1,263.08 gross. The Claimant shall be responsible for paying any tax or National Insurance.
5. The Claimant was unfairly dismissed.
6. The Respondent unreasonably failed to comply with the ACAS Code of

Practice on Disciplinary and Grievance Procedures 2015 and it is just and equitable to increase the compensatory award payable to the Claimant by 25% in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.

7. The Respondent shall pay the Claimant the following sums:

(a) A basic award of £13,665.67

(b) A compensatory award of £5,417.68 calculated as follows:

Loss of earnings: £4,774.68

Loss of statutory rights: £ 634.00

Uplift of 25%: £1,354.42

Total compensatory award: £6,763.10

Total award for unfair dismissal: £20,428.77

Employment Judge Ahmed

Date: 25 July 2024

JUDGMENT SENT TO THE PARTIES ON

....19 August 2024.....

FOR THE TRIBUNAL OFFICE

**Case Numbers: 2602653/2023
2602668/2023
2602669/2023
2602731/2023
2603365/2023**

Notes

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.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>