



EMPLOYMENT TRIBUNALS

Claimants: Mr MH Mateparae and others (see schedules)

Respondent: Herbert T Forrest Limited (in Administration)

HELD AT: Manchester **ON:** 21 January 2020

BEFORE: Employment Judge Franey (sitting alone)

REPRESENTATION:

Claimants in Person: Mr A Mennie, Mr C Williams, Mr M Edwards, Mr J Simpson, Mr B Hodson, Mr J Pearson, Mrs F Hudson and Mrs D Nuttall

**Weightmans
Claimants:** Mr S Peacock (Solicitor)

Other Claimants Did not attend

Respondent: Did not attend

JUDGMENT

1. In relation to each claimant named in **schedule 1** and **schedule 2** to this judgment, the claim for a protective award is well founded. It is declared that the respondent failed to consult the claimants as required by section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992. The respondent is ordered to pay to each claimant remuneration for the protected period of 90 days beginning on 7 December 2018. The recoupment regulations apply.

2. In relation to those claimants named in **schedule 2** only:

- (a) The title of the claimant in case number 2418099/2018 is amended from Mr G Pickering to Mr G Picking to correct an error in the Tribunal's records;
- (b) All complaints in respect of notice pay, holiday pay, arrears of pay and seeking a redundancy payment are dismissed upon withdrawal by the claimants, payment of such sums having already been made;

- (c) The unfair dismissal complaints are well founded. The claimants were unfairly dismissed. However, no compensation is awarded. The basic award is extinguished by the statutory redundancy payment. It is just and equitable to make no compensatory award pursuant to the principle set out in **Polkey v AE Dayton Services Limited [1988] ICR 142** because even if the respondent had acted fairly employment would have terminated on 7 December 2018 in any event.

3. This judgment does not apply to those claimants in **schedule 3**. The respondent's administrators have not given any consent for their claims to proceed and they remained stayed.

Employment Judge Franey

21 January 2020

JUDGMENT SENT TO THE PARTIES ON

21 January 2020

FOR THE TRIBUNAL OFFICE

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.

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.

SCHEDULE 1

2417908/2018	Mr M Mateparae
2417982/2018	Mr P Real Cabo
2402308/2019	Miss N Atkins
2402327/2019	Mrs C Gregory
2402331/2019	Mrs C Iley
2402311/2019	Mrs C Christian
2402332/2019	Mr GA Jones
2402323/2019	Mr R Fitzgerald
2402340/2019	Mr S McGinty
2402341/2019	Mr S McKenna
2402352/2019	Mrs C Simmons
2402344/2019	Mr D Pierpoint
2402326/2019	Mr A Gilleard
2402328/2019	Mr J Hinks
2402330/2019	Mr S Horsfall
2402339/2019	Mrs J McCabe
2402346/2019	Mr P Platt
2402347/2019	Mr J Sale
2402348/2019	Mr J Sands
2402358/2019	Mr D Williams
2402337/2019	Miss T Knight
2402319/2019	Mr J Entwistle
2402357/2019	Mr J Webb
2402312/2019	Mrs K Cornwall
2402338/2019	Mr R Latham
2402313/2019	Mr G Cunninghame
2402314/2019	Mr A Dalton
2402317/2019	Miss S Eastwood
2402318/2019	Mrs L Eccleston
2402351/2019	Miss E Shawcross
2402354/2019	Miss A Sykes
2402356/2019	Mrs E Thompson
2402342/2019	Mrs S Meah
2402349/2019	Mr J Sharrock
2402309/2019	Mrs V Cabo
2402329/2019	Mr J Hodder
2402336/2019	Mr W Kilby
2402320/2019	Mr A Fairs
2402321/2019	Mr M Fawcett
2402350/2019	Mr RA Shattock

**Case No. 2417908/2018 and other
combined cases (see schedules)**

2402355/2019	Ms L Taverner
2402310/2019	Mr S Carway
2402324/2019	Mr K Ford
1300998/2019	Mr K Miles
1300999/2019	Mr A Mulligan
2417911/2018	Mr P Rigby
2418072/2018	Mrs J Fairweather
2418086/2018	Miss C Noblett
2400260/2019	Miss S Joice
2400266/2019	Mr R Powell
2401398/2019	Mr P Newby
2401402/2019	Miss E Barlow
2401403/2019	Mr C Bean
2401412/2019	Mr S Laker
2401414/2019	Mr A Mennie
2401419/2019	Mrs C Reed
2401420/2019	Mrs S Robinson
2401421/2019	Mr A Steadman
2401422/2019	Mr C Williams
2401424/2019	Mr B Amos
2401428/2019	Mr T Brandwood
2401430/2019	Mr A Denton
2401434/2019	Mr M Highfield
2401445/2019	Mr AR Micallef
2401449/2019	Miss C Tiene
2401485/2019	Mr P Atkins
2401488/2019	Mr P Donlan
2401489/2019	Mr M Edwards
2401491/2019	Mr I Grimshaw
2401492/2019	Mrs J Hill
2401525/2019	Mr LJ Sambrook
2401535/2019	Mr M Woolridge
2401541/2019	Mr S Hunt
2401544/2019	Mr S Rainford
2401562/2019	Miss S Doherty
2401576/2019	Mr B Tayburn
2401630/2019	Ms T Birch
2401653/2019	Mr M Davidson
2401717/2019	Mr P Powell
2401813/2019	Miss J Coleman
2401822/2019	Mrs L Roberts
2401823/2019	Mrs J Seed

**Case No. 2417908/2018 and other
combined cases (see schedules)**

2401864/2019	Mr M Edwards
2401904/2019	Mr D Kehoe
2401995/2019	Mr T Vickers
2404910/2019	Mr J Faulkner
2406013/2019	Mr R Lock
2401452/2019	Miss K Blinston
2401510/2019	Mr M Gore
2401520/2019	Mrs V Murji
2401524/2019	Mr J Pearson
2401562/2019	Miss S Doherty
2401576/2019	Mr B Tayburn
2401622/2019	Mrs F Hudson
2401713/2019	Miss E Galliano
2401902/2019	Mr J Heald
2401537/2019	Mr D Cleary
2401539/2019	Mr G Fearnley
2401548/2019	Mr T Worsley
22401549/2019	Mr J Taylor
2401639/2019	Mrs D Nuttall
2401665/2019	Miss R McGlynn

SCHEDULE 2

2418091/2018	Mr J Simpson
2418092/2018	Mr L Iddon
2418093/2018	Mrs A Lang
2418094/2018	Mr A Prosper
2418095/2018	Mr G Simpson
2418096/2018	Mr S Rich
2418097/2018	Mrs G Robinson
2418098/2018	Mr B Hodson
2418099/2018	Mr M Fairclough
2418100/2018	Mr G Picking
2418101/2018	Mr M Pye
2418102/2018	Mr S Taylor
2418103/2018	Mr M Wilson

SCHEDULE 3

2401435/2019	Mr M Highfield
2401401/2019	Mr J Allen
2401404/2019	Mr A Bell
2401432/2019	Mr A Green
2401451/2019	Mr D Urwin
2401529/2019	Miss R Simpson
2401864/2019	Mr M Edwards

EMPLOYMENT TRIBUNALS

To: DWP

NOTIFICATION OF RECOUPMENT - PROTECTIVE AWARD

Employment Protection (Recoupment of Benefits) Regulations 1996

As required by Regulation 5(1) of the above Regulations, I notify you on behalf of the Secretary of State for the Tribunals of the following particulars relating to a protective award made by an employment tribunal under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992:

DETAILS OF AWARD

Date of the hearing at which the protective award is announced (or, if not announced, the date on which a judgment is sent to the parties).	21 January 2020
Location of the Tribunal	at Employment Tribunal, Alexandra House, 14-22 The Parsonage Manchester M3 2JA
Name and address of the employer	Herbert T Forrest Limited (In Administration) C/O FRP Advisory LLP 4th Floor, Abbey House 32 Booth Street Manchester M2 4AB
Description of employees to whom the award relates	
Dates of the protected period	90 days beginning on 7 December 2018

Signed	Clerk to the tribunals
Name MRS L WHITE	Dated 21 January 2020