

MR D BRAMLEY AND MR E J BOGDANIEC

Claimants

v

S&P REALISATIONS 2023 LIMITED (IN ADMINISTRATION)

Respondent

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**JUDGMENT BY CONSENT**

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**UPON** reading the joint application submitted by the Respondents on behalf of all the parties

**AND UPON** the parties having agreed to the terms of the Judgment set out below by consent

The Judgment of the Employment Tribunal made under Rule 64 of Schedule 1 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 is that:

**1. Protective Award**

1.1 The Respondent failed to adequately comply with a requirement of section 188 of the Trade Union & Labour Relations (Consolidation) Act 1992 and the claim for a protective award brought under section 189 of the Trade Union & Labour Relations (Consolidation) Act 1992 succeeds.

1.2 The redundancies were made immediately following the appointment of Joint Administrators due to the financial position of the Company. Prior to the Administrators appointment employees had been kept fully informed about the Company's precarious financial position, but this would not constitute formal redundancy consultation.

1.3 The Respondent is ordered to pay remuneration for a protected period of 90 days beginning on 3 July 2023 (being the date on which the first of the dismissals to which the complaint relates took effect) to the Claimants.

**2. Preferential debts**

2.1 Subject to the normal categories of preferential debts set out in Schedule 6 of the Insolvency Act 1986, any payments made by the Respondent (rather than the Secretary of State) pursuant to this Judgment will be paid as an unsecured dividend.

**3. Costs**

3.1 There shall be no order as to costs and each party shall bear their own costs in these proceedings.

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**Employment Judge Victoria Butler**

**Dated: 29 May 2024**

JUDGMENT SENT TO THE PARTIES ON

....30 May 2024.....

AND ENTERED IN THE REGISTER

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