



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4107996/2020

Mr W McCusker

Claimant

AI Realisations Limited (In Administration)

Respondent

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

This Judgment is made by consent in accordance with Rule 64 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

1. The Claimant was employed by the Respondent at Braehead Shopping Centre in Glasgow.
2. Robert Nicholas Lewis and Zelf Hussain were appointed as joint administrators of the Respondent on 23 March 2020 and Rachael Maria Wilkinson was appointed as a joint administrator of the Respondent on 17 April 2020. On 3 July 2020, Anthony John Wright and Paul Allen of FRP Advisory were appointed as additional administrators of the Respondent.
3. On 29 August 2020, the Claimant was dismissed by the Respondent by reason of redundancy.

4. The Claimant has raised a complaint pursuant to section 189 of The Trade Union and Labour Relations (Consolidation) Act 1992 (**"the Act"**) and is seeking a protective award in respect of failure to consult in accordance with s.188 and S.188A of the Act.
5. The Claimant was assigned to an establishment where 20 or more redundancies were proposed by their employer within a period of 90 days. The Respondent did not fully inform and consult with the Claimant in accordance with the provisions of s.188 and s.188 A of the Act.
6. The Tribunal makes a protective award in favour of the Claimant for a protected period of 42 days, capped at the amount payable by the Redundancy Payments Service (**"RPS"**) in accordance with the RPS's own regulations and limits and subject to any deductions required by law.
7. The parties agree that for the purposes of this Consent Judgment, the protected period in relation to the Claimant begins on their respective termination date as set out in the Schedule and lasts for 42 days.
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 Claimant listed in the attached Schedule only and it is agreed that the claim listed in the Schedule is extinguished in its entirety by this Consent Judgment.

Employment Judge: Susan Walker
Date of Judgment: 26 January 2022
Entered in register: 28 January 2022
and copied to parties

Schedule * Claimant who Is entitled to a protective award for a 42 day period and is included within the scope of the Consent Judgment

	Claim Numbers	Name	Name	Termination Date
1.	4107996/2020	William Graham	McCusker	29/08/2020

