



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4102071/20 (A)

Held on 1 October 2020

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Employment Judge N M Hosie

Miss L Burns Thomson

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**Claimant
Represented by
Mr M Robertson,
Solicitor**

Raeburn Health Care Ltd

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**1st Respondent
No Appearance**

Caley Home Care Ltd

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**2nd Respondent
Represented by
Mr N Fogarty,
Director**

NOTE FOLLOWING PRELIMINARY HEARING

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1. This case came before me by way of a preliminary hearing to consider case management. The hearing was conducted by telephone conference call. It followed a previous case management preliminary hearing which I conducted on 21 July 2020. The Note which I issued following that hearing is referred to for its terms.

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2. Since then the second respondent, Caley Home Care Ltd, had submitted an ET3 Response Form which had been accepted late.

E.T. Z4 (WR)

3. The claimant’s solicitor advised that he accepted that there had not been a “TUPE” transfer from the first respondent to the second respondent and that he was agreeable to the claim against the second respondent being dismissed. Accordingly, I shall issue a Judgment to that effect.

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4. As far as the first respondent is concerned, they have not defended the claim and their status is unclear. However, the claimant’s solicitor advised that he understood that the Company had been dissolved and if the Company is insolvent that would enable the claimant to make a claim to the Insolvency Service. In all the circumstances, therefore, and having regard to the “overriding objective” in the Rules of Procedure, I decided that I would issue a “Rule 21 Judgment” against the first respondent.

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15	Employment Judge	Nick Hosie
	Date of Judgement	5 October 2020
	Date sent to parties	5 October 2020

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