



EMPLOYMENT TRIBUNALS

Claimants

1. Mrs M Hewer
2. Mr E Martin
3. Mr R Burke
4. Mr W Lake
5. Mr V Panayioutou

Respondents

1. HCT Group
2. HCT Group Operations
Community Interest Company
(Cic)
3. LC Transport (Uk) Ltd (In
Liquidation)

Heard at: London Central Employment Tribunal in person

On: 5 (afternoon only), 6, 7, 8 September 2022

Before: Employment Judge Adkin

Members: Mr T Cook
Ms C Masters

Representation

For 1st & 2nd Claimants: Mr A. Carter of Counsel

For 3rd, 4th & 5th Claimants: Mr P. Kerfoot of Counsel

For the 1st & 2nd Respondents: No representative; written representations

For the 3rd Respondent: n/a

JUDGMENT

- (1) The name of the Second Respondent is amended to HCT Group Operations Community Interest Company (Cic).
- (2) The First Claimant, Second Claimant, Third Claimant, Fourth Claimant and Fifth Claimant were all employed by the Second Respondent immediately before a service provision change (“**the Transfer**”) within the meaning of regulation 3(b)(iii) of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE 2006”) on 3 September 2018.

- (3) The First Claimant, Second Claimant, Third Claimant were not assigned to the Adult Social Care grouping which transferred to the Third Respondent as part of the Transfer and therefore did not transfer to the employment of the Third Respondent.
- (4) The Fourth Claimant and the Fifth Claimant were assigned to the Adult Social Care grouping which transferred to the Third Respondent as part of the Transfer.
- (5) Determination of claims brought under regulation 13 and 15 under TUPE 2006, failure to inform and consult is adjourned, pending further submissions on the standing of the Claimants to bring such a claim.

Employment Judge Adkin

Dated: 15.9.22

Judgment sent to the parties on:

16/09/2022

For the Tribunal Office

Oral reasons having been given in the hearing, the parties may request written reasons within 14 days pursuant to rule 62(3) of the Employment Tribunal (Constitution & Rules of Procedure) Regulations 2013, Schedule 1 ("the Rules").