



# **EMPLOYMENT TRIBUNALS**

**Claimants:** Mrs J Frudd  
Mr I Frudd

**Respondent:** The Partington Group Limited

**HELD AT:** Manchester **ON:** 17 April 2018

**BEFORE:** Employment Judge Horne

## **REPRESENTATION:**

**Claimants:** In person  
**Respondent:** Ms A Del Priore, counsel

# **JUDGMENT**

In this judgment:

- (1) “the Park” is Broadwater Caravan Park;
- (2) “time on call” means those times when the respondent’s duty rota required the claimants to be on call;
- (3) “the Judgment” means the judgment sent to the parties on 2 February 2018;
- (4) “the reconsideration application” means the claimants’ application for reconsideration dated 15 February 2018; and
- (5) “the Christmas daytime argument” means the claimants’ contention that, during the Christmas period in 2010 and 2011, their time work during time on call started at the beginning of their on-call shift (and not at 4.30pm or 5pm).

1. By consent, the Judgment is varied as follows:

- 1.1. "The open season" no longer has the definition given to it in the Judgment and, instead, means the periods of time stated in paragraph 2 of the reconsideration application.
- 1.2. Where the open season occurred prior to 2014, on days during the open season when a security guard was on duty at the Park, the claimants were doing time work during time on call until 10pm (and not 8pm as previously stated).
- 1.3. Where time on call fell between the second Tuesday in November and the start of the closed season in any year during the claim period, the claimants' time work started at 4.30pm (and not 5pm as previously stated).
2. By consenting to the Judgment being varied in this way, the claimants are not to be regarded as having abandoned their contention (which they may wish to pursue on appeal) that they were employed on time work at other times.
3. The reconsideration application included the Christmas daytime argument as part of the grounds for reconsidering the claim.
4. In the event that the reconsideration application did not include the Christmas daytime argument, the time limit in rule 71 of the Employment Tribunal Rules of Procedure 2014 is extended until today's date so as to enable a fresh reconsideration application solely on the ground of the Christmas daytime argument.
5. The Christmas daytime argument will be determined at a further hearing if the parties so request.
6. Paragraphs 7 and 8 are made by consent.
7. By 4pm on 8 May 2018, the parties must notify the tribunal in writing that either:
  - 7.1. A further hearing is required, in which case they must state the purpose of that hearing, and provide their dates to avoid; or
  - 7.2. No further hearing is required, in which case they must set out the proposed order they that seek from the tribunal.
8. Unless a party takes one of the steps referred to in paragraph 6 by 4pm on 8 May 2018, **the claims will be treated as withdrawn and will be dismissed.**

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Employment Judge Horne

17 April 2018

SENT TO THE PARTIES ON  
27 April 2018

FOR THE TRIBUNAL OFFICE

Note – reasons for paragraphs 3 and 4 of the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date when the judgment was sent to the parties. If written reasons are provided, they will be displayed on the tribunal's website.