



# EMPLOYMENT TRIBUNALS

**Claimant:** Luke Milton-Barker

**Respondent:** Clearway Drainage Systems Limited

**Heard at:** Manchester

**On:** 17<sup>th</sup> October 2022

**Before:** Employment Judge Cline (sitting alone)

## Representation

Claimant: In-person

Respondent: Mr Cameron (consultant, Avensure)  
Miss Nixon (director of the Respondent)

# JUDGMENT

- 1) The Claimant's claim for unfair (constructive) dismissal is well-founded and the Tribunal finds that he was unfairly dismissed. The Respondent shall pay to the Claimant the sum of £1,460, consisting of:
  - a. A basic award of £960 gross; and
  - b. An award for loss of statutory rights of £500.
- 2) The Claimant's claim for breach of contract is well-founded and succeeds. The Respondent shall pay to the Claimant notice pay of £1,440 gross.
- 3) The Claimant's claim for unlawful deductions from wages is well-founded and succeeds. The Respondent shall pay to the Claimant the sum of £10,185.57, such consisting of:
  - a. £20 net for a security charge;
  - b. £2,162.94 net for deductions from 27<sup>th</sup> May to 27<sup>th</sup> December 2020;
  - c. £346.80 net for damage to a spiral cutter;
  - d. £69.72 net for PPE;
  - e. £1,750 net for insurance excess;
  - f. £3,551.67 gross in respect of underpayment of wages; and
  - g. £2,284.44 gross in respect of unlawfully deducted breaks.
- 4) The Respondent has failed to pay the Claimant's holiday entitlement and shall pay to the Claimant the sum of £870 gross.

- 5) The Claimant's application for a preparation time order is allowed and the Respondent shall pay to the Claimant the sum of £410.
- 6) The total amount payable to the Claimant pursuant to paragraphs 1, 2, 3, 4 and 5 above is therefore £14,365.57.

Employment Judge **Cline**  
Date: 25 October 2022

JUDGMENT SENT TO THE PARTIES ON  
28 October 2022

FOR THE TRIBUNAL OFFICE

Notes

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/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.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2405925/2021**

Name of case: **Mr L Milton-Barker** v **Clearway Drainage  
Systems 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: 28 October 2022

**the calculation day** in this case is: 29 October 2022

**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](http://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.