



mf

EMPLOYMENT TRIBUNALS

Claimant: Miss Charlotte Brooks
Respondent: Harriet Ellis Training Solutions Limited
Heard at: East London Hearing Centre (by Cloud Video Platform)
On: 27 February 2023
Before: Tribunal Judge D Brannan, acting as an Employment Judge

Representation

Claimant: Representing herself
Respondent: Mr Hadley Silver, Manager Director

RESERVED JUDGMENT

1. **The Tribunal has no jurisdiction to consider the claimant's complaint that she was not enrolled into the respondent's pension scheme when she requested this.**

REASONS

1. The Tribunal heard no evidence and made no fact finding on whether a breach had occurred, needing first to establish if any right to join the pension scheme existed.
2. Having looked into this, the claimant's complaint appears to relate to an alleged failure to enrol her in the respondent's pension scheme. Any right to opt in stems from section 7 of the Pensions Act 2008. There are regulations on the process. It would be necessary to examine these and what happened to establish if any requirement was breached.
3. There is no statutory right to complain to the Employment Tribunal regarding failure to comply with this provision. However, the Pensions Regulator may take enforcement action and there is a criminal offence under section 45 of the Pensions Act 2008. Neither of these would involve the Tribunal.

4. The Tribunal consequently has no jurisdiction.

**Tribunal Judge D Brannan acting
as an Employment Judge**

27 February 2023