



EMPLOYMENT TRIBUNALS

Claimant

Dr Mark Ter-Berg

Respondent

v (1) Simply Smile Manor House Limited
(2) NHS England Midlands and East
(3) Mr Parul Malde
(4) Dr Colin Hancock

Heard at: Cambridge

On: 24, 25 and 26 February 2020

Before: Employment Judge Ord

Appearances

For the Claimant:

Mr W McNerney, Counsel

For the first, third and fourth Respondent:

Mr S Butler, Counsel

For the second Respondent:

Ms C Heinz, Solicitor

JUDGMENT

1. The Claimant was not an employee of the first Respondent within the meaning of Section 230 Employment Rights Act 1996.
2. The Claimant's complaint of (automatic) unfair dismissal contrary to Section 103A is therefore dismissed.
3. The Order for interim relief made on 17 January 2019, ceases and is revoked with effect from today.
4. The Final Hearing of the Claimant's remaining complaints will take place at **The Norwich Employment Tribunals, Norwich Magistrates Court, Bishopgate, Norwich, Norfolk, NR3 1UP** commencing on **4 January 2021** through to **13 January 2021** (8 days allowed).

Note

1. By consent the parties ask for this Judgment to be sent at the first opportunity, with full written reasons to follow.
2. Those written reasons will follow as soon as the Tribunal is able to deliver them.

3. The Final Hearing of this case, and all interlocutory matters prior to the Final Hearing, are not to be considered by Employment Judge Postle.
4. The parties, by consent ask for all interlocutory matters to be considered by Employment Judge Ord.

Employment Judge Ord

Date:26.02.2020.....

Sent to the parties on: .13.03.2020.....

.....
For the Tribunal Office