



EMPLOYMENT TRIBUNALS

Claimant: Miss K Hurst

Respondent: David Lowes t/a Greencroft Dog Day Care

Heard at: Newcastle

On: 9 January 2023

Before: Employment Judge Aspden

Appearances

For the claimant: In person, assisted by Mrs Hurst

For the respondent: No attendance

JUDGMENT

The judgment of the Tribunal is:

1. The claimant's complaints that the respondent contravened section 13 of the Employment Rights Act 1996 by making deductions from wages in respect of work done in April 2022 and May 2022 are well founded to the extent set out in the following paragraph.
2. The respondent must pay to the claimant the following amounts, being the amounts deducted from the claimant's wages in contravention of section 13 of the Employment Rights Act 1996:
 - 2.1 £199.30 (the amount unlawfully deducted from wages for April 2022)
 - 2.2 £171.00 (the amount unlawfully deducted from wages for May 2022).
3. The claimant's complaints under the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 that the respondent has failed to pay sums due to her under her contract of employment (and breached her contract of employment by failing to pay those sums) are well founded to the extent set out in the following paragraph.
4. The respondent must pay to the claimant the following sums (subject to any deductions the respondent is required by law to make and pay to HMRC in respect of income tax or national insurance referable to those sums) being the amounts remaining due to the claimant under her contract of employment:
 - 4.1 £160.38 (in respect of 18 hours' work done in June 2021)

- 4.2 £85.51 (in respect of 9.6 hours' work done in August or September 2021)
- 4.3 £66.75 (in respect of 7.5 hours' work done in October 2021).
5. The claimant's claims in respect of alleged underpayments in April, July, November and December 2021 are not well founded and are dismissed.
6. In respect of the claimant's reference under section 11 of the Employment Rights Act 1996:
- 6.1 The respondent provided to the claimant itemized pay statements purporting to comply with section 8 of the Employment Rights Act 1996 in respect of work done in April 2021, May 2021, May 2022 and June 2022. Those statements did not comply with section 8 because:
- 6.1.1 they did not contain particulars of the hours worked by the claimant;
- 6.1.2 the statement in respect of work done in May 2022 did not state that a deduction had been made of £244.72.
- 6.2 The respondent failed to give the claimant an itemized pay statement at or before the time at which any payment was due, in accordance with section 8 of the Employment Rights Act 1996, in each of the months between June 2021 and April 2022 (inclusive).
- 6.3 The respondent belatedly provided to the claimant statements purporting to comply with section 8 of the Employment Rights Act 1996 in respect of the months of June, July, August and October 2021 and January, February, March and April 2022. Those statements did not comply with section 8 because they did not contain particulars of the hours worked by the claimant.

Employment Judge Aspden

18 January 2023

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.