



EMPLOYMENT TRIBUNALS

Claimant

Mr J Prescott

Respondent

1. Actavo (UK) Ltd
2. Kaefer Ltd

Heard at: Leeds

On: 22, 23, 24 March 2022

Before: Employment Judge Davies

Appearances

For the Claimant:

In person

For the Respondents:

- 1 Mr Lewinski (counsel)
2. Mr Johnstone (solicitor).

JUDGMENT

1. The Claimant was assigned to organised grouping of employees that transferred from the First to the Second Respondent on 30 November 2020 pursuant to Transfer of Undertakings (Protection of Employment) Regulations 2006.
2. The Claimant's claims of unfair dismissal, wrongful dismissal (notice pay) and for pay in lieu of accrued holiday brought against the Second Respondent are well-founded and succeed.
3. The Second Respondent shall pay the Claimant:
 - 3.1 A basic award of **£3766**;
 - 3.2 A compensatory award of **£21,525,96**; and
 - 3.3 Pay in lieu of accrued holiday **£3368.50**.
4. No redundancy payment is payable as the Claimant will receive a basic award for unfair dismissal and no damages for pay in lieu of notice are payable because the compensatory award compensates the Claimant in full for the relevant period.
5. At the time these proceedings were begun the Second Respondent was in breach of the obligation to provide the Claimant with a written statement of employment particulars. There are no exceptional circumstances that make it not just and equitable to award him two weeks' pay. It is not just and equitable to award him four weeks' pay. The Second Respondent shall pay him **£1076**
6. All claims against the First Respondent are not well-founded and are dismissed.

Employment Judge Davies
24 March 2022