EMPLOYMENT TRIBUNALS

Claimant: Mr G J Williams

Respondent: Heck Leisure Limited

Heard at: by CVP from the Bristol Employment Tribunal

On: **10 November 2024**

Before: Employment Judge Woodhead

Appearances

For the Claimant: in person

For the Respondent: not in attendance

JUDGMENT

1. On the date of the hearing the Respondent paid the Claimant £508.92 (net) ("**the 10 December 2024 payment**"). The Respondent shall pay the Claimant such further amount as is necessary to ensure that, taking into account of the 10 December 2024 payment, the Claimant has received:

    1.1 **£12.37** in respect of **unlawful deductions from wages** for the period ending on 25 December 2023. This is the net sum

    1.2 **£966.89*** in respect of **accrued but untaken holiday** on the termination of employment. This is the gross sum.

    1.3 **£284.38*** in respect of **notice pay**. This is the gross sum.

    * NOTE: It appears to the Tribunal (but if in doubt the parties should take independent advice) that income tax and national insurance contributions are payable in respect of this payment. If so, provided that the Respondent makes appropriate deductions and account therefor to the proper authorities, payment to the Claimant of the 'net' sum will represent a valid discharge of this judgment. If payment is made gross then the Claimant is responsible for paying any tax or National Insurance due.

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Employment Judge Woodhead

Date 10 December 2024

Sent to the parties on:

14 January 2025 By Mr J McCormick

For the Tribunals 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 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/

Appendix

AGREED LIST OF ISSUES

1. Wrongful dismissal; notice pay

1.1 What was the Claimant's notice period?

1.2 Was the Claimant paid for that notice period?

1.3 If not, was the Claimant guilty of gross misconduct or did he do something so serious that the Respondent was entitled to dismiss without notice?

2. Holiday Pay (Working Time Regulations 1998)

2.1 What was the Claimant's leave year?

2.2 How much of the leave year had passed when the Claimant's employment ended?

2.3 How much leave had accrued for the year by that date?

2.4 How much paid leave had the Claimant taken in the year?

2.5 Were any days carried over from previous holiday years?

2.6 How many days remain unpaid?

2.7 What is the relevant daily rate of pay?

3. Unauthorised deductions (Part II of the Employment Rights Act 1996)

3.1 Were the wages paid to the Claimant in respect of his payslips dated 11 and 25 December 2023 less than the wages he should have been paid?

3.2 Was any deduction required or authorised by statute?

3.3 Was any deduction required or authorised by a written term of the contract?

3.4 Did the Claimant have a copy of the contract or written notice of the contract term before the deduction was made?

3.5 Did the Claimant agree in writing to the deduction before it was made?

3.6 How much is the Claimant owed?