



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Mazzucchi and others as named on the attached schedule

**Respondent:** Crownfold Limited “In Voluntary Liquidation”

## 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 16 June 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 16 June 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:2502181/2023 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 14 September 2023. A copy of the claim form was forwarded to the respondent at their registered office address by the Tribunal on 16 October 2023 and the respondent had until 13 November 2023 to file a response.
2. The respondent went into voluntary liquidation on 5 July 2023. The liquidator wrote to the Tribunal on 19 October 2023 stating that they did not intend to admit or defend any claim.
3. On 16 June 2023 the respondent told the claimants that the business was closing and that they were dismissed with immediate effect. The first dismissals took effect on 16 June 2023. The respondent dismissed as redundant 27 employees on 16 June 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 16 June 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:2502181/2023 and others as listed on the attached schedule**

**Employment Judge Arullendran**

Date: 13 February 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](http://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 Number:-**

**Claimant Name:-**

2502181/2023	Mr Matthew Mazzucchi
2502182/2023	Ms Lindsey Marshall
2502183/2023	Mr Stephen Scott
2502184/2023	Mr Alan Forster
2502185/2023	Mr Daniel Harvey
2502186/2023	Mr Steven Suddes
2502187/2023	Mr Christopher Havery
2502188/2023	Mr Stuart Hambleton
2502189/2023	Ms Leslie Rowe
2502190/2023	Ms Leanne Kitching
2502192/2023	Mr Andrew Peacock