Press Release: 13 July 2018

Voyage Care BondCo PLC ("Voyage") announces its response to the Court of Appeal Judgement in the case of Royal Mencap Society v Tomlinson-Blake

The Court of Appeal has unanimously allowed Royal Mencap's appeal in the important case of *Royal Mencap Society v Tomlinson-Blake*. This means that for the purposes of the regulations on National Minimum Wage (NMW), time spent asleep on a "sleep-in" shift does not count as "time work" for NMW purposes.

As well as ruling in favour of Royal Mencap, the Court of Appeal refused permission to appeal to Ms Tomlinson-Blake (who was supported by Unison, the trade union). It is still possible for the Supreme Court to grant permission to appeal, but our legal advice is that it is unlikely that the Supreme Court will grant permission or, even if it does, that any ensuing appeal would be successful.

As a result of the judgement, Voyage will no longer recognise a contingent liability in our accounts in respect of any potential liability to make payments of arrears to staff who carried out sleep-ins.

We believe that we are and always have been compliant with NMW legislation. The position has however been made difficult until now by shifting advice from BEIS and HMRC as to what is the entitlement to NMW, and how this should be calculated.

We will of course take account of any change in HMRC guidance as necessary and will continue to ensure that we comply with our legal obligations.

Ends