



EMPLOYMENT TRIBUNALS

Claimant: Kerry Ashforth
Respondent: Baxter Kelly Ltd (In Administration)
Interested party: Secretary of State for Business and Trade

JUDGMENT

1. The response is struck out on the ground that it has not been actively pursued.
2. Rule 22 applies and the Tribunal has decided that on the available material a determination can properly be made of the claim.
3. The Respondent proposed to dismiss as redundant 20 or more employees at one establishment within a period of 90 days or less. Those employees included the Claimant.
4. Further to that proposal, the Claimant was dismissed by reason of redundancy with effect on 13 March 2025.
5. The Respondent failed in relation to that proposal to organise the election of employee representatives and to consult with them in accordance with sections 188 and 188A of Trade Union and Labour Relations (Consolidation) Act 1992 ("TULRCA"). The Claimant's complaint pursuant to TULRCA section 189 is well founded.
6. The protected period in relation to the Claimants is 90 days, beginning on 13 March 2025.
7. The Respondent must pay the Claimant a protective award, consisting of remuneration for the protected period.

REASONS

8. By way of background to the above judgment, see the Tribunal's letter of 20 July 2026. In that letter, the Tribunal explained that, for given reasons, Employment Judge Camp was proposing to issue a judgment along the lines of the above judgment. The parties (including the interested party) were given 14 days to raise any objections. No objections have been received by the Tribunal from any them. The reasons set out in the Tribunal's letter of 20 July 2026 still apply and no

countervailing arguments or reasons have been put forward. The judgment has therefore been issued, for those reasons.

Employment Judge Camp

Approved on 15 September 2026