



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms A Lahiffe

v

**1. BSCL Realisations Limited in administration
2. The Secretary of State for Business Energy and
Industrial Strategy**

Heard at: Watford

On: 10 February 2023

Before: Employment Judge R Lewis sitting alone

Appearances

For the Claimant: Ms N Toner, solicitor

For the Respondents: Written representations

JUDGMENT

1. The claimant has standing to bring this claim.
2. The claimant's complaint that the First Respondent failed to comply with a requirement of s.188 of the Trade Union and Labour Relations (Consolidation) Act 1992 is upheld.
3. The tribunal makes a protective award in favour of the claimant.
4. The First Respondent is ordered to pay to the claimant remuneration for the protected period of 90 days beginning on 27 June 2019.

REASONS

1. The claimant was one of 26 employees who presented claims at Watford Employment Tribunal on 22 November 2019.
2. In consequence of case management decisions, the circumstances of this claim have come before tribunals before this hearing, and the factual matters are set out in the judgments of Employment Judge Hughes of 16 April 2020; Employment Judge Allott of 20 March 2020; and Employment Judge Andrew Clarke KC of 16 September 2022.

3. The parties agreed that this hearing could proceed on papers only. I had the advantage of a witness statement from the claimant, a bundle, and brief submissions.
4. I find as follows:-
 - 4.1 The claimant was employed by R1 at its head office in Welwyn Garden City.
 - 4.2 R1 went into administration on 26 June 2019. Some 85 employees based at head office were dismissed the following day. No consultation preceded those dismissals.
 - 4.3 The claimant's employment continued until 10 September 2019, as part of a much-reduced team tasked with running the business pending its disposal. She was dismissed on that day.
 - 4.4 The First Respondent was under a duty to consult in accordance with s.188 TULRCA before redundancies. The duty extended to those affected by the redundancies, including the claimant, who was not immediately dismissed on 26 June in the first round of redundancies.
 - 4.5 There was a complete failure of consultation. The claimant's submission referred me to the well-known guidance in GMB v Susie Radin Ltd [2004] IRLR 400. I accept that the failure of consultation in this case was complete. The appropriate award is for 90 days pay. Ms Toner asked me to express the award in the above terms.

Employment Judge R Lewis

Date: 6/3/2023.....

Sent to the parties on: 14/3/2023.

For the Tribunal Office