

Case Nos: 2501486/2021  
2501499/2021  
2501502/2021  
2501509/2021



# EMPLOYMENT TRIBUNALS

## FINAL HEARING

**Claimants:** Ms Tanya Butler-Henderson (First Claimant)  
Ms Dianne Lawton (Second Claimant)  
Ms Tracey Maughan (Third Claimant)  
Ms Kellie Vale (Fourth Claimant)

**Respondents:** Shepherd Cox Hotels (Hartlepool) Limited (in liquidation) (R1)  
The Secretary of State for BEIS (R2)

**Heard:** Remotely (in public by video)      **On:** 12 April 2022

**Before:** Employment Judge Shore

### **Appearances**

For the claimants: Ms N Toner, Solicitor

For the respondents: No Appearance

## JUDGMENT AND REMEDY

1. By a Judgment dated 25 June 2021, Employment Judge Johnson found that the first respondent, Shepherd Cox Hotels (Hartlepool) Limited (in liquidation), had failed to comply with a requirement of Section 188 or Section 188A of the Trade Union and Labour Relations (Consolidation) Act 1992 and that the claims of a number of claimants, including all the claimants covered by this Judgment were well-founded.
2. The first respondent was ordered to pay remuneration calculated in accordance with Section 190 of the Trade Union and Labour Relations (Consolidation) Act 1992 to all employees dismissed as redundant on or after 5th June 2020 and whose names appear on the schedule hereto, for the protected period.

3. The protected period was from 5th June 2020 to 3rd September 2020.
4. The as the first respondent was in liquidation, the claimants sought payment from the second respondent. The claimants issued these proceedings against both respondents alleging that the protective awards made by Employment Judge Johnson had not been paid and/or that the second respondent had not paid the correct amount under its obligation to pay 8 weeks' pay.

#### **First Claimant – Tanya Butler-Henderson**

5. The first claimant's average weekly pay as calculated under section 224 of the Employment Rights Act 1996 was £220.00 per week. The first and second respondents have therefore failed wholly (first respondent) and partly (second respondent) to comply with the protective award and, pursuant to section 192 of the Trade Union & Labour Relations (Consolidation) Act 1992, the Tribunal finds the first claimant's claim to be well-founded and orders the respondents to pay the first claimant the amount of compensation as follows.
6. The protective award should be 12.86 weeks (90 days) x £220.00 = £2,829.20.
7. The second respondent's liability is capped at 8 weeks x £220.00 = £1,760.00. It paid the first claimant £564.08, so the balance is outstanding.

#### **Second Claimant – Dianne Lawton**

8. The second claimant's average weekly pay as calculated under section 224 of the Employment Rights Act 1996 was £324.74 per week. The first and second respondents have therefore failed wholly (first respondent) and partly (second respondent) to comply with the protective award and, pursuant to section 192 of the Trade Union & Labour Relations (Consolidation) Act 1992, the Tribunal finds the second claimant's claim to be well-founded and orders the respondents to pay the second claimant the amount of compensation as follows.
9. The protective award should be 12.86 weeks (90 days) x £324.74 = £4,176.16.
10. The second respondent's liability is capped at 8 weeks x £324.74 = £2597.92. It paid the first claimant £1,478.56, so the balance is outstanding.

#### **Third Claimant – Tracey Maughan**

11. The third claimant's claim fails.

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**Fourth Claimant – Kellie Vale**

12. The fourth claimant's claim fails.
13. The Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1996 apply. Regulation 6 imposes on the respondent a duty to provide information to the Secretary of State. Regulation 7 postpones this award in order to enable the Secretary of State to serve a recoupment notice under Regulation 8. The full effect of Regulations 6, 7 and 8 is set out in the Annexe to this Judgment.

**Employment Judge Shore**

**Date 12 April 2022**

**Note**

**Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.**

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