



EMPLOYMENT TRIBUNALS

Claimants: Mr Edem Ekpenyong and 36 other Claimants as listed on the Schedule attached

Respondents: (1) Castleoak Care Partnerships Limited (in creditors' voluntary liquidation)
(2) Secretary of State for Business, Energy and Industrial Strategy

Heard at: Cardiff (by video) On: 3rd August 2022

Before: Employment Judge Howden-Evans

Representation

Claimants: Mr Edem Ekpenyong appeared in person; the other Claimants were represented by Mr Lewis, Solicitor

Respondents: (1) No attendance
(2) No attendance

JUDGMENT

Having considered the pleadings, the Employment Judge is satisfied that each Claimant's complaint under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992, of a failure by the First Respondent to comply with the requirements of section 188 of the 1992 Act, is well founded.

The Tribunal orders the First Respondent to pay a protective award under section 189(3) Trade Union and Labour Relations (Consolidation) Act 1992, to each of the 37 Claimants named in the Schedule attached to this Judgment, a payment equivalent to remuneration for the period of 90 days beginning on 25th October 2021.

Reasons

1. Having carefully considered the pleadings, the Employment Judge notes the First Respondent accepts the Claimants and the majority of the 69 staff employed by the First Respondent were made redundant on or around 25th October 2021.
2. The First Respondent does not contest the Claimants' assertion that they were all employees at one establishment, namely Raglan House.
3. The First Respondent does not contest the Claimants' assertion that they are all "affected employees" for the purposes of s189(1)d Trade Union and Labour Relations (Consolidation) Act 1992
4. The First Respondent does not contest the Claimants' assertion that the First Respondent did not have a recognised trade union.
5. The First Respondent does not contest the Claimants' assertion that the First Respondent completely failed to give affected employees the opportunity to elect representatives and completely failed to consult with the Claimants through a recognised trade union or elected body of employee representatives.
6. The First Respondent does not contest the Claimants' assertion that the 37 Claimants (and others) were dismissed without notice and without any prior warning or consultation on or around 25th October 2021.
7. Having carefully considered the Claimants' Particulars of Claim and the Responses of both Respondents, the Employment Judge is satisfied that the individual claimants are each entitled to a protective award under section 189(3) of the Trade Union and Labour Relations (Consolidation) Act 1992
8. If either Respondent wishes to apply for me to reconsider this decision, they should write to the other parties and the Tribunal within 14 days of this Judgment being sent to them, explaining why it is in the interests of justice for me to reconsider this judgment.

Employment Judge Howden-Evans
Dated: 3rd August 2022

JUDGMENT SENT TO THE PARTIES ON 16 August 2022

FOR THE TRIBUNAL OFFICE Mr N Roche

Schedule of Claimants and Case Numbers

Case Number	Claimant
1601780/2021	Mr Edem Ekpenyong
1600158/2022	Mr Richard Benn Gleaves
1600160/2022	Mr Scott Wall
1600161/2022	Mr Sean Maryse-Coyle
1600162/2022	Mr John Smith
1600163/2022	Mr David Lever
1600164/2022	Mr Sam Parkinson
1600165/2022	Mr Kevin Butcher
1600166/2022	Mr Richard Ricketts
1600167/2022	Mr Gareth Hollyman
1600168/2022	Miss Rebecca O'Brien
1600169/2022	Mr Stephen Jones
1600170/2022	Mr Bradwyn Fisher
1600171/2022	Mr Joshua Fisher
1600172/2022	Mr Alun Williams
1600173/2022	Mr Peter Matthews
1600174/2022	Mr Pedro Fernandes Flores
1600175/2022	Mr Paul Bees
1600176/2022	Mr Dylan Davies
1600177/2022	Mr Mirosław Brzozowski
1600178/2022	Mr Phil Spencer-Brown
1600179/2022	Mr Sanjeev Sethumadhavam
1600180/2022	Mr Julian Read
1600181/2022	Mr Alan Bill
1600182/2022	Mr Michael Holder
1600183/2022	Mr Thomas Bland
1600184/2022	Miss Katherine Lane
1600185/2022	Mr Richard Parr
1600186/2022	Mr Kevin Bloxsome
1600187/2022	Mr Peter Arnold
1600188/2022	Mr Stephen Bradley
1600189/2022	Mr Sean Garton
1600190/2022	Miss Lydia Miller
1600191/2022	Miss Sheri Hall
1600192/2022	Mr James Davies
1600193/2022	Miss Brigitte Hewitt
1600194/2022	Miss Jodie Follett

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.