



EMPLOYMENT TRIBUNALS

Claimants

(1) Mrs G Jones
(2) Mrs S Hunt

v

Respondents

(1) Nestor Primecare Services
Limited (In Administration)
(2) Somerset Care Ltd
(3) Allied Health Services Ltd
(4) Allied Health Support
Ltd

Heard at: Bristol

On: 19 December 2019

Before: Employment Judge Midgley

Representation

Claimants: Mr A Griffiths, Counsel

Respondents:

R1 Did not appear,
R2 Mr Frullo, HR Director
R3 and R4 Miss C Barnard, HR Manager

JUDGMENT

1. The Claimants' claims for redundancy pay are well founded and succeed.
2. There was a service provision change within the meaning of Regulation 3(b)(ii) TUPE 2006 from the First to the Second Respondent on 1 December 2018. The First Respondent provided a service to Somerset County Council, namely the provision of supported residential care for the elderly and others and residential premises owned by the County Council. The activities which were undertaken in the service were the provision of on-site care between 10pm and 7 am, and 24 hour incident emergency cover. The claimants were part of an organized grouping of employees which undertook that activity, namely the Extra Care Core Staff.
3. Liability for the claimants' redundancy pay transferred from the First to the Second Respondent pursuant to Regulation 4 TUPE 2006.

4. The Second Respondent is Ordered to pay the Claimants the following sums by way of redundancy pay:

Mrs G Jones	£3,818.50
Mrs S Hunt	£12,840.00

**Employment Judge Midgley
Bristol
Dated 19 December 2019**

Note

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.