



EMPLOYMENT TRIBUNALS

Claimant: Rachel March

Respondents: 1) Whipcoot Developments Limited
2) Whipcott Getaways Limited

Heard at: Bristol **On:** 07 June 2023

Before: Employment Judge Gray-Jones

Representation

Claimant: In person

Respondent: Mr Michael Gallagher, Director, for the First Respondent
Mr Jimmy Lee, Director, for the Second Respondent

JUDGMENT

1. The correct Respondents to the claim are Whipcoot Developments Limited and Whipcott Getaways Limited and the claim is amended accordingly.
2. The employment of the Claimant transferred from the First Respondent to the Second Respondent on 20 December 2021 pursuant to Regulation 4 of the Transfer of Undertakings (Protection of Employment) Regulations 2006.
3. Accordingly, the claims for unfair dismissal, for notice pay and for a statutory redundancy payment against the First Respondent are dismissed.
4. The Claimant was dismissed by the Second Respondent. The reason or principal reason for the dismissal was the transfer and was not an economic, technical or organizational reason entailing changes to the workforce. Accordingly, the Claimant was unfairly dismissed by the Second Respondent.
5. The Claimant was dismissed without being given the period of notice required under s.86 Employment Rights Act 1996. The claim for breach of contract in respect of notice pay against the Second Respondent is well founded.
6. The claim for a statutory redundancy payment is dismissed.

7. The judgment and reasons in relation to remedy are in a separate judgment.

Employment Judge Gray-Jones
Date: 12 June 2023

Judgment sent to the Parties: 26 June 2023

FOR THE TRIBUNAL OFFICE

Note

Written reasons will not be provided unless 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.