



EMPLOYMENT TRIBUNALS

Claimant: Mrs M Kahn

Respondents: Border Cars Group Limited (in Administration)

RULE 21 JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The consent of the Administrators having been obtained, 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 10 July 2019.
3. The claimant was dismissed in breach of contract, and is entitled to notice pay. She was entitled to 12 weeks' notice at £307.69 per week, a total of £3692.28. She received benefits of £167.09, and earnings of £1903.80, during her notice period, and her loss is accordingly £1621.39. The respondent is accordingly ordered to pay the claimant the sum of **£1621.39** as damages for breach of contract. This is a gross sum, and the respondent should deduct any sums due in respect of tax and national insurance

NOTE

1.This claim arises from the Administration of the respondent, and the necessary consent to the claims proceeding has been given. No response to the claims has been received, and the claims therefore succeed.

2.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 her individual awards from the respondent (or the Secretary of State) , quantifying the same.

3.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.

4. The Tribunal apologises to the claimant for the delay in the judgment being made in these cases, occasioned by a combination of circumstances, including, most recently, the limitation upon the Tribunal's administrative and judicial resources due to the effects of the Covid – 19 pandemic.

Employment Judge Holmes

Dated: 8 February 2021

JUDGMENT SENT TO THE PARTIES ON

15 February 2021

FOR THE TRIBUNAL OFFICE

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