



EMPLOYMENT TRIBUNALS

Claimant: Mr K Carr and others as named on the attached schedule

Respondent: Norstead Limited “In Administration”

Rule 96 party: Secretary of State for Business and Trade

JUDGMENT ON LIABILITY AND REMEDY

Employment Tribunals Rules of Procedure 2013 – Rule 21

The Judgment of the Employment Tribunal is as follows:

1. The claimants’ claims under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 (“the 1992 Act”) of a failure by the respondent to comply with the requirements of section 188 of the 1992 Act are well-founded.
2. The Tribunal orders the respondent, by way of protective award under section 189 (3) of the 1992 Act, to pay to the claimants listed on the attached schedule a payment equivalent to remuneration for the period of 90 days beginning on 24 February 2023.
3. The Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1986 apply to this award. The protected period is the period of 90 days beginning on 24 February 2023.
4. The respondent is advised of the provisions of Regulation 6 of the Employment Protection (Recoupment of Jobseeker’s Allowance and Income Support) Regulations 1996, such that, within 10 days of the decision in these proceedings or as soon as is reasonably practicable, the respondent must comply with the provisions of Regulation 6 of the 1996 Regulations and, in particular, must supply to the Secretary of State the following information in writing: a. the name, address and national insurance number of the employee to whom the award relates; b. the date of termination of the employment of the employee.

Case No:2501442/2023 and others as listed on the attached schedule

5. The respondent will not be required to make any payment under the protective award until it has received a recoupment notice from the Secretary of State or notification that the Secretary of State does not intend to serve a recoupment notice having regard to the provisions of Regulation 7(2). The Secretary of State must normally serve such recoupment notice or notification on the employer within 21 days of receipt of the required information from the respondent.

REASONS

1. The claimants submitted their ET1 form to the Employment Tribunal on 22 May and 13 June 2023. Copies of the claim forms were forwarded to the respondent at their registered office address by the Tribunal on 21 June 2023 and 7 July 2023 and the respondent had until 19 July 2023 and 4 August to file a response.
2. The respondent entered into administration on 28 February 2023. The administrator wrote to the Tribunal on 3 July 2023 stating that they agreed to lifting the moratorium to enable the claims to proceed but did not intend to admit or defend any claim.
3. On 28 February 2023 the administrators told the claimants that the business was closing and that they were dismissed with immediate effect. The first dismissal took effect on 24 February 2023 and the last dismissal took place on 28 February 2023. The respondent dismissed as redundant 52 employees between 24 February 2023 and 28 February 2023.
4. There was no proper warning or consultation undertaken with a recognised trade union or the claimants. There was no consultation with the claimants and no employee representatives had been elected or appointed for any such consultation within section 188A of the 1992 Act.
5. In the circumstances, the respondent is in breach of the duty under section 188 of the 1992 Act and the Tribunal makes an award under section 189 in favour of the claimants for the maximum protected period of 90 days commencing on 24 February 2023.
6. The respondent is advised of the provisions of regulation 6 of the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996, such that, within ten days of the decision in these proceedings being promulgated or as soon as is reasonably practicable, the respondent must comply with the provisions of regulation 6 of the 1996 Regulations and, in particular, must supply to the Secretary of State the following information in writing:
 - a. The names, addresses and national insurance numbers of the claimants to whom the award relates; and
 - b. The date of termination of the employment of the claimants.
7. The respondent will not be required to make any payment under the protective award until it has received a recoupment notice from the Secretary of State or notification that the Secretary of State does not intend to serve a recoupment notice having regard to the provisions of regulation 7(2). The Secretary of State must normally serve such recoupment notice or notification on the employer within 21 days of receipt of the required information from the respondent.
8. As no response has been received by the Tribunal from the Respondent, the above Judgment has been entered without a hearing on the basis of the information provided by the claimants and in accordance with Rule 21 of the Employment Tribunal Rules of Procedure 2013.

Case No:2501442/2023 and others as listed on the attached schedule

Employment Judge Arullendran

Date: 15 January 2024

Note: This has been a remote hearing which has not objected to by the parties. The form of remote hearing was on the papers. A face to face hearing was not held because it was not practicable, no-one requested the same and all the issues could be determined in a remote hearing.

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.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>

Case No:2501442/2023 and others as listed on the attached schedule

Multiple Schedule Norstead Limited

Multiple:

| Case Number | Case Name |
|--------------|--|
| 2501442/2023 | Mr Kyle Carr -v- Norstead Limited (In Administration) |
| 2501443/2023 | Mr Kyle Carr -v- Norstead Limited Norstead Limited (In Administration) |
| 2501444/2023 | Mrs Angela Adams -v- Norstead Limited Norstead Limited (In Administration) |
| 2501445/2023 | Mr Wayne Atkinson -v- Norstead Limited Norstead Limited (In Administration) |
| 2501446/2023 | Mr Adam Bagnall -v- Norstead Limited Norstead Limited (In Administration) |
| 2501447/2023 | Mr Christopher Baister -v- Norstead Limited Norstead Limited (In Administration) |
| 2501448/2023 | Mr Rashpal Bassi -v- Norstead Limited Norstead Limited (In Administration) |
| 2501449/2023 | Mr Andrew Bell -v- Norstead Limited Norstead Limited (In Administration) |
| 2501450/2023 | Mr John Benstead -v- Norstead Limited Norstead Limited (In Administration) |
| 2501451/2023 | Mr Martin Bonner -v- Norstead Limited Norstead Limited (In Administration) |
| 2501452/2023 | Mr Ollie Brooks -v- Norstead Limited Norstead Limited (In Administration) |
| 2501453/2023 | Mr David Burns -v- Norstead Limited Norstead Limited (In Administration) |
| 2501454/2023 | Mr Paul Byworth -v- Norstead Limited Norstead Limited (In Administration) |
| 2501455/2023 | Mr Dean Corbin -v- Norstead Limited Norstead Limited (In Administration) |
| 2501456/2023 | Mr Chris Cowlard -v- Norstead Limited Norstead Limited (In Administration) |
| 2501457/2023 | Mr Ken Davis -v- Norstead Limited Norstead Limited (In Administration) |
| 2501458/2023 | Mr Michael Davison -v- Norstead Limited Norstead Limited (In Administration) |
| 2501459/2023 | Mrs Sandra De Redder -v- Norstead Limited Norstead Limited (In Administration) |
| 2501460/2023 | Mrs Ashlee Donaldson -v- Norstead Limited Norstead Limited (In Administration) |
| 2501461/2023 | Mr Christopher Dornan -v- Norstead Limited Norstead Limited (In Administration) |
| 2501462/2023 | Mr Thomas Druce -v- Norstead Limited Norstead Limited (In Administration) |
| 2501464/2023 | Mr Ian Flood -v- Norstead Limited Norstead Limited (In Administration) |
| 2501465/2023 | Mr Phillip Grieve -v- Norstead Limited Norstead Limited (In Administration) |
| 2501466/2023 | Mr Rob Harris -v- Norstead Limited Norstead Limited (In Administration) |
| 2501467/2023 | Mr Matthew Harrison -v- Norstead Limited Norstead Limited (In Administration) |
| 2501468/2023 | Mr Dave Hellmuth -v- Norstead Limited Norstead Limited (In Administration) |
| 2501469/2023 | Mr Colin Hodgkins -v- Norstead Limited Norstead Limited (In Administration) |
| 2501470/2023 | Mr Danny Hopkins -v- Norstead Limited Norstead Limited (In Administration) |
| 2501471/2023 | Mr Peter Jamieson -v- Norstead Limited Norstead Limited (In Administration) |
| 2501472/2023 | Mr Mark Jenkins -v- Norstead Limited Norstead Limited (In Administration) |
| 2501473/2023 | Mr Sean Johnson -v- Norstead Limited Norstead Limited (In Administration) |
| 2501474/2023 | Mr Paul Kennington -v- Norstead Limited Norstead Limited (In Administration) |
| 2501475/2023 | Mr Phillip Kibble -v- Norstead Limited Norstead Limited (In Administration) |
| 2501476/2023 | Mr Gary Kirtley -v- Norstead Limited Norstead Limited (In Administration) |
| 2501477/2023 | Mr Edward Mackel -v- Norstead Limited Norstead Limited (In Administration) |
| 2501478/2023 | Mr Neil Mcnally -v- Norstead Limited Norstead Limited (In Administration) |
| 2501479/2023 | Mr Stephen Milburn -v- Norstead Limited Norstead Limited (In Administration) |
| 2501480/2023 | Mr Phillip Moore -v- Norstead Limited Norstead Limited (In Administration) |
| 2501481/2023 | Mr Mark Newell -v- Norstead Limited Norstead Limited (In Administration) |
| 2501482/2023 | Mr Tom O'Donoghue -v- Norstead Limited Norstead Limited (In Administration) |

Case No:2501442/2023 and others as listed on the attached schedule

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| 2501483/2023 | Mr Andrew Ormond -v- Norstead Limited Norstead Limited (In Administration) |
| 2501484/2023 | Mr Karl Prendergast -v- Norstead Limited Norstead Limited (In Administration) |
| 2501485/2023 | Mr Adam Robinson -v- Norstead Limited Norstead Limited (In Administration) |
| 2501486/2023 | Mr Malcolm Robinson -v- Norstead Limited Norstead Limited (In Administration) |
| 2501487/2023 | Mr Alan Short -v- Norstead Limited Norstead Limited (In Administration) |
| 2501488/2023 | Mr Darren Stolk -v- Norstead Limited Norstead Limited (In Administration) |
| 2501489/2023 | Mr Kieran Summerson -v- Norstead Limited (In Administration) |
| 2501490/2023 | Mr Christopher Sword -v- Norstead Limited (In Administration) |
| 2501506/2023 | Mr Dale Thompson -v- Norstead Limited (In Administration) |
| 2501507/2023 | Mr Stephen McAndrew -v- Norstead Limited (In Administration) |