



EMPLOYMENT TRIBUNALS

Claimants: Mr P Maudsley

Respondents: Late Rooms Limited (in Administration)

RULE 21 JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The time for presenting a response having expired , and no valid response having been presented by the respondent within the prescribed time limit , it is the judgment of the tribunal that:

1. The respondent failed to consult with the claimant as a person who may be affected by proposals to dismiss, or measures taken in connection with the dismissal of, 20 or more employees, in breach of s.188(1) of the Trade Union and Labour Relations (Consolidation) Act 1992.
2. The claimant is entitled to , and the Tribunal orders the respondent to pay, a protective award. That award is an award of remuneration for the protected period of 90 days from 2 August 2019.
3. The claimant's other claims are dismissed upon withdrawal by him in his email to the Tribunal of 19 March 2020.

NOTE

- 1.This claim arises from the Administration of the respondent, and the necessary consent to the claim proceeding has been given.
- 2.No response to the claim has been received, and the claim therefore succeeds.
- 3.A protective award is a two stage process. The Tribunal at this stage makes no financial awards but gives a judgment that the claimant is entitled to a protective award in the terms set out above. The claimant must then seek payment of his individual award from the respondent (or the Secretary of State) , quantifying the same.
- 4.Failure to pay, or any dispute as to the amount payable, then becomes a matter for a further separate claim under s.192 of the Trade Union and Labour Relations (Consolidation) Act 1992 for payment of the award.

5. The Tribunal apologises for the misleading correspondence with the claimant after he had withdrawn his claims apart from that for a protective award. This was due to his email of 19 March 2020 not being linked to the file.

Employment Judge Holmes

Dated:13 January 2021

JUDGMENT SENT TO THE PARTIES ON

15 JANUARY 2021

FOR THE TRIBUNAL OFFICE