



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss Y Benjamin

**Respondent:** Vivo Medical Services Limited

**Heard at:** Liverpool                      **On:** 26 June 2025

**Before:** Employment Judge Aspinall

## JUDGMENT

### The judgment of the Tribunal is:

1. The claimant's claim for unauthorised deduction from wages in relation to being unpaid for September and August 2023 and receiving no pay during her notice period to 9 November 2023 and for failure to pay those amounts at national minimum wage rate is well-founded and succeeds.
2. The claimant's claim for unfair dismissal is well-founded and succeeds.

### Remedy Judgment Part 1

**The respondent is ordered to pay £ 8214.00 to the claimant** made up as follows:

Unauthorised deductions at national minimum wage rate

August 2023

Nine days worked at eight hours per day  
at national minimum wage of £10.42

£750

September 2023

nine days at eight hours per day  
at national minimum wage of £10.42

£ 750

unpaid wages properly payable during the notice period  
one week at full pay at nmw rate

£166

five weeks at statutory sick pay rate £109.40 times five	£ 547
the claimant did not claim this at full notice pay rate	

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unfair dismissal

A basic award

1x6x166.72	£1000
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A compensatory award

loss of earnings from 9 November 2023 to 16 May 2024

27 weeks at £166.72 nmw rate	£ 4501
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Loss of statutory rights	£ 500	£ 8214
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**Remedy Judgment Part 2**

3. The respondent did not attend or participate in the final hearing on 26 June 2025. The Tribunal has listed a second remedy hearing to consider awarding more compensatory award elements including:

Loss of statutory maternity pay between 16 May 2023 and 3 July 2024

The first six weeks paid at 90% nmw rate 6 x £ 150	£ 900
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The next six at the lower of the statutory rate or in this case 90%	£ 900
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Future loss of earnings

The Tribunal has made a provisional finding that it would have taken the claimant one month from her

planned return to work in July 2024 to find alternative employment	£ 666
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4. The Tribunal has not had evidence from the claimant as to benefits she received during her unemployment and maternity. It will need this evidence because **recoupment provisions** apply. That means the claimant has to tell the Tribunal what she received in benefits and the respondent will have to pay back to the state an amount equivalent to benefits received and pay the balance only of any part 2 award to the claimant.

5. At the next hearing the respondent may be heard on remedy points in Part 2 and the claimant will give evidence on benefits or other income received. A separate notice of hearing and case management order will be sent to the parties.

Approved for promulgation by  
Employment Judge Aspinall

Date: 27 June 2025

JUDGMENT SENT TO THE PARTIES ON  
Date: 29 July 2025

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FOR THE TRIBUNAL OFFICE

**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/>



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2401954/2024**

Name of case: **Miss Y Benjamin** v **Vivo Medical Services Limited**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

**the relevant decision day** in this case is: 29 July 2025

**the calculation day** in this case is: 30 July 2025

**the stipulated rate of interest** is: **8% per annum**.

Paul Guilfoyle  
For the Employment Tribunal Office

## GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:  
[www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](https://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.