



EMPLOYMENT TRIBUNALS

Claimant: Ms J Pickett

Respondent: Lux & Lux Care Limited

Heard at: Manchester via CVP

On: 13 March 2023

Before: Employment Judge Dennehy

REPRESENTATION:

Claimant: In person
Mr Jones (counsel)
Ms Holt (solicitor)

Respondent: No attendance

JUDGMENT

The judgment of the Tribunal is that:

1. The complaint in respect of holiday pay is well founded. The respondent failed to pay the claimant in accordance with regulation 14(2) and 30 of the Working Time Regulations 1998 for three weeks and three days during August and September 2022. The respondent is ordered to pay the claimant the gross sum of **£2,964.00** (03 weeks holiday at £760 per week = £2,280.00 plus 03 days of annual leave owed at £228.00 per day = £684.00).
2. The complaint of unauthorised deductions from pay contrary to Part II Employment Rights Act 1996 is well founded. The respondent made an unauthorised deduction from the claimant's pay in respect of one full day on 12 August 2022 whilst the claimant attended a mandatory training course. The respondent is ordered to pay to the claimant the gross sum of **£228.00**.

3. In addition, the respondent is ordered to pay to the claimant the net sum of **£104.00** to compensate the claimant for expenses incurred by the claimant on behalf of the respondent.
4. The respondent failed in its duty to provide the claimant with a written statement of the main terms of employment complying with section 1 of Employment Rights Act 1996. Pursuant to section 38 of the Employment Act 2002 the above award is increased by the sum of **£1,520.00**, being two weeks wages gross pay.
5. The Tribunal calculates the amount of payment on a gross basis (except for expenses in point 3 above), but the respondent is entitled to make any deductions which are due for tax and national insurance contributions before payment is made to the claimant.

Employment Judge Dennehy
Date 13 March 2023

JUDGMENT SENT TO THE PARTIES ON
21 March 2023

FOR THE TRIBUNAL OFFICE

Note

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/employmenttribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2410254/2022**

Name of case: **Ms J Pickett** v **Lux & Lux Care 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: 21 March 2023

the calculation day in this case is: 22 March 2023

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

Mr S Artingstall
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

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.