



EMPLOYMENT TRIBUNALS

Claimant

Mr Mykhailo Korneliuk

Respondents

- V First Respondent:** Patrick James Long, William Stephen Long & the personal representations of Patrick William Long (deceased) t/a 'Lutton Farm Partnership'
- Second Respondent:** the personal representations of Patrick William Long (deceased)
- Third Respondent:** Patrick James Long
- Fourth Respondent:** William Stephen Long
- Fifth Respondent:** Lutton Farms Limited (in voluntary liquidation)
- Sixth Respondent:** The Secretary of State - The Insolvency Service

Heard at: Cambridge (by CVP)

On: 6 June 2025

Before: Employment Judge Skehan

Appearances

For the claimant: Ms Stopina unregistered barrister acting as legal assistant.
For the respondents: Not represented.

JUDGMENT

Employment Tribunals Rules of Procedure 2024 – Rule 22

1. The respondents have failed to comply with a requirement of section 188 of the Trade Union & Labour Relations (Consolidation) Act 1992 (TULRCA). The claim for a protective award made by the claimant as an individual against the First to Fifth respondents under S189 TULRCA succeeds.
2. The Tribunal makes a protective award in respect of the claimant who worked at the First to Fifth respondents' establishment at the Lutton Farm location and was dismissed as redundant on 3 May 2024 that the respondents pay remuneration for the protected period which begins on 11 April 2024 and is for a period of 90 days. The Recoupment Regulations apply.

3. The claimant's claims for unauthorised deduction from wages for wages from 8 April 2024 to 3 May 2024 and holiday pay are well founded. The First Respondent, Second Respondent, Third Respondent, Fourth Respondent and the Fifth Respondent, on a joint and several basis, must pay the below amounts within 14 days from the date of this Judgment:
 - a. Payment for unauthorised deduction from wages
 - i. Arrears of pay in the sum of **£2022.02**
 - ii. Unpaid accrued but untaken holiday pay in the sum of **£221.02**

REASONS

1. All claimants in claim numbers 3306035/2024 - 3306065/2024 were employed at Lutton Farm (the establishment). The claimant was made redundant on 3 May 2024. There was no recognised trade union or elected employee representatives at the establishment. 20 or more employees at the establishment were placed at risk of redundancy, on or within 90 days of 11 April 2024. The claimants were dismissed during this period contrary to the statutory requirements.
2. The last of the dismissals occurred on 3 May 2024, so all the claims are likely to have been presented within the time limit contained in section 189(5)(b) of the Trade Union & Labour Relations (Consolidation) Act 1992.
3. No reason has been shown 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. It was submitted on behalf of the claimant that the protective award should run from 11 April 2024.
4. The claimant was dismissed by reason of redundancy but does not have 2 years service. The claimant is not entitled to a statutory redundancy payment. The claimant was not paid their wages from 8 April 2024.
5. The claimant successfully mitigated their loss following dismissal and there is no claim for notice pay.
6. This Judgment is made under Rule 22. The Fifth Respondent, Lutton Farms Limited (in voluntary liquidation), has been added as a respondent to this litigation. The Secretary of State has no objection to Lutton Farms Limited (in voluntary liquidation) being added as a respondent to this litigation. Lutton Farms Limited (in voluntary liquidation) has had full visibility this litigation and it is appropriate to add this entity to the litigation in accordance with the Employment Tribunal Rules.
7. The Tribunal acknowledges the response submitted by the Sixth Respondent, The Secretary of State on 16 September 2024 and further submission of 28 May 2025. The claim against the Sixth Respondent will be listed for a case management hearing.

Approved by:

Employment Judge Skehan

Date: 17 June 2025

Sent to the parties on:
8 July 2025

For the Tribunal Office

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