



EMPLOYMENT TRIBUNALS

Claimant: Miss Amanda Stewart and others
Respondent: PARC (Essex) Limited
Heard at: East London Hearing Centre (hybrid)
On: 28 February 2023, 23 March 2023, 11 April 2023
Reconsideration 7 August 2023
Before: Employment Judge Townley
Members: Mr M Wood
Ms G Forrest

Representation

For the Claimant: In person
For the Respondent: Mr C McCann (Trustee, PARC (Essex) Limited)

JUDGMENT ON RECONSIDERATION

Upon reconsideration the judgment of the Tribunal is that:

1. The request for reconsideration of Miss Stewart's protective award for failure to consult is granted.
2. The request for reconsideration of Ms Dodge's protective award for failure to consult is granted.
3. The request for reconsideration of Ms Howett's awards for unfair dismissal and a redundancy payment is granted.
4. The tribunal has of its own initiative reconsidered and varied the protective awards for failure to consult for all of the claimants.
5. The Claimants are therefore entitled to payments from the Respondent as follows:
 - 5.1 The Respondent is ordered to pay Tierney Butcher (Case number 3203994/2022) the total sum of £3241.60;
 - 5.2 The Respondent is ordered to pay Suzanne Dodge (Case number 3204409/2022) the total sum of £10,032.30;

- 5.3 The Respondent is ordered to pay Jayne Dow (Case number 3204411/2022) the total sum of £15,849.03;
- 5.4 The Respondent is ordered to pay Lisa Earley (Case number 3204408/2022) the total sum of £7727.21;
- 5.5 The Respondent is ordered to pay Emma Frearson (Case number 3204407/2022) the total sum of £21936.61;
- 5.6 The Respondent is ordered to pay Chris Frisbee (Case number 3203778/2022) the total sum of £12203.05;
- 5.7 The Respondent is ordered to pay Niamh Gibson (Case number 3203961/2022) the total sum of £10252.95;
- 5.8 The Respondent is ordered to pay Georgia Gray (Case number 3203971/2022) the total sum of: £14794.82;
- 5.9 The Respondent is ordered to pay Jono Hale (Case number 3203977/2022) the total sum of: £15810.36;
- 5.10 The Respondent is ordered to pay Jessica Howett (Case number 3203993/2022) the total sum of £1590.95;
- 5.11 The Respondent is ordered to pay Amanda Hurford (Case number 3204574/2022) the total sum of £1774.68;
- 5.12 The Respondent is ordered to pay Sarah Hutchinson (Case number 3204021/2022) the total sum of £12658.09;
- 5.13 The Respondent is ordered to pay Ross Lines (Case number 3203970/2022) the total sum of £12062.85;
- 5.14 The Respondent is ordered to pay Lawrence Lubbock (Case number 3203962/2022) the total sum of £14275.26;
- 5.15 The Respondent is ordered to pay Kira North (Case number 3204053/2022) the total sum of £7115.67;
- 5.16 The Respondent is ordered to pay Ian Ridgewell (Case number 3204022/2022) the total sum of £5113.85;
- 5.17 The Respondent is ordered to pay Callum Riordan (Case number 3203999/2022) the total sum of £7140;
- 5.18 The Respondent is ordered to pay Jake Simmonds (Case no 3203961/2022) the total sum of £939.41;
- 5.19 The Respondent is ordered to pay Sam Smith (Case number 3204267/2022) the total sum of £4628.11;
- 5.20 The Respondent is ordered to pay Amanda Stewart (Case number 3203963/2022) the total sum of £13086.43;

5.21 The Respondent is ordered to pay Lesley Whitfield (Case number 3203972/2022) the total sum of £10474.70.

REASONS

1. On 25 June 2023, Ms Stewart on behalf of herself and Ms Dodge, asked for their respective protective awards for failure to consult to be reconsidered. Ms Stewart had received a nil protective award for failure to consult and Ms Dodge had received a lower award than some of her colleagues who lesser periods of continuous service than she had. Ms Stewart questioned both awards on both grounds. On the same date, Ms Stewart also asked us to reconsider Ms Howett's awards for unfair dismissal and redundancy. This was on the basis that Ms Howett's start date for her continuous employment on her contract of employment was 10 March 2020 (as opposed to 3 December 2020 which had been provided on her schedule of loss). With the request for reconsideration, Ms Stewart provided the tribunal with a copy of Ms Howett's contract of employment. We agreed to reconsider these awards pursuant to Rules 70 - 72 of The Employment Tribunal Rules of Procedure. Furthermore, in light of our decision to consider the protective awards for failure to consult in respect of Ms Stewart and Ms Dodge, we decided, of our own initiative, to reconsider the protective awards for failure to consult that we had made to all the other claimants, pursuant to Rule 73 and Rule 72(2) of The Employment Tribunal Rules. We reconsidered our decision in relation to these awards on 7 August 2023.
2. Our previous decision in relation to all the claimants' protective awards for failure to consult at paragraph 7 of the original judgment stated:
 - '7. Protective award for failure to consult: We have awarded a sum equivalent to one week's pay for each week of the protected period of 90 days (12 weeks), each of the Claimants who were entitled to claim this award by virtue of having two years' continuous employment.'
3. On reconsideration that was wrong because we had initially off-set the Claimants' protective awards by any awards made for pay in lieu of notice. This had the effect of reducing the protective award for Claimants with longer periods of service. We had also declined to make protective awards for failure to consult to claimants who did not have two years' continuous service. We consider that these were regrettable errors, and that it is in the interests of justice, pursuant to rule 70 ET Rules, to reconsider the judgment in this respect and to re-calculated the protective awards for all claimants. Accordingly, paragraph 7 of the reserved judgment and the respective calculations of the claimants' protective awards at paragraphs 16 – 26 of the original judgment are reconsidered as below.
4. On reconsideration the judgment is now:

Case Number: 3203961/2022 & others

- ‘7. Protective award for failure to consult: We have awarded a sum equivalent to one week’s pay for each week of the protected period of 90 days (12 weeks) to all of the Claimants as they all are entitled to claim this award.’
5. Our previous decision in relation to Ms Howett’s awards at paragraph 25 stated:

‘25. Jessica Howett (Case number 3203993/2022)

Unfair Dismissal – No award (requirement of two years continuous service not met.)

Redundancy Pay: No award (requirement of two years continuous service not met)

Protective award for failure to consult: no award (requirement of two years continuous service not met)

Unpaid wages (4 weeks x £37.78) £151.12

Holiday pay £5.04

Notice pay £75.56

Breach of contract: No separate award

TOTAL SUM AWARDED: £231.72’

6. On reconsideration the judgment is now:

‘25. We consider that Ms Howett is entitled to awards for unfair dismissal and redundancy on the basis that she had two years’ continuous employment at the time of her redundancy. Ms Howett’s contract of employment , which was provided to us in support of her application for reconsideration, states that the start date of her period of continuous employment was 10 March 2020 (as opposed to 3 December 2020 which was the date which had been provided in her schedule of loss). We accept the date as specified in the contract of employment and make the following awards:

Unfair Dismissal: (£0.00 + £468.09 + £400) £868.09

Redundancy Pay: (2 weeks x £37.78 x 0.05 (under 21)): £37.78

Protective award for failure to consult: (£37.78 x 12): £453.36

Unpaid wages (4 weeks x £37.78) £151.12

Holiday pay £5.04

Notice pay £75.56

Breach of contract: No separate award

TOTAL SUM AWARDED: £1590.95'

7. The Reconsidered Protective Awards for failure to consult for all claimants, upon reconsideration, are now:

16 Tierney Butcher (Case number 3203994/2022)

Unfair dismissal (A) £0 plus (B) £1418.50 plus (C) £420 = £1838.50

Redundancy pay (4 years x £50 gross weekly wages (under 21)) £200

Reconsidered Protective award for failure to consult revised amount (£50 x 12) £600.00

Unpaid wages £413.10

Holiday pay not specified and no award made)

Notice pay (4 weeks @£50) £200

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £3241.60

17 Suzanne Dodge (Case number 3204409/2022)

Unfair dismissal () £0.00 + £0.00 + £477.63 = £477.63

Redundancy pay (7 years x £299 gross weekly pay) £2093

Reconsidered protective award for failure to consult (299 x 12) £3588

Unpaid wages £1148.92

Holiday pay £631.75

Notice Pay (7 weeks x £299) £2093

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £10,032.30

18 Jayne Dow (Case number 3204411/2022)

Unfair dismissal £0.00 + £6542.56 + £420 = £6962.25

Redundancy Pay (7 years x £232.75) £2443.88

Reconsidered Protective award for failure to consult (12 x £232.75): £2793.00

Unpaid wages (£232.75 gross weekly wage x 4) £931

Holiday pay £1555.15

Notice pay (5 weeks x £232.75) £1163.75

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £15,849.03

19 Lisa Earley (Case number 3204408/2022)

Unfair dismissal (£0.00 + £2987.25 + £525.00 = £3512.25.

Redundancy Pay (7 years x £152) £912

Reconsidered Protective award for failure to consult (£152x12) £1824

Unpaid wages (£152 x 4) £1216

Holiday pay £250.80

Notice pay £12.16

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £7727.21

20 Emma Frearson (Case number 3204407/2022)

Unfair dismissal ((0.00 + £7629.30 + £617.85 = £8247.15

Redundancy Pay (8 years x £382.50) £3060

Reconsidered Protective award for failure to consult: (£382.50 x 12) £4590

Unpaid wages (£382.50 x 4) £1530

Holiday pay £1071

Notice pay £3060

Outstanding Maternity pay £380.46

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £21936.61

21 Chris Frisbee (Case number 3203978/2022)

Unfair dismissal £0.00 + £1204.49 + £581.11= £1785.60

Redundancy Pay (4 weeks x £365.96) £1463.84

**Reconsidered Protective award for failure to consult:
(£365.96 x 12) £4391.54)**

Unpaid wages (4 weeks x £365.96) £1463.84

Holiday pay £826.25

Notice pay £1463.84

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £12203.05

22 Niamh Gibson (Case number 3203961/2022)

Unfair dismissal (£0.00 + £0.00 + £634.20 = £634.20

Redundancy Pay (5 weeks x £356.25) £1068.75

**Reconsidered Protective award for failure to consult:
(£356.25 x 12) £4275.00**

Unpaid wages (4 weeks x £356.25) £1425

Holiday pay £1068.75

Notice pay £1781.25

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £10252.95

23 Georgia Gray (Case number 3203971/2022)

Unfair dismissal £0.00 + £5636.83 + £670.99 = £6307.82

Redundancy Pay (6 weeks x £345) £1035

**Reconsidered Protective award for failure to consult:
(£246 x 12) £4140.00**

Unpaid wages (4 weeks x 245) £1380

Holiday pay £207

Notice pay £1725

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £14794.82

24 Jono Hale (Case number 3203977/2022)

Unfair dismissal (£0.00+ £.0.00 + £660.21 = £660.21

Redundancy Pay (9 weeks x £416.62) £3124.65

**Reconsidered Protective award for failure to consult:
(£416.62 x 12) £4999.44**

Unpaid wages (4 weeks x 416.62) £1666.48

Holiday pay £1620

Notice pay £3739.58

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £15810.36

25 Jessica Howett (Case number 3203993/2022)

We consider that Ms Howett is entitled to an award for unfair dismissal and redundancy on the basis that she had two years' continuous employment at the time of her redundancy. We have also revised her protective award for failure to consult. Ms Howett's contract of employment, which was provided to us in support of her application for reconsideration, states that the start date of her period of continuous employment was 10 March 2020 (as opposed to 3 December 2020 which had been provided in her schedule of loss). We accept the date as specified in the contract of employment and make the following awards:

**Reconsidered Unfair Dismissal: (£0.00 + £468.09 + £400)
£868.09**

**Reconsidered Redundancy Pay: (2 weeks x £37.78 x 0.05
(under 21)): £37.78**

**Reconsidered Protective award for failure to consult:
(£37.78 x 12): £453.36**

Unpaid wages (4 weeks x £37.78) £151.12

Holiday pay £5.04

Notice pay £75.56

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £1590.95

26 Amanda Hurford (Case number 3204574/2022)

Unfair dismissal £0.00+£352.01+£425.00= £777.01

Redundancy Pay (4 weeks x £33.25) £199.50

**Reconsidered Protective award for failure to consult:
(£33.25 x 12) £399.00**

Unpaid wages (4 weeks x £33.25) £199.50

Holiday pay £33.42

Notice pay £166.25

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £1774.68

27 Sarah Hutchinson (Case number 3204021/2022)

Unfair dismissal £0.00 + £4447.44 + £420 = £4867.47

Redundancy Pay (2 weeks x £359.22) £1077.66

**Reconsidered Protective award for failure to consult:
£359.22 x 12) £4310.64**

Unpaid wages (4 weeks x £359.22) £1436. 88

Holiday pay £247

Notice pay £718.44

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £12658.09

28 Ross Lines (Case number 3203970/2022)

Unfair dismissal £0.00 + £0.00 + £832.24 = £832.24

Redundancy Pay (9 weeks x £323.90) £2753.15

**Reconsidered Protective award for failure to consult:
(£323.90 x 12) £3886.80**

Unpaid wages (4 weeks x £323.90) £1295.56

Holiday pay £380

Notice pay £2915.10

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £12062.85

29 Lawrence Lubbock (Case number 3203962/2022)

Unfair dismissal £0.00 + £2293.60 + £653.00 = £2946.60

Redundancy Pay (2 weeks x £546.75) £1093.50

**Reconsidered Protective award for failure to consult:
(£546.75 x 12) £6561.00**

Unpaid wages (4 weeks x £546.75) £2187

Holiday pay £1421.55

Notice pay £65.61

Breach of contract: No separate award

RECONSIDERED TOTAL AMOUNT AWARDED: £14275.26

30 Kira North (Case number 3204053/2022)

Unfair dismissal £0.00 + ££655.23 + £420.00 = £1075.23

Redundancy Pay (4 weeks x £ 215.73) £862.92

**Reconsidered Protective award for failure to consult:
(£215.73 x 12) £2588.76**

Unpaid wages (4 weeks x £215.73) £1725.84

Holiday pay Nil (no claim)

Notice pay £862.92

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £7115.67

31 Ian Ridgewell (Case number 3204022/2022)

Unfair Dismissal – No award made (requirement of two years continuous service)

Redundancy Pay: No award made (requirement of two years continuous service not met)

**Reconsidered Protective award for failure to consult:
(237.50 x 12) £2850**

Loss of wages (4 weeks x £237.50) £950

Holiday pay £363.85

Notice pay £950

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £5113.85

32 Callum Riordan (Case number 3203999/2022)

Unfair dismissal – No Unfair Dismissal Claim

Redundancy Pay (4 weeks x £272) £544

**Reconsidered Protective award for failure to consult:
(£272 x 12) £3264**

Loss of wages (4 weeks x £272) £1088

Holiday pay £1156

Notice pay £1088

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £7140

33 Jake Simmonds (Case no 3204268/2022)

Unfair dismissal – No unfair dismissal claim

Redundancy Pay (3 weeks x £37.82) £56.73

**Reconsidered Protective award for failure to consult: (£37
x 12): £939.41**

Unpaid wages £277.56

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Holiday pay Nil (no claim)

Notice pay £151.28 (4 weeks)

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £939.41

34 Sam Smith (Case number 3204267/2022)

Unfair dismissal £0.00 + £462.67 + £420.00 = £882.67

Redundancy Pay (6 weeks x £146.88) £514.08

**Reconsidered Protective award for failure to consult:
(£146.88 x 12) £1762.56**

Unpaid wages (4 x £146.88) £587.52

Holiday pay Nil (no claim made)

Notice pay £881.28

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £4628.11

35 Amanda Stewart (Case number 3203963/2022)

Unfair dismissal £0.00 + £0.00 + £565.90

Redundancy Pay (13 weeks x £258.73) £4139.68

**Reconsidered Protective award for failure to consult:
(£258.73 x 12) £3104.76**

Unpaid wages (4 x 258.73) £1034.92

Holiday pay £1136.41

Notice pay £3104.76

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £13086.43

36 Lesley Whitfield (Case number 3203972/2022)

Unfair dismissal £0.00 + £1134.13+ £526.47 = £1660.60

Redundancy Pay (8 weeks x £261.25) £2090

**Reconsidered Protective award for failure to consult
£261.25 x 12) £3135**

Unpaid wages (4 x £261.25) £1045

Holiday pay £454.10

Notice pay £2090

Breach of contract: No separate award

RECONSIDERED TOTAL SUM AWARDED: £10474.70

**Employment Judge L Townley
Dated: 17 October 2023**