



# EMPLOYMENT TRIBUNALS

## Claimant

Mr D Smith

v

## Respondent

Rendall and Rittner Limited

**Heard at:** Sheffield (by video link)

**On:** 14 Monday October 2024

**Before:** Employment Judge James

## Representation

**For the Claimant:** Represented himself

**For the Respondent:** Ms A Wright, lay representative (Tribunal Advocate)

## JUDGMENT

Following the hearing of oral evidence from the claimant and legal submissions from the parties, the decision of the tribunal is that:

- (1) The correct respondent to the proceedings is Rendall and Rittner Limited.
- (2) The claimant was not an employee of the respondent, due to a lack of mutuality of obligation. The claimant accepted during evidence that is the case. Although the terms of the contract of employment between him and Noonan, who employed the claimant prior to a transfer to the current respondent on 10 February 2020, suggest otherwise, those terms do not reflect the reality of the situation.
- (3) Even if the claimant was an employee when he carried out assignments for the respondent, he only worked approximately six hours during his last year of employment, the equivalent of three two-hour shifts; and there is no overarching contract bridging the gaps between employment. The claimant does not have therefore have sufficient continuity of service (i.e. two years) to bring an unfair dismissal claim.
- (4) The unfair dismissal and wrongful dismissal claims are therefore dismissed, because the Tribunal has no jurisdiction to hear it.

Employment Judge James  
Dated 18 October 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.

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**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/>