



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs R Winton

**Respondent 1:** Reveles Energy Limited (in administration)

**Interested party:** Secretary of State for Business Energy and Industrial Strategy

**HELD** at Newcastle by CVP

**ON:** 21 June 2022

**BEFORE:** Employment Judge Speker OBE DL

## REPRESENTATION:

**Claimants:** Mrs R Winton (representing all other claimants)

**Respondent 1:** No appearance

# JUDGMENT

1. The complaints made by all of the claimants under section 189 of the Trade Union and Relations (Consolidation) Act 1992 that the respondent failed to comply with section 188 and section 188A of the Act are all well founded.
2. The respondent Reveles Energy Limited is ordered to pay remuneration calculated in accordance with section 190 of the Act for the protected period to those claimants in the schedule attached to this Judgment.
3. The protected period is for a period of 90 days from 1 November 2021 to 29 January 2022.
4. The Employment Protection (Recoupment of Job Seekers 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.

**Case No: 2501859/2021 and others (see schedule)**

<b>Case Number</b>	<b>Claimant Name</b>
2501859/2021	Mrs Robyn Winton
2501860/2021	Mrs robyn winton
2501861/2021	Miss charlie wheatley-smith
2501862/2021	Mr paul comerford
2501863/2021	Mr daniel hackett
2501864/2021	Mr andrew gray
2501865/2021	Mr daniel hawkins
2501866/2021	Mrs paige reilly
2501867/2021	Mr scott hills
2501868/2021	Miss kristina harrison
2501869/2021	Mr tony brewer
2501870/2021	Mr david winton
2501871/2021	Mr richard daily
2501872/2021	Ms kelly roberts
2501873/2021	Mr alexander turki
2501874/2021	Mr shaun martin
2501875/2021	Mr jon lamberton
2501876/2021	Ms amanda bullen
2501877/2021	Mr glen strange
2501878/2021	Mrs gloria murray
2501879/2021	Mr ian sinkamba
2501880/2021	Ms norma mather
2501881/2021	Mr andrew brewer
2501882/2021	Mrs amy heavisides
2501883/2021	Mr sean heavisides
2501884/2021	Ms susan chambers
2501885/2021	Mr ifeanyi akazue
2501886/2021	Miss danielle miller
2501887/2021	Mr connor bryden
2501888/2021	Mr simon Wilson
2501889/2021	Mr ryan callaghan
2501890/2021	Mr charles hayes

# REASONS

1. To multiple claims for protective awards against Reveles Limited (formerly Energy Checking Company Limited) which went into administration on 1 November 2021.
2. Mrs R Winton represented herself and all of the claimants as she had at the preliminary hearing held on 5 April 2022 before Employment Judge Depsey. At that preliminary hearing the Secretary of State for Business Energy and Industrial Strategy was noted to be joined as a party under Rule 96 due to the fact that the proceedings may involve payments being made out to the national insurance fund. The Secretary of State had provided written submissions in the proceedings indicated that they neither defended nor supported the applications.
3. For the purpose of today's hearing Mrs Winton had provided written submissions and also witness statements from six witnesses namely Kelly Roberts, Ian Sinkamba, Glen Strange, Richard Daily, Ryan Callaghan and Ifeanyi Akazue. Mrs Winton gave oral evidence under affirmation as did Glen Strange. I indicated that I had read the signed witness statements of the other witnesses and was prepared to accept them in evidence noting that they were confirmatory of the evidence given by Mrs Winton and Mr Strange.
4. It was clear from the evidence and the documentation that all of the claimants were made redundant without prior information or consultation and that this was a collective redundancy. The respondent company was in the business of providing energy consultancy between suppliers and customers which included procurement, sales, marketing, finance, management. The sales department was the largest category of employees.
5. During the pandemic many of the employees were furloughed and all were back at work during October 2021. There were concerns as to the future of the company but there was no consultation with the employees and no advanced notification that there were to be redundancies.
6. On 1 November 2021 all of the employees were formerly notified that the company was in administration and that FRP were acting in the administration and the joint administrators were Anthony Collier and David Acland. A letter was sent by FRP to all the employees on 1 November 2021 informing them that they were redundant and that their employment was at an end.
7. Those claimants who are entitled to redundancy payments have made application through the government fund for those payments to be made.
8. Consent had been requested and granted by the joint administrators for claims to be pursued for protective awards. Mrs Winton had arranged to obtain this consent and all of the claimants agreed that she should act on their behalf in pursuing the Tribunal claims for protected awards. She gave power of attorney to ACAS under the early conciliation scheme and promptly issued claims on behalf of all of the claimants within the Tribunal.

9. As stated the matter was considered at a preliminary hearing on 5 April. All necessary steps were taken to prepare the case for today's hearing.
10. Having heard the evidence it was clear that the respondent employer had totally failed to comply with section 188 of the Trade Union and Labour Relations Consolidation Act 1992. In this case the respondent was proposing to dismiss 20 or more employees as redundant within 90 days at the establishment to which the claimants were assigned. The representations of the Secretary of State have been taken into account.
11. It was necessary for me to identify the protected period beginning with the date on which the first of the dismissals to which the complaint relates takes effect and in this case the protected period commences on 1 November 2021. The 1992 Act gives no guidance as to the exercise of discretion over the length of the protected period save that regard is to be had to the "seriousness of the employer's default" and that there is a maximum limit on the protected period of 90 days.
12. I find in this case that the fault of the respondent employer was total and therefore justifies the maximum period of 90 days being awarded as the protected period which is from 1 November 2021 to 29 January 2022. I note and Mrs Winton indicated her awareness, that there is a limit as to the amount which can be paid by the government. I emphasise that for the purposes of today's hearing when making the award which is appropriate under the 1992 Act. I also drew the attention of Mrs Winton to the fact that the award is subject to the recoupment regulations and the reason for this as well as subject to relevant deduction of national insurance contributions.

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Employment Judge Speker OBE DL

Date 5 July 2022

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