Case Number: 2501913/2023

EMPLOYMENT TRIBUNALS

Claimant: **Linda Baker**

Respondent: **ESQ Leisure Ltd**

Heard at: **Newcastle Employment Tribunal (remotely by CVP)**

On: **26th and 27th October 2026**
Before: **Employment Judge Sweeney**

Attendances:
For the Claimant, Lana Murphy, counsel
For the Respondent, Mr J Borthwick

JUDGMENT

1. The claim for unlawful deduction of wages and breach of contract in respect of failure to pay the national minimum wage is well-founded and succeeds.

1.1 The Respondent is ordered to pay the Claimant the gross amount of **£12,489.61** in respect of wages unlawfully deducted from the Claimant's pay in respect of the period 01 July 2022 to 30 April 2023.

1.2 No separate award is made in respect of the breach of contract claim (failure to pay the Claimant remuneration of at least that required by the obligations under the national minimum wage legislation) in respect of the same period.

2. The claim payment of accrued but untaken holiday on termination of employment on 23 April 2023 is well-founded and succeeds.

2.1 The Respondent is ordered to pay to the Claimant the gross amount of **£2,423.79**.

3. The claim for damages for breach of contract (short notice) is well-founded and succeeds.

3.1 The Respondent is ordered to pay the Claimant damages of **£537.92**.

4. When the proceedings were begun, the Respondent was in breach of its duty to the Claimant to give her a written statement of particulars of employment. It is just

and equitable to award the higher amount of four weeks' pay capped at £643 a week under section 38 Employment Act 2002.

4.1 The Respondent is ordered to pay the Claimant the sum of **£2,572**.

5. The total award due to the Claimant under paragraphs 1-4 above is: **£18,023.32**.

[*note: in oral judgment the figure was expressed as £15,451.32 but that did not take account of the section 38 payment announced at the hearing*]

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Employment Judge Sweeney

Date: **27 October 2026**

Note
Summary Reasons for the Judgment having been given orally at the hearing, written summary 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

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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/