



EMPLOYMENT TRIBUNALS

Claimant: Jakob Ward

Respondent: Greater Manchester Sports Clubs Limited

Heard at: Manchester ET (via CVP)

On: 12 December 2025

Before: Employment Judge Bunting

Appearances

For the Claimant: In person

For the Respondent: No attendance

JUDGMENT ON AN APPLICATION FOR RECONSIDERATION

The Claimant's application, dated 04 March 2026, for reconsideration of the judgment dated 12 December 2025 following a request from the Claimant, is refused because there is no reasonable prospect of the original decision being varied or revoked.

Introduction

1. The claimant's case was listed for a one day final hearing on 12 December 2025. Having heard evidence from the claimant, and the respondent not attending, the claimant was successful in relation to all of them, other than his claim for race discrimination.
2. An oral judgment was given that day in relation to unpaid wages, in the following amounts:

01 September 2023 – 31 December 2023 : £10,754.48
01 January 2024 - 31 December 2024 : £4,566.67
3. The total awarded was therefore £15,321.15.

4. The judgment was dated 12 December 2025, although it seems that it was not sent out until 13 February 2026. The deadline for an application was 14 days after that date, so 27 February 2026, although it was not sent until 04 March 2026. It is therefore out of time, although there is power to extend time, even after the event (r5(7)).

Application for reconsideration

5. The claimant set out the basis of his application as follows:

I sat an Employment Tribunal on the 12th December and Judge Bunting ruled in my favour on multiple accounts, however, some of which have not featured in the decision I have received.

These being:

Holiday Pay

Notice Pay

Pension contributions

I was not paid and did not receive any of these during my employment.

Judge Bunting said I would be eligible for these but this has not been reflected in the relevant decision I received on the 13th February.

6. He then goes on to address the fact that the application was out of time.

Reconsideration

Principles of Reconsideration

7. With an application for reconsideration, as at any stage in the proceedings, the tribunal must give effect to the overriding objective found at Rule 2 Employment Tribunals Rules of Procedure 2024. This says:

“3 Overriding Objective

- 1) *The overriding objective of these Rules is to enable Employment Tribunals to deal with cases fairly and justly.*
- 2) *Dealing with a case fairly and justly includes, so far as practicable—*

- (a) ensuring that the parties are on an equal footing;*
- (b) dealing with cases in ways which are proportionate to the complexity and importance of the issues;*
- (c) avoiding unnecessary formality and seeking flexibility in the proceedings;*
- (d) avoiding delay, so far as compatible with proper consideration of the issues; and*
- (e) saving expense.*

- 3) *The Tribunal must seek to give effect to the overriding objective when it*
 - a) exercises any power under these Rules, or*
 - b) interprets any rule or practice direction.*

8. Rule 68 provides a power to confirm, vary or revoke a judgment. This provides that a judgment can be reconsidered “*if it is in the interests of justice to do so*”. As noted above, Rule 69 of the Rules requires that an application for reconsideration is made within 14 days of the written record being sent to the parties.

9. Rule 70 of the Rules provides:

- (1) The Tribunal must consider any application made under [rule 69](#) (application for reconsideration).*
- (2) If the Tribunal considers that there is no reasonable prospect of the judgment being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application must be refused and the Tribunal must inform the parties of the refusal.*
- (3) If the application has not been refused under paragraph (2), the Tribunal must send a notice to the parties specifying the period by which any written representations in respect of the application must be received by the Tribunal, and seeking the views of the parties on whether the application can be determined without a hearing. The notice may also set out the Tribunal's provisional views on the application.*
- (4) If the application has not been refused under paragraph (2), the judgment must be reconsidered at a hearing unless the Tribunal considers, having regard*

to any written representations provided under paragraph (3), that a hearing is not necessary in the interests of justice.

(5) If the Tribunal determines the application without a hearing the parties must be given a reasonable opportunity to make further written representations in respect of the application.

10. There is no requirement for an oral hearing to be held. The interest of justice in this case reflects the interests of both parties. The applicant and the respondent to a reconsideration application both have interests which must be regarded against the interests of justice (Outsight VB Limited v Brown [2014] UKEAT/0253/14). In Brown, Her Honour Judge Eady KC said that the general public also have an interest in such cases because there should be an expectation of the finality of litigation.

11. This was an expectation outlined by Mr Justice Phillips in Flint v Eastern Electricity Board [1975] ICR936, who said “*it is very much in the interests of the general public that proceedings of this kind should be as final as possible*”. He also said it was unjust to give the loser in litigation a “*second bite of the cherry*” where, having lost and learnt of the reasons for losing, a litigant seeks to re-argue points and bring additional evidence or information which would overcome the reasons given for the loss.

12. Consequently, the provision of evidence said to be relevant *after the conclusion of the hearing* will rarely serve to alter or vary the judgment given unless the party seeking to introduce the evidence can show (Ladd v Marshall [1954] EWCA Civ 1):

12.1. the evidence could not have been obtained with reasonable diligence for use at the trial;

12.2. the evidence would probably have an important influence on the result of the case; and

12.3. the evidence must be apparently credible.

Discussion

13. At the hearing, the amounts owing to the claimant were discussed. This was based on the documents provided as well as the claimant's oral evidence.

Holiday Pay / Notice Pay

14. In relation to the holiday pay and notice pay elements to his claim, this was money that was owed to him, but not paid, and fell under the heading of unlawful deduction of wages for which an award was made.

15. In those circumstances, the judgment in the claimant's favour covered the above amounts. For that reason, any application for reconsideration would be unsuccessful as the claimant had succeeded on his claim for this. Therefore, the question of time limits would not arise.

Pension

16. No award was made for the unpaid pension contributions. Pension contributions do not fall within the definition of 'wages' under the Employment Rights Act 1996 (**Somerset County Council v Chambers EAT 0417/12**).

17. The general remedy for a breach is to approach the Pensions Regulator, although there is jurisdiction for a Tribunal to make an order as part of a breach of contract claim.

18. In his ET1, the claimant identified that he was not in the respondent's pension scheme it did not feature in his claim at section 8.2 of the Claim Form. Neither was it in the List of Issues prepared for the hearing.

19. In addition, and more significantly, it is not in the List of Issues set out in the Case Management Order of EJ Batten from 23 October 2024. Further, there had not been any application by the claimant subsequent to that to amend the List of Issues.

20. The claimant does reference the loss of pension contributions in his updated Schedule of Loss (dated 01 December 2025) although whilst he puts a figure on many of the other claims, the line for pension states;

Respondent's monthly pension contributions: £ 0

And later in the same document:

Loss of pension

Total future loss of pension £ 0

21. The Schedule of Loss states 'I had no pension contributions made', although it is not clear what amount he suggested had been agreed or discussed.

22. The contract dated 18 February 2022 includes:

12. Pension

We operate a pension scheme into which you will be auto-enrolled (subject to the conditions of the scheme). The scheme enables you to save for your retirement using your own money, together with tax relief and contributions from the company.

23. As can be seen by the fact that there was uncertainty over his employment status, and the way (and amount) that he was paid, it was unclear what the payments would have been for any pension contributions.

24. Given the above, I do not consider that it would be open to me to make a further award at this stage for failure to make pension contributions.

Conclusion

25. For the reasons given briefly above, the application to reconsider the judgment is refused.

26. In the circumstances set out above I have not considered the application to extend time as, even if time were extended, the application for reconsideration would not be granted in any event.

DATE: 09 March 2026

Employment Judge Bunting

Sent to the parties on:

Date: 29 April 2026

For the Tribunal:

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.