

THE INDUSTRIAL TRIBUNALS

CASE NO: 17584/20IT

BETWEEN:

UNITE THE UNION

Claimant

and

**Flybe Ltd (in administration)
now FBE Realisations 2021 Ltd,
("Flybe") arising out of its entering Administration on 5 March 2020**

Respondent

AND

CASE NO: 17585/20IT

BETWEEN:

PROSPECT

Claimant

and

**Flybe Ltd (in administration)
now FBE Realisations 2021 Ltd,
("Flybe") arising out of its entering Administration on 5 March 2020**

Respondent

JUDGMENT BY CONSENT

CONSTITUTION OF TRIBUNAL

Employment Judge (sitting alone):

Employment Judge Hamill

APPEARANCES:

The claimant was represented by Mr Derek Kane of Thompsons Solicitors.

The Respondent was represented by AM Hudson, Administrator.

In exercise of the discretion under Regulation 59 of Schedule 1 to the Industrial Tribunals and Fair Employment Tribunal (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2020 it is ordered as follows:

1. In accordance with Article 217 (2) of The Employment Rights (Northern Ireland) Order 1996 (“the 1996 Order”) the Industrial Tribunal makes a declaration that the Respondent failed to comply with the requirements of Article 216 insofar as there was no proper warning or notice given and no consultation took place.
2. The Respondent went into administration on the 5 March 2020. The Claimants were employed at the Respondent’s site in Belfast. Their employment was terminated on the 5 March 2020 with immediate effect. A further four Engineers in the bargaining unit in Northern Ireland were made redundant on or after 30 June 2021.
3. Unite the Union was the recognised trade union for collective bargaining, consultation and negotiation purposes for cabin crew employed by the respondent at Belfast City Airport. Prospect was the recognised trade union for collective bargaining, consultation and negotiation for the Engineer workforce at Belfast City Airport.
4. The Joint Administrators confirmed the Respondent would not be contesting the protective award claims. The claimants to these matters (case reference number: 17584/20IT) being all those Cabin Crew listed in Schedule 1 and all those Engineers listed in Schedule 2 (case reference number: 17585/20IT together with all those employees within the bargaining unit and the employee, **Mark Patefield** who is not within the bargaining unit.
5. By consent of the relevant parties, the Industrial Tribunal orders a protective award of 60 days’ pay in respect of all Cabin Crew and Engineers falling within the respective recognised bargaining units and the employee, **Mark Patefield** who is not within the bargaining unit for the period of 60 days beginning on the 5 March 2020 and for those Engineers made redundant on the 30 June 2021, 10 July 2021 or 17 July 2021 for the period of 60 days beginning on the date of their redundancy.
6. In accordance with the judgment by the House of Lords in *Mann & Others v Secretary of State for Employment* (1999) it is acknowledged that the claimants wish to choose the protective award period as the basis for calculating 8 weeks’ pay.
7. The Employment Protection (Recoupment of Jobseeker’s Allowance and Income Support) Regulations (Northern Ireland) 1996 (the 1996 Regulations) apply to these awards. Regulation 6 of the 1996 Regulations provides as follows:

“Duties of the employer to give information about protective awards

6.— (1) *Where an industrial tribunal makes a protective award under Article 217 against an employer, the employer shall give to the Department 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 (or proposed termination) of the employment of each such employee.*

(2) Subject to paragraph (3), the employer shall comply with paragraph (1) within the period of 10 days commencing on the day on which the industrial tribunal at the hearing announces to the parties the effect of a decision to make a protective award or (in the case where no such announcement is made) on the day on which the relevant decision is sent to the parties.

(3) Where, in any case, it is not reasonably practicable for the employer to comply with paragraph (1) within the period applicable under paragraph (2) he shall comply as soon as reasonably practicable after the expiration of that period.”

8. Subject to the normal categories of preferential debts set out in Schedule 6 of the Insolvency Act 1986, any payments made by the Respondent (rather than the Department for the Economy) pursuant to this Judgment will be paid as an unsecured dividend.
9. There should be no order as to costs.

Employment Judge:



Date: 15th of March 2022

This judgment was entered in the register and issued to the parties on:

SCHEDULE 1

**IN THE OFFICE OF THE INDUSTRIAL TRIBUNALS
AND THE FAIR EMPLOYMENT TRIBUNAL**

Case Ref No: 17584/20IT

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UNITE THE UNION

Claimant

and

**Flybe Ltd (in administration)
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Respondent

SCHEDULE 1 OF JUDGMENT BY CONSENT

No	Forename	Surname	Base
1	Terri-Ann	Baxter	Belfast City Airport
2	Deborah	Apps	Belfast City Airport
3	Linzi Michelle	Bagnall	Belfast City Airport
4	Pauline Audrey	Bayliss	Belfast City Airport
5	Nicola Louise	Berry	Belfast City Airport
6	Lisa	Blakely	Belfast City Airport
7	Lois Jayne	Blaney	Belfast City Airport
8	Philippa Louise	Bolton	Belfast City Airport
9	Shelley	Boyd	Belfast City Airport
10	Kenneth Ian	Boyd	Belfast City Airport
11	Sinead Mary Louise	Brannigan	Belfast City Airport
12	Olivia	Burgess	Belfast City Airport
13	Emma Sarah Victoria	Campbell	Belfast City Airport
14	Judith Anne	Copeland	Belfast City Airport
15	Paula	Courtney	Belfast City Airport
16	Joanne Alexandra	Cowie	Belfast City Airport
17	Allyson Kathleen	Crawford	Belfast City Airport
18	Catherine	Crowe	Belfast City Airport
19	Joanne Elizabeth	Cummings	Belfast City Airport
20	Laura	Cummings	Belfast City Airport
21	Andrew Cameron	Cunningham	Belfast City Airport
22	Danielle Rosa	De Haan Hanratty	Belfast City Airport
23	Zita Maria	Deane	Belfast City Airport

24	Kim	Dennison	Belfast City Airport
25	Lisa Martina	Dooley	Belfast City Airport
26	Stuart Ian James	Emmett	Belfast City Airport
27	Claire	Ewing	Belfast City Airport
28	Katrina	Fenton	Belfast City Airport
29	Samantha An	Fisher	Belfast City Airport
30	Louise Karen	Fleming	Belfast City Airport
31	Eva Catherine	Gage	Belfast City Airport
32	Julia Francesca	Gracey	Belfast City Airport
33	Amanda Frances	Gray	Belfast City Airport
34	Sonya Grace	Grimley	Belfast City Airport
35	Gillian Sarah	Humphrys	Belfast City Airport
36	Helen	Ingram	Belfast City Airport
37	Nicola Michelle	Jansen Van Rensd	Belfast City Airport
38	Lesley	Johnston	Belfast City Airport
39	Jacqueline May	Johnston	Belfast City Airport
40	Christina Ann	Johnston	Belfast City Airport
41	Gary Robert	Johnston	Belfast City Airport
42	Karen	Kane	Belfast City Airport
43	Catherine Karen	Kay	Belfast City Airport
44	Carol Theres	Kearney	Belfast City Airport
45	Jennifer	Keery	Belfast City Airport
46	Majella Rosemary	Kelly	Belfast City Airport
47	Trevor Hugh	Kielty	Belfast City Airport
48	Philip Alan	Land	Belfast City Airport
49	Keira Louise	Lemon	Belfast City Airport
50	Stacy	Liggett	Belfast City Airport
51	Hannah Iris Katherin	Loughrin	Belfast City Airport
52	Reagan Jean	Madden	Belfast City Airport
53	Maurice	Magennis	Belfast City Airport
54	Catherine Louise M	Maxwell	Belfast City Airport
55	Louise Sarah	McBriarty	Belfast City Airport
56	Chloe McKinley	McCabe	Belfast City Airport
57	Suzanne	McCartney	Belfast City Airport
58	Eleanor Jane	McConnell	Belfast City Airport
59	Claire Mary	McDonald	Belfast City Airport
60	Megan Rachael	McGrath	Belfast City Airport
61	Emma	McIntyre	Belfast City Airport
62	Orlagh	McKillop	Belfast City Airport
63	Michelle Jean	McKinnon	Belfast City Airport
64	Charlene	McMahon	Belfast City Airport
65	Natalie	McSorley	Belfast City Airport
66	Lynn Mary Margaret	Millar	Belfast City Airport
67	Victoria	McMahon nee Montgomery	Belfast City Airport

68	Lindsay	Mould	Belfast City Airport
69	Grainne	Mullan	Belfast City Airport
70	Lindsay	O'Connell	Belfast City Airport
71	Paula Maria	O'Hara	Belfast City Airport
72	Heather Jane	O'Neill	Belfast City Airport
73	Zenith Sonya	Page	Belfast City Airport
74	Mark	Patefield	Belfast City Airport
75	Stella Mabel	Patterson	Belfast City Airport
76	Julie-Ann Margaret	Phillips	Belfast City Airport
77	Robyn Annabel	Picken	Belfast City Airport
78	Veronica Mary	Pille-Ashe	Belfast City Airport
79	Ambyr Nicole	Piper	Belfast City Airport
80	Mark William	Price	Belfast City Airport
81	Annette Sarah	Reid	Belfast City Airport
82	Nova	Robertson	Belfast City Airport
83	Paula Laura	Ruddell	Belfast City Airport
84	Gemma Anne	Scott	Belfast City Airport
85	Ingrid Isobel	Smyth	Belfast City Airport
86	Celine Mairead	Spragg	Belfast City Airport
87	Sharon Ann Jane	Stanley	Belfast City Airport
88	Laura Anne	Stewart	Belfast City Airport
89	Joanne Victoria	Surgeon	Belfast City Airport
90	Claire Elizabeth	Thompson	Belfast City Airport
91	Margaret Laura	Thompson	Belfast City Airport
92	Ludmila	Vcelakova	Belfast City Airport
93	Katarina	Vikingsson	Belfast City Airport
94	Gill	Visser	Belfast City Airport
95	Ciara Anne	Woods	Belfast City Airport
96	Briege	Young	Belfast City Airport

SCHEDULE 2

**IN THE OFFICE OF THE INDUSTRIAL TRIBUNALS
AND THE FAIR EMPLOYMENT TRIBUNAL**

CASE NO: 17585/20IT

BETWEEN:

PROSPECT

Claimant

and

**Flybe Ltd (in administration)
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Respondent

SCHEDULE 2 OF JUDGMENT BY CONSENT

No	Forename	Surname	Base
1	Robert Stephen	Armstrong	Belfast City Airport
2	Paul Alexander	Bates	Belfast City Airport
3	Richard John	Conn	Belfast City Airport
4	Paul Malcolm	Cushley	Belfast City Airport
5	Craig James	Dempster	Belfast City Airport
6	Christopher	Devlin	Belfast City Airport
7	Neil Edmund Richard	Duncan	Belfast City Airport
8	Roy	McConville	Belfast City Airport
9	Terence Andrew	McCracken	Belfast City Airport
10	Brendan	McManus	Belfast City Airport
11	John Clement	Neill	Belfast City Airport
12	David Henry	Reid	Belfast City Airport
13	Barry Deane	Risk	Belfast City Airport
14	Paul Alan	Robinson	Belfast City Airport
15	Gordon Sidney	Thompson	Belfast City Airport
16	Stephen Edward	Wills	Belfast City Airport
17	Stephen Alexander	Wilson	Belfast City Airport