



EMPLOYMENT TRIBUNALS

Claimant: Mrs S Davies

Respondent: Castle Meadows Nursing Home (in Creditors' Voluntary Liquidation)

Heard at: Midlands West (by Cloud Video Platform)

On: 30 November 2022

Before: Employment Judge Power (sitting alone)

Representation

Claimant: represented by Ms Claire Davies

Respondent: not represented, the claim not having been contested

JUDGMENT

The judgment of the tribunal is that:

1. The claimant's claims for unfair dismissal, holiday pay, arrears of pay, notice and statutory redundancy pay are withdrawn and dismissed.
2. The claimant's complaint under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act") of a failure by the respondent to comply with the requirements of section 188 of the 1992 Act is well-founded.
3. The claimant was employed within an establishment where the respondent was proposing to dismiss as redundant 20 or more employees within a period of 90 days or less. The respondent failed to comply with the requirement to consult with the claimant prior to dismissing her and that was a breach of s188 of the 1992 Act.
4. Under that Act the Tribunal makes a protective award in respect of the claimant. The respondent is ordered to pay remuneration to the claimant for a protected period of 90 days beginning on 18 March 2022.
5. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award.

Employment Judge Power

Date 30 November 2022