



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S. Singh & others (see schedule)  
**Respondent:** Greenshires Group Limited (In Administration)  
**Rule 96 party:** Secretary of State for Business and Trade  
**Heard at:** Midlands (East): in chambers  
**On:** 20 September 2024  
**Before:** Employment Judge Broughton

## JUDGMENT ON LIABILITY AND REMEDY

### Employment Tribunals Rules of Procedure 2013 – Rule 21.

The Judgment of the Employment Tribunal is as follows:

The Claimant's claims 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 are well-founded.

The Tribunal orders the Respondent, by way of protective award under section 189 (3) of the 1992 Act, to pay to the Claimants a payment equivalent to remuneration for the period of 90 days beginning on **23 February 2024**

The Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1996 apply to these awards. The protected period is the period of 90 days beginning on **23 February 2024**

The Respondent is advised of the provisions of Regulation 6 of the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996, such that, within 10 days of the decision in these proceedings or as soon as is reasonably practicable, the Respondent must comply with the provisions of Regulation 6 of the 1996 Regulations and, in particular, must supply to the Secretary of State the following information in writing:

- a. the name, address and national insurance number of the employees to whom the award relates; and
- b. the date of termination of the employment of the employee.

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The Respondent will not be required to make any payment under the protective award until it has received a recoupment notice from the Secretary of State or notification that the Secretary of State does not intend to serve a recoupment notice having regard to the provisions of Regulation 7(2). The Secretary of State must normally serve such recoupment notice or notification on the employer within 21 days of receipt of the required information from the Respondent.

# **JUDGMENT**

## **Background**

1. The Claimants in these proceedings are identified in the schedule attached to this judgment (Schedule). The Schedule includes the named Claimant as the lead claim number.
2. The claim was presented on 21 May 2024. An Acas certificate was issued on 15 April 2024, with a notification date of 13 April 2024, relating to the persons named in the Schedule.
3. The Respondent is in administration and the claim was stayed. Notice was served on the Secretary of State for the Department of Business and Trade on 1 July 2024 because the claim may result in a payment out of the National Insurance Fund and they were joined as an interested party pursuant to Rule 96.
4. The Secretary of State filed a response to the claim on 5 July 2024 requesting that the Tribunal ensure that the Claimants are eligible to bring the claims but otherwise stating that he was not intending to be represented in person at any hearings.
5. The Joint Administrators provided by email of the 26 June 2024 their consent for the Claimants to pursue a protective award claim. The stay of proceedings was therefore lifted.
6. The Respondent did not serve a response to the claim.
7. I reviewed the file and considered that further information was required before deciding whether it was possible to make a Rule 21 judgment. A case management hearing was listed for 9 September 2024 to set out what further information was needed.
8. The Claimants' solicitor, Mr Ghaffoor, attended that hearing along with two of the Claimants; Mr Selinder Singh and Ms Amanda Pinney. The Respondent did not attend.
9. Mr. Ghaffoor presented further information. This included witness statements for Mr Selinder Singh and Ms Amanda Pinney. The witness statements confirmed that all the Claimants were employed at one location (164 Barkby Road), and that on 22 February 2024 the Claimants were informed that attempts had been made to save the Respondent but they were not successful and there would be a

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meeting the following day with the Administrators. There was then an announcement by the Administrators on **23 February 2024** that the Claimants' employed was terminated with immediate effect on the grounds of redundancy. The statements also addressed the lack of warning and consultation and confirmed that there was no recognised trade union or employee forum and there were no election of employee representations.

10. The documents produced by the Claimants also included the Administrators Proposals filed at Companies House, copy letters from the Administrator dated 23 February 2024 confirming immediate termination of employment, and copies of their contracts of employment.
11. I concluded on the evidence, that in February 2024 the Respondent proposed to dismiss as redundant 20 or more employees at its site at 164 Barkby Road, Leicester LE4 9LF. The first dismissal took effect on **23 February 2024**.
12. There was no proper warning or consultation undertaken with a recognised trade union. There was no consultation with the Claimants and no employee representatives had been elected or appointed within section 188A of the 1992 Act.
13. In the circumstances the Respondent is in breach of the duty under section 188 of the 1992 Act and the Tribunal makes an award under section 189 in favour of the Claimants for the maximum protected period of 90 days commencing on **23 February 2024**.

**Employment Judge Broughton**

**Date: 20 September 2024**

JUDGMENT SENT TO THE PARTIES ON

....23 September 2024.....

AND ENTERED IN THE REGISTER ON

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Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

**Public access to employment tribunal decisions**

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Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the Claimant(s) and respondent(s) in a case.

### Multiple Schedule

|              |  |
|--------------|--|
| 2600739/2024 | Mr Selinder Singh -v- Greenshires Group Limited (In Administration) & Others |
| 2600740/2024 | Mrs Agata Duch -v- Greenshires Group Limited (In Administration)             |
| 2600741/2024 | Mr Alan Taylor -v- Greenshires Group Limited (In Administration)             |
| 2600742/2024 | Mrs Amanda Pinney -v- Greenshires Group Limited (In Administration)          |
| 2600743/2024 | Ms Ann Marie Cameron -v- Greenshires Group Limited (In Administration)       |
| 2600744/2024 | Mr Bharat Karsan Parmar -v- Greenshires Group Limited (In Administration)    |
| 2600745/2024 | Miss Bibi Halima Tulah -v- Greenshires Group Limited (In Administration)     |
| 2600746/2024 | Mr Christopher Clarke -v- Greenshires Group Limited (In Administration)      |
| 2600747/2024 | Mr Craig Irwin -v- Greenshires Group Limited (In Administration)             |
| 2600748/2024 | Mr Daniel Mould -v- Greenshires Group Limited (In Administration)            |
| 2600749/2024 | Mr David Lewis -v- Greenshires Group Limited (In Administration)             |
| 2600750/2024 | Mr David Anthony Powell -v- Greenshires Group Limited (In Administration)    |
| 2600751/2024 | Mr Gareth Cole -v- Greenshires Group Limited (In Administration)             |
| 2600752/2024 | Mr Gary Clarke -v- Greenshires Group Limited (In Administration)             |
| 2600753/2024 | Mr Guy Jolley -v- Greenshires Group Limited (In Administration)              |
| 2600754/2024 | Mr Jason William Gale -v- Greenshires Group Limited (In Administration)      |
| 2600755/2024 | Mrs Joan Garland -v- Greenshires Group Limited (In Administration)           |
| 2600756/2024 | Mr John Hill -v- Greenshires Group Limited (In Administration)               |
| 2600757/2024 | Mr John Paul Martin -v- Greenshires Group Limited (In Administration)        |
| 2600758/2024 | Mr John Pugh -v- Greenshires Group Limited (In Administration)               |
| 2600759/2024 | Mr Kevin Joseph Naan -v- Greenshires Group Limited (In Administration)       |
| 2600760/2024 | Mr Kevin O'Donnell -v- Greenshires Group Limited (In Administration)         |
| 2600761/2024 | Mr Lee Kelvin Squires -v- Greenshires Group Limited (In Administration)      |
| 2600762/2024 | Mr Leigh Nicholas Hunt -v- Greenshires Group Limited (In Administration)     |

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|              |  |
|--------------|--|
| 2600763/2024 | Mrs Magdalena Agata Stasiak-Koryga -v- Greenshires Group Limited (In Administration) |
| 2600764/2024 | Mr Mark James Parslow -v- Greenshires Group Limited (In Administration)              |
| 2600765/2024 | Mr Mark Rolleston -v- Greenshires Group Limited (In Administration)                  |
| 2600766/2024 | Mr Mark Wallis -v- Greenshires Group Limited (In Administration)                     |
| 2600767/2024 | Mr Martin Topley -v- Greenshires Group Limited (In Administration)                   |
| 2600768/2024 | Mr Matthew Cox -v- Greenshires Group Limited (In Administration)                     |
| 2600769/2024 | Mr Michael Simpson -v- Greenshires Group Limited (In Administration)                 |
| 2600770/2024 | Mr Michal Borkowski -v- Greenshires Group Limited (In Administration)                |
| 2600771/2024 | Mrs Monika Blaszczak -v- Greenshires Group Limited (In Administration)               |
| 2600772/2024 | Miss Monika Rosiak -v- Greenshires Group Limited (In Administration)                 |
| 2600773/2024 | Mr Neil Trevor Frost -v- Greenshires Group Limited (In Administration)               |
| 2600774/2024 | Mr Nicholas James Tyers -v- Greenshires Group Limited (In Administration)            |
| 2600775/2024 | Mr Philip Andrew Coling -v- Greenshires Group Limited (In Administration)            |
| 2600776/2024 | Miss Rebecca Louise Wileman -v- Greenshires Group Limited (In Administration)        |
| 2600777/2024 | Mr Richard Antony Hill -v- Greenshires Group Limited (In Administration)             |
| 2600778/2024 | Mr Robert Garrard -v- Greenshires Group Limited (In Administration)                  |
| 2600779/2024 | Mr Simon James Drew -v- Greenshires Group Limited (In Administration)                |
| 2600780/2024 | Mr Simon James Tanner -v- Greenshires Group Limited (In Administration)              |
| 2600781/2024 | Mr Stephen Cave -v- Greenshires Group Limited (In Administration)                    |
| 2600782/2024 | Mr Stephen Cockshaw -v- Greenshires Group Limited (In Administration)                |
| 2600783/2024 | Mr Steve Tarry -v- Greenshires Group Limited (In Administration)                     |
| 2600784/2024 | Ms Bettina Coulson -v- Greenshires Group Limited (In Administration)                 |
| 2600785/2024 | Mr Tom Haggert-Wood -v- Greenshires Group Limited (In Administration)                |
| 2600786/2024 | Mr Trevor Dale Jarvis -v- Greenshires Group Limited (In Administration)              |