



EMPLOYMENT TRIBUNALS

Claimants: Mr D Ashley and others

Respondent: (1) Loscoe Chilled Foods Limited (in Administration)
(2) Secretary of State for Business, Energy & Industrial Strategy

Heard at: Nottingham

On: 2 May 2024

Before: Employment Judge McTigue sitting alone

Representation

Claimants: Mr P Harthan, Counsel
First Respondent: No appearance
Second Respondent: No appearance

JUDGMENT

1. Mr Steven Ross was appointed joint administrator of the First Respondent and confirmed on 9 June 2023 that he does not object to the claim continuing.
 2. No response has been presented to this claim by the First Respondent. The Secretary of State is an interested party and is the Second Respondent in these proceedings. The Tribunal has considered the written submissions of the Second Respondent before reaching its decision.
 3. This is a single claim made by all the Claimants contained in the attached schedule ("the Claimants"). The Claimants were employed by the First Respondent. The First Respondent failed to organise the election of employee representatives and to consult the Claimants in accordance with sections 188 and 188A of the Trade Union and Labour Relations (Consolidation) Act 1992 ("TULCRA").
 4. The Employment Tribunal declares that the First Respondent has failed to comply with its obligations under section 188 and 188A of the Trade Union and Labour Relations (Consolidation) Act 1992 and makes a protective award under section 189 of that Act in favour of the Claimants contained in the attached schedule for a period of 90 days starting on the 20 March 2023.
 5. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply to this award.
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Employment Judge McTigue

Date: 2 May 2024

JUDGMENT SENT TO THE PARTIES ON

....10 May 2024.....

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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.

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/>

SCHEDULE OF CLAIMANTS

Name

Dean Ashley

Philip Bartram

Andrew Bostwick

Steven Bett

David Booth

Matthew Bramhall

Ian Brooks

Paul Brooks

Julie Brougham

Lisa Brown

Ross Carlin

Nicholas Chambers
Justyna Czachorowska

Martin Dooley

Michele Dorning

Nandini Dronavalli

Jason East

Emma East

John Fletcher

Paige Froggett

Kevin Gaunt

Stefan Gayer

Emily Gibson

Simon Gore

Chris Hakin

Darren Hale

Sarah Heathcote

Summer Heir

Thomas Horrocks

Phil Hlland

David Hunt

Chris Jacob

Steven James

Paula Knighton

Ewelina Krzesinska

Sabina Krzyzanowska

Pawel Krzyzanowski

Graeme Langley

Sandra Leivers

Pawel Leniec

Kirsty Longdon

Elizabeth Lovell

Julia Marriott

Jacqueline Martin

Arron Mee

David Mullard

Sona Nezvalova

Gylin Nkosi

Lisa Parkin

Karen Pickering

Marie Plant

Natalie Prabucka

Anna Prabucka

Steven Purdy

Helen Quienti

Antony Sharp

Katie Slater

Angela Slater

Ewa Sliwa

Carl Spencer

Thomas Spicer

Leann Swift

Aneta Tatarczuch

Rachel Tennick

Reece Thornton

Charlotte Vardy

Karen Whitehouse

John Wright