



EMPLOYMENT TRIBUNALS

Claimants

Mr L Legge and others
(please see Schedule)

v

Respondents

Jordan Manufacturing Limited
(In Administration) (1)

The Secretary of State For
Business Energy And
Industrial Strategy (2)

Redhall Group PLC
(In Administration) (3)

HELD AT Bristol (By VIDEO – CVP) ON

21 December 2020

EMPLOYMENT JUDGE GRAY

Representation

For the Claimants:

Mr G Pollitt (Counsel)
on behalf of Mr Champion,
Mr Nurse, Mr Parnell and Mr Whatley

Mr Hodges (in person)
Mr Warbis (in person)
Mr McGregor (in person)
Mr Blackman (in person)
Mrs Gage (in person)
Mr Geraghty (in person)

For the Respondents:

Did not attend

JUDGMENT

The judgment of the Employment Judge sitting alone is that:

- The Tribunal declares that the complaint that the First Respondent (Jordan Manufacturing Limited) failed to comply with a requirement of section of 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) is well founded and makes a

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protective award in respect of all the Claimants who have claimed it (as set out in the below Schedule – denoted by their name and the coding APA in bold) who were employees of the First Respondent at its premises at Bristol who were dismissed as redundant on or after 18 June 2019 and orders the First Respondent to pay to those employees remuneration for the protected period of 90 days beginning on the date of dismissal. The tribunal declares that each such employee is entitled to an award in respect of 90 days, irrespective of the date of termination of his or her employment.

- **The Tribunal declares that the complaint that the Third Respondent (Redhall Group PLC) failed to comply with a requirement of section of 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) is well founded and makes a protective award in respect of all the Claimants who have claimed it (as set out in the below Schedule – denoted by their name and the coding APA in bold) who were employees of the Third Respondent at its premises in Bristol who were dismissed as redundant on or after 28 June 2019 and orders the Third Respondent to pay to those employees remuneration for the protected period of (90) days beginning on the date of dismissal. The tribunal declares that each such employee is entitled to an award in respect of 90 days, irrespective of the date of termination of his or her employment.**

The Claimants' other complaints will be dealt with by separate Judgments.

Employment Judge Gray

Dated: 21 December 2020

Judgment sent to Parties: 28 January 2021

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.

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SCHEDULE OF CLAIMANTS

Key for Coding:

UDL; unfair dismissal;

APA; failure to consult under s. 188 TULRCA (claims for a protective award);

RPT; failure to make a redundancy payment;

BOC; breach of contract relating to notice;

WA; unpaid wages;

WTR; unpaid holiday pay.

Claimant	Case No.	Coding	Respondents
Mr L Legge	1403217/2019	APA/RPT/BOC/WTR	Jordan Manufacturing Ltd (in Administration)
Mr C Thomas	1403221/2019	BOC	Jordan Manufacturing Ltd (in Administration)
Mr C Warbis	1403309/2019	APA/BOC	Jordan Manufacturing Ltd (in Administration)
Miss N Davey	1403329/2019	RPT/BOC	Jordan Manufacturing Ltd (in Administration)
Mr B Smith	1403354/2019	BOC	Jordan Manufacturing Ltd (in Administration)
Mr P Martin	1403358/2019	APA	Jordan Manufacturing Ltd (in Administration)
Mrs R Martin	1403359/2019	APA	Jordan Manufacturing Ltd (in Administration)
Mr J Cushley	1403365/2019	APA/BOC	Jordan Manufacturing Ltd (in Administration)
Mr G Williams	1403405/2019	APA/BOC	Jordan Manufacturing Ltd (in Administration)
Mr Y Ivankiv	1403413/2019	APA/BOC/WTR	Jordan Manufacturing Ltd (in Administration)
Mrs C Gage	1405085/2019	APA/BOC/RPT/WA/WTR	Jordan Manufacturing Ltd (in Administration)
Mr A Wicks	1403462/2019	APA/BOC	Jordan Manufacturing Ltd (in Administration)
Mr M Heaton	1403475/2019	APA/BOC	Jordan Manufacturing Ltd

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			(in Administration)
Mr J Blackman	1403521/2019	APA/BOC/WA/WTR	Jordan Manufacturing Ltd (in Administration)
Mr S Hodges	1403687/2019	APA/BOC	Jordan Manufacturing Ltd (in Administration)
Mr B Lidbury	1403883/2019	BOC/RPT/WA/WTR	Jordan Manufacturing Ltd (in Administration)
Mr J Geraghty	1405086/2019	BOC/WTR/WA/RPT	Jordan Manufacturing Ltd (in Administration)
Mr N Brook	2410703/2019	UDL/RPT/BOC/WTR/WA	Jordan Manufacturing Ltd (in Administration)
Mr M Champion	1404981/2019	APA	(i) Jordan Manufacturing Ltd (in Administration) (ii) BEIS
Mr N Nurse	1404993/2019	APA	(i) Jordan Manufacturing Ltd (in Administration) (ii) BEIS
Mr P Parnell	1404995/2019	APA	(i) Jordan Manufacturing Ltd (in Administration) (ii) BEIS
Mr Whatley	1406165/2019	APA	(i) Jordan Manufacturing Ltd (in Administration) (ii) BEIS
Miss J Horswell	1403506/2019	RPT/BOC/WTR	Redhall Group PLC
Mrs P Sherman	1403597/2019	APA/UDL/BOC/WTR	Redhall Group PLC
Mrs J Marshall	1403660/2019	BOC	Redhall Group PLC
Mr G McGregor	1403758/2019	APA/UDL/WA	Redhall Group PLC
Mr Gordon Williams	1403447/2019	APA/RPT/BOC/WA/WTR	Jordan Manufacturing Ltd (In Administration)

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ANNEX TO THE JUDGMENT (PROTECTIVE AWARDS)

Recoupment of Jobseeker's Allowance, income-related Employment and Support Allowance and Income Support

The following particulars are given pursuant to the Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1996, SI 1996 No 2349, Regulation 5(2)(b), SI 2010 No 2429 Reg.5.

The Respondent is under a duty to give the Secretary of State the following information in writing: (a) the name, address and National Insurance number of every employee to whom the protective award relates; and (b) the date of termination (or proposed termination) of the employment of each such employee.

That information shall be given within 10 days, commencing on the day on which the Tribunal announced its judgment at the hearing. If the Tribunal did not announce its judgment at the hearing, the information shall be given within the period of 10 days, commencing on the day on which the relevant judgment was sent to the parties. In any case in which it is not reasonably practicable for the respondent to do so within those times, then the information shall be given as soon as reasonably practicable thereafter.

No part of the remuneration due to an employee under the protective award is payable until either (a) the Secretary of State has served a notice (called a Recoupment Notice) on the Respondent to pay the whole or part thereof to the Secretary of State or (b) the Secretary of State has notified the Respondent in writing that no such notice is to be served.

This is without prejudice to the right of an employee to present a complaint to an Employment Tribunal of the employer's failure to pay remuneration under a protective award.

If the Secretary of State has served a Recoupment Notice on the respondent, the sum claimed in the Recoupment Notice in relation to each employee will be whichever is the lesser of:

- (i) 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 protected period as falls before the date on which the Secretary of State receives from the employer the information referred to above; OR
- (ii) the amount paid by way of or paid as on account of Jobseeker's Allowance, income-related Employment and Support Allowance or Income Support to

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the employee for any period which coincides with any part of the protective period falling before the date described in (i) above.

The sum claimed in the Recoupment Notice will be payable forthwith to the Secretary of State. The balance of the remuneration under the protective award is then payable to the employee, subject to the deduction of any tax or social security contributions.

A Recoupment Notice must be served within the period of 21 days after the Secretary of State has received from the respondent the above-mentioned information required to be given by the respondent to the Secretary of State or as soon as practicable thereafter.

After paying the balance of the remuneration (less tax and social security contributions) to the employee, the respondent will not be further liable to the employee. However, the sum claimed in a Recoupment Notice is due from the respondent as a debt to the Secretary of State, whatever may have been paid to the employee, and regardless of any dispute between the employee and the Secretary of State as to the amount specified in the Recoupment Notice.