



EMPLOYMENT TRIBUNALS

Claimant: Mr J Pashley

Respondent: The Dutchy Pub Company Ltd

Heard at: Exeter (by video) **On:** 22 January 2024

Before: Employment Judge Volkmer

Representation

Claimant: in person

Respondent: Mr Ramsbottom (Litigation Consultant)

JUDGMENT

The judgment of the Tribunal is as follows.

Wages

1. The complaint of unauthorised deductions from wages is well-founded. The Respondent made an unauthorised deduction from the Claimant's wages in the period 1 August 2022 to 11 December 2022, including in relation to holiday pay.
2. The Respondent shall pay the Claimant **£1,422.45**, which is the gross sum deducted. The Claimant is responsible for the payment of any tax or National Insurance.

Breach of Contract

3. The complaint of breach of contract in relation to notice pay is well-founded.
4. The Respondent shall pay the Claimant **£317.20** as damages for breach of contract. This figure has been calculated using gross pay to reflect the likelihood that the Claimant will have to pay tax on it as Post Employment Notice Pay.
5. The complaint of breach of contract in relation to the Claimant's NEST pension is well-founded.
6. The Respondent shall pay the Claimant **£63.88** as damages for breach of contract in relation to the NEST pension. The Claimant is responsible for the payment of any tax or National Insurance.

Written Itemised Pay Statements

7. The Respondent failed to give the Claimant written itemised pay statements as required by section 8 Employment Rights Act 1996 in the period 1 August 2022 to 11 December 2022. No award is made in respect of this.

Failure to provide a written statement of employment particulars

8. When the proceedings were begun the Respondent was in breach of its duty to provide the Claimant with a written statement of employment particulars. There are no exceptional circumstances that make an award of an amount equal to two weeks' gross pay unjust or inequitable. It is not just and equitable to make an award of an amount equal to four weeks' gross pay. In accordance with section 38 Employment Act 2002 the Respondent shall therefore pay the Claimant two weeks' gross pay of **£634.40**.

Employment Judge Volkmer
Date 22 January 2024

Judgment sent to the parties on 06 February 2024

For the Employment Tribunal

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 shortly after a copy has been sent to the Claimant(s) and Respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>