



EMPLOYMENT TRIBUNALS

Claimant: Ms E McCarroll

Respondent: Mr R Jones t/a RGSR Farms

Heard at: Cardiff (by CVP)

On: 31 July 2025

Before: Employment Judge Brace

REPRESENTATION:

Claimant: Did not attend

Respondent: Did not attend

JUDGMENT

In the absence of the parties and after considering the information available about the reasons for the parties' absence, the judgment of the Tribunal is as follows:

1. The claim was presented in the Wales Employment Tribunal on 10 March 2025 and the Respondent failed to present a valid response on time. It was decided that a determination could properly be made of the claims on the available information in the absence of the Claimant.

Reasonably practicable time limit extended

2. The complaints of unauthorised deduction from wages and failure to provide written itemised pay statements were not presented within the applicable time limits, but it was not reasonably practicable to do so. The complaints were presented within a further reasonable period and can proceed.

Wages

3. The complaint of unauthorised deductions from wages in respect of pension contributions paid by the employer is not well-founded as pension contributions

paid by an employer to the pension provider on the worker's behalf do not fall within the definition of 'wages' under Employment Rights Act 1996 and the Tribunal has no jurisdiction to consider the complaint.

Redundancy Payment

4. Under section 163 Employment Rights Act 1996 it is determined that the Claimant is entitled to a redundancy payment of £1,558.48.
5. The Respondent shall also pay the Claimant **£1,558.48** to compensate the claimant for financial loss attributable to the failure to pay the redundancy payment.

Written Itemised Pay Statements

6. The Respondent failed to give the Claimant written itemised pay statements as required by section 8 Employment Rights Act 1996 of her employment.

Failure to provide a written statement of employment particulars

7. When the proceedings were begun the Respondent was in breach of its duty to provide the Claimant with a written statement of employment particulars. There are no exceptional circumstances that make an award of an amount equal to two weeks' gross pay unjust or inequitable. It is not just and equitable to make an award of an amount equal to four weeks' gross pay. In accordance with section 38 Employment Act 2002 the Respondent shall therefore pay the Claimant **£389.62**.

**Approved by:
Employment Judge Brace
31 July 2025**

Judgment sent to the parties on:
04 August 2025

For the Tribunal:

Adam Holborn

Note

Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments (apart from judgments under rule 51) 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.