



EMPLOYMENT TRIBUNALS

Claimant: Miss A Wilson

Respondent: Short Richardson and Forth Limited In Voluntary Liquidation

JUDGMENT ON LIABILITY AND REMEDY

Employment Tribunals Rules of Procedure 2013 – Rule 21

The Judgment of the Employment Tribunal is as follows:

1. The claimant's claim under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act") of a failure by the respondent to comply with the requirements of section 188 of the 1992 Act is not well-founded and is dismissed.
2. No award is made in respect of pension contributions.

REASONS

1. The claimant submitted her ET1 form to the Employment Tribunal on 31 December 2022. A copy of the claim form was forwarded to the respondent at their registered office address by the Tribunal on 18 January 2023 and the respondent had until 15 February 2023 to file a response.
2. The respondent entered into voluntarily liquidation on 12 January 2023. The liquidator wrote to the Tribunal on 2 February 2023 stating that he did not intend to admit or defend any claim.
3. On 5 September 2022 respondent informed employees that the company would cease to provide legal services after 30 September 2022. The respondent proposed to dismiss as redundant 20 or more employees based at 4 Mosley Street, Newcastle upon Tyne. The first dismissal took effect on 30 September 2022 and the last dismissal took effect on 30 November 2022.
4. There was no proper warning or consultation undertaken with a recognised trade union or the claimant. There was no consultation with the claimant between 5 September 2022 and 30 September 2022. No employee representatives had been elected or appointed for any such consultation within section 188A of the 1992 Act.

5. The claimant resigned from her employment with the respondent on 22 September 2022. As he resigned before 30 September 2022 which was the first day the respondent was proposing to dismiss as redundant 20 or more employees, the claimant's claim under section 189 of the 1999 Act is not well-founded and is dismissed.
6. The claimant's claim for outstanding pension contributions is being dealt with by Clumber Consultancy and, therefore, no award is made by this Tribunal.
7. As no response has been received by the Tribunal from the Respondent, the above Judgment has been entered without a hearing on the basis of the information provided by the claimant and in accordance with Rule 21 of the Employment Tribunal Rules of Procedure 2013.

Employment Judge Arullendran

Date: 4 July 2023