



EMPLOYMENT TRIBUNALS

Claimant: Mr G Clayden

Respondents: (1) STA Travel Ltd. (In Creditors Voluntary Liquidation)
(2) Secretary of State for Business Energy and Industrial Strategy (BEIS)

Heard at: East London Hearing Centre (by Cloud Video Platform)

On: 22 July 2021

Before: Employment Judge B Elgot

Representation

Claimant: In person
1st Respondent: Did not attend and was not represented
2nd Respondent: Written submissions

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was by Cloud Video Platform. A face to face hearing was not held because the relevant matters could be determined in a remote hearing.

JUDGMENT

1. The Claimant makes a claim for a protective award pursuant to section 189 Trade Union and Labour Relations (Consolidation) Act 1992 ('the 1992 Act') because he says that the First Respondent has failed to comply with the requirements of section 188 to consult in its procedure for handling redundancies. The claim for a protective award SUCCEEDS as set out below.
2. The claim has been presented out of time. However I am satisfied that it was not reasonably practicable for the Claimant to present his claim within the time limit set out in section 189(5). However it was reasonable for the Claimant to present his claim within the further period up to 8 March 2021.
3. The Claimant was dismissed on 2 September 2020 by reason of redundancy.
4. I am satisfied that the Claimant together with all the other salaried employees of the First Respondent was employed within a single establishment where the First

Respondent was proposing to dismiss as redundant 20 or more employees within a period of 90 days or less.

5. The First Respondent has completely failed to comply with the consultation requirements of section 188 of the 1992 Act.
6. I make a protective award in respect of the Claimant Mr George Clayden who was employed by the First Respondent on 2 September 2020 and whose employment was terminated by reason of redundancy on that date.
7. The protected period is 90 days commencing on 2 September 2020 and ending on 1 December 2020. No mitigating factors have been put forward by the First Respondent justifying a reduction of the maximum period of 90 days and I have discovered none.
8. The Employment Protection (Recoupment of Benefits) Regulations 1996 may apply to this award and the required information is as follows:-
 - i) The date of the Hearing is 22 July 2021.
 - ii) The Tribunal is located at East London Hearing Centre, Import Building, Clove Crescent, London E14 2 BE.
 - iii) The employer is STA Travel Limited (in liquidation) which has a registered office at Snow Hill, London EC1A 2AY. The appointed liquidators are Rollings Butt LLP of the same address.
 - iv) The employee to whom the award relates is Mr George Clayden.
 - v) The dates of the protected period are 2 September 2020 to 1 December 2020 (90 days).

Employment Judge B Elgot
Date: 26 July 2021