



EMPLOYMENT TRIBUNALS

Claimants: Mr J Jones & Others (see schedule)

**Respondents: (1) Consumer Choices Limited (in administration) (2)
Secretary of State for Business and Trade**

JUDGMENT

- 1) The First Respondent has failed to comply with the provisions of section 188 of the Trade Union & Labour Relations (Consolidation) Act 1992 by not electing or consulting with appropriate employee representatives.
- 2) The Claimants are each entitled to a protective award for a period of 90 days beginning on 7th August 2023.
- 3) The Respondent is under a duty to provide the required information to the Secretary of State under regulation 5 (2) (6) of the Employment Protection (Recoupment of Benefits) Regulations 1996 and in respect of any remuneration to which they are entitled from the First Respondent under this protective award payment is stayed pursuant to regulations 7 and 8.
- 4) The hearing listed on 10th January 2024 is vacated.

REASONS

1. It is clear from the written representations and supporting documentation submitted on 12th December 2023 by the lead Claimant, Mr J Jones, on behalf of all claimants that there was no consultation before dismissing as redundant more than 20 employees at a single establishment, Unit 7 Callflex Business Park, Wath upon Dearne, Rotherham.
2. Absent any trade union or elected employee representatives each employee so dismissed, which includes all the individually named Claimants, is entitled to present a claim for a protective award.

Cases No:1805553/2023 & Others (see schedule)

3. There has been no Response submitted on behalf of the First Respondent, and therefore no explanation offered for the failure to consult even though it is apparent that the company was in financial difficulties and therefore sought advice from insolvency practitioners, now the appointed administrators as early as 13th June 2023.

4. It is therefore just and equitable to make the awards for the maximum 90 day period (though it is acknowledged that under the relevant legislation the Second Respondent will not be obliged to make payment for that full period).

5. The Recoupment Provisions apply, though it is anticipated that no monies will actually be received directly from the insolvent former employer, but that the incidence of benefits will be separately and further accounted for under the relevant regulations when determining the amount payable by the Second Respondent from the redundancy insurance fund

Employment Judge Lancaster

Date: 6th January 2024

Cases No:1805553/2023 & Others (see schedule)

Schedule

1805553/2023 Mr Jake Jones -v- Consumer Choices
1805554/2023 Mr Jake Jones -v- Consumer Choices
1805555/2023 Mr Evan Jones -v- Consumer Choices
1805556/2023 Mr Joseph Clark -v- Consumer Choices
1805557/2023 Mr Luke Edelenyi -v- Consumer Choices
1805558/2023 Miss Cherrelle Burke -v- Consumer Choices
1805559/2023 Miss Abbie Leyland -v- Consumer Choices
1805560/2023 Mr Brandon Smith -v- Consumer Choices
1805561/2023 Miss Bobbyjo Scargill -v- Consumer Choices
1805562/2023 Mr James Grierson -v- Consumer Choices
1805563/2023 Miss Jennifer Kodaleva -v- Consumer Choices
1805564/2023 Mrs Jessica Kodaleva -v- Consumer Choices
1805565/2023 Mr Mareks Aleksandris -v- Consumer Choices
1805566/2023 Miss Heaven-Leigh Steers -v- Consumer Choices
1805567/2023 Mr Casey Marshall -v- Consumer Choices
1805568/2023 Mr Dylan Holt -v- Consumer Choices
1805569/2023 Miss Ellis Walker -v- Consumer Choices
1805570/2023 Mrs Amy Jones -v- Consumer Choices
1805571/2023 Mr Jay Samways -v- Consumer Choices
1805572/2023 Miss Kerry Roberts -v- Consumer Choices
1805573/2023 Mr Ben Vickers -v- Consumer Choices
1805574/2023 Mr Tom West -v- Consumer Choices
1805575/2023 Miss Ebony Adamson -v- Consumer Choices
1805576/2023 Mr David Hampton -v- Consumer Choices
1805577/2023 Mrs Sara Spencer -v- Consumer Choices
1805578/2023 Mr Timothy Wood -v- Consumer Choices
1805579/2023 Mr Mac Varley -v- Consumer Choices
1805580/2023 Mr Michael Kennelly -v- Consumer Choices
1805581/2023 Mr Aidan Rowley -v- Consumer Choices
1805582/2023 Mrs Sarah Beeks -v- Consumer Choices
1805583/2023 Mr Samir Ali -v- Consumer Choices
1805584/2023 Mr Alex Jessop -v- Consumer Choices
1805585/2023 Mr Owen Nightingale -v- Consumer Choices
1805586/2023 Miss Georgie Smith -v- Consumer Choices
1805587/2023 Miss Abigail Wheeler -v- Consumer Choices
1805588/2023 Miss Leigh Wheeler -v- Consumer Choices
1805589/2023 Miss Paige Miles -v- Consumer Choices
1805590/2023 Mr James Hughes-Lawson -v- Consumer Choices
1805591/2023 Mr Suneil Singh Diggpal -v- Consumer Choices
1805592/2023 Mr David Griffiths -v- Consumer Choices
1805593/2023 Miss Kirstin Bowmar -v- Consumer Choices
1805594/2023 Mr Jamie Deaves -v- Consumer Choices
1805595/2023 Miss Kendal Shaw -v- Consumer Choices
1805596/2023 Mr Tom Sanders -v- Consumer Choices
1805597/2023 Mr Paul Marsh -v- Consumer Choices

Cases No:180553/2023 & Others (see schedule)

1804940/2023 Mr Paul Marsh -v- Consumer Choices

1805598/2023 Mr Spencer Mockler -v- Consumer Choices

1805599/2023 Mr Lee Portman -v- Consumer Choices

1805600/2023 Miss Amy Hadfield -v- Consumer Choices

1805601/2023 Mr Richard Griffiths -v- Consumer Choices

1805602/2023 Mr James Kitching -v- Consumer Choices