



EMPLOYMENT TRIBUNALS

Claimants: Mr K Collins & others (see schedule)

Respondents: 1. AI Realisations Limited (In administration)
2. Laura Ashley Limited (In administration)
3. The Secretary Of State For Business, Energy And Industrial Strategy

JUDGMENT BY CONSENT

The terms of the Judgment by Consent are as follows:

1. The claimants in the attached Schedule to this Judgment (the “**Claimants**”) were all employed by one of the Respondents.
2. Robert Nicholas Lewis and Zelf Hussain were appointed as joint administrators of the Respondents on 23 March 2020 and Rachael Maria Wilkinson was appointed as a joint administrator of the Respondents on 17 April 2020. On 3 July 2020, Anthony John Wright and Paul Allen of FRP Advisory were appointed as additional administrators of AL Realisations Limited and Texplan Manufacturing Limited.
3. On 31 March 2020, the Claimants were dismissed by the Respondents by reason of redundancy.
4. The Claimants have raised a complaint pursuant to section 189 of The Trade Union and Labour Relations (Consolidation) Act 1992 (the “**Act**”) and are seeking a protective award in respect of failure to consult in accordance with s.188 and s.188A of the Act.
5. The Claimants listed in the Schedule to this Judgment were all assigned to an establishment where 20 or more redundancies were proposed by their employer within a period of 90 days. The Respondents did not fully inform and consult with these Claimants in accordance with the provisions of s.188 and s.188A of the Act.
6. The Tribunal makes a protective award in favour of the Claimants listed in the Schedule to this Judgment for a protected period of 56 days beginning on 31 March 2020 (being the date on which all the Claimants were dismissed due to redundancy) capped at the amount payable by the

Redundancy Payments Service (“RPS”).

7. The parties agree that the above amounts are payable by the RPS. To the extent that any amounts are not payable by the RPS (in accordance with its own regulations and limits), they will rank as ordinary unsecured claims in the administration.
8. There is no order requiring any party to pay or reimburse another party's costs or fees. Each party shall bear their own costs and fees.
9. For the avoidance of doubt, this Consent Judgment applies to the Claimants listed in the attached Schedule only and it is agreed that the claims listed in the Schedule are extinguished in their entirety by this Consent Judgment.

RECOUPMENT NOTICE

The following statement is given under Regulation 5 (2) (b) of the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 (“the Regulations”) (as amended) and advises the respondent of its duties under regulation 6, and of the effect of Regulations 7 and 8, of the Regulations.

(1) The respondent is required to give to the Benefits Agency in writing: (a) the name, address and National Insurance number of every employee to whom the above protective award relates; and (b) the date of termination (or proposed termination) of the employment of each such employee.

(2) The respondent is required to comply with paragraph (1) above within the period of 10 days commencing on the date on which the judgment was announced at the hearing, or, if it was not so announced, the date on which the judgment was sent to the parties.

(3) No remuneration due to an employee under the protective award shall be paid to him until the Benefits Agency has (a) served on the respondent a notice (“a recoupment notice”) to pay the whole or part of the award to the Benefits Agency or (b) informed the respondent in writing that no recoupment notice is to be served.

(4) The sum due to the Benefits Agency under a recoupment notice shall be the lesser of: (i) the amount (less any tax or social security contributions which fall to be deducted by the respondent) accrued due to the employee in respect of so much of the protected period as falls before the date on which the Benefits Agency receives from the respondent the information mentioned at paragraph (1) above; and (ii) the amount paid by way of, or as on account of, Job Seeker's Allowance, Income-Related Support Allowance, Universal Credit or Income Support, to the employee for any period which coincides with any part of the protected period falling before the date mentioned at (i) above.

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(5) The sum due under the recoupment notice shall be paid forthwith to the Benefits Agency. The balance of the protective award shall then (subject to deduction of any tax or social security contributions) be paid to the employee.

(6) The Benefits Agency shall serve a recoupment notice within the period of 21 days after the date mentioned at paragraph 4 (ii) above, or as soon as practicable thereafter.

(7) Payment by the respondent to the employee of the balance of the protective award (subject to deduction of any tax or social security contributions) is a complete discharge of the respondent in respect of any sum so paid.

(8) The sum claimed in a recoupment notice is due as a debt by the respondent to the Benefits Agency, whatever may have been paid to the employee and whether or not there is any dispute between the employee and the Benefits Agency as to the amount specified in the recoupment notice.

NOTES

Useful information

1. All judgments and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.
2. You can appeal to the Employment Appeal Tribunal if you think a legal mistake was made in an Employment Tribunal decision. There is more information here: <https://www.gov.uk/appeal-employment-appeal-tribunal>

Employment Judge Deeley
Date: 3 March 2021

	Claim Number	Name	Surname
1.	1804441	Chantal	Allan
2.	1804437	Josephine	Bennett
3.	1804430	Claire	Buckley
4.	1804581	Phyllis	Buckley
5.	1804455	Ross	Cartwright
6.	1804439	Anjeza	Ceka
7.	1804440	Amy	Clintworth
8.	1804453	Sara	Coker
9.	1804425	Keith	Collins
10.	1804449	Abigail	Cooksley
11.	1804524	Stephen	Cookson
12.	1804526	Alexander	Cooney
13.	1804461	Nicole	Dixon
14.	1804450	Theone	Edwards
15.	1804448	Fathima Sarah Mohammed	Fazel
16.	1804458	Pauline	Ferrier
17.	1804465	Sai Hup	Fong
18.	1804443	Naomi	Grant
19.	1804447	Marc	Grover
20.	1804525	Margaret	Hambleton
21.	1804428	Craig	Hewitt
22.	1804442	Robert	Jackson
23.	1804452	Beverley	Johnson
24.	1804432	Santosh	Kumari
25.	1804529	Shannon	Lloyd-Evans
26.	1804528	Zoe	McCall
27.	1804433	Giuseppe	Messina
28.	1804438	Jolanda	Methasa
29.	1804460	Anne	Millington
30.	1804451	Indrani	Pal
31.	1804427	Joanne	Paterson
32.	1804435	Jennifer	Pierce
33.	1804446	Kirstie Marie	Pitt
34.	1804530	David Paul	Richards
35.	1804456	Christilla	Robillard
36.	1804459	Raluca	Save
37.	1804454	Yvonne	Skyers
38.	1804444	Andre	Squire
39.	1804445	Joan	Tamjid-Nejad
40.	1804429	Matthew	Thomas
41.	1804457	Katharina	Tinkl
42.	1804434	Jawaharlal	Ujoodia

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	Claim Number	Name	Surname
43.	1804527	Shaun	Ward-Ellis
44.	1804431	Dorota	Woodhams
45.	1804436	Lamia	Zoha