



EMPLOYMENT TRIBUNALS

Claimant: Mr B J Foulger
Respondent: Middlesbrough Council
On: 19 August 2024
At: Newcastle Employment Tribunal (remotely by CVP)
Before: Employment Judge Sweeney

Appearances

For the Claimant, Mr Sharples, Regional Legal Officer, GMB
For the Respondent, Mr Van Zyl, solicitor

JUDGMENT ON APPLICATION FOR INTERIM RELIEF

1. Upon hearing the application for interim relief under section 161 Trade Union & Labour Relations (Consolidation) Act 1992 ('TULRCA'), it appears to the Tribunal that it is likely that it will find that, by virtue of section 152 of that Act, the Claimant has been unfairly dismissed.
2. The Respondent having stated that it is unwilling to reinstate or reengage the Claimant in accordance with section 163(2)(b) TULRCA the Tribunal makes an order for the continuation of the Claimant's contract of employment meaning that the Claimant's contract of employment continues in force for the purposes in section 164(1) TULRCA from:
 - the date of its termination (**22 July 2024**) until
 - the determination of or the settlement of the complaint of unfair dismissal (**'the Relevant Date'**).
3. In respect of each normal pay period, or part of any normal pay period, falling between 22 July 2024 and the Relevant Date, The Respondent is ordered to pay to the Claimant:

£3,185 gross per month with the continued deduction of £1,500 a month AVC pension contribution, resulting in monthly net pay of £1,480.

4. The above payment shall be made:

4.1. in the case of payment for any period falling wholly or after the making of this order, on the normal pay day for that period.

4.2. in the case of a payment for the period from 22 July 2024 to 19 August 2024, by no later than 30 September 2024.

Employment Judge Sweeney

Date: 15 August 2024

Note

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 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/>