

**IN THE (MIDLANDS WEST)  
EMPLOYMENT TRIBUNAL**

**CASE NO: see schedule annexed**

**Between**

**SEE SCHEDULE ANNEXED**

**Claimants**

**- and -**

**DEBENHAMS RETAIL LIMITED (IN ADMINISTRATION)**

**Respondent**

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**JUDGMENT**

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1. The claimants listed in the attached schedule to this Judgment (the "Claimants") were all employed by the First Respondent at their Wigan store.
2. On 9 April 2020, the First Respondent entered administration and Geoffrey Paul Rowley and Alastair Rex Massey (both of FRP Advisory, 2nd Floor, 110 Cannon Street, London, EC4N 6EU) were appointed as joint administrators ("Joint Administrators").
3. The Claimants were dismissed by the First Respondent by reason of redundancy on 14 August 2020.
4. The Claimants raised a complaint pursuant to section 189 of The Trade Union and Labour Relations (Consolidation) Act 1992 (the "Act") and are seeking a protective award in respect of failure to consult in accordance with s.188 and s.188A of the Act.
5. The Claimants were all assigned to an establishment where 20 or more redundancies were proposed by their employer within a period of 90 days. The First Respondent did not fully inform and consult with the Claimants in accordance with the provisions of s.188 and s.188A of the Act.

6. The protected period should be 90 days from the date of the first dismissal (14 August 2020)
7. The Protective Award Payments will rank as unsecured claims in the insolvency of the First Respondent but some of the Protective Award Payments may be wholly recoverable from the Redundancy Payments Service.
8. There is no order requiring any party to pay or reimburse another party's costs or fees. Each party shall bear their own costs and fees.
9. For the avoidance of doubt, this Judgment applies to the listed Claimants only.
10. To the extent that the claim forms may have intimated any other claims they will stand dismissed automatically 14 days after the date of this order UNLESS the claimant writes in specifying any outstanding claim and providing administrator consent in respect thereof within that timeframe.

Employment Judge Broughton

Date: 22 December 2022

**Annex –**

Case number:

2418337/2020

Name:

Mrs Denise Nicholas McMahon