



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs C Butler  
**Respondent:** Calderdale Council

## AT A HEARING

**Heard at:** Leeds                      **On:** 9<sup>th</sup> May 2019  
**Before:** Employment Judge Lancaster

### Representation

**Claimant:** In person (with the assistance of a speech to text reporter)  
**Respondent:** Mr H Wiltshire, counsel

## JUDGMENT

1. It was not reasonably practicable to bring an application for a reference under section 11 of the Employment Rights Act 1996 within 3 months of the end of employment (28<sup>th</sup> July 2018) because the Respondent did not provide the requisite information until 28<sup>th</sup> November 2018 and the claim was presented on 14<sup>th</sup> January 2019 within a reasonable time thereafter.
2. It is declared, pursuant to section 12 (3) of the Employment Rights Act 1996, that the itemised pay statement given to the Claimant on 14<sup>th</sup> September 2018 did not contain the required particulars in that it failed to set out the gross amount of accrued holiday pay owed, the amount of the deduction from that sum or any purpose for which that deduction was made.
3. There was no unnotified deduction from wages made within the period of 13 weeks immediately preceding 14<sup>th</sup> January 2019.
4. The claim of an unauthorised deduction from the wages due on 14<sup>th</sup> September 2018 is in time.
5. The deductions of £359.41 for accrued holiday on termination and for £37.91 refund of pension contributions were not unauthorised, under sections 13 and 14 of the Employment Rights Act 1996, as they were in respect of an overpayment of wages and the claim under section 23 of the Employment Right Act 1996 is dismissed.

EMPLOYMENT JUDGE LANCASTER

DATE 9<sup>th</sup> May 2019

Case: 1800172/2019

**Note**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless 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.