



EMPLOYMENT TRIBUNALS

Claimants: (1) Mr R Gilbey
(2) Mr M Bliss

Respondents: (1) Classroom Limited (in liquidation)
(2) Classroom Teachers Limited
(3) Secretary of State for Business, Energy & Industrial Strategy

Heard at: East London Hearing Centre

On: 18 December 2018

Before: Employment Judge Russell

Representation

Claimants: In person

3rd Respondent: Mr P Soni (Representative)

1st and 2nd Respondents: Did not attend and were not represented

JUDGMENT

1. The Claimants objected to transfer due to a proposed material change in their terms and conditions. They were both dismissed by the First Respondent with effect on 31 December 2017.
2. The dismissals took effect before the TUPE transfer on 4 January 2018. The Claimant's contracts of employment did not transfer to the Second Respondent.
3. The dismissals were because the insolvent business no longer required the Claimants to do work of that particular kind.
4. In breach of contract, each Claimant was given only two weeks' notice rather than the statutory minimum to which they were entitled (12 weeks for the First Claimant and 11 weeks for the Second Claimant).
5. The First Respondent is insolvent.
6. The Third Respondent shall pay to the First Claimant the sum of

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£13,692. This comprises a redundancy payment of £8,802 (18 weeks @ £489) and notice pay of £4,890 (10 weeks @ £489). No credit is given for payment by the Second Respondent of £5,000 as it relates to the balance of the notice entitlement not recovered from the Third Respondent.

7. The Third Respondent shall pay to the Second Claimant the sum of **£7,524.50.** This comprises a redundancy payment of £5,623.50 (11.5 weeks @ £489) and notice pay of £4,401 (9 weeks @ £489); with credit given of £2,500 by consent to reflect payments by the Second Respondent in excess of the shortfall in notice pay.

Employment Judge Russell

18 December 2018