

Case numbers:
2416773/2018
2416774/2018
2416775/2018
2417244/2018
2417245/2018
2417916/2018
2417917/2018
2417918/2018



EMPLOYMENT TRIBUNALS

Claimants:

1. Mr D Bates
2. Ms L Whitfield
3. Ms E Hart

Respondents:

1. Fractional Administration Limited (in liquidation)
2. Langley Corporate Services Limited
3. Fractional Property Solutions Limited

HELD AT: Liverpool **ON:** 6, 7, 8 and 9 January 2020

BEFORE: Employment Judge Horne

MEMBERS: Mrs J L Pennie
Mr J Murdie

REPRESENTATION:

Claimant: Ms K Barry, counsel

Respondents:

1. Did not appear and was not represented
2. Mr A Hodge, counsel
3. Mr A Hodge, counsel

JUDGMENT

The unanimous judgment of the tribunal is as follows:

1. The claims of Ms Whitfield and Ms Hart are dismissed following withdrawal by those claimants. References to “the claimant” should be taken to mean Mr D Bates only.

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2. By consent, the claim against Fractional Property Solutions Limited is struck out on the ground that it is not actively pursued.
3. Fractional Administration Limited failed in its duty under regulation 13 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 to inform and consult the claimant in connection with a relevant transfer.
4. The complaint of unfair dismissal fails on the following grounds:
 - 4.1 The claimant did not have the right not to be unfairly dismissed;
 - 4.2 In any event the claimant was never employed by Langley Corporate Solutions Limited; and
 - 4.3 The claimant indicated that he was not actively pursuing any complaint of unfair dismissal against Fractional Administration Limited.
5. Langley Corporate Services Limited never employed the claimant, so his claim against that company for damages for breach of contract and his complaint against that company of unlawful deduction from wages both fail.

Employment Judge Horne

10 January 2020

SENT TO THE PARTIES ON

27 January 2020

FOR THE TRIBUNAL OFFICE

Reasons for 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 on which this judgment is sent to the parties. If written reasons are provided, they will be entered onto the tribunal's online register, which is visible to internet searches.