



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4107199/2023

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Held via Cloud Video Platform (CVP) on 6 March 2024

Employment Judge N M Hosie

10 **Mr Scott Aitken**

**Claimant
In Person**

15 **South Lanarkshire Council**

**Respondent
Represented by:
Mr G J Stewart -
Solicitor**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Tribunal is that the claim is dismissed for want of jurisdiction.

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REASONS

1. The claimant, Scott Aitken, brought a claim of “standard” unfair dismissal. The respondent admitted the dismissal but claimed that the reason was conduct and that it was fair. The respondent also maintained that the Tribunal did not have jurisdiction to consider the claim as Mr Aitken did not have two years’
25 continuous service with the respondent. This case called before me, therefore, by way of a preliminary hearing, to determine the claimant’s length of service and whether or not the Tribunal had jurisdiction.
2. The respondent’s position was that Mr Aitken had only been employed by the them from 25 April 2022 until his summary dismissal on 5 September 2023.
30 Shortly before the hearing, the respondent’s solicitor submitted supporting documentation comprising an offer of temporary employment and written particulars of terms of employment and an “offer of permanent appointment and amended terms of employment”. It was clear from these documents that the claimant’s employment started on 25 April 2022.

3. At the start of the hearing, Mr Aitken readily accepted that he had only been employed by the respondent from 25 April 2022 to 5 September 2023.

Requirement for two years continuous service

4. To qualify for the right to claim unfair dismissal, employees must show that they have been continuously employed for at least two years (s.108(1) of the Employment Rights Act 1996). It was not disputed that Mr Aitken was employed by the Council for less than two years. Accordingly, the Tribunal does not have jurisdiction to consider his unfair dismissal claim. I advised Mr Aitken of this at the hearing.
5. The claim is dismissed, therefore, for want of jurisdiction.

N Hosie

Employment Judge

20 March 20224

Date

Date sent to parties
