

**B E T W E E N:**

**Mr K Dhanda & others**

**Claimant**

and

**Simons Construction Limited (in administration)**

**First Respondent**

and

**Simons Group Limited (in administration)**

**Second Respondent**

and

**The Secretary of State for Business, Energy and Industrial Strategy**

**Third Respondent**

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**AMENDED JUDGMENT BY CONSENT**

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**UPON** reading the joint application submitted by or on behalf of;

1. The claimants named in Schedule 1 ("the Claimants");
2. Simons Construction Limited (in administration); and
3. Simons Group Limited (in administration)

**AND UPON** those parties having agreed to the terms of the Judgment set out below by consent, the Judgment of the Employment Tribunal made under Rule 64 of Schedule 1 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 is that:

**Correct Respondent**

1. The Claimants were employed by the respondent indicated in the table in Schedule 1.
2. All claims presented by the Claimants in Schedule 1 against any other respondent is dismissed on withdrawal save for the Third Respondent.

**Protective award**

3. In relation to the Claimants named in the attached Schedule 2 to this Judgment;
  - 3.1 Simons Construction Limited (in administration) failed to adequately comply with a requirement of section 188 of the Trade Union & Labour Relations (Consolidation) Act 1992 and the claim for a protective award brought under section 189 of the Trade Union & Labour Relations (Consolidation) Act 1992 succeeds.
  - 3.2 Simons Construction Limited (in administration) is ordered to pay remuneration (i.e. a protective award) to the Claimants named in Schedule 2 for a protected period of 90 days beginning on 31 October 2019 (being the date on which the first of the dismissals to which the complaint relates took effect).

4. In relation to the Claimants named in the attached Schedule 3 to this Judgment;
- 4.1 Simons Group Limited (in administration) failed to adequately comply with a requirement of section 188 of the Trade Union & Labour Relations (Consolidation) Act 1992 and the claim for a protective award brought under section 189 of the Trade Union & Labour Relations (Consolidation) Act 1992 succeeds.
- 4.2 Simons Group Limited (in administration) is ordered to pay remuneration (i.e. a protective award) to the Claimants named in Schedule 3 for a protected period of 90 days beginning on 31 October 2019 (being the date on which the first of the dismissals to which the complaint relates took effect).
5. The claims for a protective award brought by the Claimants named in Schedule 4 remain live and shall proceed to be heard at the full hearing commencing on 28 June 2021.

#### Other claims

6. All other claims brought by the claimants named in Schedule 1 against the respondents remain stayed.

#### Costs

7. There is no order requiring any party to pay or reimburse another party's costs or fees in relation to the claims referred to in Schedules 2 and 3 and each party shall bear their own costs and fees in relation to those claims.

### SCHEDULE 1

"Construction" means Simons Construction Limited (in administration)

"Group" means Simons Group Limited (in administration)

No.	Claimant	Case numbers	Respondent
1.	Victoria Dealtry	2600494/2020 2600450/2020 2600406/2020 2600362/2020	Group
2.	Paul Anderson	2600495/2020 2600451/2020 2600407/2020 2600363/2020	Group
3.	Paul Ayres	2600496/2020 2600452/2020 2600408/2020 2600364/2020	Construction
4.	Mark Bond	2600497/2020 2600453/2020 2600409/2020 2600365/2020	Construction
5.	Michael Callcott	2600498/2020 2600454/2020 2600410/2020 2600366/2020	Construction
6.	Stephen Deakin	2600499/2020 2600455/2020 2600411/2020 2600367/2020	Construction

7.	Joanne Dewberry	2600500/2020 2600456/2020 2600412/2020 2600368/2020	Construction
8.	Ian Eaton	2600501/2020 2600457/2020 2600413/2020 2600369/2020	Group
9.	Brian Edwards	2600502/2020 2600458/2020 2600414/2020 2600370/2020	Construction
10.	Jack Forder	2600503/2020 2600459/2020 2600415/2020 2600371/2020	Group
11.	Paul Gains	2600504/2020 2600460/2020 2600416/2020 2600372/2020	Construction
12.	John Ginnelly	2600505/2020 2600461/2020 2600417/2020 2600373/2020	Construction
13.	Richard Guest	2600506/2020 2600462/2020 2600418/2020 2600374/2020	Construction
14.	Amanda Hay	2600507/2020 2600463/2020 2600419/2020 2600375/2020	Group
15.	Brian Hodgkin	2600508/2020 2600464/2020 2600420/2020 2600376/2020	Construction
16.	Emma Hodgson	2600509/2020 2600465/2020 2600421/2020 2600377/2020	Construction
17.	Carl Hudson	2600510/2020 2600466/2020 2600422/2020 2600378/2020	Construction
18.	Olga Kondratjeva	2600511/2020 2600467/2020 2600423/2020 2600379/2020	Construction
19.	Ian Lake	2600512/2020 2600468/2020 2600424/2020 2600380/2020	Construction
20.	Julie-Ann Lambert	2600513/2020 2600469/2020 2600425/2020 2600381/2020	Group
21.	William Lawler	2600514/2020 2600470/2020 2600426/2020 2600382/2020	Construction

22.	Sophie Leechman	2600515/2020 2600471/2020 2600427/2020 2600383/2020	Construction
23.	<u>Carl Lee</u>	2600516/2020 2600472/2020 2600428/2020 2600384/2020	Group
24.	Kevin Lee	2600517/2020 2600473/2020 2600429/2020 2600385/2020	Group
25.	David Lever	2600518/2020 2600474/2020 2600430/2020 2600386/2020	Group
26.	Kevin Lomas	2600519/2020 2600475/2020 2600431/2020 2600387/2020	Construction
27.	Colin Mackie	2600520/2020 2600476/2020 2600432/2020 2600388/2020	Group
28.	Stuart MacPherson	2600521/2020 2600477/2020 2600433/2020 2600389/2020	Construction
29.	Derek Mail	2600522/2020 2600478/2020 2600434/2020 2600390/2020	Group
30.	Philip Marshall	2600523/2020 2600479/2020 2600435/2020 2600391/2020	Construction
31.	Shaun Martin	2600524/2020 2600480/2020 2600436/2020 2600392/2020	Construction
32.	Stephen Martin	2600525/2020 2600481/2020 2600437/2020 2600393/2020	Construction
33.	Andrew Matthews	2600526/2020 2600482/2020 2600438/2020 2600394/2020	Construction
34.	Marat Mugttinov	2600527/2020 2600483/2020 2600439/2020 2600395/2020	Construction
35.	Inga Mugttinova	2600528/2020 2600484/2020 2600440/2020 2600396/2020	Group
36.	Jordan Munson	2600529/2020 2600485/2020 2600441/2020 2600397/2020	Construction

37.	Nicola Oakley	2600530/2020 2600486/2020 2600442/2020 2600398/2020	Construction
38.	Paul Samways	2600531/2020 2600487/2020 2600443/2020 2600399/2020	Construction
39.	James Shannon	2600532/2020 2600488/2020 2600444/2020 2600400/2020	Construction
40.	Gareth Speed	2600533/2020 2600489/2020 2600445/2020 2600401/2020	Construction
41.	James Stimpson	2600534/2020 2600490/2020 2600446/2020 2600402/2020	Construction
42.	Robert Thorpe	2600535/2020 2600491/2020 2600447/2020 2600403/2020	Construction
43.	Adam Wager	2600536/2020 2600492/2020 2600448/2020 2600404/2020	Construction
44.	Gillian Wood	2600537/2020 2600493/2020 2600449/2020 2600405/2020	Construction
45.	Michelle Johnson (nee Page)	2600722/2020	Group
46.	Natalie Henshaw	2600723/2020	Group
47.	John Hallam	2600724/2020	Construction
48.	Helen Atkins	2600725/2020	Group
49.	Mandy Green	2600726/2020	Construction
50.	Becky Plows (nee Moon)	2600727/2020	Group

**SCHEDULE 2 -  
Claimants whose protective award claim succeeds against Simons Construction Limited (in administration)**

	<b>Title (Miss, Mrs, Mr etc)</b>	<b>First Name</b>	<b>Second name</b>
1	Ms	Joanne	Dewberry
2	Mr	Paul	Gains
3	Mr	John	Ginnelly
4	Mrs	Mandy	Green
5	Mr	Richard	Guest
6	Mr	John	Hallam
7	Mr	Brian	Hodgkin
8	Ms	Emma	Hodgson
9	Mr	Carl	Hudson
10	Mrs	Olga	Kondratjeva
11	Mr	Ian	Lake
12	Miss	Sophie	Leachman
13	Mr	Kevin	Lomas
14	Mr	Philip	Marshall
15	Mr	Stephen	Martin
16	Mr	Jordan	Munson
17	Mrs	Nicola	Oakley
18	Mr	James	Shannon
19	Mr	Gareth	Speed
20	Mr	James	Stimpson
21	Mr	Adam	Wager
22	Ms	Gillian	Wood

**SCHEDULE 3  
Claimants whose protective award claim succeeds against Simons Group Limited (in administration)**

	<b>Title (Miss, Mrs, Mr etc)</b>	<b>First Name</b>	<b>Second name</b>
1	Mrs	Helen	Atkins
2	Mrs	Victoria	Dealtry
3	Mr	Ian	Eaton
4	Mr	Jack	Forder
5	Ms	Amanda	Hay
6	Mrs	Natalie	Henshaw

7	Mrs	Michelle	Johnson (nee Page)
8	Miss	Julie-Ann	Lambert
9	Mr	Kevin	Lee
10	Mr	Colin	Mackie
11	Mr	Derek	Mail
12	Ms	Inga	Mugttinova
13	Mrs	Rebecca	Plows (nee Moon)
14	<u>Mr</u>	<u>Carl</u>	<u>Lee</u>

**SCHEDULE 4**  
**Claimants whose protective award claim is to proceed to a full hearing**

	<b>Title (Miss, Mrs, Mr etc)</b>	<b>First Name</b>	<b>Second name</b>	<b>Case number</b>
1	Mr	Stephen	Deakin	2600499/2020 2600455/2020 2600411/2020 2600367/2020
2	Mr	Paul	Anderson	2600495/2020 2600451/2020 2600407/2020 2600363/2020
3	Mr	Paul	Ayres	2600496/2020 2600452/2020 2600408/2020 2600364/2020
4	Mr	Mark	Bond	2600497/2020 2600453/2020 2600409/2020 2600365/2020
5	Mr	Michael	Callcott	2600498/2020 2600454/2020 2600410/2020 2600366/2020
6	Mr	Brian	Edwards	2600502/2020 2600458/2020 2600414/2020 2600370/2020
7	Mr	William	Lawler	2600514/2020 2600470/2020 2600426/2020 2600382/2020
8	Mr	David	Lever	2600518/2020 2600474/2020 2600430/2020 2600386/2020
9	Mr	Stuart	MacPherson	2600521/2020 2600477/2020 2600433/2020 2600389/2020
10	Mr	Shaun	Martin	2600524/2020 2600480/2020

				2600436/2020 2600392/2020
11	Mr	Andrew	Matthews	2600526/2020 2600482/2020 2600438/2020 2600394/2020
12	Mr	Marat	Mugttinov	2600527/2020 2600483/2020 2600439/2020 2600395/2020
13	Mr	Paul	Samways	2600531/2020 2600487/2020 2600443/2020 2600399/2020
14	Mr	Robert	Thorpe	2600535/2020 2600491/2020 2600447/2020 2600403/2020
15	Mr	Kaldeep	Dhanda	2603463/2019

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Employment Judge Ahmed

Date: ~~29 June 2021~~ 10 September 2021

JUDGMENT SENT TO THE PARTIES ON

10 September 2021

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FOR THE TRIBUNAL OFFICE

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