



EMPLOYMENT TRIBUNALS

Claimant: Brandon Wardle

Respondent: Ward Plumbing Heating and Mechanical Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim was presented in the Midlands (East) Region of the Employment Tribunals on 15 August 2024. The respondent has failed to present a valid response on time. A determination can properly be made of the claim, or part of it, in accordance with rule 21 of the Rules of Procedure.
2. The respondent has made unauthorised deductions from the claimant's wages and must pay the claimant **£2,160** gross.
3. The claimant was dismissed in breach of contract (notice). The respondent must pay the claimant damages assessed in the sum of **£1440** gross.
4. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of **£2100**.
5. The respondent has failed to pay the claimant's holiday entitlement and must pay the claimant the gross sum of **£1008**.
6. Any remaining claims relating to pension contributions will stand dismissed on **20 December 2024** unless before that date the claimant writes to the tribunal setting out the basis on which any such claims could proceed.
7. The hearing listed on **3 January 2025** remains listed but will be cancelled if no such application is made by 20 December 2024.

REASONS

1. The tribunal has been able to make this judgment because the information provided by the claimant in support of the claim enables it to make a proper determination of those claims, both in terms of the jurisdiction to give judgment, and the nature and extent of the judgment.
2. The claim of breach of contract has been reduced because the information before the tribunal shows the claimant took reasonable steps to mitigate his loss as he was obliged to, and obtained equivalent employment from 11 May 2024.

3. The Claimant's claim also sought a remedy in respect of unquantified pension contributions that had been deducted from the claimant's pay as employee contributions as well as the employer's pension contributions. The claimant says he has had his contributions deducted from his pay and that both types of pension contributions have not then been paid into his NEST pension account for his benefit. If the pension arrangements derived purely from the Pensions Act 2008 (sometimes known as auto-enrolment) the failure to pay into the scheme does not appear to be a claim that the Employment Tribunal has jurisdiction to determine. This appears to be a matter to be referred to the Pensions Regulatory/Ombudsman. However, I have not dismissed that claim at this stage, if the claimant seeks to argue that the Employment Tribunal does have jurisdiction to deal with this matter, he must write setting out the basis of the jurisdiction by 20 December 2024, after which, if no application is made the remaining claims will stand dismissed for lack of jurisdiction.

Employment Judge Clark

Date: 3 December 2024