



EMPLOYMENT TRIBUNALS

Claimant: Mr D Adair & Others (See attached schedule)

Respondent: 1. HENDERSON SITE SERVICES LIMITED (in administration)
2. The Secretary of State for Business, Energy and Industrial Strategy

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

UPON reading the joint application submitted on behalf of:

1. The claimants named in Schedule 1 (the Claimants); and
2. The First Respondent.

By consent of the Claimants and the First Respondent, the Judgment of the Employment Tribunal made under Rule 64 of Schedule 1 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 is that:

1. Prior to the Company entering administration, Henderson Site Services Limited failed to comply with section 188 of the Trade Union & Labour Relations (Consolidation) Act 1992 (TULRCA) and the Claimants claim for a protective award brought under section 189 of TULRCA succeeds.
2. The Tribunal makes a protective award in respect of the Claimants of 90 days ("the Protective Award") beginning on 16.01.2023 (that being the date on which the first of the dismissals to which the complaint related took effect). The Recoupment Regulations apply.
3. The Claimants understand that the First Respondent does not have funds with which to pay unsecured debts and that any compensation payable recoverable is likely to be limited to that payable by the Redundancy Payments Service.
4. The Claimants confirm that no application is made for recovery of costs under rules 74-84 of Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 against the First Respondent.

Employment Judge Loy

Date: 15 January 2024

SCHEDULE 1

<u>Case No:</u>	<u>Claimant</u>
2500638/2023	Mr David Adair
2500639/2023	Mr Iain Ashman
2500640/2023	Mr John Bell
2500641/2023	Mr Bryan Clark
2500642/2023	Mr Mark Farrier
2500643/2023	Mr Brian Gibson
2500644/2023	Mr Andrew Gillis
2500645/2023	Mr James Henderson
2500646/2023	Mr Ethon Jackson
2500647/2023	Mr Daniel Jobling
2500648/2023	Mr Owen Jobson
2500649/2023	Mr Iain Johnston
2500650/2023	Mr Damon Martin
2500651/2023	Mr Joshua Nelson
2500652/2023	Mr Steven Nesbitt
2500653/2023	Mr David Pace
2500654/2023	Mr Carl Pickerell
2500655/2023	Mr Adam Ritchie
2500656/2023	Mr Dale Smith
2500657/2023	Mr Jack Smith
2500658/2023	Mr Steven Smith
2500659/2023	Mr Steven Turner
2500660/2023	Mrs Danielle Watson
2500661/2023	Mr Alan Wilson
2500737/2023	Ms Elizabeth Leightell
2500785/2023	Mr Dale Smith
2500808/2023	David Richard Gray
2500829/2023	Mr David Hildrew
2500830/2023	Mr James King
2500832/2023	Mr Kevin Dodds