



EMPLOYMENT TRIBUNALS

Claimants: (1) Mrs Susan Wilkinson

(2) Mrs Patricia Clark

Respondent: Jackdaw Capital Limited (In Voluntary Liquidation)

Heard at: Manchester by CVP **On:** 9 July 2021

Before: Employment Judge Holmes

REPRESENTATION:

Claimants: In person

Respondent: Response not entered- no attendance or representation

JUDGMENT

It is the judgment of the Tribunal that:

1.Mrs S Wilkinson.

1.The respondent unlawfully deducted **£514.09** from the claimant's wages, which sum it is ordered to pay her. This is a gross sum and the respondent shall deduct and account to HMRC for any tax and national insurance payments due upon it.

2.Mrs P Clark.

1.The respondent unlawfully deducted **£502.18** from the claimant's wages, which sum it is ordered to pay her. This is a gross sum and the respondent shall deduct and account to HMRC for any tax and national insurance payments due upon it.

REASONS

1.The code V in the header indicates that this was a CVP hearing, held because the Tribunal considered that the issues could be determined without the need for an in person hearing. No party objected to that . The Employment Judge explained the procedure to the claimants , and invited them to raise any questions they may have during the course of the hearing.

2. By a claim form presented to the Tribunal on 9 March 2021 the claimants brought claims of unlawful deductions from wages their former employer. The claimants had indicated claims for holiday pay, and furlough pay, but the claims were, in essence, of unlawful deductions from wages.

3. The respondent, which went into voluntary liquidation on 2 March 2021, did not respond. The Tribunal postponed the original hearing date to allow for re-service at the new registered office after the liquidation, but still no response was received.

3. In these circumstances, the Employment Judge took evidence from the claimants, who had helpfully set out their claims in two short bundle of documents, containing a summary of the monies owed to each claimant. Towards the end of their employment, which occurred on 10 November 2020, the claimants did not receive payslips, though did each receive a final payslip in November 2020, but neither claimant received the full amount stated in the payslip.

4. An element of pay in the final payslips, however, was stated to be holiday pay, and in the case of Mrs Wilkinson, that was the sum, £235.57, that she received. Mrs Clark too was due £235.57 holiday pay, and received, curiously, £242.95.

5. As therefore the holiday pay claims have been paid, the remainder of the shortfall is accordingly recoverable as unlawful deductions from wages. This was explained to the claimants.

6. The Employment Judge accordingly is satisfied that the respondent made unlawful deductions from the wages of Mrs Wilkinson in the sum of £514.09, and from the wages of Mrs Clark in the sum of £502.18. The respondent is ordered to pay those sums, less any tax or national insurance payments due upon them. As the respondent is in voluntary liquidation, and the claimants will stand as unsecured creditors, they will doubtless make application to the Secretary of State for payment of these sums from the National Insurance fund.

Employment Judge Holmes
Dated : 9 July 2021

JUDGMENT SENT TO THE PARTIES ON
12 July 2021

FOR THE TRIBUNAL OFFICE

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2402318/2021 & 2402319/2021**

Name of case(s): **Mrs S Wilkinson** v **Jackdaw Capital Ltd (in
Mrs P Clark** **Voluntary Liquidation)**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: 12 July 2021

"the calculation day" is: 13 July 2021

"the stipulated rate of interest" is: **8%**

Mr S Artingstall
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.
2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".
3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.
4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).
5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.
6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.