



EMPLOYMENT TRIBUNALS

Claimants: 1. Frances Hart
2. Jonathan Hart

Respondent: 1. Hart Bathrooms and Kitchens (Thorn) Limited
2. Secretary of State for Business & Trade, formerly Secretary for Business, Energy and Industrial Strategy

Heard by CVP (remote video link) **On:** 19 January 2024

Before: Employment Judge D N Jones

REPRESENTATION:

Claimant: In person
Respondent: Ms S Ware, in-house counsel

JUDGMENT

1. The claimants were not employees of the first respondent within the meaning of section 230 of the Employment Rights Act 1996 and therefore had no entitlement to a redundancy payment.
2. Even had the claimants been employees of the first respondent they would not have been entitled to a redundancy payment because they had not complied with the provisions of section 163(1) of the ERA within 6 months and, although they had presented a complaint to the Tribunal within 6 months thereafter, it was not just and equitable to receive them having regard to the provisions of section 163(3).

Employment Judge D N Jones

Date 22 January 2024

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 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/>