

Cases No: 1800483/2024, 1800486/2024, 1800764.2024, 1800799/2024,
1800866/2024, 1800962/2024, 1801001/2024, 1801035/2024 & 1801244/2024



EMPLOYMENT TRIBUNALS

Claimants:

- (1) Mr R Trigg
- (2) Mr F Wade
- (3) Miss M Hastings
- (4) Miss N Sutton
- (5) Mrs K Collier
- (6) Mr P Haigh
- (7) Mr J Pickles
- (8) Mrs E Harriott
- (9) Mr D Emery

Respondents: (1) SSB Group (in administration)
(2) Secretary of State for Business and Trade

AT A PRELIMINARY HEARING

Heard at: Leeds by CVP video conferencing **On:** 17th June 2024
Before: Employment Judge Lancaster

Representation

Claimants:

- (2) (5) (6) & (7) in person
- (1) Did not attend but represented for today's purposes by Mr Haigh
- (3) (4) (8) & (9) Did not attend but had sent apologies confirmed their intention to proceed.

Respondents:

- (1) No appearance entered, and the administrators had confirmed that they would not be in attendance .
- (2) Written submissions put in by way of Response, and had confirmed that they would not be in attendance

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 29th November 2023.

3) The First 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.

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4) Any other complaints contained within the Claim Forms are stayed for a period of 3 months pending consent to proceed from the administrators or formal withdrawal.

REASONS

1. It is clear from the evidence given to me today, principally by Mr Haigh, and corroborated by the other Claimants who were also in attendance, that all the above named Claimants were within a group of more than 20 employees – including all those other Claimants in this consolidated claim who are not yet included within the term of this judgment - employed at a single establishment Navigation House, 1 South Quay Drive, Sheffield or the immediately adjacent building, and who were made redundant within a 90 day period following the first such redundancy on 29th November 2023.

2. It is further clear from the evidence which I have heard and accept that there was no consultation before dismissing all affected employees as redundant

2. Absent any recognized trade union or other representative body upon the failure to elect employee representatives to consult on the collective redundancies each employee so dismissed, which includes all the individually named Claimants, is entitled to present a claim for a protective award.

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 from the papers that the business was in financial difficulties from at least about September 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
17th June 2024

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>