



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr G Rainford  
**Respondent:** Stepnell Limited  
**Heard at:** Nottingham  
**On:** 2 August 2024  
**Before:** Employment Judge Phillips (sitting alone)

**Representation**

**Claimant:** in person

**Respondent:** Ms Charalambous, Counsel

## JUDGMENT

1. The Claim for unauthorised deductions from wages is not well founded and is dismissed.

## REASONS

1. I gave oral reasons for the decision in this case at the hearing. At the conclusion of my judgment, Counsel for the Respondent asked for written reasons, which I now provide.
2. The Claimant has worked for the Respondent, a construction company as a construction worker since 16 March 2020. He alleges that the Respondent has unlawfully deducted from his wages. He characterises his claim as:

*My employer was sent an attachment of earnings to deduct wages, however I tried to let them know through their grievance process that the money was already being reclaimed through the post office and that there wasn't a court stamp on the document that my employer had received. Procedure was not followed. In addition, when I tried to follow this up with HR I felt harassed by staff.*

3. The Respondent confirms that it made deductions from the Claimant's wages. It says it did so because of an attachment of earnings order from Leicester Magistrates Court dated 22 August 2023. The Respondent says it deducted money from the Claimant's wages in accordance with that order. It says that as the deductions were pursuant to a Court order, it had a lawful basis for making the deductions as set out in sections 13 and 14 of the Employment Rights Act 1996.
4. Acas conciliation took place between 5 February 2024 and 23 February 2024 and the Claimant issued his claim on 7 March 2024.
5. By way of further background, Employment Judge M Butler, on 10 July 2024, dealt with a number of preliminary issues raised by both parties and refused the Respondent's application to strike out the claim and to postpone today's hearing. He further set out to the Claimant that his claim for £4900 for injury to feelings and £100 administration charge were not matters which could be considered in the Employment Tribunal when dealing with a claim for unauthorised deduction from wages.
6. In this case, I am satisfied that the claim was brought in time.

### **The Law**

7. Section 13(1) of the Employment Rights Act 1996 sets out:

*(1)An employer shall not make a deduction from wages of a worker employed by him unless—*

*(a)the deduction is required or authorised to be made by virtue of a statutory provision or a relevant provision of the worker's contract, or*

*(b)the worker has previously signified in writing his agreement or consent to the making of the deduction.*

### **The Facts**

8. In terms of my findings of fact, having heard evidence from the Claimant and from Mr Crombie, the group chief accountant for the Respondent, I made the following findings of fact:
  - a. On 29 August 2023, an attachment of earnings order was received by the Claimant from Leicester Mags Court for a debt of £754;
  - b. having viewed a copy of the order and considered the Respondent's evidence I am satisfied that this was a valid attachment of earnings order'
  - c. given the provisions of the Attachment of Earnings Act 1971, the Respondent was under an obligation to comply with the attachment of earnings order;
  - d. the Respondent made deductions from C's wages in accordance with the order. It did not do so until it had checked with Leicester Magistrates Court that the order was correct;

- e. Deductions were made from the Claimant's wages between 7 September 2023 and 9 November 2023 totalling £754;
  - f. deductions were therefore taken for the amount required pursuant to that order and for a number of £1 administration charges permitted by the 1971 Act; and
  - g. accordingly, the deductions were authorised to be made by virtue of a statutory position.
9. Navigating the law is complex, and whilst it is clear that the Claimant has made significant efforts to research the law, I cannot agree with his contentions of what the law says. There is a conflation of the civil process of applying for an attachment of earnings order and the situation here, where pursuant to a fine in the Magistrates Court, an attachment of earnings order has been made.
10. Given my findings of fact, namely that the Respondent correctly complied with the attachment of earnings order and lawfully deducted the amount of £754 from the Claimant's wages, the deductions were made in accordance with a statutory provision and the deductions were not unlawful.
11. Accordingly, the claim is not well founded, the deductions were not unlawful and I therefore dismiss the Claim.

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Employment Judge Phillips

Date: 2 August 2024

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