



EMPLOYMENT TRIBUNALS

Claimant: Ms K Lukaszewska
Ms I Golonka
Ms R Odedra

Respondents: West Cambs Federation CIC (in voluntary liquidation)
Secretary of State for Business and Trade

Heard at: Cambridge (by CVP)

On: 27 January 2025

Before: Employment Judge MJ Smith

REPRESENTATION:

Claimant: Mr Cormac Devlin (Barrister); Ms Julia Hutton (Trade Union observer)

Respondent: Not represented

JUDGMENT

The judgment of the Tribunal is as follows:

1. The Respondent has failed to comply with a requirement of section 188 of the Trade Union and 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 Priory Fields Surgery as clinical pharmacists and who were dismissed as redundant on or after 9 January 2024 that the employer pay remuneration for the protected period which begins on 9 January 2024 and is for a period of 90 days. The Recoupment Regulations apply.
3. The First Respondent is in voluntary liquidation. The Second Respondent is not represented in these proceedings. As the First Respondent is in voluntary liquidation there is no need for permission to be obtained for any claim to continue.

REASONS

- 1 The claimants were employed at the same establishment at Priory Fields Surgery, Redshank House, Kingfisher Way, Huntingdon, Cambridgeshire PE26 6FN (“the establishment”) and were made redundant on or after 9 January 2024.
- 2 There were no elected employee representatives or a recognised trade union at the establishment.
- 3 20 or more employees at the establishment were made redundant or placed at risk of redundancy, on or within 90 days of 9 January 2024.
- 4 The claimants were dismissed during this period without any consultation having taken place.
- 5 The last of the dismissals occurred on 9 January 2024, so all the claims are likely to have been presented within the time limit in section 189(5)(b) of the Trade Union and Labour Relations (Consolidation) Act 1992.
- 6 The first respondent, which is in voluntary liquidation, has not filed a response and its administrators have neither agreed to nor contested the claim for protective award proceedings. The second respondent has not filed a response to the claim.
- 7 There is 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.
- 8 The claimants have all received payments from the Insolvency Service. These payments are to be taken into account when determining any future money owed to the claimants.

Approved by

Employment Judge MJ Smith

4 February 2025

Judgment sent to the parties on:

3 March 2025

For the Tribunal:

Notes

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/