Case Number: 6009392/2024

EMPLOYMENT TRIBUNALS

Claimant: Mr Andrew Scarrott

Respondent: Permacoat Limited

JUDGMENT

The respondent's application dated 30 June 2025 for reconsideration of the judgment sent to the parties on 17 June 2025 is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked for the following reasons.

2. The ACAS Code of Practice states that redundancy consultation must be meaningful and an employer should be able to show they have genuinely considered any suggestions or points made by the employee, even if they do not accept them.

3. The claimant was informed in a 15 minute Teams on 24 May 2024 call that he was being made redundant with no prior notice of the purpose of the meeting, and the redundancy was implemented by the respondent with effect from that day.

4. The findings of the Tribunal were that in the meeting on 24 May 2025, the claimant was informed of the decision to make him redundant; he was not consulted about a proposal to make him redundant.

5. The Tribunal further concluded that the decision to make the claimant redundant had already been taken on 30 April 2025.

6. The respondent's request for reconsideration is a request to reduce the period of time over which consultation could reasonably have been expected to occur from 4 weeks.

7. The first ground relied on is that no reasonable employer would have carried out a four week consultation process in circumstances where the Tribunal had concluded that there were no alternatives to the claimant's redundancy. This argument does not have reasonable prospects of success. The Tribunal reached this conclusion following a two day hearing in which witness evidence was

considered and detailed representations made by the claimant including about the profitability of his part of the business and how, with training, he could have taken on the combined Head of Sales role. These were matters that should properly and thoroughly been investigated and considered during a fair consultation process.

8. The claimant was in a senior role and the disagreement between the parties on the profitability figures put forward by each side during the hearing demonstrated some complexity in the business case that the claimant should have been given an adequate period of time to challenge. A fair process would need to have allowed him sufficient time to collate the figures on which he wished to rely, given him time to present them and to counter any representations made by the respondent. There were then separate issues to be considered about the claimant's suitability for the combined Head of Sales role. A four week consultation period, to allow for adequate time following the initial information meeting to consider both the redundancy proposal and then, further the impact on the claimant and whether he would have been suitable for the combined Head of Sales position, is not outside the range of time that a reasonable employer may have allowed for a fair process to have taken place.

9. The second ground relied on is that the respondent's size and administrative resources were not taken into consideration in reaching the decision. This is not correct. The fact that the respondent had only ten employees was expressly referred to in the oral Judgment as a relevant factor.

10. The third ground relied on is that an employer seeking to make 20-99 employees redundant would be required to provide 30 days' consultation prior to confirming dismissal for redundancy and that it is unreasonable to expect almost identical consultation standards when dismissing only one employee. This argument is flawed and has no reasonable prospect of succeeding. The requirements of section 188 Trade Union & Labour Relations (Consolidation) Act 1992, (section 188) in relation to collective consultation are that "Consultation shall begin in good time and in any event … *at least* 30 days… before the dismissals take effect". The 30 days is a minimum period; but consultation may need to last longer in order satisfy the other requirements set out in section 188. For individual consultations, consultation should be meaningful and last for enough time for the respondent to genuinely consider any suggestions or points made by the employee. The length of a fair consultation process, in both collective and individual redundancies, will therefore vary depending on the complexity of the issues to be discussed.

11. The respondent's request for reconsideration is therefore refused.

Approved by

Employment Judge Halliday
Date: 18 August 2025

JUDGMENT SENT TO THE PARTIES ON
9 September 2025

Jade Lobb
FOR THE TRIBUNAL OFFICE