



EMPLOYMENT TRIBUNALS

Claimants: Mr. A. Berrow & Others

Respondents: (1) WSH Logistics Limited (in Administration)
(2) The Secretary of State for Business & Trade

Heard at: Birmingham **On:** 12 August 2026

Before: Employment Judge Wedderspoon

On the papers

JUDGMENT

Employment Tribunal Rules of Procedure 2024 – Rule 22

The first respondent having failed to provide a response (so not to contest the claim for a protective award) and on the information before the Judge, the judgment of the Tribunal is that:

1. The claimants' complaints against the respondent of a failure to comply with the requirement of section 188 of the Trade Union & Labour Relations (Consolidation) Act 1982 ("the Act") are well founded.
2. The Tribunal orders the respondent by way of protective award under section 189 (3) of the Act to pay each of the claimants a payment equivalent to remuneration for the period of 90 days beginning on 8 October 2025.
3. The Employment Protection (Recoupment of Job Seeker's Allowance and Income Support) Regulations 1996 apply to this award.

REASONS

1. The second respondent is joined to these proceedings as an interested party.
2. The claimants were employed by the first respondent which went into administration on 8 October 2025. The claimants brought tribunal claims on 16 January 2026 following ACAS conciliation.

3. On 31 March 2026 the Administrator of the first respondent gave consent for these proceedings to continue. By 8 June 2026 the Administrator had not presented a response to the claims.
4. On consideration of the file it is possible to issue judgment against the respondent under rule 22 of the Employment Tribunal Rules of Procedure 2024 in respect of the claim for a protective award without a hearing.
5. The Tribunal makes the following findings on the information provided in respect of the claimants' claims for a protective award for breaches of the collective consultation requirements under section 188 of the Act.
6. The respondent proposed to make 20 or more redundancies (approximately over 100 employees) at its site located at Blackmore Industrial Estate, Blackmore Park, Malvern. There were about 120 employees based at the site. There was no recognised Trade Union or Employee representative body at the first respondent. No redundancy pay or notice was paid.
7. The first respondent did not fully inform and consult with the claimants in accordance with the provisions of section 188 of the Act 1992. There was no proper warning or consultation with the claimants and no employee representatives were elected or appointed for consultation as required under section 188A of the Act. In the circumstances the respondent was in breach of the duty under section 188.
8. The first of the dismissals to which the claim relates took place on 8 October 2025. The claimants were dismissed for redundancy on and presented their employment tribunal claims on after ACAS conciliation.
9. The Tribunal makes an award under section 189 in favour of the claimants for the maximum protected period of 90 days beginning on 8 October 2025.
10. The respondent is advised of the provisions of Regulation 6 of the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 ("the Regulations").
11. Within 10 days of this decision being promulgated or as soon as is reasonably practicable the respondent must comply with the provisions of Regulation 6 of the Regulations and in particular must supply to the Secretary of State the following information in writing:
 - (a) the name address and national insurance number of every employee to whom the award relates, and
 - (b) the date of termination of the employment of each such employee. The attached schedule provides the available information in respect of each employee of this claim.
12. The first respondent will not be required to make any payment under the protective awards made until it has received a recoupment notice from the Secretary of State or notification that the Secretary of State does not intend to serve a recoupment notice having regard to the provisions of Regulation 7 (2).

The Secretary of State must normally serve such recoupment notice or notification on the employer within 21 days of receipt of the required information from the first respondent.

**Approved by
Employment Judge Wedderspoon**

Date: 12 August 2026

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Schedule

8 October 2025 the following claimants were dismissed

1300453/2026 - Alan Berrow
1300454/2026 - Christopher Bush
1300456/2026 - Krisha Harford Taylor
1300457/2026 - Christopher Hudson
1300458/2026 - John Hughes
1300459/2026 - Paul Instone
1300461/2026 - Bradley Joesbury
1300462/2026 - Shaun Nash
1300463/2026 - Robert Owen
1300465/2026 - Peter Colin Wilson
1300466/2026 - Neil Leggott

9 October 2025 1300460/2026 - Lucy Joesbury was dismissed

13 October 2025 1300455/2026 - James Franklin was dismissed