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## EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4103051/2020 And Others

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Public Final Hearing held in Glasgow by  
Cloud Based Video Platform (CVP) on 14 June 2021 at 10.15am

Employment Judge: Mr A Tinnion

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**Mr James Smith (and Others)**

**Lead Claimant**  
**Represented by**  
**Mr. Kissel, Solicitor**

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**Middlebrooks Business Recovery & Advice**

**Respondent**  
**No attendance**

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### **JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

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1. On 14 May 2020, the Claimants received notice of their dismissal on grounds of redundancy by the Respondent acting in its capacity as Administrator of Specialised Castings Ltd. (in administration since 6 May 2020).

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2. The Claimants presented an ET1 claim (the "**claim**") seeking a protective award for a protected period of 90 days under s.189(2) of the Trade Union And Labour Relations (Consolidation) Act 1992 (the "**Act**") regarding the Respondent's alleged breaches of ss.188 and 188A of the Act.

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3. On 18 March 2021, the Respondent notified the Tribunal and Claimants' solicitors by email that the Respondent consents to the continuation of the claim and to the protective award.

4. On 14 June 2021, the Tribunal heard the evidence of Mr. K. Chalmers and Miss L. White, and considered the oral submissions of the Claimants' solicitor.

5. For the reasons given orally at the final hearing, the Tribunal's judgment is that:

1. The Claimants' claim is well-founded.

2. The Respondent breached its duties under ss.188 and 188A of the Act.

3. The Tribunal makes a protective award under s.189(2) of the Act in respect of the Claimants identified below ordering the Respondent to pay remuneration to each Claimant for a protected period of 90 days beginning on 14 May 2020 in a sum equal to 90 days wages.

No	Case No.	Claimant
1.	4103051/2020	James Smith
2.	4103052/2020	William Cairns
3.	4103053/2020	Stuart Campbell
4.	4103054/2020	David Dea
5.	4103055/2020	William Harris
6.	4103056/2020	Anthony McCulloch
7.	4103057/2020	James Mitchell
8.	4103058/2020	Stuart O'May
9.	4103059/2020	Derek Walker
10.	4103060/2020	Ian Reid

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<b>No</b>	<b>Case No.</b>	<b>Claimant</b>
11.	4103061/2020	Ricky Kettyles
12.	4103062/2020	William Colvin
13.	4103063/2020	Gary Hunter
14.	4103064/2020	Ian Colvin
15.	4103065/2020	Gary Clark
16.	4103066/2020	Dean McCarroll
17.	4103067/2020	Lee Martin
18.	4103068/2020	Callan Donnelly
19.	4103069/2020	Derek Middleton
20.	4103070/2020	James Smith
21.	4103071/2020	Karyn Campbell
22.	4103072/2020	Lisa White
23.	4103073/2020	Kevin Chalmers
24.	4103074/2020	Ian Walker

Employment Judge: Antoine Tinnion

Date of Judgment: 14 June 2021

Entered in register: 29 June 2021

5 and copied to parties