



EMPLOYMENT TRIBUNALS

Claimant: Mr J Nester

Respondent: Heywood Electrical & Sons Ltd

Heard at: Liverpool **On:** 6 and 9 October 2020

Before: Employment Judge Horne

Representatives

For the claimant: In person, assisted by Mr G Nester, claimant's father

For the respondents: Mr P Holmes, consultant

JUDGMENT

1. The claimant was not unfairly dismissed within the meaning of section 104A of the Employment Rights Act 1996.
2. The respondent made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the gross sum of £66.50 without deduction for tax or national insurance.
3. The respondent made other alleged deductions from the claimant's wages in respect of non-attendance at college and non-return of company property, but those deductions were authorized.
4. The claimant is not permitted to amend his claim in order to complain that the respondent made any other deductions from his wages.
5. The claimant is not permitted to amend his claim to introduce any complaint of discrimination or harassment contrary to the Equality Act 2010.

Employment Judge Horne
12 October 2020

ORDER SENT TO THE PARTIES ON
19 October 2020

FOR THE TRIBUNAL OFFICE

Notes about this judgment:

- (1) The hearing code “V” in the heading indicates that the hearing took place on a remote video platform. Neither party objected to the format of the hearing.
- (2) Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date when this judgment is sent to the parties. If written reasons are provided, they will be entered onto the tribunal’s online register, which is visible to internet searches.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2414695/2019**

Name of case: **Mr J Nester** v **Heywood Electrical & Sons Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 19 October 2020

"the calculation day" is: 20 October 2020

"the stipulated rate of interest" is: **8%**

MR S ARTINGSTALL
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at

www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.