



EMPLOYMENT TRIBUNALS

Claimant: Mrs E. Secknus and others

Respondents: (1) Meta VS Limited
(2) Meta Vision Systems Limited (a company in liquidation)
(3) The Secretary of State for Business, Energy and Industrial Strategy

UPON the names of the Claimants in this multiple and their individual case numbers being listed in the Annex to this Judgment

AND UPON a Judgment on Liability having been sent to the parties on 13 March 2019

AND UPON the Claimants having requested by a letter dated 13 May 2019 that there be Judgment against the First Respondent for the amounts claimed by the Claimants in their Schedules of Loss, the First Respondent having failed to comply with orders set out in a Case Management Order sent to the parties on 10 January 2019

AND UPON none of the Respondents objecting to the Claimants' above request, having been given an opportunity to object by a direction sent on 25 June 2019

AND UPON the sums claimed being netted down where appropriate where the Claimants have failed to provide net figures

JUDGMENT - REMEDY

1. The Claimants are entitled to payment from the First Respondent in the sums set out in the numbered Schedules to this Judgment.
2. The First Respondent is ordered to pay to each Claimant the total of the sums set out in the numbered Schedule applicable to that Claimant.
3. It is declared that the complaints against the First Respondent for a failure to inform or consult pursuant to regulations 13 or 14 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) are well-founded.

Employment Judge McNeill QC

Date 27 August 2019

JUDGMENT SENT TO THE PARTIES ON

04/09/2019

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FOR THE TRIBUNAL OFFICE

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Annex

Mrs E. Secknus	Claim No. 3329312/2017
Mr S. Kelly	Claim No. 3329313/2017
Mrs E. O'Sullivan	Claim No. 3329314/2017
Mr T. Kane	Claim No. 3329315/2017
Mr J. Moore	Claim No. 3329316/2017
Mr J. Anwar	Claim No. 3329317/2017
Mr C. Leyson	Claim No. 3329331/2017
Mr R. Andrews	Claim No. 3329493/2017
Mr M. Bailey	Claim No. 3352954/2017
Miss J. Harwood	Claim No. 3302919/2018
Miss K. Hudson	Claim No. 3302946/2018
Ms E. Hookway	Claim No. 3302949/2018
Mr N. Pearce	Claim No. 3303611/2018
Mr T. Bedford	Claim No. 3303670/2018
Mr D. Molloy	Claim No. 3330650/2018

Schedule 1

Mrs E. Secknus – 3329312/2017

The Claimant, Mrs E. Secknus, is entitled to the following sums:

(1) A redundancy payment calculated on the basis of 12 years' service – 12 x £347.31 The Claimant's entitlement to a basic award for unfair dismissal is reduced by that amount to zero.	£ 4,167.72
(2) A payment in lieu of 12 weeks' notice at the rate of £298.37 a week less JSA received of £292.41	£ 3,294.03
(3) Unpaid salary for July 2017: one month's net pay	£ 1,295.10
(4) Holiday pay: 9 days at £99.62 per day	£ 896.60
(5) Job-seeking expenses	£ 29.95
(6) Compensation pursuant to the TUPE Regulations 2006 for a failure to inform or consult – 13 weeks' gross weekly salary at £347.31	<u>£ 4,515.03</u>
	Total: £14,198.43

Schedule 2

Mr S. Kelly – 3329313/2017

The Claimant, Mr S. Kelly, is entitled to the following sums:

(1) A redundancy payment calculated on the basis of 21 years' service The Claimant's entitlement to a basic award for unfair dismissal is reduced by that amount to zero.	£10,269.00
(2) A payment in lieu of notice: 12 weeks' net pay at £614.86 a week	£ 7,378.32
(3) Unpaid salary for July 2017: one month's net salary	£ 2,664.41
(4) Holiday pay: 26 days at £122.97 per day	£ 3,197.22

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- (5) Compensation pursuant to the TUPE Regulations 2006 for a failure to inform or consult: 13 weeks' gross weekly salary **£12,498.00**

Total: £36,001.9

Schedule 3

Mrs E. O'Sullivan – 3329314/2017

The Claimant, Mrs E. O'Sullivan, is entitled to the following sums:

- (1) A redundancy payment calculated on the basis of 11 years' service **£ 5,348.68**
The Claimant's entitlement to a basic award for unfair dismissal is reduced by that amount to zero.
- (2) Payment in lieu of notice – 11 weeks' net pay **£ 4,494.90**
- (3) Unpaid salary for July 2017 (less payment received of £197.98) **£ 1572.74**
- (4) Holiday pay: 12.25 days at £71.32 per day **£ 873.67**
- (5) Job seeking expenses **£ 4.50**
- (6) Compensation pursuant to the TUPE Regulations 2006 for a failure to inform or consult: 13 weeks' gross weekly salary **£ 6,159.99**

Total: £18,454.40

Schedule 4

Mr T. Kane – 3329315/2017

The Claimant, Mr T. Kane, is entitled to the following sums:

- (1) A redundancy payment calculated on the basis of 5 years' service – 5 x £489.00 **£ 2,445.00**
The Claimant's entitlement to a basic award for unfair dismissal is reduced by that amount to zero
- (2) A payment in lieu of notice: 5 weeks' net pay at £673.78 per week **£ 3,368.89**
- (3) Unpaid salary for July 2017 – one month's net salary **£ 2,919.93**

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(4) Holiday pay: 11 days at £134.76 net per day	£ 1,482.31
(5) Job seeking expenses	£ 12.15
(6) Compensation pursuant to the TUPE Regulations 2006 for a failure to inform or consult: 13 weeks' gross weekly salary at £903.85 per week	<u>£11,750.05</u>
Total: £21,978.33	

Schedule 5

Mr J. Moore – 3329316/2017

The Claimant, Mr J. Moore, is entitled to the following sums:

(1) A redundancy payment calculated on the basis of 23 years' service (9 years at 1 x week's pay and 14 years at 1.5 x week's pay) capped at the statutory maximum The Claimant's entitlement to a basic award for unfair dismissal is reduced by that amount to zero.	£14,670.00
(2) A payment in lieu of notice: 11 weeks' net pay at £941.61 per week	£10,357.71
(3) Unpaid net salary for July 2017 – after deduction of payments received (£1,785.67)	£ 2,294.66
(4) Holiday pay: 17.75 days x £188.23 net per day	£ 3,342.68
(5) Compensation pursuant to the TUPE Regulations 2006 for a failure to inform or consult: 3 months' gross salary	<u>£18,750.00</u>
Total: £49,415.05	

Schedule 6

Mr J. Anwar – 3329317/2017

The Claimant, Mr J. Anwar, is entitled to the following sums:

(1) A redundancy payment calculated on the basis of 6 years' service – 6 x 1.5 x £489 (statutory cap) The Claimant's entitlement to a basic award for unfair dismissal is reduced by that amount to zero.	£ 4,401.00
(2) A payment in lieu of notice: 4 weeks' net pay at	

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£521.04 per week	£ 2,084.14
(3) Unpaid salary for July 2017: one month's net pay	£ 2,257.82
(4) Holiday pay: 8.25 days at £104.21 net per day	£ 859.71
(5) Compensation pursuant to the TUPE Regulations 2006 for a failure to inform or consult: 3 months' gross salary	<u>£ 9,953.13</u>
Total:	£19,555.80

Schedule 7

Mr C. Leyson – 3329331/2017

The Claimant, Mr Leyson, is entitled to the following sums:

(1) A redundancy payment calculated on the basis of 6 years' service (all aged over 41): 1.5 x 6 x £489	£ 4,401.00
(2) A payment in lieu of notice: 6 weeks x £619.38 net	£ 3,716.00
(3) Unpaid salary for July 2017 - £2,684.00 net	£ 2,684.00
(4) Compensation pursuant to the TUPE Regulations 2006 for a failure to inform or consult: 13 weeks at £827.77 gross per week	<u>£10,761.00</u>
Total:	£21,562.00

Schedule 8

Mr R. Andrews – 3329493/2017

The Claimant, Mr R. Andrews, is entitled to the following sums:

(1) A redundancy payment calculated on the basis of 2 years' service – 2 x 1.5 x £489	£ 1,467.00
(2) One month's pay in lieu of notice – calculated on a gross sum of £3,434.38 – applying online calculator to reach net equivalent figure	£ 2,630.08
(3) Compensation pursuant to the TUPE Regulations 2006 for a failure to inform or consult: 3 months' pay at £3,434.38 a month	<u>£10,303.14</u>

Schedule 9

Mr M. Bailey – 3352954/2017

The Claimant, Mr Bailey, is entitled to the following sums:

(1) Unpaid salary for June and to 27 July 2017. The net monthly equivalent of £70,000 gross per annum is about £4,095 per month –£4,095 + £3,931 (to reflect reduced working days in July 2017)	£ 8,026.00
(2) One month's pay in lieu of notice	£ 4,095.00
(3) Holiday pay: calculated on a gross to net percentage of 70% - 3.5 days at £230.13 gross a day x .7	£ 563.82
(4) Pension: unpaid contributions for the months of May, June and July 2017	£ 840.00
(5) Compensation pursuant to the TUPE Regulations 2006 for a failure to inform or consult – 13 weeks x £1,346.15 per week	<u>£17,500.00</u>
	Total: £31,024.82

Schedule 10

Miss J. Harwood – 3302919/2018

The Claimant, Miss Harwood, is entitled to the following sums:

(1) A redundancy payment calculated on the basis of 13.5 weeks x £508.00	£ 6,858.00
(2) Unpaid wages of £1,984.12 gross + £2,023.85 gross x .8 (to reflect gross to net calculation)	£ 3,206.37
(3) Holiday pay: 5.85 days x £119.05	£ 696.44
(4) Payments in lieu of notice	£ 3,556.00
(5) Compensation pursuant to the TUPE Regulations 2006 for a failure to inform or consult: 13 weeks' gross pay	<u>£ 8,125.00</u>

Total: £22,441.81

Schedule 11

Miss K. Hudson – 3302946/2018

The Claimant, Miss K. Hudson, is entitled to the following sums:

(1) Unpaid salary in the sum of £2,993.44 gross, to which a factor of 0.8 has been applied in order to arrive at a net figure	£ 2,394.75
(2) Holiday pay: 15.8 days - £1,560.86 x .8	£ 1,248.69
(3) Redundancy pay	£ 1,500.00
(4) A payment in lieu of notice	£ 1,000.00
(5) Loss of employer pension contributions	£ 845.00
(6) Compensation pursuant to the TUPE Regulations 2006 for a failure to inform or consult – 13 weeks x gross weekly salary of £500	<u>£ 6,500.00</u>
	Total: £13,488.44

Schedule 12

Ms E. Hookway – 3302949/2018

The Claimant, Ms Hookway, is entitled to the following sums:

(1) Unpaid salary: £7,363.06 x factor of 0.75 to reflect gross to net calculation	£ 5,522.29
(2) Loss of holiday pay: £4,437.46 x 0.75	£ 3,328.09
(3) Loss of notice pay: £3,750 x 0.75	£ 2,812.50
(4) Loss of pension contributions	£ 2,484.38
(5) Compensation pursuant to the TUPE Regulations 2006 for a failure to inform or consult – 13 weeks' gross salary	<u>£11,607.05</u>
	Total: £25,754.31

Schedule 13

Mr N. Pearce – 3303611/2018

The Claimant, Mr N. Pearce, is entitled to the following sums:

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|---|--------------------------|
| (1) A redundancy payment based on 20 years' service, one year at half the statutory rate of £508 and 19 years at the full statutory rate
The Claimant's entitlement to a basic award for unfair dismissal is reduced by that amount to zero. | £ 9,906.00 |
| (2) A payment in lieu of notice: 12 weeks' net pay at £572.46 per week | <u>£ 6,869.52</u> |
| Total: | £16,772.52 |

Schedule 14

Mr T. Bedford - 3303670/2018

The Claimant, Mr T. Bedford, is entitled to the following sums:

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|---|--------------------------|
| (1) A redundancy payment based on 12 full years' service aged over 41: 12 x 1.5 x £508 | £ 9,144.00 |
| (2) A payment in lieu of notice: 12 weeks x £570.84 | £ 6,850.08 |
| (3) Unpaid salary: £7,992 + £1,712.52 gross = £9,704.52.
A factor of 0.8 is applied to that sum in order to achieve a net figure | £ 7,763.62 |
| (4) Unpaid expenses | £ 1,445.30 |
| (5) Unpaid sales commissions | £ 6,277.64 |
| (6) Holiday pay for 2017 and 2018: 11.85 days at £190.28 per day gross x .8 | £ 1,803.85 |
| (7) Loss of pension based on non-payment of employer contributions | £ 2,069.92 |
| (8) Compensation pursuant to the TUPE Regulations 2006 for a failure to inform or consult: 13 x gross weekly salary of £570.84 | <u>£ 7,420.92</u> |
| Total: | £42,775.33 |

Schedule 15

Mr D. Molloy – 3330650/2018

The Claimant, Mr D. Molloy is entitled to the following sums:

(1) A redundancy payment based on 5 years' service, in all of which the Claimant was aged over 41 – 5 x 1.5 x £489 The Claimant's entitlement to a basic award for unfair dismissal is reduced by the above sum to zero.	£ 3,667.50
(2) A payment in lieu of notice: 5 x £930.32	£ 4,651.60
(3) Unpaid salary for July 2017	£ 4,031.37
(4) Holiday pay: 16.5 days x £186.06	£ 3,069.99
(5) Pension: loss of employer contributions for July 2017	£ 290.85
(6) Compensation pursuant to the TUPE Regulations 2006 for a failure to inform or consult: 13 x gross weekly salary	<u>£17,792.45</u>
	Total: £33,503.76