



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs K Smith

**Respondents:** London Borough of Bromley (1)  
Greenwich Leisure Ltd (2)

**Heard at:** Ashford, Kent

**On:** 20 April 2018

**Before:** Employment Judge Wallis  
Mrs R Downer  
Mr N Phillips

## **Representation**

Claimant: Mr S Brittenden, counsel

Respondent: Mr S Keen, counsel

# JUDGMENT

1. Greenwich Leisure Ltd is joined to these proceedings as Second Respondent
  - (i) on the understanding that there was a TUPE transfer of the Claimant's employment on 1 November 2017 from the First Respondent to the Second Respondent;
  - (ii) on the understanding that the First Respondent has agreed a general indemnity with the Second Respondent which may cover any claims, such as this one, arising before the transfer date;
  - (iii) and on the understanding that the Second Respondent objects to being joined as a party to these proceedings, and recognising that they have not had the opportunity to address the Tribunal on this issue, but on the understanding that apparently they would not object to being so joined if the First Respondent confirmed that they would indemnify the Second Respondent against any award;

- (iv) and recognising that the Second Respondent may apply for reconsideration of this decision if the circumstances indicate that they should;
- 2. The Tribunal has jurisdiction to consider an award of injury to feelings in this case;
- 3. The Respondents are ordered to pay the Claimant £2,800 compensation for injury to feelings;
- 4. The order is made jointly and severally in view of the lack of clarity about the indemnity;
- 5. The claim for compensation for £178.29 is dismissed;
- 6. The claim for reimbursement of fees from the Respondents is dismissed.

Employment Judge **Wallis**

Date 20 April 2018

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.

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