



EMPLOYMENT TRIBUNALS

Claimant: Miss V Alexander & Others

Respondent: 1. Lesko Park and Leisure Homes Limited (in Administration)
2. Secretary of State for Business, Energy & Industrial Strategy

JUDGMENT

1. The First Respondent has failed to comply with a requirement of section 188 of the Trade Union & Labour Relations (Consolidation) Act 1992. The claim for a protective award succeeds.
2. The Tribunal makes a protective award in respect of the claimants who worked at the respondent's establishment at Lesko Developments Ltd Unit 1, The Links, Peterborough, PE2 6BJ and who were dismissed as redundant on or after 4 May 2023 that the employer pay remuneration for the protected period which begins on 4 May 2023 and is for a period of 90 days. The Recoupment Regulations apply.

REASONS

1. There are 33 claimants.
2. The Claimants appear to have presented their claims within the statutory time limit.
3. It appears that the Claimants were employed at the same establishment at Lesko Developments Ltd Unit 1, The Links, Peterborough, PE2 6BJ and were made redundant on or after 4 May 2023.
4. The Claimants assert that there was no recognised trade union or elected employee representatives.

5. It appears that 20 or more employees at the establishment were made redundant or placed at risk of redundancy, on or within 90 days of 4 May 2023.
6. The Claimants claim that they were dismissed during this period without any consultation having taken place.
7. The First Respondent has not filed a response. The Second Respondent has filed a response but states that it has only ticked yes (at 6.1 of the ET3) to facilitate submission of the ET3 and that the Secretary of State is joined as an interested party in his role as statutory guarantor, and neither supports nor resists the claims. In these circumstances it would be disproportionate to convene a hearing.
8. There appears to be no reason to depart from the principle that protective awards are punitive and should be for the maximum period unless there are circumstances making it just not to do so.

Employment Judge Graham

Date 2 April 2024

JUDGMENT & REASONS SENT TO THE PARTIES ON

.....2 April 2024.....

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FOR THE TRIBUNAL OFFICE

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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/>

Multiple Schedule

Multiple: 3301068 - LESKO PARK AND LEISURE HOMES LIMITED

Case Number	Case Name
3310245/2023	Miss Victoria Alexander
3310246/2023	Mr Jarbas Alves Borges
3310247/2023	Mr Dmitrijs Arhipovs
3310248/2023	Mr Daniel Barratt
3310249/2023	Mr Brandon Condren
3310250/2023	Mr Claudio Consolmagno
3310251/2023	Mr Jamie (James) Cranston
3310252/2023	Mr Joseph Davies
3310253/2023	Mr Boguslaw Dudzinski
3310254/2023	Mrs Carol Gilbert
3310255/2023	Mr Casey Gittos
3310256/2023	Mr Maciej Gorczyca
3310257/2023	Mr Paul Hackett
3310258/2023	Mr Paul Hackett
3310259/2023	Mr Matthew Herron
3310260/2023	Mr Noel Hines
3310261/2023	Mr Darius Jucevicius
3310262/2023	Mr Daniel Lazuk
3310263/2023	Mr Kamil Lewandowski
3310264/2023	Mr Bartosz Lewandowski
3310265/2023	Mr Przemyslaw Malyszko
3310266/2023	Mr Sebastian Moch
3310267/2023	Mr AlexandruGeorge Paste
3310268/2023	Mr Daniel Pedrosa
3310269/2023	Mr Luiz Pedrosa
3310270/2023	Mrs Heather Pilkington
3310271/2023	Mr Damien Reed
3310272/2023	Mr Raimondas Ruskys
3310273/2023	Mr Naheem Sadiq
3310274/2023	Mr Kyle Santoro
3310275/2023	Mr Grzegorz Sobecki
3310276/2023	Mr Liam Storey
3310277/2023	Mr Nicki Yorke