



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4113564/2021

Held on 6 May 2022

Employment Judge N M Hosie

Mr D Stewart

**Claimant
In Person**

Atalian Servest Group Ltd

**Respondent
Represented by
Mr J Conley,
In House Solicitor**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Tribunal is that the claim is dismissed.

REASONS

1. The claimant brought a claim of unfair dismissal. He submitted his claim form on 1 December 2021. The ACAS Early Conciliation Certificate number given was R177007/21/59.
2. The respondent submitted a response form on 30 December 2021 in which it claimed that the Tribunal did not have jurisdiction to consider the claim as it

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had been settled via ACAS, pursuant to a COT3 Agreement, dated 9 December 2021, a copy of which was attached.

3. At a Case Management preliminary hearing on 6 May 2022, the claimant confirmed that he had signed this Agreement. He also advised that he had the benefit of trade union advice at the time. However, he maintained that he was unaware that he had waived his unfair dismissal claim. The Note which I issued following that hearing, is referred to for its terms.

10 Discussion and decision

4. The terms of the COT3 Agreement are clear. The Agreement is in respect of the claim form which the claimant had submitted on 1 December 2021. The Agreement has the same Early Conciliation Number. In terms of Clause 5, the claimant accepted the settlement payment in full and final settlement of all and any potential claims against the respondent. In Appendix 1 there is a list of the claims which were waived. This included the Employment Rights Act 1996. An unfair dismissal claim is brought in terms of that statute.
5. In all these circumstances, and having regard to the “overriding objective” in the Rules of Procedure, I decided to dismiss the claim.

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6. At the preliminary hearing on 6 May 2022, I explained the position to the claimant who was unrepresented and advised him that I intended issuing a Judgment dismissing the claim. This was accepted by him.

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Employment Judge Hosie

Date of Judgement 10th May 2022

10 Date Sent to Parties 10th May 2022