



EMPLOYMENT TRIBUNALS

Claimant: Mr L Smith

Respondent: Adept PHB Ltd

Heard at: Birmingham Employment Tribunal via CVP
On: 15 and 16 April 2021

Before: Employment Judge Noons

Representation

Claimant: Mr G Payne

Respondent: Mrs S Heathcote

JUDGMENT

Having reviewed the claim form and the response form it was clear that there was a preliminary point in relation to whether some or all the claimant's claims were submitted out of time. The final hearing was therefore converted into a public preliminary hearing to determine this issue.

The Judgment of the Tribunal on this preliminary issue is that:

1. It was reasonably practicable for the Claimant to have submitted his claims for unfair dismissal, breach of contract, unlawful deduction from wages and a failure to provide a section 1 statements of terms and conditions within the statutory time limits for doing so (taking into account the impact of the ACAS early conciliation provisions).
2. The claimant failed to submit his claims within this time period. The claims for unfair dismissal, breach of contract, unlawful deduction from wages and failure to provide a section 1 statement of terms and conditions were submitted out of time and the tribunal has no jurisdiction to hear these claims.
3. The claimant's claim for underpayment of statutory redundancy pay was submitted within the statutory time limit and is allowed to proceed.

Having determined the preliminary issue the preliminary hearing was converted back to a final hearing.

The Judgment of the Tribunal is that:

1. The Claimant's claim for underpayment of statutory redundancy is well founded and I make a declaration to that effect. The respondent is ordered to pay the claimant the sum of £213.45.
2. The Respondent's claim for breach of contract succeeds and the claimant is ordered to pay the Respondent the sum of £85.38.

Employment Judge Noons
16 April 2021

Notes

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.

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.