



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr T Franklin-Maskell

**Respondent:** Paul Morrison

**Heard at:** London South Employment Tribunal (by video hearing)

**On:** 17 March 2025

**Before:** Employment Judge Youngs

**Representation**

Claimant: In person

Respondent: Not in attendance

## JUDGMENT

1. The Claimant's claim for constructive wrongful dismissal (his claim for notice pay) succeeds. The Respondent shall pay the Claimant **£198.13** (by way of damages reflecting the Claimant's statutory notice entitlement). 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.
2. The Claimant's claim for holiday pay succeeds. The Respondent failed to pay the Claimant in accordance with the Working Time Regulations 1998. The Respondent shall pay the Claimant the gross sum of **£512.17**.
3. The Claimant's claim for unlawful deductions from wages succeeds. The Respondent shall pay the Claimant the gross sum of **£865.01**.
4. The Claimant's wages claim in respect of failure to pay statutory sick pay succeeds. The Respondent shall pay the Claimant the gross sum of **£96.35**.
5. The Claimant's claim for non-payment of travel time succeeds. The Respondent shall pay the Claimant the gross sum of **£2,071**.
6. The Claimant is responsible for paying any tax or National Insurance in relation to the above sums.

7. When the proceedings were begun the Respondent was in breach of its duty to provide the Claimant with a written statement of employment particulars. The Respondent has not put forward any exceptional circumstances that make an award of an amount equal to two weeks' gross pay unjust or inequitable. In accordance with section 38 Employment Act 2002 the Respondent shall therefore pay the Claimant **£396.26**.
8. The Respondent failed to give the Claimant written itemised pay statements as required by section 8 Employment Rights Act 1996 in the period **13 May 2022 to 27 October 2022**.
9. The Claimant was disabled at the material time by reason of ADHD and, separately, by reason of Stress Related Muscular Tension.
10. The Claimant's claim for disability discrimination (namely failure to make reasonable adjustments for disability and harassment relating to disability) succeeds. The Respondent shall pay the Claimant **£5,000** by way of injury to feelings.

**Approved by:  
Employment Judge Youngs  
18 March 2025**

**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.

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