



EMPLOYMENT TRIBUNALS

Claimants: (1) Ms J Adams and Others (see Annex 1)
(2) Mr J Bews and Others (see Annex 1)
(3) Mr B Stainsby and Others (see Annex 1)

Respondents: (1) Cordell Group Limited (in Administration)
(2) The Secretary of State for Business, Energy and Industrial Strategy

Heard at: Middlesbrough **On:** 30 and 31 October and
1 November 2017

Before: Employment Judge Nicol **Members:** Mr P Curtis
Mr S Wykes

Representation

Claimants: (1) Ms N Toner, Solicitor
(2) Ms R O'Mahony, Solicitor
(3) Ms A Rumble, Pupil

Respondent: (1) did not appear
(2) did not appear

JUDGMENT

It is the unanimous judgment of the Tribunal, the joint administrator having agreed to the relevant parts of the complaints being allowed to proceed and having heard the claimants and having had regard to all documents previously submitted to the Tribunal and the Tribunal being satisfied that it was appropriate to proceed in the absence of the respondents, that

- 1 for the purposes of section 188 of the Trade Union and Labour Relations (Consolidation) Act, 1992, as amended, the first claimant did not recognise an independent trade union, at the relevant time there were not any appointed or elected representatives and the claimants are entitled to bring a claim for a protective award

Case Number: 2500379/2017 and

see Annex 1

- 2 for the purposes of section 188 of the Trade Union and Labour Relations (Consolidation) Act, 1992, as amended, the whole of the first respondent's undertaking is a single establishment
- 3 the claimants are entitled to and the Tribunal makes a declaration that the complaint that the first respondent was required to but failed to comply with a requirement of section 188 of the Trade Union and Labour Relations (Consolidation) Act, 1992, as amended, is well founded
- 4 the Tribunal finds that it is appropriate to make a protective award
- 5 the description of the employees of the first respondent having the benefit of the protective award is

'all those employees of the first respondent who on 2 February, 2017, were employed by the first respondent and were subsequently dismissed by the first respondent'
- 6 the protected period began on 3 February, 2017, for a period of 90 days and
- 7 the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations, 1996, apply to this award, as to the effect of which see Annex 2
- 8 in respect of each of all other outstanding complaints made by these claimants, unless application is made to the Tribunal on or before 1 February, 2018, these complaints are dismissed on withdrawal by the claimants

Employment Judge Nicol

Date 7 November 2017

JUDGMENT SENT TO THE PARTIES ON

20 November 2017

P Trewick

FOR THE TRIBUNAL

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

Case Number	Claimants
Adams and Others	
2500379/2017	Ms Joanne Adams
2500381/2017	Mr Simon Allen
2500382/2017	Mr Danyal Amin
2500383/2017	Mr Iain Ashman
2500384/2017	Ms Kaitlyn Atkinson
2500385/2017	Mr Alastair Austin
2500386/2017	Mr Stephen Basford
2500387/2017	Mr Keith Bateman
2500388/2017	Ms Charlotte Bell
2500389/2017	Mr Neil Binns
2500390/2017	Mr Graeme Boothby
2500391/2017	Mr David Broom
2500392/2017	Mr Adam Brown
2500393/2017	Mr Matthew Brownbridge
2500394/2017	Mr Adam Brunskill
2500395/2017	Mr Peter Burdon
2500396/2017	Mr Mark Cairns
2500397/2017	Mr Paul Carrielies
2500398/2017	Ms Helen Carroll
2500399/2017	Ms Jamie Cave
2500400/2017	Mrs Bridget Caygill
2500401/2017	Mr Thomas Caygill
2500402/2017	Mr Stephen Coleman
2500403/2017	Mr Kenneth Cook
2500404/2017	Mr Simon Corr
2500405/2017	Mr Michael Coull
2500406/2017	Mr Kevin Crossley
2500407/2017	Mr Siriwardhanalage de Saram
2500408/2017	Mr Paul Deane
2500409/2017	Mr Thomas Dixon
2500410/2017	Mr Robin Docherty
2500411/2017	Mr Wayne Donoghue
2500412/2017	Mr Paul Dougherty
2500413/2017	Ms Emma Douglas
2500414/2017	Mr Paul Dowle
2500415/2017	Mr Steven Duncan
2500416/2017	Mr Michael Ellis
2500417/2017	Mr Scott English
2500418/2017	Mr Steven English
2500419/2017	Mr David Farrow
2500420/2017	Mr Brian Finn
2500421/2017	Mr Neil Fletcher
2500422/2017	Mr Brian Gaffney
2500423/2017	Mr Steven Goldsmith

2500424/2017	Mrs Dawn Gouge
2500425/2017	Mr Philip Grainger
2500426/2017	Mr Kevin Greenall
2500427/2017	Mr Brian Grey
2500428/2017	Mr John Hall
2500429/2017	Mr Neal Hanson
2500430/2017	Mr Stephen Hill
2500431/2017	Mr Tony Husband
2500432/2017	Mr Simon Ingham
2500433/2017	Mr Toby Jackson
2500434/2017	Mr Glen Jefferson
2500435/2017	Mr Stephen Johnson
2500436/2017	Mr Richard Johnston
2500437/2017	Miss Ilsa Lane
2500438/2017	Mr Gary Langley
2500439/2017	Mr Gary Lawson
2500440/2017	Mr Dean Leonard
2500441/2017	Mr Michael Leonard
2500442/2017	Mr Nicholas Lilley
2500443/2017	Mr Raymond Lilley
2500444/2017	Mr Gary List
2500445/2017	Ms Julie Littlewood
2500446/2017	Ms Emily Longstaff
2500447/2017	Mr Peter Mansell
2500448/2017	Mr Robert McBride
2500449/2017	Mr David McLean
2500450/2017	Mr Graham McLean
2500451/2017	Miss Wendy McNaughton
2500452/2017	Mr James Miller
2500453/2017	Miss Susan Morrow
2500454/2017	Mr Geoffrey Moyle
2500455/2017	Mr Richard Newton
2500456/2017	Mr Andrew Nixon
2500457/2017	Mr Nigel Park
2500458/2017	Mr Lewis Parker
2500459/2017	Mr Anthony Peacock
2500460/2017	Ms Callie Pennington
2500461/2017	Mr Gerard Portland
2500462/2017	Mr Edward Powell
2500464/2017	Mr Jack Richardson
2500465/2017	Mr John Richardson
2500466/2017	Mr Terence Slimings
2500467/2017	Mr Andrew Sloan
2500468/2017	Mr Mark Small
2500469/2017	Mr Alwyn Smith
2500470/2017	Mr Neil Smith
2500471/2017	Mr Curtis Smurthwaite
2500472/2017	Mr David Southern
2500473/2017	Mr Daniel Spicer
2500474/2017	Mr Arthur Stephens

2500475/2017
2500476/2017
2500477/2017
2500478/2017
2500479/2017
2500480/2017
2500481/2017
2500482/2017
2500483/2017
2500484/2017
2500485/2017
2500486/2017
2500487/2017
2500488/2017
2500489/2017
2500490/2017
2500491/2017
2500492/2017
2500493/2017
2500084/2018

Mr Barry Stevenson
Mr Clive Thompson
Mr Jake Thompson
Mr Michael Thomson
Mr John Todd
Ms Helen Utley
Mr Andrew Vaughan
Mr Keith Wade
Mr Jonathan Walker-Bryan
Mr Arthur Watson
Mr Gary Welsh
Mr Daniel Westall
Mr David Weston
Mr Teifion Williams
Mr Richard Willingham
Mr Alan Wilson
Mr Clarke Wilson
Mr Clive Wilson
Mr Jeffrey Wright
Mr Alexander McDonald

Bews and Others

1800911/2017
1800913/2017
1800914/2017
1800915/2017
1800916/2017
1800917/2017
1800919/2017
1800920/2017
1800921/2017
1800922/2017
1800923/2017
1800924/2017
1800926/2017
1800927/2017
1800929/2017
1800930/2017
1800931/2017
1800932/2017
1800933/2017
1800934/2017

Mr James Bews
Mr David Craig
Mr Stephen Dickson
Mr David Geach
Mr Stephen Gibson
Mr Andrew Hall
Mr Ian Morren
Mr Keith Paxton
Mr Leon Poole
Mr Gerard Portland
Mr Andrew Robson
Mr Phillip Salvin
Mr James
Mr David Shepherd
Mr Paul Swash
Mr Christopher Waite
Mr Alan Watson
Mr Philip White
Mr Craig Wilkinson
Mr David Williams

Stainsby and Others

1800839/2017
1800840/2017
1800841/2017
1800842/2017

Mr Barry Stainsby
Mr John Bell
Mr John Joseph Brady
Mr Ronald Brown

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1800843/2017
1800844/2017
1800845/2017
1800846/2017
1800847/2017
1800848/2017
1800849/2017
1800850/2017
1800851/2017
1800852/2017
1800853/2017
1800855/2017

Mr Liam Broom
Mr Paul Buttle
Mr Neil Dobson
Mr Michael Ellis
Mr Jason Geldart
Mr Terry Gofton
Mr Michael Lynch
Mr Michael Moore
Mr Joel Priestley
Mr Michael Raper
Mr Kevin Rountree
Mr Steven Wilkinson

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(2) The Secretary of State for Business, Energy and Industrial Strategy

ANNEX TO THE DECISION OF THE TRIBUNAL

Statement relating to the Recoupment of Jobseeker's Allowance and Income Support

1 The following particulars are given pursuant to the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996, SI 1996 No 2349.

2 The respondent(s) is under a duty within 10 days commencing on the day on which the tribunal announced its decision at the hearing - in reserved decisions within the period of 10 days commencing on the day on which the Decision was sent to the parties -or in any case in which it was not reasonably practicable for the respondent to do so within that time, then as soon as reasonably practicable thereafter to give the Department of Employment the following information in writing.

- a. the name, address and National Insurance number of every employee to whom the award relates; and
- b. the date of termination (or proposed termination) of the employment of each such employee.

3 No part of the remuneration due to an employee under the award is payable until the Department of Employment serves a notice (called a recoupment notice) on the respondent(s) to pay the whole or part thereof to the Department or informs the respondent(s) in writing that no such notice is to be served. The sum claimed in the recoupment notice in relation to each employee will be whichever is the less of:

- a. the amount (less any tax or social security contributions which fall to be deducted therefrom by the employer) accrued due to the employee in respect of so much of the protective period as falls before the date on which the Department receives from the respondent(s) the information referred to above, OR
- b. the amount paid as on account of unemployment or supplementary benefit or income support to the employee for any period which coincides with any part of the protective period falling before the date prescribed in (a).

The sum claimed in the recoupment notice will be payable forthwith to the Department. The balance of the remuneration under the award is then payable to the employee subject to the deduction of any tax or social security contributions.

4 A recoupment notice must be served within the period of 21 days after the Department has received from the respondent(s) the above-mentioned information required to be given by the respondent(s) to the Department or as soon as practicable thereafter.

5 The respondent(s), after paying the balance of the remuneration (less tax and social security contributions) to the employee will not be further liable to him, but the sum claimed in a recoupment notice is due from the respondent(s) as a debt to the Department whatever may have been paid to the employee and regardless of any dispute between the employee and the Department as to the amount specified in the recoupment notice.