



EMPLOYMENT TRIBUNALS

Claimant: Mr Callum Semple

Respondent: Mr Andrew Smith

Heard at: Birmingham (via CVP)

On: 28 April 2022

Before: Employment Judge Bennett

Representation

Claimant: Represented by Mr Rob Semple

Respondent: In person

JUDGMENT

The judgment of the Tribunal is that:

1. The Claimant's claim for breach of contract is not well founded and is dismissed.
2. The Claimant's claim for unauthorised deduction from wages succeeds and is well-founded. The Respondent shall pay the Claimant the sum of £560 net in respect of 8 occasions when bank transfers were made between 24 September 2018 and 4 March 2019 which failed to include sums in respect of the Claimant's entitlement to sick pay or for attending College.
3. An award of £800 net, being the amount equal to four weeks' pay, shall be paid by the Respondent to the Claimant under s38 of the Employment Act 2002 in respect of the Respondent's failure to provide a written statement of employment particulars.
4. The Claimant's claim under s11 Employment Rights Act 1996 regarding the Respondent's failure to provide an itemised pay statement succeeds but no award is made.

Employment Judge Bennett

Date: 28 April 2022

JUDGMENT SENT TO THE PARTIES ON

06/05/2022

FOR THE TRIBUNAL OFFICE

Notes

1. The sums awarded at paragraphs 2 and 3 above have been calculated net of income tax and national insurance contributions on the basis that upon payment thereof the Respondent will make an appropriate and corresponding payment to HMRC.
2. 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.
3. **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.