



EMPLOYMENT TRIBUNALS

Claimant: Mrs N Hill and others

Respondent: (1) B&W Machinery Limited (In Creditors Voluntary Liquidation)
(2) Karpa Engineering Solutions Ltd
(3) Secretary of State for Business, Energy, and Industrial Strategy

Heard at: Manchester Employment Tribunal

On: 04 September 2023

Before: Employment Judge M Butler
Ms MT Dowling
Mr AJ Gill

Representation

Claimants: Mrs KD Muhammad (from the Citizens Advice Bureau)
First respondent: No attendance
Second Respondent: Mr K Parker (Head of Company)
Third Respondent: No attendance

JUDGMENT

1. The claimants withdrew their claims for wrongful dismissal at this hearing. These claims are dismissed on withdrawal by all claimants against the first, second and third respondent. There are no outstanding money claims and therefore no claims that could affect the third respondent.
2. The tribunal makes a declaration that the transferor has failed to inform or consult the claimants, they being affected employees, in relation to a relevant transfer, pursuant to Regulations 13, 14 and 15 of the Transfer of Undertakings (Protection of Employment) Regulations 2006.
3. The tribunal orders that compensation be paid to the affected employees, in the sums of:
 - a. Mrs Hill, the sum of £3,042 (13 weeks x £234 weekly gross pay)
 - b. Mr Arrowsmith, the sum of £ 5,460 (13 weeks x £420 weekly gross pay)
 - c. Mr Susco, the sum of £6,760 (13 weeks x £520 weekly gross pay)

Case No: 2402406/22, 2402407/2022, 2402408/2022, 2402410/2022

- d. Mr Pendleton, the sum of £6,760 (13 weeks x £520 weekly gross pay)
4. The first and second respondent are jointly and severally liable for the compensatory awards detailed at paragraph 3.

Employment Judge Mark Butler

Date: 04 September 2023

JUDGMENT SENT TO THE PARTIES ON

19 September 2023

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Case No: 2402406/22, 2402407/2022, 2402408/2022, 2402410/2022

Case Number

2402406/2022

2402407/2022

2402408/2022

2402410/2022

Claimant Name

Mrs N Hill

Mr A Susco

Mr D Arrowsmith

Mr B Pendleton



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case numbers: 2402406/22, 2402407/2022, 2402408/2022, 2402410/2022

Name of cases: Mrs N Hill v 1. B&W Machinery Limited (In
Mr A Susco Creditors Voluntary
Mr D Arrowsmith Liquidation)
Mr B Pendleton 2. Karpa Engineering
Solutions Ltd
3. Secretary of State for
Business, Energy & Industrial
Strategy

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 19 September 2023

the calculation day in this case is: 20 September 2023

the stipulated rate of interest is: 8% per annum.

For the Employment Tribunal Office