



EMPLOYMENT TRIBUNALS

Claimant: Mr J North

Respondent: Foster Property Maintenance Limited (1)

Mapps Group Limited (2)

Heard at: Bury St Edmunds

On: 8 March 2019

Before: Employment Judge Laidler (sitting alone)

Representation

Claimant: In person

Respondent 1: no attendance - ACAS Settlement reached

Respondent 2: Response not entered.

JUDGMENT

1. The claimant was an employee within the meaning of section 230 (1) Employment Rights Act 1996.
2. There was a transfer of an undertaking between the first and second respondent pursuant to the Transfer of Employment (Protection of Employment) Regulations 2006 ('TUPE') on or about 30 August 2018.
3. Pursuant to Regulation 4 TUPE the claimant's contract of employment transferred to the second respondent.
4. The transfer was the sole or principal reason for the claimant's dismissal and this was an unfair dismissal by virtue of Regulation 7 TUPE.
5. There was a failure to inform and consult pursuant to Regulation 13 TUPE.
6. The claimant was entitled to but not paid for annual leave pursuant to the Working Time Regulations 1998 throughout the entirety of his employment
7. The claimant was never provided with a statement of particulars of employment pursuant to section 1 of the Employment Rights Act 1996 and is entitled to an award under s38 Employment Act 2002.

8. The compensation to which the claimant is entitled is set out below:

COMPENSATION

Unfair dismissal

Basic Award

9 weeks @ £508 per week £4,572.00

Compensatory award

9 weeks notice
@ £554 net per week £4986.00

Loss of earnings:

The claimant remains out of work
6 months loss is awarded from the
end of the notice period

26 weeks @ £554 net per week £14,404.00
£19390.00

Less earnings received in alternative
Employment

£1020.00

Compensatory award £18,370.00

Plus 20% uplift for failure to comply
With the ACAS Code of Practice

£3674.00

Total award for unfair dismissal £26616.00

Failure to inform and consult

13 weeks' pay @ £750 per week gross £9750.00

Holiday pay

20 days x 9 years @ £150 per day gross £27,000.00

Failure to provide written particulars of employment

4 weeks @ £508 per week £2032.00

Total	£65398.00
Less amount agreed with first respondent	£27,000.00
Total to be paid by second respondent	£38,398.00

Employment Judge Laidler

Date 8 March 2019

JUDGMENT SENT TO THE PARTIES ON

12 March 2019

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FOR THE TRIBUNAL OFFICE

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.