



EMPLOYMENT TRIBUNALS

- Claimants:**
1. Mr A Gibson
 2. Mr B Brian
 3. Miss L Cowling
 4. Miss C Robertson
 5. Mr P O’Gara
 6. Mr G Hopps
 7. Mrs J Blakey
 8. Mr C Chew
 9. Mrs M Williams
 10. Mr M Johnson
 11. Mr A Thorpe
 12. Mrs S Thorpe

Respondent: Capital Asset Partners Ltd

Heard on 8 March 2021

This has been a remote hearing, by video (V): A hearing in person was not practicable because of the present restrictions due to Covid 19.

Before: Employment Judge K Armstrong

Appearances

For the claimants: Mr G Hopps, sixth Claimant
For the respondent: Not in attendance

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The respondent having failed to present a response to the claims in accordance with rule 16;

And the claimants having submitted further information in respect of their claims in writing or at the hearing held today.

In respect of the first claimant, Mr A Gibson

1. The respondent made unauthorised deductions from the wages of the first claimant and shall pay to him the sum of £9,068.77. This is a gross award.

**Case Numbers: 1804263/2020; 1804619/2020; 1804620/2020; 1804642/2020;
1804760/2020; 1804787/2020; 1804854/2020; 1804935/2020; 1805144/2020;
1805365/2020; 1805453/2020; 180/5454/2020**

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2. The respondent was in breach of the contract of employment of the first claimant in failing to provide him with notice of the termination of his employment and shall pay to him damages of £4,954.95. This is a gross award.
3. The first claimant is entitled to a redundancy payment and the respondent shall pay to him a redundancy payment of £4,275.

In respect of the second claimant, Mr B Brian

4. The respondent made unauthorised deductions from the wages of the second claimant and shall pay to him the sum of £7,766. This is a gross award.
5. The respondent was in breach of the contract of employment of the second claimant in failing to provide him with notice of the termination of his employment and shall pay to him damages of £5,772. This is a gross award.
6. The respondent failed to pay the second claimant for accrued but untaken leave of 12.5 days and shall pay to him the sum of £1,203. This is a gross award.
7. The second claimant is entitled to a redundancy payment and the respondent shall pay to him a redundancy payment of £8,658.
8. The second claimant was unfairly dismissed. Had a fair procedure been followed, the second claimant would still have been dismissed and therefore the compensatory award is reduced by 100%. The claimant has been awarded a redundancy payment. Therefore no award is due in respect of the unfair dismissal.

In respect of the third claimant, Mrs L Cowling

9. The third claimant is granted permission to amend her claim to name Captial Asset Partners Ltd as the Respondent
10. The third claimant's claim for a protective award under s.188 Trade Union and Labour Relations (Consolidation) Act 1992 is dismissed on withdrawal.
11. The third claimant's claim for unfair dismissal is dismissed on withdrawal.
12. The respondent made unauthorised deductions from the wages of the third claimant and shall pay to her the sum of £7,336.27. This is a gross award.
13. The respondent was in breach of the contract of employment of the third respondent in failing to provide her with notice of the termination of her employment and shall pay to her damages of £1,916.67. This is a gross award.
14. The respondent failed to pay the third claimant for accrued but untaken leave of 9 days and shall pay to her the sum of £862.47. This is a gross award.
15. The third claimant is entitled to a redundancy payment and the respondent shall pay to her a redundancy payment of £1,437.

In respect of the fourth claimant, Miss C Robertson

16. The respondent made unauthorised deductions from the wages of the fourth claimant and shall pay to her the sum of £9,751.52. This is a gross award.
17. The respondent was in breach of the contract of employment of the fourth claimant in failing to provide her with notice of the termination of her employment and shall pay to her damages of £1846.12. This is a gross award.
18. The respondent failed to pay the fourth claimant for accrued but untaken leave of 16.5 days and shall pay to her the sum of £1,615.32. This is a gross award.
19. The fourth claimant is entitled to a redundancy payment and the respondent shall pay to her a redundancy payment of £1,384.59.

In respect of the fifth claimant, Mr P O’Gara

20. The respondent made unauthorised deductions from the wages of the fifth claimant and shall pay to him the sum of £8,152.91. This is a gross award.
21. The respondent was in breach of the contract of employment of the fifth claimant in failing to provide him with notice of the termination of his employment and shall pay to him damages of £489.04. This is a gross award.
22. The respondent failed to pay the fifth claimant for accrued but untaken leave of 5.5 days and shall pay to him the sum of £558.90. This is a gross award.

In respect of the sixth claimant, Mr G Hopps

23. The respondent made unauthorised deductions from the wages of the sixth claimant and shall pay to him the sum of £8,126.18. This is a gross award.
24. The respondent was in breach of the contract of employment of the sixth claimant in failing to provide him with notice of the termination of his employment and shall pay to him damages of £2,166.67. This is a gross award.
25. The respondent failed to pay the sixth claimant for accrued but untaken leave of 6 days and shall pay to him the sum of £798. This is a gross award.

In respect of the seventh claimant, Mrs J Blakey

26. The seventh claimant’s claim for unfair dismissal is dismissed on withdrawal.
27. The respondent made unauthorised deductions from the wages of the seventh claimant and shall pay to her the sum of £9,326.10. This is a gross award.
28. The respondent was in breach of the contract of employment of the seventh claimant in failing to provide her with notice of the termination of her employment and shall pay to her damages of £2,307.67. This is a gross award.
29. The respondent failed to pay the seventh claimant for accrued but untaken leave of 16.5 days and shall pay to her the sum of £1,670.70. This is a gross award.
30. The seventh claimant is entitled to a redundancy payment and the respondent shall pay to her a redundancy payment of £1,614.

In respect of the eighth claimant, Mr C Chew

31. The respondent made unauthorised deductions from the wages of the eighth claimant and shall pay to him the sum of £1,766.06. This is a gross award.

In respect of the ninth claimant, Mrs M Williams

32. The respondent made unauthorised deductions from the wages of the ninth claimant and shall pay to her the sum of £5,914.35. This is a gross award.
33. The respondent was in breach of the contract of employment of the ninth claimant in failing to provide her with notice of the termination of her employment and shall pay to her damages of £1,521. This is a gross award.
34. The respondent failed to pay the ninth claimant for accrued but untaken leave of 2 weeks and shall pay to her the sum of £702. This is a gross award.
35. The ninth claimant is entitled to a redundancy payment and the respondent shall pay to her a redundancy payment of £1,053.

In respect of the tenth claimant Mr M Johnson

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36. The tenth claimant is granted permission to amend his claim form to name Capital Asset Partners Ltd as the Respondent
37. The tenth claimant's claim for a protective award under s.188 Trade Union and Labour Relations (Consolidation) Act 1992 is dismissed on withdrawal.
38. The tenth claimant's claim for failure to consult in respect of a TUPE transfer is dismissed on withdrawal.
39. The respondent made unauthorised deductions from the wages of the tenth claimant and shall pay to him the sum of £5,972.88. This is a gross award.
40. The respondent was in breach of the contract of employment of the tenth claimant in failing to provide him with notice of the termination of his employment and shall pay to him damages of £1,782.95. This is a gross award.
41. The respondent failed to pay the tenth claimant for accrued but untaken leave of 8 days and shall pay to him the sum of £658.32.

In respect of the eleventh claimant, Mr A Thorpe

42. The eleventh claimant is permitted to amend his claim form to name Capital Asset Partners Ltd as the Respondent
43. The respondent made unauthorised deductions from the wages of the eleventh claimant and shall pay to him the sum of £5,701.77. This is a gross award.
44. The respondent was in breach of the contract of employment of the eleventh claimant in failing to provide him with notice of the termination of his employment and shall pay to him damages of £432.12. This is a gross award.
45. The respondent failed to pay the eleventh claimant for accrued but untaken leave of 10 days and shall pay to him the sum of £864.24. This is a gross award.

In respect of the twelfth claimant, Mrs S Thorpe

46. The twelfth claimant is permitted to amend her claim form to name Capital Asset Partners Ltd as the Respondent.
47. The respondent made unauthorised deductions from the wages of the twelfth claimant and shall pay to her the sum of £4,448.63. This is a gross award.
48. The respondent was in breach of the contract of employment of the twelfth claimant in failing to provide her with notice of the termination of her employment and shall pay to her damages of £340.08. This is a gross award.
49. The respondent failed to pay the twelfth claimant for accrued but untaken leave of 10 days and shall pay to her the sum of £680.16. This is a gross award.

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Employment Judge K Armstrong

Date 8 March 2021

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