



EMPLOYMENT TRIBUNALS

Claimants: (1) Mr D Helm
(2) Ms E Gavin

Respondent: Liongate Securities LLP

Heard at: London Central Employment Tribunal

On: 25 May 2021

Before: Employment Judge Gordon Walker

Representation

Claimants: In person
Respondent: Did not attend

JUDGMENT

1. The claims are consolidated;
2. The name of the Respondent in claim number 2207742/2020 is amended to Liongate Securities LLP;
3. The claims of unfair dismissal are dismissed as the Tribunal does not have jurisdiction to hear them because the Claimants were employed by the Respondent for less than two years ending with the effective date of termination, contrary to the service requirement at section 108 Employment Rights Act 1996 (“ERA”);
4. The claims of unauthorised deductions from wages pursuant to section 13 ERA are well founded. The Respondent unreasonably failed to comply with the ACAS Code of Practice on Grievances at Work (“ACAS Code”). The gross sums payable to the Claimants are increased by 25% pursuant to section 207A Trade Union and Labour Relations (Consolidation) Act 1992

Case No: 2207742/2020 & 2207769/2020

("TULR(C)A"). The Respondent is therefore ordered to pay the Claimants the following gross sums:

- a. In respect of the First Claimant (Mr Helm): £25,563.45 (£20,450.76 x 25%);
 - b. In respect of the Second Claimant (Ms Gavin): £24,885.90 (£19,908.72 x 25%).
5. The claim for holiday pay accrued but unpaid on termination, pursuant to regulation 14 Working Time Regulations 1998 is well founded. The gross sums payable to the Claimants are increased by 25% pursuant to section 207A TULR(C)A due to the Respondent's unreasonable failure to comply with the ACAS Code. The Respondent is therefore ordered to pay the Claimants the following gross sums:
- a. In respect of the First Claimant (Mr Helm): £8,293.28 (£6,634.62 x 25%);
 - b. In respect of the Second Claimant (Ms Gavin): £8,293.28 (£6,634.62 x 25%).
6. The Respondent was in breach of contract by dismissing the Claimants without notice. The gross sums payable to the Claimants for unpaid notice (of £12,500 each) are increased by 25% pursuant to section 207A TULR(C)A due to the Respondent's unreasonable failure to comply with the ACAS Code (to £15,625 each). The limit on payment to be ordered pursuant to article 10 of the Employment Tribunals Extension of Jurisdiction (England & Wales) Order 1994 is applied. The Respondent is therefore ordered to pay the Claimants the following sums:
- a. In respect of the First Claimant (Mr Helm): £25,000;
 - b. In respect of the Second Claimant (Ms Gavin): £25,000.

Employment Judge Gordon Walker

Date 26 May 2021

JUDGMENT SENT TO THE PARTIES ON
26/05/2021.

FOR THE TRIBUNAL OFFICE

Notes

This has been a remote hearing. The parties did not object to the case being heard remotely. The form of remote hearing was video, conducted using Cloud Video Platform (CVP). It was not practicable to hold a face to face hearing because of the COVID-19 pandemic.

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.