



# EMPLOYMENT TRIBUNALS

**Claimants:** (1) Mr G Douglas and others (see Appendix 1)

**Respondents:** (1) Garth Bakery Ltd – in Administration  
(2) Secretary of State for Business, Energy and Industrial Strategy (Rule 96 only – not a formal Respondent)

**Heard at:** Cardiff (by CVP)                      **On:** 8 January 2024

**Before:** Employment Judge C Sharp  
(sitting alone)

**Representation:**

Claimants: Mrs M Hall (CAB)

Respondents: Not in attendance

## JUDGMENT

The judgment of the Employment Judge sitting alone is that:

1. The claim brought by Kacey Lyons (1600517/23) is dismissed on the basis that they did not have standing to bring claims due to the failure to show that they were an employee of the Respondent as at 8 November 2022;
2. The complaint that the Respondent failed to comply with a requirement of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 is well founded.
3. The Tribunal makes a protective award in respect of all employees of the Respondent who were employees at the single establishment operated by the Respondent at its premises at Pontcynon Industrial Estate, Pontcynon, Abercynon, Mountain Ash CF45 4EP (the establishment) who were dismissed as redundant on or after 8 November 2022. Appendix 1 to this Judgment sets out the names of the affected employees known to the Tribunal at this time.

**Case Numbers: 1600511/23 & others - Multiple 1600203 (see Appendix 1)**

4. The Tribunal orders the Respondent to pay those employees remuneration for the protected period of 90 days beginning on 8 November 2022. The Recoupment Regulations apply.
5. This judgment does not prevent a claim being made to the Secretary of State for payment from the National Insurance fund in respect of the Respondent's liability.

Employment Judge C Sharp

Dated: 8 January 2024

JUDGMENT SENT TO THE PARTIES ON 17 January 2024

FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS Mr N Roche

**NOTE:**

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

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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/>

## APPENDIX 1: CLAIMANTS WITHIN THESE PROCEEDINGS

1600473/2023	Mr Scott Jones
1600474/2023	Mr Mathew Lee
1600475/2023	Miss Julie Lyons
1600476/2023	Miss Patricia Lock
1600477/2023	Mr Christopher James
1600478/2023	Mr Shay Davies
1600479/2023	Miss Jacqueline Pike
1600480/2023	Miss Kelly Brown
1600481/2023	Miss Emily Hayman
1600482/2023	Miss Lynne Bebb
1600483/2023	Miss Angela Evans
1600484/2023	Miss Becca Leigh Mahagan
1600485/2023	Mr Gareth Jones
1600486/2023	Mr Stephen John
1600487/2023	Mr Nigel James
1600488/2023	Mr Darren John
1600489/2023	Miss Sue Francis
1600490/2023	Miss Beth Jones
1600491/2023	Miss Amy Evans
1600492/2023	Mr Anthony Flynn
1600493/2023	Mr Nigel Collier
1600494/2023	Mr Paul Collins
1600495/2023	Miss Casey Jones
1600496/2023	Mr John Allan
1600497/2023	Mr Michael Evans
1600498/2023	Miss Hayley Jones
1600499/2023	Mr Nathan James
1600500/2023	Miss Gillian Denning
1600501/2023	Mr Daniel Pugh
1600503/2023	Mr Ryan Douglas
1600504/2023	Miss Sharon Edwards
1600505/2023	Mr Charlie Edwards
1600506/2023	Mr Nigel Hughes
1600507/2023	Mr Clive Davies
1600508/2023	Miss Mellissa James-Douglas
1600509/2023	Miss Patricia Davies

**Case Numbers: 1600511/23 & others - Multiple 1600203 (see Appendix 1)**

1600510/2023	Mr Stephen Mitchell
1600511/2023	Mr Gavin Douglas
1600512/2023	Miss Julie Gregory
1600513/2023	Miss Jenna Clifton
1600514/2023	Miss Michelle Hughes
1600515/2023	Mr James Jones
1600516/2023	Miss Maria Davies
1600518/2023	Miss Amy Smith
1600519/2023	Mr Huw Phillips
1600520/2023	Miss Kimberely Hatch
1600521/2023	Miss Betty Rees
1600522/2023	Mr John Alan Hughes
1600523/2023	Miss Dawn Davies
1600524/2023	Miss Samantha King
1600525/2023	Mr Darran Powell
1600526/2023	Miss Carole Hill
1600527/2023	Mr David Moore
1600528/2023	Miss Karan Door
1600529/2023	Miss Angel Toogood
1602916/2023	Mr Mark Gowen
1602917/2023	Rebecca Richards
1602918/2023	Paula James
1602919/2023	Alan James
1602920/2023	Mark Williams

## **ANNEX TO THE JUDGMENT**

### Recoupment of Jobseeker's Allowance, income-related Employment and Support Allowance, universal credit and Income Support Protective Awards

Under the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996, it is the responsibility of the respondent to inform the Department for Work and Pensions (DWP) of the following information in writing:

- a) name, address and National Insurance number of every employee the award relates to; and
- b) the date of termination (or proposed termination) of every employee the award relates to.

This information should be sent to the DWP within 10 days of the judgment being announced at the hearing or within 10 days of the date that the judgment was sent to the parties if the judgment was reserved. If it is not reasonably practicable for the respondent to meet this deadline, the information must be sent as soon as is reasonably practicable after the 10 day period.

The remuneration due to an employee under the award should not be paid immediately. This is because the Department for Work and Pensions (DWP) has the right to recover (recoup) any Jobseeker's Allowance, income-related Employment and Support Allowance, universal credit or Income Support which it paid to the claimant after dismissal. This will be done by way of a Recoupment Notice which will be sent to the respondent usually within 21 days of receiving the above information from the respondent.

When the DWP sends the Recoupment Notice, the respondent must pay the amount specified in the Notice by the Department. The balance of the remuneration under the award is then payable to the employee(s) subject to the deduction of any tax or social security contributions. If the DWP informs the respondent that it does not intend to issue a Recoupment Notice, the respondent must immediately pay the whole of the remuneration to the claimant.

The claimant will receive a copy of the Recoupment Notice from the DWP. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the DWP in writing within 21 days. The tribunal has no power to resolve such disputes which must be resolved directly between the claimant and the DWP.