



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs A Butterfield

**Respondent:** Ashes Care Group Limited

**Heard at:** Newcastle (by CVP)

**On:** 21 August 2024

**Before:** Employment Judge Aspden

## REPRESENTATION:

**Claimant:** Mr Sharples, solicitor

**Respondent:** no attendance

# JUDGMENT

The judgment of the Tribunal is as follows:

## Wages

1. The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages for the period of two weeks ending on 15 March 2024.
2. The respondent shall pay the claimant **£695.50**, which is the gross sum deducted.

## Notice Pay

3. The complaint of breach of contract in relation to notice pay is well-founded.
4. The respondent shall pay the claimant **£2,929.25** as damages for breach of contract. This figure has been calculated using gross pay to reflect the likelihood that the claimant will have to pay tax on it as Post Employment Notice Pay.

## Holiday Pay

5. The complaint in respect of holiday pay is dismissed, having been withdrawn by the claimant.

## Redundancy Payment

6. Under section 163 Employment Rights Act 1996 it is determined that the claimant is entitled to a redundancy payment of **£10,432.50**.

## Protective award

7. The claimant's claim that the respondent failed to comply with the requirements of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 in respect of her dismissal is well founded.
8. The Tribunal orders the respondent, by way of protective award under section 189(3) of the 1992 Act, to pay to the claimant a payment equivalent to remuneration for the period of 90 days beginning on 15 March 2024.

## Recoupment

9. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 applies to the protective award. The protected period is the period of 90 days beginning on 15 March 2024.

Employment Judge **Aspden**

Date: 21 August 2024

## 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](http://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/>