



# EMPLOYMENT TRIBUNALS

## Telephone Hearing

**Claimant** Mr J Fordham

**Respondent:** Bang Tidy Clothing Limited

**HELD AT:** Sheffield

**ON:** 26 May 2020

**BEFORE:** Employment Judge Little

### REPRESENTATION:

**Claimant:** In person

**Respondent:** Mr Collinson, Director

## JUDGMENT

The complaint of wrongful dismissal fails.

## REASONS

1. The claimant presented a claim to the Tribunal in which he complained of unfair dismissal and wrongful dismissal.
2. He had only been employed for approximately three months and accordingly did not have sufficient qualifying employment (two years) in order to have the right not to be unfairly dismissed. It was for this reason that on 17 January 2020 Employment Judge Lancaster dismissed that part of the claim.
3. The remaining complaint, wrongful dismissal, must be based on a contention that an employee has been dismissed without notice and so in breach of contract. However in Mr Fordham's case he candidly accepts that he was dismissed with notice or at least was paid for his notice period. In those circumstances he had not been dismissed in breach of contract in my judgment.

4. Although the claimant had been taken on as a digital marketing apprentice, I understand that the ending of this employment did not bring an end to the apprenticeship. The apprenticeship was with a third party B2W and it appears that that apprenticeship arrangement continues even though this employment does not.
5. It is for these reasons that I have dismissed the remaining complaint.

Employment Judge Little  
Date 29<sup>th</sup> May 2020

JUDGMENT SENT TO THE PARTIES ON

FOR THE TRIBUNAL OFFICE

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