



sgv

EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Mr B Shaw

and

Respondents

R1 – The Insolvency Service

R2 – Business Generation Service Limited

R3 – New Business Operation Limited

R4 – Contact Centre Plus Newbury Limited

Hearing held at

Reading on

20 December 2016

Representation

Claimant: In person

Respondents: R1 – Mr P Soni, lay representative

R2 – Not represented

R3 – Not represented

R4 – Mr M Graves, director

Employment Judge Mr S G Vowles

JUDGMENT

Evidence

1. The Tribunal heard evidence on oath from the Claimant and read documents provided by the parties. From the evidence heard and read the Tribunal determined as follows.

Redundancy Payment - section 170 Employment Rights Act 1996

2. The Claimant was dismissed by reason of redundancy. The 3rd Respondent is liable to pay a redundancy payment of **£5,700** and that is the sum payable by the 1st Respondent to the Claimant in accordance with section 168 of the Act.

Costs Order – Tribunal Fees

3. The Claimant is awarded **£390** in respect of Tribunal fees and the 1st Respondent is ordered to pay this sum to the Claimant.

4th Respondent

4. The 4th Respondent is discharged from the proceedings.

Reasons

5. Written reasons for this judgment are attached.

REASONS

SUBMISSIONS

1 Claimant

- 1.1 On 19 September 2016 the Claimant presented a claim for a redundancy payment to the Employment Tribunal.

2 Respondents

- 2.1 The 1st Respondent presented a response on 5 October 2016 and contested the claim.
- 2.2 The 2nd Respondent did not present a response to the claim.
- 2.3 The 3rd Respondent did not present a response to the claim.
- 2.4 The 4th Respondent presented a response on 22 November 2016 and contested the claim.

EVIDENCE

- 3 The Tribunal heard evidence on oath from the Claimant Mr Brian Shaw (former Business Adviser).
- 4 The Tribunal also heard submissions from Mr Soni on behalf of the 1st Respondent and from Mr Graves on behalf of the 4th Respondent.
- 5 The Tribunal also read documents provided by the parties.
- 6 From the evidence heard and read the Tribunal made the following findings of fact.

FINDINGS OF FACT

- 7 The Claimant was employed as a Business Adviser by the 2nd Respondent from 10 April 2007 until 30 April 2015. On 1 May 2015 his employment transferred under TUPE to the 3rd Respondent until he was made redundant on 30 June 2015. That was the relevant date. At the time of the relevant date the Claimant was 70 years of age and had been continuously employed for 8 complete years.
- 8 The Claimant's rate of pay whilst working for both the 2nd Respondent and the 3rd Respondent was £124 per day for a 4 day week. That is £496 per week.
- 9 The 1st Respondent accepted that both the 2nd Respondent and the 3rd Respondent were insolvent.
- 10 At no time was the Claimant employed by the 4th Respondent.

DECISION

- 11 The Claimant was entitled to a redundancy payment from the 3rd Respondent as follows:

£475 per week (statutory maximum) x 1.5 (multiplier) x 8 years = £5,700.
- 12 This was the amount of the sum payable by the Secretary of State under section 168 of the Act.

COSTS ORDER

- 13 The Claimant paid Tribunal fees of £160 (issue fee) and £230 (hearing fee).
- 14 The claim was decided in favour of the Claimant. The Tribunal considered it appropriate to make a costs order in the sum of £390 against the 1st Respondent under rules 75(1)(b) and 76(4) of the Employment Tribunal rules of procedure.

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Employment Judge Vowles
20 December 2016

Sent to the parties on
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for the Tribunal Office