



EMPLOYMENT TRIBUNALS

Claimants: (1) Mrs P Howard
(2) Mrs S Allfree
(3) Mrs K Walsh
(4) Ms S Fenwick
(5) Mrs J Fuller

Respondents: (1) Mrs S Stanley
(2) Ms C Davis
(3) Ms J Dubell (Committee Members of Hoppers, an unincorporated association)

RECORD OF A PRELIMINARY HEARING

Heard at: Watford

On: 18 October 2019

Before: Employment Judge Smail

Appearances

For the claimants: In person

For the respondents: In person

PRELIMINARY HEARING JUDGMENT

The case is stayed for 6 months, until 18 April 2020, when the claims will be dismissed upon with withdrawal unless restored prior thereto by any claimant or claimants by writing to the Tribunal requesting the stay to be lifted.

CASE MANAGEMENT DISCUSSION SUMMARY

1. This case concerns the closure of a nursery. The nursery had to close because the lease was terminated. It is accepted that the claimants are entitled to redundancy payments in the following amounts:

1.1	Howard:	£2,593.11
1.2	Allfree:	£3,051.06
1.3	Walsh	£ 799.20
1.4	Fenwick	£ 229.86
1.5	Fuller	£7,014.90
2. The nursery closed with only £2,668.52 remaining in the account. It has been assumed that the redundancy payments would be met by the insolvency service. A question has arisen as to whether the respondents were holding themselves out as committee members at the time of the closure of the nursery. Mrs Stanley certainly signed letters of dismissal holding herself out as chair of the nursery. It seems to me that she has authority to sign such documentation as is required by the insolvency service. She still has, for example, access to the nursery's bank account.
3. If for an unforeseeable reason the insolvency service does not pay these redundancy sums, then consideration will have to be given to the law of unincorporated associations. If the insolvency service does not pay out, the claimants will have to decide whether they in fact wish to sue the committee members who were of course volunteer parents. The issue in respect of them would be whether they as committee members have any personal liability. The claimants were clear before me today that in an ideal world they would not wish the volunteer parents to be liable personally. For that reason it has been agreed to return to the insolvency service.
4. If, however, the claimants do wish to sue the committee members personally, they will have to write in to the tribunal with jointly proposed directions to bring this matter to a final hearing. The sole issue would be whether the committee members were personally liable. We would require disclosure of documents; the preparation of a hearing bundle; the exchange of witness statements; and a submission on the liability of office holders of an unincorporated association in a redundancy situation such as this.
5. For the moment, though, it has been agreed that the tribunal should do nothing further. If the claimants want to pursue this matter further before the tribunal, they must write in to do so.
6. Samantha Stanley and Christiana Davis accepted that Emma Sparks had resigned from the committee well before serving notices of redundancy on the staff. It may be, then, that she is not an appropriate respondent. The

**Case Numbers:3303309/2019, 3303539/2019,
3303645/2019, 3306662/2019 3312305/2019**

claimants, if they do pursue the matter, will have to form a view about that. For the moment I do not list her as a Respondent.

Employment Judge Smail

Date:.....22.10.19.....

Sent to the parties on:

.....12.11.19.....

For the Tribunal:

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