



## **EMPLOYMENT TRIBUNALS**

**Claimant Ms Memory Mundembe**

**Respondent: Oasis Private Care Ltd**

**Heard at: Newcastle upon Tyne Employment Tribunal.**

**On : 14 November 2025**

**Before: Employment Judge T.R. Smith**

### **Appearances**

**For the claimant: Ms, Dawson ( of counsel)**

**For the respondent No attendance ( Rule 47 applied)**

### **Judgement**

1.The claimant's complaint of unlawful deduction from wages is well-founded and the tribunal declares accordingly.

2.The respondent shall pay the claimant forthwith the sum of £18762.03. which is the gross sum deducted. The claimant is responsible for the payment of any tax or national insurance.

3. Pursuant to the complaint under section 11 of the Employment Rights Act 1996 the particulars that should have been given to the claimant are set out in the schedule hereto.

4. The claimant's complaint in respect of holiday pay is well-founded. The respondent failed to pay the claimant in accordance with regulation 14 (2) of the Working Time Regulations 1998. The respondent shall pay the claimant forthwith £ 769.93. The claimant is responsible for paying any tax or national insurance.

5. When the proceedings were begun the respondent was in breach of its duty to provide the claimant with a written statement of employment particulars. There are no exceptional circumstances that make an award of an amount equal to 2 weeks gross pay unjust or inequitable. It is just and equitable to make an award an amount equal to 4 weeks gross pay in accordance with section 38 of the Employment Act 2002 and respondent shall therefore pay the claimant forthwith the sum of £1856.40

## **Schedule**

### **Section 12 Employment rights Act 1996, determination under section 11(2)**

#### **Declaration**

- a. the name of the employer (Oasis Private Care Ltd) and the employee worker Memory Mundembe,
- b. the date when the employment began 15 August 2023
- c. the date on which the claimant's period of continuous employment began (15 August 2023)
- d. the scale or rate of remuneration (£10.75 per hour/£419.25 per week/£21,801 per year)
- e. the intervals at which remuneration is paid - 4 weekly
- f. any terms and conditions relating to hours of work including any terms and conditions relating to:
  - i. normal working hours - minimum of 39 hours,
  - ii. the days of the week the claimant was required to work - shifts rostered Monday to Sunday, and
  - iii. whether or not such hours or days may be variable, and if they may be how they vary or how that variation is to be determined - variable according to business needs but a minimum of 39 hours
- g. any terms and conditions relating to any of the following—

- i. entitlement to holidays, including public holidays, and holiday pay - 28 days/5.6 weeks,
- ii. incapacity for work due to sickness or injury, including any provision for sick pay - SSP only
- iii. any other paid leave - statutory as required, and
- iv. pensions and pension schemes - auto enrolment
- h. any other benefits provided by the employer that do not fall within another paragraph of this subsection - uniform, first month's accommodation
- i. the length of notice which the employee was obliged to give and entitled to receive to terminate my contract of employment .Employer – statutory and employee up to 1 months' employment , 1 day, 1 month up to 3 months' employment is 1 week, 3 months up to 5 years is 4 weeks 5 years plus is 1 week for each years' service),
- j. the title of the job the claimant was employed to perform -Care Worker),
- k. where the employment was not intended to be permanent, the period for which it is expected to continue or, if it is for a fixed term, the date when it is to end 5 years,
- l. any probationary period, including any conditions and its duration - 6 months),
- m. either the place of work or, where the claimant was required to work - various places within reasonable travelling distance – no fixed location
- n. any collective agreements which directly affect the terms and conditions of the employment including, where the employer is not a party, the persons by whom they were made - none
- o. where the claimant required to work outside the United Kingdom for a period of more than one month - not applicable
- i. the period for which I am to work outside the United Kingdom (not applicable),
- ii. the currency in which remuneration was to be paid while the claimant was working outside the United Kingdom - not applicable),
- iii. any additional remuneration payable to the claimant, and any benefits to be provided to or in respect of, by reason of her being required to work outside the United Kingdom - not applicable) and
- iv. any terms and conditions relating to the claimant's return to the United Kingdom - not applicable
- .p. any training entitlement provided by the employer - mandatory training for which payment would be made
- q. any part of that training entitlement which the employer required the claimant to complete - mandatory training for which payment will be made, and
- r. any other training which the employer requires to complete and which the employer will not bear the cost - not applicable

Employment Judge T.R Smith

14 November 2025

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