



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4113735/2021 & others as per multiple ref 4100138

Ms M Forteath & others as per attached schedule

**Claimants
Represented by:
Mr P Kissen -
Solicitor**

Forth Care Limited (in Liquidation)

**Respondents
Not present and
Not represented**

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

The judgment of the Employment Tribunal is that the claimant's complaints of (a) unfair dismissal; (b) protective award under section 189 of Trade Union and Labour Relations (Consolidation Act) 1992; (c) redundancy pay; (d) holiday pay; (e) arrears of pay; and (f) notice pay succeed.

The remedy to which the claimant is entitled will be determined at a hearing if required.

REASONS

1. A copy of the claim form setting out the claimant's complaint(s) was sent to the respondent on 21 December 2021.
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2. In accordance with the terms of Rule 16 of the Rules to be found in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 the respondent was required to enter a response within twenty eight days of the date on which a copy of the claim was sent to it but failed to do so.

3. On 16 May 2022, the members and creditors of the respondent placed the respondent into Creditors' Voluntary liquidation. Kenneth Wilson Pattullo and Kenneth Robert Craig were appointed joint liquidators. The liquidators have indicated to the claimants that they have no intention of entering the proceedings and there are no funds in the liquidation to satisfy the claims.
4. The Employment Judge decided that on the available material a determination could properly be made without a hearing as to the liability of the respondent for the claim but not in respect of the remedy.
5. The remedy to which the claimant is entitled for the claim will be determined by an Employment Judge at a hearing if required.

Employment Judge: M Kearns
Date of Judgment: 13 July 2022
Entered in register: 14 July 2022
and copied to parties

Multiple Schedule

Multiple: 4100138 - Forth Care Ltd

Case Number	Case Name
4113735/2021	Mary Forteath -v- Forth Care Ltd (In Liquidation)
4113736/2021	Ms agrineth gugu nkosi -v- Forth Care Ltd
4113737/2021	Ms mary forteath -v- Forth Care Ltd
4113738/2021	Ms grace rae -v- Forth Care Ltd
4113739/2021	Ms anne mcilroy -v- Forth Care Ltd
4113740/2021	Mr darren martin -v- Forth Care Ltd
4113741/2021	Mr andrew donald -v- Forth Care Ltd
4113742/2021	Mr balwinder singh -v- Forth Care Ltd