



EMPLOYMENT TRIBUNALS

Claimant: Mrs M Hill

Respondents: Late Rooms Limited (in Administration)

RULE 21 JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The time for presenting a response having expired, and no valid response having been presented by the respondent within the prescribed time limit, it is the judgment of the tribunal that:

1. The respondent failed to consult with the claimant as a person who may be affected by proposals to dismiss, or measures taken in connection with the dismissal of, 20 or more employees, in breach of s.188(1) of the Trade Union and Labour Relations (Consolidation) Act 1992.
2. The claimant is entitled to, and the Tribunal orders the respondent to pay, a protective award. That award is an award of remuneration for the protected period of 90 days from 2 August 2019, being the date of the first of the dismissals in respect of which the obligation to consult arose.
3. The respondent failed to pay the claimant her notice pay, and her claim of breach of contract succeeds. She was entitled to 10 weeks notice. She did not earn any sums in mitigation, nor did she receive any state benefits during the notice period. The respondent is therefore ordered to pay her the sum of **£6,250.00** (her annual salary being £32,500, £625.00 per week) as damages for breach of contract. This is a gross sum, and will be subject to the appropriate deductions for tax and national insurance.

NOTE

4. These claims arise from the Administration of the respondent, and the necessary consent to the claims proceeding has been given.
5. No response to the claims has been received, and the claims therefore succeed.
6. A protective award is a two-stage process. The Tribunal at this stage makes no financial awards but gives a judgment that the claimant is entitled to a

protective award in the terms set out above. The claimant must then seek payment of his individual award from the respondent (or the Secretary of State), quantifying the same.

7. Failure to pay, or any dispute as to the amount payable, then becomes a matter for a further separate claim under s.192 of the Trade Union and Labour Relations (Consolidation) Act 1992 for payment of the award

Employment Judge Holmes

Dated: 18 March 2021

JUDGMENT SENT TO THE PARTIES ON

22 March 2021

FOR THE TRIBUNAL OFFICE