



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Aleksandravics  
**Respondent:** DC CB10 Ltd  
**Heard at:** East London Hearing Centre  
**On:** 26 September 2024  
**Before:** Employment Judge C Lewis

## Representation

**Claimant:** Did not attend  
**Respondent:** Did not attend

# JUDGMENT

The complaint is one which the Tribunal has no jurisdiction to consider. The claim is therefore dismissed.

# REASONS

1. Neither the Claimant nor Respondent attended the hearing. The Tribunal clerk tried to contact the parties by phone and the Claimant by email; no email address had been provided by the Respondent. In accordance with Rule 47 of the Employment Tribunals Rules of Procedure 2013 I considered the information available on the tribunal's file including the claim form (ET1) and response (ET3). The claimant's claim was received on 12 January 2024 following a period of early conciliation from 30 December 2023 to 9 January 2024. The claim is for SSP that the Claimant says he was entitled to during the period from 28<sup>th</sup> September to 22 November 2022. The Respondent disputes that the Claimant was entitled to SSP during that period on the basis that the Claimant was self-employed.
2. Where there is a dispute in respect of entitlement to Statutory Sick Pay, it is for an officer of HM Revenue and Customs to decide any issue arising as to, or in connection with, entitlement to SSP (see the Social Security Contributions (Transfer of Functions, etc) Act 1999 s 8(1)(f), (g) and the

Statutory Sick Pay and Statutory Maternity Pay (Decisions) Regulations 1999 SI 1999/776).

3. Only the Revenue can determine the dispute, subject to appeal. Accordingly, notwithstanding the inclusion of SSP in the definition of 'wages' in ERA 1996 s 27(1)(b) an employment tribunal has no jurisdiction to consider disputes about the amount of any entitlement to SSP under the deduction of wages provisions in ERA 1996 Part II: see *Taylor Gordon & Co Ltd (t/a Plan Personnel) v Timmons* [2004] IRLR 180, EAT. *Timmons* was subsequently approved so far as entitlement to SSP is concerned in *Sarti (Sauchiehall St) Ltd v Polito* UKEATS/0049/07 (17 June 2008, unreported).
4. I have therefore dismissed the claim for lack of jurisdiction.

**Employment Judge C Lewis**  
**Dated: 26 September 2024**

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