



EMPLOYMENT TRIBUNALS

Claimant: Mr J Neatrou

Respondent: Nigel Fletcher

JUDGMENT (LIABILITY)

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The judgment of the Tribunal is that the reference to the Tribunal pursuant to section 11(1) Employment Rights Act 1996 is well founded..
2. Pursuant to section 12(3) ERA 1996 the Tribunal makes a declaration that the respondent failed, in the period 25 April 2023 to 10 September 2023 to give the claimant itemised pay statements in contravention of section 8 Employment Rights Act 1996.
3. The Tribunal determines that the particulars that ought to have been included in an itemised pay statement in each of the weeks between the dates above, are as follows:
 - a. The gross amount of pay: £395.96;
 - b. Deductions from that gross amount in respect of PAYE: £30.80;
 - c. Deductions from that gross amount in respect of National Insurance: £18.47
 - d. Net pay: £346.69

REASONS

4. By a claim presented on 13 November 2023, the claimant complained that his employer had failed to provide him with a written pay statement contrary to s.8 Employment Rights Act 1996. He stated in his claim form '*I am just looking for payslips*'.
5. A response to the complaint with due by 20 December 2023. The response of the complaint was received before that date, or at any time since.
6. Rule 21 of the Employment Tribunal Rules of Procedure 2013 requires an Employment Judge decide whether on the available information (which may include further information which the parties are required by a Judge to provide), a

determination can properly be made of the claim and, to the extent the determination can be made, the Judge is required to issue a judgement accordingly.

7. On 28 December 2023, the Tribunal wrote to the claimant seeking further particulars of his complaint, identifying the limits of a complaint made pursuant to section 8 ERA 1996 and identifying the remedies available to the claimant.
8. On 1 February 2024, the respondent replied to the Tribunal's correspondence providing further information about his complaint.
9. I was satisfied on the information available to me, that was possible to issue a judgement in respect of the claimant's complaint.
10. I am satisfied the respondent was the claimant's employer
11. I am satisfied that the respondent in respect of the period from 25 April 2023 until 11 September 2023 i.e., after termination of the claimant's contract of employment, in his duty to provide the claimant with a written itemised pay statement at all, contrary to section 8 ERA 1996.
12. The reference pursuant to section 11(1) ERA 1996 is therefore well founded. In those circumstances, the Tribunal must make a declaration where on a reference under section 11 ERA 1996: section 12(3)(a) ERA 1996.
13. The particulars that ought to have been included in itemised pay statements for each week between 25 April 2023 and 11 September 2023 are as follows:
 - a. The gross amount of pay: £395.96;
 - b. Deductions from that gross amount in respect of PAYE: £30.80;
 - c. Deductions from that gross amount in respect of National Insurance: £18.47
 - d. Net pay: £346.69.
14. Although pursuant to section 12(4) ERA 1996, it is open to the Tribunal to make an award for a sum not exceeding the aggregate amount of any unnotified deductions made in the 13 weeks immediately preceding the date of the application for the reference, I make no such award because I am not satisfied from a reading of the claim form and the further information sent by the claimant to the Tribunal on 1 February 2024, that he is seeking an award.

Employment Judge Jeram

Date: 5 March 2024