

Case Numbers: 1309028/20 & others
(see schedule attached)

EMPLOYMENT TRIBUNALS

Claimant

Ms D Hotchkiss & others v
(see schedule attached)

Respondent

**(1) Denwells Ltd,
(2) Denwells 2020 Ltd
(3) French Sole Holdings Ltd
(4) The Secretary of State for Business,
Energy & industrial Strategy**

PRELIMINARY HEARING

(CONDUCTED IN PUBLIC BY THE CLOUD VIDEO PLATFORM)

Heard at: **Birmingham** On: **12 November 2021**

Before: **Employment Judge Perry (sitting alone)**

Appearances

For the Claimants: **All present in person** save for Jonathan Neale, Abubarkar Isifu, Alison Bowen, Alex Lloyd and Joanne Williams

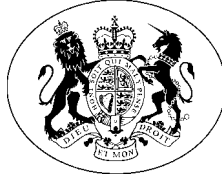
For the Respondents: **None in attendance** (the attendance of the fourth respondent is excused)

JUDGMENT

1. There was a relevant transfer pursuant to regulation 3 Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) from the first to second respondent on, or about, 28 May 2020.
2. Claim number 1306546/2020 made by Ms Jean Richards was marked discontinued in error. The claim was originally rejected by virtue of the provision of an incorrect early conciliation certificate number. That was remedied on 30 July 2020 and a reconsideration requested that was not addressed. It is accepted with effect from that date. That claim is consolidated and shall be heard with the other complaints.
3. The claimants' complaints of unfair dismissal pursuant to reg. 7(1) TUPE, ordinary unfair dismissal, wrongful dismissal, failure to consult pursuant to TUPE and their other money claims shall be heard in so far as it is expedient and possible to do so in the light of the claimants intending to re-submit their claims to the fourth respondent, before a full panel (to be chaired by me if possible) on 20-22 December 2021 by the Cloud Video Platform.
4. A separate notice of hearing shall follow. Ms Sears attendance by Cloud Video Platform is excused. She shall be provided telephone log on details.
5. No ancillary directions orders are made; the existing bundles and witness statements shall stand.

Employment Judge Perry

12 November 2021



Notes

A judgment having been given by consent 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.

The Employment Tribunal is required to maintain a register of all judgments and written reasons. The register must be accessible to the public. Shortly after a copy of all judgments and reasons are sent to the parties a copy will be published, in full, at www.gov.uk/employment-tribunal-decisions. The Employment Tribunal has no power to refuse to place a judgment or reasons on the online register, or to remove a judgment or reasons from the register once they have been placed there. If you consider that these documents should be anonymised in any way prior to publication, you will need to apply to the Employment Tribunal for an order to that effect under Rule 50 of the Employment Tribunal's Rules of Procedure. Such an application would need to be copied to all other parties for comment.

SCHEDULE OF CLAIMANTS

1309028/2020
1306513/2020 & 1300713/2021
13206576/2020
1300177/2021 & 1306546/2020
1303685/2021 & 1306601/2020
1300687/2021 & 1306555/2020
1306606/2020
1309061/2020
1309062/2020
1306597/2020
1309064/2020
1309065/2020
1309063/2020, 1300730/2021 &

1300731/2021
1306603/2020 & 1300744/2021
1306554/2020

DAWN HOTCHKISS
PETA DAVIS
JONATHAN NEALE
JEAN RICHARDS
MARIE REBECCA MASEFIELD
JULIE EBREY
ABUBARKAR ISIFU
ALISON BOWEN
CAROL JANE PAUL
ELIZABETH BERTIE
ALEX LLOYD
JOANNE WILLIAMS

HEIDI LOUISE SEARS
MICHAEL SLATER
CATHERINE DAVIES