



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4103358/2022 & 51 others as per attached schedule

Final Hearing at Glasgow in Chambers on 4 October 2022

Employment Judge M Robison

Mr G Smith

**Claimant
Represented by:
Mr W Bolling -
Consultant**

and 51 other claimants per attached schedule

Ready4Retirement Ltd (In Administration/Liquidation)

**First Respondent
Not present and
Not represented**

**Secretary of State for
Business Energy & Industrial Strategy**

**Second Respondent
Represented by:
Ms J Linton -
Tribunal Officer via
Written Submissions**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Employment Tribunal is that:

1. The complaint that the first respondent failed to comply with the requirement under Section 188 and 188A of the Trade Union and Labour Relations (Consolidation) Act 1992 (the 1992 Act) is well founded; and
2. Each claimant is entitled to a protective award for 90 days from 9 May 2022 under section 189(2) of the 1992 Act; and
3. The first respondent shall pay to the claimants the appropriate remuneration pursuant to section 190 of the 1992 Act.

REASONS

1. The first respondent was a limited company involved in the provision of funeral planning arrangements. It is now in liquidation. No response has been presented to these claims by the first respondent.
2. The second respondent is the statutory guarantor for any award under section 188 pursuant to Part XII of the 1992 Act. The second respondent resists the claims.
3. The second respondent submitted a response and written representations. The second respondent states that they were not present at the events prior to dismissal and are unaware of the circumstances surrounding consultation with employees. For that reason, the second respondent stated that it neither supports nor resists the protective award claims but made submissions only to assist the Employment Tribunal in making its judgement in relation to the claims for a protective award against the former employer. In particular, the second respondent sought to ensure that the Tribunal ensured that the claimants were eligible to bring their claims.
4. The Tribunal is so satisfied for the following reasons.
5. The claimants were employed by the first respondent's premises at 2 Forbes Drive, Ayr.
6. There was no recognised trade union in the workplace. There were no other existing representative bodies with appropriate authority to consult with the employer on behalf of employees.
7. On or around 5 May 2022, the claimants were called to attend a meeting at which they were informed that liquidators were being appointed and the business would cease trading imminently.
8. Kenneth Pattullo and Kenneth Craig of Begbies Traynor Group Ltd were appointed joint administrators of the first respondent on 9 May 2022.

9. On 9 May 2022, the claimants were advised that their employment was terminated by reason of redundancy. No consultation or notice was given to the employees before their employment was terminated.
10. Mr Pattullo has confirmed by letter dated 7 June 2022 that he does not intend to defend the claims and does not object a protective award judgment.
11. The claimants were dismissed on 9 May 2022. The respondent dismissed more than 20 employees by reason of redundancy within a 90-day period. All the employees were based at the same establishment.
12. A protective award is therefore made in respect of such of the former employees of the respondent working at the respondent's establishment at 2 Forbes, Ayr dismissed as redundant on 9 May 2022.
13. The protected period should be 90 days beginning on 9 May 2022.

Employment Judge: Muriel Robison
Date of Judgment: 12 October 2022
Entered in register: 14 October 2022
and copied to parties

Multiple Schedule

Multiple: 4100234 - Ready4Retirement Ltd (In liquidation) C/O Begbies Traynor Group Ltd

Case Number	Case Name
4103358/2022	Mr Gordon Smith -v- Ready4Retirement Ltd (In Liquidation) & Others
4103359/2022	Mr adriaen alexander -v- Ready4Retirement Ltd (In liquidation) & Others
4103360/2022	Ms amanda dolan -v- Ready4Retirement Ltd (In liquidation) & Others
4103361/2022	Ms anna baird -v- Ready4Retirement Ltd (In liquidation) & Others
4103362/2022	Ms annelle bond -v- Ready4Retirement Ltd (In liquidation) & Others
4103363/2022	Ms caroline reynolds -v- Ready4Retirement Ltd (In liquidation) & Others
4103364/2022	Mr christopher hastie -v- Ready4Retirement Ltd (In liquidation) & Others
4103365/2022	Mr colin mcqueen -v- Ready4Retirement Ltd (In liquidation) & Others
4103366/2022	Mr colin nicol -v- Ready4Retirement Ltd (In liquidation) & Others
4103367/2022	Mr craig turpin -v- Ready4Retirement Ltd (In liquidation) & Others
4103368/2022	Mr craig wood -v- Ready4Retirement Ltd (In liquidation) & Others
4103369/2022	Mr david nix -v- Ready4Retirement Ltd (In liquidation) & Others
4103370/2022	Ms deborah black -v- Ready4Retirement Ltd (In liquidation) & Others
4103371/2022	Mr derek garrett -v- Ready4Retirement Ltd (In liquidation) & Others
4103372/2022	Mr derek hatton -v- Ready4Retirement Ltd (In liquidation) & Others
4103373/2022	Ms fiona gemmell -v- Ready4Retirement Ltd (In liquidation) & Others
4103374/2022	Ms gillian turpin -v- Ready4Retirement Ltd (In liquidation) & Others
4103375/2022	Mr gordon bain -v- Ready4Retirement Ltd (In liquidation) & Others
4103376/2022	Mr gordon smith -v- Ready4Retirement Ltd (In liquidation) & Others
4103377/2022	Mr graeme jardine -v- Ready4Retirement Ltd (In liquidation) & Others
4103378/2022	Mr greg speirs -v- Ready4Retirement Ltd (In liquidation) & Others
4103379/2022	Mr greig mcguinness -v- Ready4Retirement Ltd (In liquidation) & Others
4103380/2022	Mr jack beresford -v- Ready4Retirement Ltd (In liquidation) & Others
4103381/2022	Ms jade clark -v- Ready4Retirement Ltd (In liquidation) & Others
4103382/2022	Mr jonathan brett -v- Ready4Retirement Ltd (In liquidation) & Others
4103383/2022	Mr keith annand -v- Ready4Retirement Ltd (In liquidation) & Others
4103384/2022	Ms kerry muir -v- Ready4Retirement Ltd (In liquidation) & Others
4103385/2022	Ms lauren torbet -v- Ready4Retirement Ltd (In liquidation) & Others
4103386/2022	Ms lucy martin -v- Ready4Retirement Ltd (In liquidation) & Others
4103387/2022	Ms margaret singh -v- Ready4Retirement Ltd (In liquidation) & Others
4103388/2022	Ms marie miller -v- Ready4Retirement Ltd (In liquidation) & Others
4103389/2022	Mr michael mcMahon -v- Ready4Retirement Ltd (In liquidation) & Others
4103390/2022	Ms nan campbell -v- Ready4Retirement Ltd (In liquidation) & Others
4103391/2022	Ms pamela adamson -v- Ready4Retirement Ltd (In liquidation) & Others
4103392/2022	Mr paul harvey -v- Ready4Retirement Ltd (In liquidation) & Others
4103393/2022	Mr peter david newby -v- Ready4Retirement Ltd (In liquidation) & Others
4103394/2022	Ms rebeckah docherty -v- Ready4Retirement Ltd (In liquidation) & Others
4103395/2022	Mr robert russell -v- Ready4Retirement Ltd (In liquidation) & Others
4103396/2022	Mr ross whyte -v- Ready4Retirement Ltd (In liquidation) & Others
4103397/2022	Ms sara bain -v- Ready4Retirement Ltd (In liquidation) & Others
4103398/2022	Ms sarah docherty -v- Ready4Retirement Ltd (In liquidation) & Others
4103399/2022	Ms sheila dunsmore -v- Ready4Retirement Ltd (In liquidation) & Others
4103400/2022	Mr stephen kyle -v- Ready4Retirement Ltd (In liquidation) & Others
4103401/2022	Mr steven deighton -v- Ready4Retirement Ltd (In liquidation) & Others
4103402/2022	Mr steven hill -v- Ready4Retirement Ltd (In liquidation) & Others
4103403/2022	Ms toni short -v- Ready4Retirement Ltd (In liquidation) & Others

4103404/2022 Ms tracy kirkwood -v- Ready4Retirement Ltd (In liquidation) & Others
4103405/2022 Ms vanessa warner -v- Ready4Retirement Ltd (In liquidation) & Others
4103406/2022 Ms yvonne graham -v- Ready4Retirement Ltd (In liquidation) & Others
4103407/2022 Ms charlene lyle -v- Ready4Retirement Ltd (In liquidation) & Others
4103408/2022 Mr sean rush -v- Ready4Retirement Ltd (In liquidation) & Others
4103409/2022 Ms heather mccabe -v- Ready4Retirement Ltd (In liquidation) & Others
4103410/2022 Ms katrina carruthers -v- Ready4Retirement Ltd (In liquidation) & Others