



EMPLOYMENT TRIBUNALS

Claimant: Ms Sarah Poyser

Respondents: Nextsteps Development (1)
Nextsteps @ Barnstaple CIC (2)

Heard at: Bristol (via VHS) **On:** 9 January 2023

Before: Employment Judge Leith

Representation

Claimant: In person

Respondent: Miss Mallin-Martin (Counsel)

JUDGMENT

1. The Second Respondent made an unauthorised deduction from wages by:
 - a. Not paying the Claimant the wages due to her for the periods March to July 2021 and February 2022 (the Claimant being entitled to be paid monthly in arrears on or around on the first of the following month); and
 - b. Not paying the Claimant for holiday accrued but not taken on termination of her employment.

2. The Second Respondent is ordered to pay the Claimant the net sum of **£12,660.58** in respect of the amount unlawfully deducted, made up as follows:
 - a. £10,029.70¹ net in respect of the period from March to July 2021 (£2,005.94 per month for five months);
 - b. £1,774.48 net in respect February 2022; and
 - c. £856.40 net in respect of annual leave accrued but untaken on termination of employment (the Claimant having accrued 22.4 days annual leave during her employment but only have taken 15 days, with the remaining 7.4 days being payable at the net sum of £115.73 per day)

3. The Second Respondent further breached the Claimant's contract of employment by failing to pay her the wages due to her for the periods from

¹ In drawing up this Order, the Tribunal noted an arithmetic error in the sum given at the end of the oral judgment, in that the figure calculated under this head had been based on multiplying the figure for monthly net loss by four rather than five. The correct figure appears in this judgment.

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March to July 2021 and February 2022. No separate award is made in respect of the claim for breach of contract, as it is covered by the award made in respect of unauthorised deduction from wages.

4. The Claimant having been employed by the Second Respondent and not by the First Respondent, the complaints of unlawful deduction from wages and breach of contract against the First Respondent are dismissed.

Employment Judge Leith

Date 10/1/23

JUDGMENT SENT TO THE PARTIES ON
19 January 2023 By Mr J McCormick

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.