



EMPLOYMENT TRIBUNALS

Claimant: Mr S Whitston

Respondent: La Planta Ltd

Heard at: Croydon (via CVP) **On:** 21 February 2025

Before: Employment Judge Leith

Representation

Claimant: In person

Respondent: No attendance or representation (no response having been presented)

JUDGMENT

1. The complaint of breach of contract succeeds.
2. The complaint of failure to pay accrued but untaken annual leave on termination of the Claimant's employment succeeds.
3. The complaint of unauthorised deduction from wages succeeds. The Respondent made unauthorised deductions from the Claimant's wages in respect of tips and in respect of pension contributions.
4. The Respondent must pay the Claimant the gross sum of **£3,751.95**, made up as follows:
 - a. £2,025 for breach of contract (notice pay);
 - b. £1,392.19 in respect of annual leave accrued but untaken on termination of employment;
 - c. £151.77 in respect of unpaid tips; and
 - d. £182.99 in respect of deductions purportedly in respect of pension contributions after the Claimant had opted out of the Respondent's pension scheme.

Employment Judge Leith

Date: 24 February 2025

Judgment sent to the parties on

Date: 12 March 2025

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.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>