



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr Jędrzej Szczepanski

v

SLM Rescue Services Ltd

Heard at: Watford (by CVP)
On: 20 June 2024
Before: Employment Judge Alliott

Appearances

For the Claimant: Ms A Zablocka (a friend)
For the Respondent: Mr S Hobbs (Transport Manager)

JUDGMENT

The judgment of the tribunal is that:

1. The respondent has made unauthorised deductions from the claimant's wages and the respondent is ordered to pay him the following sums:
 - 1.1. The gross sum of £3,525 (subject to tax and National Insurance).
 - 1.2. The tax free sum of £126.
 - 1.3. The net sum payable to the claimant is to be subject to the following deductions:
 - (a) £1,166.66 – already paid
 - (b) £108 – car repairs
 - (c) £15.80 – Pizza
2. The respondent has failed to pay the claimant's accrued holiday entitlement and the respondent is ordered to pay him the gross sum of £401.90 (subject to tax and National Insurance).

REASONS

1. The claimant worked for the respondent between 5 August 2023 and 14 September 2023.
2. I have been shown a letter of appointment dated 4 August 2023. Mr Hobbs gave evidence that the letter was handed to the claimant and a copy left on the seat in the van when he went to pick it up on 5 August 2023. I find that the claimant probably was given a copy of that letter of appointment.

3. The claimant was to be paid £130 for a driving day and £65 for a waiting around day. In addition, the HMRC night out allowance of £25.20 was payable free of deductions for those days when a hotel was not or could not be provided by the company. The letter of appointment expressly states:-

“For avoidance of doubt payment is made for days worked ONLY and payments are subject to Income Tax and National Insurance deductions.”

4. Accordingly, I find that pursuant to the claimant's contract of employment he was not entitled to be paid for days not worked.
5. Going from the spreadsheets, there is a large measure of agreement as to what sums were earned by the claimant. The total earnings calculated by the respondent come to £3,120. I find that the claimant also worked on 5 August - driving, 12 August - waiting, and 24 August - driving. That would add £325 onto the claimant's earnings and accordingly I find that the claimant earned £3,445. To that is to be added the £80 car delivery bonus. Accordingly, I find that the claimant earned a total of £3,525 gross (subject to tax and national Insurance).
6. The claimant has claimed waiting time for the period 13 – 23 August 2023. The claimant accepted that he was at home in Manchester at the time and not working. I find that he is not entitled to be paid for those days.
7. The claimant accepted that on all but five of the days he worked hotels were provided for him and he stayed in them. Accordingly, I find that the claimant is entitled to five days tax free allowance at the rate of £25.20 per day = £126 (tax free).
8. The net sums payable to the claimant are to be subject to the following deductions:
- 8.1 £1,166.66 – already paid to him.
- 8.2 £108 – for car repairs
- 8.3 £15.80 – for a pizza
9. The claimant was employed for six weeks. His holiday entitlement was 28 days per year. @ 2.33 per month the claimant had accrued a holiday entitlement of 3.5 days. The claimant worked on 30 days. $£3,445 \div 30 = £114.83$. $3.5 \times £114.83 = £401.90$.

Employment Judge Alliot
Date: 01/07/2024

Sent to the parties on: 14/8/2024

For the Tribunal Office

Recording and Transcription

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