

# EMPLOYMENT TRIBUNALS

**Claimant:** (1) Miss E Kalasauskaite  
(2) Mrs. S Appleby

**Respondent:** Mitie Limited

**Heard at:** London South in person

**On:** 19-24/4/24

**Before:** Employment Judge McLaren

## Representation

Claimants: In Person

Respondent: Mr. Price Rowlands, Counsel

# JUDGMENT

The decision of the tribunal is that: -

- 1) Both claimants were dismissed by reason of redundancy. This was a substantively and procedurally fair dismissal under section 98 Employment Rights Act 1996 and the complaint of unfair dismissal does not therefore succeed for either claimant.
- 2) The claim for automatically unfair dismissal under section 152 of TU&LR (Consolidation) Act does not succeed for either claimant.
- 3) The claim for automatically unfair dismissal under section 153 of TU&LR (Consolidation) Act does not succeed for either claimant.
- 4) The claims for breach of contract succeeds for both claimants.
- 5) The claims for failure to provide the claimant with a written statement of employment particulars as required by the Employment Rights Act 1996 succeeds for both claimants.
- 6) The first claimant is awarded the following sums: –
  - a) £18,115.48 for breach of contract, being the redundancy pay calculated in accordance with the AFC terms.
  - b) £2904.76 being four weeks' pay for breach of section 1 of the Employment Rights Act
- 7) The second claimant is awarded the following sums: –
  - a) £25,000 for breach of contract, being redundancy pay calculated in accordance with the AFC terms but reduced to reflect the maximum jurisdiction of the employment tribunal's for a breach of contract claim.
  - b) £2619.80 being four weeks' pay for breach of section 1 of the Employment Rights Act.

**Case Number:** 2301230/2023, 2301443/2023 &  
2301623/2023

**F. McLaren**

Employment Judge McLaren

Date **24.4.24**

JUDGMENT TO THE PARTIES ON  
**26.4.24**

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FOR THE TRIBUNAL OFFICE

#### Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or 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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

#### Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>