



EMPLOYMENT TRIBUNALS

Claimant Mrs P Barber

Respondent: Sewell Wallis Ltd

HELD AT: Sheffield

ON: 31 August 2018

BEFORE: Employment Judge Little

REPRESENTATION:

Claimant: Mr T Wood of Counsel (instructed by Shulmans LLP)

Respondent: Mr J Robinson, Solicitor (Schofield Sweeney Solicitors)

JUDGMENT

My Judgment is that:-

1. The claimant was not dismissed by the Respondent.
2. Accordingly her complaints of unfair dismissal and wrongful dismissal fail (the claimant having received notice pay in accordance with the effective date of termination set by her own resignation).
3. The complaint of breach of contract (bonus) fails.
4. For the avoidance of doubt it is recorded that the respondent must pay to the claimant the sum of £250 representing the car allowance which had been a further aspect of her breach of contract complaint and the claimant has confirmed that she is not seeking to amend her claim so as to seek recovery of any other instalment of car allowance.
5. With regard to the complaint in respect of holiday pay, the parties had agreed that this complaint was now limited to payment for 1.5 holidays accrued but untaken in 2018. The payment due to the claimant in that regard will not include any element of bonus. It is envisaged that the parties will therefore be able to agree the sum due to the claimant.

6. The complaint brought under the Employment Rights Act 1996 sections 8 and 12 succeeds because the respondent did not give the claimant an itemised statement for the payment of wages to the claimant in January 2018 at or before the time at which the payment was made.
7. If the parties are unable to agree the sum which may be payable to the claimant in consequence of their having been un-notified deductions (section 12(4) of the Act) the parties will provide written submissions to the Tribunal in respect of their competing arguments in order that I can make a further determination but on paper. Those written submissions are to be provided to the Tribunal no later than 14 September 2018.
8. If the claimant is contending that there was a further breach of section 8 of the Act in respect of the February 2018 payslip the written submissions referred to above will also set out the parties' respective positions in relation to that matter so that again if appropriate a determination can be made by me on paper.

Employment Judge Little
Date 17th September 2018

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.

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