



EMPLOYMENT TRIBUNALS

Claimants: Mrs N Hill, Mr A Susca, Mr D Arrowsmith, Mr B Pendleton

Respondents:

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

CERTIFICATE OF CORRECTION

Employment Tribunals Rules of Procedure 2013

Under Rule 69, the judgment sent to the parties on 04 September 2023 is corrected, as set out in block type at paragraph 3(c) of the corrected judgment.

02 October 2023

Employment Judge Mark Butler
Date: 02 October 2023

SENT TO THE PARTIES ON

9 October 2023

FOR THE TRIBUNAL OFFICE



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 (CORRECTED PURSUANT TO RULE 69 OF THE EMPLOYMENT TRIBUNAL RULES OF PROCEDURE)

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 **SUSCA**, the sum of £6,760 (13 weeks x £520 weekly gross pay)
 - 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_02 October 2023_____

JUDGMENT SENT TO THE PARTIES ON

9 October 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.



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 Creditors Voluntary Liquidation)**
Mr A Susca
Mr D Arrowsmith **2. Karpa Engineering Solutions Ltd**
Mr B Pendleton **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.**

S Harlow
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:

www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.