



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr SM Walker and Ms DE Leake  
**Respondent:** Welbeck House Limited (in liquidation)  
**Heard at:** Nottingham On: 8 November 2022  
**Before:** Employment Judge M Butler (sitting alone)

## Appearances

**Claimant:** No attendance  
**Respondent:** No attendance

# JUDGMENT

The claims are struck out because they have not been actively pursued.

# REASONS

1. The Claimants presented their claim on 11 July 2022. They claimed a protective award as a result of being dismissed by reason of redundancy without consultation on 30 April 2020 when the Respondent went into liquidation.
2. The claims were included on the same claim form.
3. The claims are for a protective award. They seem to have been pursued, according to the claim form, as a result of the Claimants discovering that union members and other individuals employed by the Respondent were paid protective awards on 7 July 2022. All of those claims were submitted in time.
4. The claims are clearly out of time by virtue of section 192 of the Trade Union and Labour Relations (Consolidation) Act 1992 which provides that claims for protective awards must be submitted within 3 months of the effective date of termination of employment. The claims before me are nearly 2 years out of time.

5. The claim form provides no information as to why the Claimants did not submit their claims within the time limit or why, pursuant to section 192 above, it was not reasonably practicable for the complaint to be presented within the 3 month period.

6. This hearing was listed to determine whether the claims were out of time or time should be extended to allow them to proceed. The start time of the hearing was 10am.

7. Notice of hearing was sent to the Claimant's on 25 August 2022. The Tribunal was already aware that the Respondent would not be attending.

8. Without any prior notice, the Claimants did not attend the hearing. After waiting until 10.20, I directed the Tribunal Clerk to try to contact the first (lead) Claimant, Mr Walker. He answered his telephone and, when asked whether he intended to attend the hearing, he replied he thought it was on 10 November 2022 and was very sorry but would not, therefore, be attending. The clerk suggested Mr Walker should write in to explain his absence.

9. Mr Walker did email the Tribunal and the email was sent to me the following day. Unfortunately, he gave a completely different reason for his non-attendance, namely, that he was ill.

10. I did not find these inconsistent explanations to be credible or, therefore, reasonable. It is for a Claimant who issues a claim in the Tribunal to actively pursue it including attending hearings. The Claimants have failed to do this.

11. Accordingly, I strike out the claims because they have not been actively pursued.

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Employment Judge Butler

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Date 10 November 2022

JUDGMENT & REASONS SENT TO THE PARTIES ON

22 November 2022

FOR THE TRIBUNAL OFFICE

