



# EMPLOYMENT TRIBUNALS

**Claimant:** Brian Morgan

**Respondents:** High-Tech Windows Ltd (in voluntary liquidation) (1)  
Britannia Windows UK Ltd (2)

**Heard at:** Southampton (video hearing)      **On:** 25 August 2023

**Before:** Employment Judge Housego

## Representation

Claimant: Sarah Wilkinson

Respondents: Secretary of State for Business Energy and Industrial Strategy (written representations) (1<sup>st</sup> Respondent)  
Hayden Rushton, managing director (2<sup>nd</sup> Respondent)

# JUDGMENT

1. The Claimant is entitled to a Protective Award of 90 days' pay from the 1<sup>st</sup> Respondent, with the Protected Period commencing on 24 October 2022.
2. The Claimant having agreed terms of settlement with the 2<sup>nd</sup> Respondent the claims against the 2<sup>nd</sup> Respondent will be dismissed 21 days from today (to allow time for the terms of settlement to be implemented).

# REASONS

1. The Claimant's contract of employment was with High-Tech Windows Ltd. He worked for them from 16 July 1990 until he was summarily dismissed on 24 October 2022.
2. The 1<sup>st</sup> Respondent is in creditor's voluntary litigation, and so has not participated in this claim.
3. The Secretary of State for Business Energy and Industrial Strategy ("the Secretary of State") has sent written representations to the Tribunal.

4. The dismissal was by reason of redundancy. The Secretary of State accepts that the Claimant was dismissed by High-Tech Windows Ltd by reason of redundancy, and has paid him the statutory redundancy payment, notice pay and holiday pay.
5. The Claimant seeks a Protective Award, on the basis that there was no consultation and there were more than 20 employees.
6. The Secretary of State neither opposes the claim for a Protective Award nor accepts that Mr Morgan is entitled to a Protective Award. The Secretary of State says that such entitlement depends upon this Tribunal making findings of fact that:
  - a. There was no employee representative or recognised trade union;
  - b. That there were at least 20 employees dismissed by reason of redundancy;
  - c. That the employees were all employed at the same establishment.
  - d. Details of the protected period; and
  - e. The names of the affected employees.
7. I accept the evidence of Mr Morgan (and make findings of fact) that:
  - a. There were more than 20 employees affected (it was 21);
  - b. That they were all employed at one place;
  - c. That they were all told that they were to be dismissed by reason of redundancy;
  - d. That they were in fact dismissed by reason of redundancy;
  - e. That Mr Morgan was told that he was dismissed by reason of redundancy on 24 October 2022;
  - f. That he was summarily dismissed so that his employment ended that day;
  - g. That there was no consultation with him about his dismissal;
  - h. There were no special circumstances;
  - i. There was no employee representative and no trade union recognised (or trade union representative).
8. I decide that the Claimant is entitled to a Protective Award, and that the protected period commenced on 24 October 2022.
9. As there was no consultation and there were no special circumstances I award 90 days' pay.
10. The Claimant told me that the Secretary of State has agreed his weekly pay at £505.
11. The separate claims made against the 2<sup>nd</sup> Respondent were the subject of discussion between them during a break in the hearing and terms of settlement were agreed. I made a note of them in my record of proceedings. The claims against the 2<sup>nd</sup> Respondent will be dismissed 21 days from today (on 15 September 2023) unless the Claimant applies to have a new hearing date before then (to be done only if the terms of settlement are not implemented by the 2<sup>nd</sup> Respondent).

Employment Judge Housego  
Date 25 August 2023

Judgment & reasons sent to the Parties on 15 September 2023

For the Tribunal Office