



EMPLOYMENT TRIBUNALS

Claimants: Mr D Argentin & Others (1400754/2023)
Mr K Fitchett (2201947/2023)

Respondent: (1) Optiplan Kitchens Limited (in Administration)
(2) The Secretary of State for Business, Energy, and Industrial Strategy

Heard at: Bristol (remotely by Video Link)

On: 11 December 2023

Before: Employment Judge Hastie

Representation

| | |
|------------------------------------------|--------------------------------------------------|
| For the Claimant Mr D Argentin & Others: | Ms N Toner (solicitor) |
| For the Claimant Mr K Fitchett: | Mr O Keefe (counsel) |
| For the First Respondent: | Did not attend |
| For the Second Respondent: | Did not attend (written submissions provided) |

JUDGMENT

1. Claim 140766/2023 in the name Martyn Davies is dismissed on withdrawal, being a duplicate of the claim in the name of Martin Davies.
2. Claim 1400790/2023 in the name Josh Higgins is amended to name Joshua Higgins as the Claimant.
3. The claims are brought within the time limit (s189(5) Trade Union and Labour Relations Act 1992).
4. The Claimants are entitled to bring the claims in their own names.
5. All the claims in relation to a protective award are well founded and succeed.

6. A protective award is made in favour of each of the Claimants (Mr K Fitchett and the Claimants on the attached schedule),
7. The duration of the award shall be for 90 days in each case, and the Respondent is ordered to pay remuneration to each Claimant for a protected period commencing 30 November 2022.
8. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award.
9. The remaining claims were stayed until 11 March 2024.

Employment Judge Hastie
Date: 11 December 2023

Judgment sent to the Parties: 25 January 2024

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.

SCHEDULE Case No: 1400754/2023 & 2201947/2023

| Claimant name: | | Case number: |
|----------------|----------------|--------------|
| Denis | Argentin | 1400754/2023 |
| David | Armitage | 1400755/2023 |
| Sarah | Astwood | 1400756/2023 |
| Matthew | Ball | 1400757/2023 |
| Krzysztof | Bautsz | 1400758/2023 |
| Oliver | Bligh | 1400906/2023 |
| Denise | Broadbank | 1400759/2023 |
| Martin | Burberry | 1400760/2023 |
| Richard | Clarke | 1400761/2023 |
| Rebecca | Cole | 1400762/2023 |
| Richard | Cooper | 1400763/2023 |
| Rachel | Curtis | 1400764/2023 |
| Jorge | | |
| Junior | Da Silva Souza | 1401269/2023 |
| John | Darby | 1400765/2023 |
| Martin | Davies | 1400904/2023 |
| Christopher | Dawson | 1400767/2023 |
| Kelvin | Dell | 1401051/2023 |
| Keegan | Dias | 1400768/2023 |
| Mario | Dias | 1400769/2023 |
| Kimberley | Dobner | 1400770/2023 |
| Arthur | Dolling | 1400771/2023 |
| Anna-Marie | Dutton | 1400772/2023 |
| Ryan | Ellison | 1400773/2023 |
| Maureen | Elliston | 1400774/2023 |
| Jill | Eustace | 1400775/2023 |
| Jesus | Fernandes | 1400776/2023 |
| Malcolm | Fernandes | 1400777/2023 |
| Michael | Fernandes | 1400778/2023 |
| Rumaldo | Fernandes | 1400779/2023 |
| Charlie | Field | 1400780/2023 |
| Philip | Fraser | 1400781/2023 |
| Louise | Gale | 1400782/2023 |
| Richard | Garstang | 1400783/2023 |
| Julie | Gatter | 1400784/2023 |
| Julie-Ann | Giles | 1400785/2023 |
| Thomas | Grey | 1400786/2023 |
| Christopher | Griffin | 1400787/2023 |
| Wendy | Hall | 1400788/2023 |
| Kevin | Hallett | 1400789/2023 |

**Case Number: 1400754/2023
& 2201947/2023
(schedule attached)**

| | | |
|-----------|--------------|--------------|
| Joshua | Higgins | 1400790/2023 |
| Darren | Higham | 1400791/2023 |
| Paul | Holmes | 1400792/2023 |
| Kevin | Jacobs | 1400793/2023 |
| Linda | John | 1400794/2023 |
| Amber | Kamugisha | 1400795/2023 |
| Wayne | Kearns | 1400796/2023 |
| Andrew | Kevern | 1400797/2023 |
| Katherine | King | 1400798/2023 |
| Michael | King | 1400905/2023 |
| Chun | | |
| Shing | Lai | 1400799/2023 |
| Daryl | Lancaster | 1400800/2023 |
| Daniel | Lloyd | 1400801/2023 |
| Antonio | Lobo | 1400802/2023 |
| | Lopes Mendes | |
| Arsenio | Pacheco | 1400803/2023 |
| David | Martin | 1400804/2023 |
| Stuart | McCaig | 1400805/2023 |
| Glenn | McCarthy | 1400806/2023 |
| Alan | Mckissick | 1400807/2023 |
| Robert | Mills | 1400808/2023 |
| Tahirah | Mohd Nasir | 1400908/2023 |
| Beverly | Morgan | 1400809/2023 |
| Tina | Morse | 1400810/2023 |
| Christina | Murphy | 1400972/2023 |
| Simon | Myles | 1400811/2023 |
| Intzar | Nawaz | 1400812/2023 |
| Dawid | Neumann | 1400974/2023 |
| Robert | O'Callaghan | 1400813/2023 |
| Maciej | Okonek | 1400814/2023 |
| Grace | Osborne | 1400815/2023 |
| Benjamin | Parkinson | 1400816/2023 |
| Richard | Parsley | 1400817/2023 |
| Rares- | | |
| Vasile | Persa | 1400818/2023 |
| Anthony | Phillips | 1400819/2023 |
| Joao | Pinto | 1400820/2023 |
| Max | Pinto | 1400821/2023 |
| Daniel | Pitts | 1400973/2023 |
| Donna | Playle | 1400822/2023 |
| Simon | Price | 1400823/2023 |
| Leanne | Randall | 1400824/2023 |
| Anthony | Rebelo | 1400825/2023 |
| Paul | Roberts | 1400826/2023 |

**Case Number: 1400754/2023
& 2201947/2023
(schedule attached)**

| | | |
|-------------|-----------|--------------|
| Victorio | Rodrigues | 1400827/2023 |
| Paul | Rose | 1400828/2023 |
| Steven | Rosindale | 1400829/2023 |
| Ryan | Simons | 1400830/2023 |
| Neil | Smalley | 1400831/2023 |
| Christopher | Smith | 1401050/2023 |
| Peter | Smith | 1401152/2023 |
| Janet | Staines | 1400832/2023 |
| Margaret | Stevens | 1400833/2023 |
| Hayley | Thomas | 1400834/2023 |
| Kerrie | Thornton | 1400835/2023 |
| Warren | Titcombe | 1400836/2023 |
| Angel | Turner | 1400907/2023 |
| Charlotte | Wakefield | 1400837/2023 |
| Lewis | Wakefield | 1400838/2023 |
| Shaun | Webb | 1400996/2023 |
| Allen | Webster | 1400839/2023 |
| Brian | Werrell | 1400840/2023 |
| Joseph | Witts | 1400841/2023 |
| Harry | Wrathmall | 1400842/2023 |