



EMPLOYMENT TRIBUNALS

Claimant: Ms C Ayres and 14 others
Respondent: Clements Limited (in Administration) (1)
Secretary of State for Business, Energy and Industrial Strategy (2)
Heard at: Leicester Hearing Centre, Kings Court, 5A New Walk, Leicester, LE1 6TE
Decided on the papers
On: 3 November 2023
Before: Employment Judge Adkinson sitting alone

JUDGMENT

UPON considering the claimants' application for reconsideration dated 26 July 2023

UPON noting that the application was made late because of the personal circumstances of the claimants' solicitor and that those circumstances represent a good reason for delay in making the application and therefore it is appropriate to extend time to present the application for reconsideration

UPON having expressed the provisional view that the application should be allowed, and that provisional view was sent to the parties on 15 August 2023

UPON having permitted each respondent 7 days from when the Tribunal sent the provisional view to the parties to indicate if they consented, objected or took no view in relation to the application for reconsideration and Tribunal's proposal

UPON neither respondent making any submissions in reply

UPON informing the parties alongside its provisional view that the Tribunal proposed to deal with the application on the papers but that any party may apply within 7 days from when the Tribunal sent the provisional view to the parties for an oral hearing.

UPON none of the parties requesting an oral hearing and the Tribunal still being satisfied the matter can be disposed of on the papers

UPON noting there has been a significant delay referring the matter back to the Employment Judge and that the delay is not attributable to the parties but is prejudicial to the claimants who are unable to claim their protective award until the application is determined

and 14 others

UPON considering the evidence filed by the claimant with its application shows that the original decision was factually incorrect, and that the divers claimants were dismissed on divers dates between 21 September 2022 and 4 November 2022

UPON considering that it is necessary in the interest of justice therefore to allow the reconsideration and amend the judgment accordingly

UPON considering **Trade Union and Labour Relations (Consolidation) Act 1992 section 189(4)** and noting the start date of a protected period cannot be before the dismissal takes effect except in circumstances that do not apply here

AND UPON considering in particular Tribunal rules 2, 5 and Tribunal rules 70 to 73

AND for the reasons expressed in the above recitals

IT IS THE TRIBUNAL'S JUDGMENT THAT

1. The claimant's application for reconsideration succeeds;
2. For paragraph 2 of the Tribunal's judgment dated 13 June 2023 there is substituted the following:

"The first respondent must pay to each claimant dismissed between 21 September 2022 and 4 November 2022 inclusive because of their redundancy a protective award equivalent to remuneration for the period of 90 days beginning on the date they were dismissed."

Employment Judge Adkinson

Date: 3 November 2023

JUDGMENT SENT TO THE PARTIES ON

.....3rd November 2023.....

.....

FOR THE TRIBUNAL OFFICE

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.