



EMPLOYMENT TRIBUNALS

Claimants: 1. Miss Elaine Jones
2. Mr Dennis McKenzie

Respondent: Texture Catering Ltd

Heard at: Waford Employment Tribunal
On: 4 February 2026
Before: Employment Judge Alliott

Representation

For the First Claimant: In person
For the Second Claimant: Ms Lerona Mais (sister)
Respondent: Mr Qumar Islam Caan (director)

JUDGMENT

The judgment of the tribunal is that:

First Claimant (Ms Elaine Jones)

1. The First Claimant was unfairly dismissed.
2. The respondent is ordered to pay the claimant a basic award of £8,884.59.
3. The respondent is ordered to pay the First Claimant a compensatory award of £927.17 made up as to:
 - 3.1 Loss of earnings in the net sum of £427.17.
 - 3.2 Loss of statutory rights: £500.
4. The First Claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the First Claimant in the gross sum of £5,923.06 (subject to tax and National Insurance).
5. The respondent has failed to pay the First Claimant's holiday entitlement and is ordered to pay the claimant the gross sum of £1,238.43 (subject to tax and National Insurance).

Recoupment

6. The First Claimant was not in receipt of any state benefits as a result of her dismissal.

The Second Claimant (Mr Dennis McKenzie)

7. The Second Claimant was unfairly dismissed.
8. The respondent is ordered to pay the Second Claimant a basic award of £2,813.40.
9. The respondent is ordered to pay the Second Claimant a compensatory award in the sum of £16,255.20.
10. The Second Claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the gross sum of £1,875.60 (subject to tax and National Insurance).
11. The respondent has failed to pay the Second Claimant's holiday entitlement and is ordered to pay the claimant the gross sum of £468.90 (subject to tax and National Insurance).

Recoupment

12. The prescribed element is £16,255.20.
13. The prescribed period: 24 July 2023 – 15 August 2024
14. The total award: £21,413.10.
15. The balance: £5,157.90.

REASONS

1. By virtue of a judgment issued by Employment Judge French on 7 October 2025, sent to the parties on 23 October 2025, there was a relevant transfer pursuant to Regulation 3 of the TUPE Regulations from the First Respondent to the Second Respondent on 12 June 2023.
2. Both the claimants were employed by the First Respondent on 12 June 2023. Consequently, they transferred to the Second Respondent, Texture Catering Ltd, on 12 June 2023.
3. Both the claimants were dismissed by the Second Respondent, Texture Catering Ltd, on 12 June 2023. I find that their dismissal was for a reason connected to the TUPE transfer and, consequently, I find that the claimants were both automatically unfairly dismissed.

Case Numbers: 3310754/2023, 3310755/2023, 3310539/2023, 3310540/2023, 3310514/2023, 3310515/2023, 3311786/2023, 3310834/2023 & 3312352/2023

4. This hearing was listed as a remedy hearing.
5. Mr Kaan, on behalf of the respondent, provided me with a witness statement disputing that there had been a TUPE transfer of the claimants to the respondent. I explained to Mr Caan that the judgment was binding upon me and that the only options available to the respondent in light of the judgment was to make an application for reconsideration and/or appeal to the Employment Appeal Tribunal.

The First Claimant

6. The First Claimant began work for the transferor on 17 October 2011.
7. The First Claimant's monthly gross earnings were £2,333.33, £28,000 gross per annum or £538.46 gross per week.
8. The First Claimant's net earnings were £1,851.07 per month/£427.17 net per week.
9. The First Claimant was born on 10 January 1962 and was therefore 61 years old at the time of dismissal.
10. The First Claimant had 11 years' service.

Basic award: $£538.46 \times 16.5 = £8,884.59$

Compensatory award

11. The First Claimant was out of work until 11 September 2023. The First Claimant told me that although she was earning less in her new job she did not have any figures, and, consequently, I have no basis upon which to award a continuing diminution in earning capacity.
12. The First Claimant will recover damages for breach of contract for not paying her notice period of 11 weeks. Consequently, I compensate the First Claimant for one weeks' net earnings to 11 September 2023 in the sum of £427.17.
13. I award the First Claimant £500 for loss of statutory rights.

Notice pay

14. The First Claimant was entitled to 11 weeks' statutory notice. $11 \times £538.46 = £5,923.06$ gross (subject to tax and National Insurance).

Holiday pay

15. The First Claimant was entitled to 33 days holiday per annum (including bank holidays).
16. The First Claimant is recorded as having taken one day holiday and would have had the five bank holidays by 12 June 2023.

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17. The First Claimant had accrued 17.5 days holiday by the date of dismissal.
18. $11.5 \times \text{£}107.69 = \text{£}1,238.93$ gross (subject to tax and National Insurance).

The Second Claimant: Mr Dennis McKenzie

19. The Second Claimant was first employed by the transferor on 11 December 2017.
20. The Second Claimant was born on 12 September 1960 and was therefore 62 years old at the time of dismissal.
21. The Second Claimant was paid $\text{£}1,354.60$ gross per month or $\text{£}16,255.20$ per annum/ $\text{£}312.60$ per week.
22. The Second Claimant's net pay was $\text{£}1,276.73$ per month.
23. The Second Claimant had been employed for six years.

Basic award

24. $9 \times \text{£}312.60 = \text{£}2,813.40$

Compensatory award

25. The Second Claimant told me that he looked for and applied for jobs following his dismissal and went to the Job Centre. The Second Claimant did not obtain alternative employment until 12 October 2024. I find that the Second Claimant made all reasonable attempts to mitigate his loss and, consequently, I award the Second Claimant compensation for loss of earnings to 12 October 2024 and beyond. In addition, I would award the Second Claimant $\text{£}500$ for loss of statutory rights.
26. The Second Claimant's award is subject to the statutory cap of $\text{£}16,255.20$. In net earnings that represents 12.73 months. I find that the Second Claimant's loss was in excess of the statutory cap and, consequently, I award the maximum. The relevant period of loss is from 24 July 2023 until 15 August 2024 (taking into account the six weeks' notice recovered).

Notice pay

27. The Second Claimant was entitled to six weeks' statutory notice: $6 \times \text{£}312.60 = \text{£}1,875.60$ gross (subject to tax and National Insurance).

Holiday pay

28. The Second Claimant was entitled to 33 days' holiday per year (including bank holidays).
29. The Second Claimant was recorded as having had five days holiday which, in addition to the five bank holidays, meant that he had taken 10 days holiday by

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the date of dismissal.

- 30. By the date of dismissal, the Second Claimant had accrued 17.5 days holiday.
- 31. $7.5 \times £62.52 = £468.90$ gross (subject to tax and National Insurance).

Approved by:

Employment Judge Alliott

Date: 24 February 2026

JUDGMENT SENT TO THE PARTIES ON
14 April 2026

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FOR THE TRIBUNAL OFFICE

Notes

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/