

WRITTEN REASONS

1. This is a claim that has had a lengthy gestation period since it was lodged on 22 November 2014. There are 147 Claimants but the Tribunal has corresponded with Mr Cambridge on behalf of them.
2. There are a number of reasons why this claim has remained unresolved for some time but it is not necessary to go into those in detail at this time.
3. The First Respondent went into administration in July 2014 and well over 1,000 staff were made redundant either then or shortly thereafter across a substantial number of sites across Great Britain. Some of them have applied to this Tribunal for a range of claims. It is clear that some of those claims have been paid out by the Second Respondent in their role as statutory guarantor and it has to be said that the Second Respondent's conduct in these proceedings has been consistently helpful and effective. I am grateful to the Second Respondent for their written representations which are clear, focussed and concise.
4. At one stage all the claims had been struck out because the claims had not been actively pursued. Following a request for reconsideration the claims were reinstated and a directions hearing was set for December.
5. The Tribunal became aware by way of a letter dated 22 September 2017 from the First Respondent that a Notice to Move from Administration to Dissolution had been filed by the Administrators. That Notice was filed on 24 July 2017 and accordingly the Company is due to be dissolved three months after that date. Dissolution is therefore imminent.
6. The Second Respondent wrote a helpful letter dated 28 September 2017 pointing out the consequences of dissolution. It suggested that the Tribunal might wish to consider whether any steps in the action could be taken prior to the dissolution.
7. On 16 October, notice was sent out to all parties, abridging time for service pursuant to Rule 5 of the 2013 ET Rules, notifying them that an open PH would be held today with a time estimate of three hours. The parties were told that as well as dealing with case management, consideration would be given as to whether any of the Respondent's responses had no reasonable prospect of success and if so whether all or part of them could be struck out. The primary issue was centred around the claim for consultation on a collective redundancy. It was noted that there may be insufficient information to make any order.
8. Nobody has attended today. I would not have expected anybody from the First Respondent and the Second Respondent has already sent in their written representations and indicated that they would not be

attending any hearings. The Claimant's representative appears to have been e-mailed at his normal e-mail address.

9. The First Respondent has not lodged a Response but I still need to be satisfied that each of the Claims is made out against the First Respondent not least because the Second Respondent who acts as guarantor on some of the Claims has effectively put the Claimants to proof.
10. Today would have been an opportunity for the Claimants to place before me representations / evidence that would have permitted me to come to the conclusion that in the absence of any active representations or positive averral to the contrary on the other side there would have been no reasonable prospect of success on the part of the Respondent. In the absence of those representations I am unable to issue any form of Judgment against the First or Second Respondent.
11. There are many areas where I very much suspect that a certain state of affairs exists but I have no evidence before me so as to find that it did exist. Going through the Second Respondent's representations, whilst I consider it highly unlikely that there was proper consultation I have no evidence to that effect to make that finding. Whilst I have been told that there was no recognised Trade Union the position about whether or not there was elected representatives or not is not clear which impacts upon whether or not the Claimants are entitled to bring the claims in their own names.
12. Following the case law re "establishment" I would need to be assured that each of the Claimants were in an establishment where there were more than 20 employees. I have been able to go through the list provided and it seems to me at first blush that the only establishments at which there were more than 20 employees were Avonmouth, Birmingham South, Cambridge, Fareham, Head Office BBP, Head Office Bicester, Maidstone and Tottenham. That would need to be confirmed and the whole statutory test would need to be considered and shown to be proven on the balance of probabilities.
13. It is not clear to me which of the Claimants are still claiming arrears of pay, holiday pay or notice pay and so Judgment could not be entered for those claims.
14. In those circumstances I am unable to make any form of Order today striking out any part of the Responses as I do not have the necessary information by which I could do so.
15. Although this Judgment was sent to the Tribunal for promulgation shortly after the hearing it would appear for reasons I am unable to determine it was never sent out to the parties. My original intention was to list this matter for a further Case Management Discussion but I note that the First Respondent was dissolved on 24 October 2017 and a letter will be sent out to the parties detailing the potential next steps

Case Number 1305629/2014
& Others (schedule attached)

for the Claimants. In the meantime the claim will be stayed for 6 months.

Employment Judge Self
22 December 2017

Schedule of claimants

| <i>Case Number</i> | <i>Claimant</i> |
|---------------------------|------------------------|
| 1305629/2014 | Mr Stephen Cambridge |
| 1305630/2014 | Mr Mark Jiggins |
| 1305631/2014 | Mr Andy Scoffield |
| 1305632/2014 | Mr Paul Metcalfe |
| 1305633/2014 | Mr Alan Brock |
| 1305634/2014 | Mr Alastair Lawrence |
| 1305635/2014 | Mr Andrew Rugman |
| 1305636/2014 | Mr Andrew Taylor |
| 1305637/2014 | Mr Andy Sebley |
| 1305638/2014 | Ms Annmarie Elvin |
| 1305639/2014 | Mr Anthony Burrows |
| 1305640/2014 | Mr Anthony Gosden |
| 1305641/2014 | Mr Barry Vann |
| 1305642/2014 | Ms Beverley Wink |
| 1305643/2014 | Mr Bryan Wright |
| 1305644/2014 | Ms Carol Bradfield |
| 1305645/2014 | Ms Carol Cartwright |
| 1305646/2014 | Ms Carol MacDonald |
| 1305647/2014 | Ms Carol Vaga |
| 1305648/2014 | Ms Caroline Collins |
| 1305649/2014 | Ms Cherrie Bennett |
| 1305650/2014 | Ms Clair Stallard |
| 1305651/2014 | Mr Colin Bate |
| 1305652/2014 | Mr Craig Bostock |
| 1305653/2014 | Mr Daniel Atherton |
| 1305654/2014 | Ms Danielle Grant |
| 1305655/2014 | Mr Darren Harper |
| 1305656/2014 | Mr Daryl Porter |
| 1305657/2014 | Mr David Cawte |
| 1305658/2014 | Mr David Dawson |
| 1305659/2014 | Mr David Kennedy |
| 1305660/2014 | Ms Denise Coombes |
| 1305661/2014 | Ms Donna Twist |
| 1305662/2014 | Mr Duane Wheeler |
| 1305663/2014 | Ms Elizabeth Dickson |
| 1305664/2014 | Mr Euan Graham |
| 1305665/2014 | Mr Frank Taylor |
| 1305666/2014 | Mr Gary Baker |
| 1305667/2014 | Mr Gary Griffiths |
| 1305668/2014 | Mr Gary Sheehan |
| 1305669/2014 | Ms Gayle Brooks |
| 1305670/2014 | Mr George Riggs |

| Case Number | Claimant |
|--------------------|---------------------|
| 1305671/2014 | Mr Gordon Newton |
| 1305672/2014 | Ms Hayley Marshall |
| 1305673/2014 | Mr Ian Dyson |
| 1305674/2014 | Mr Ian Goacher |
| 1305675/2014 | Mr Ian Hasnip |
| 1305676/2014 | Mr Ian Shaw |
| 1305677/2014 | Mr Ian Stevenson |
| 1305678/2014 | Ms Irene Vann |
| 1305679/2014 | Ms Jackie Painter |
| 1305680/2014 | Mr James Collins |
| 1305681/2014 | Mr James Drury |
| 1305682/2014 | Mr James Pepper |
| 1305683/2014 | Mr Jamie Batchelor |
| 1305684/2014 | Mr Jamie Large |
| 1305685/2014 | Ms Joanne O'Carroll |
| 1305686/2014 | Mr John Dungworth |
| 1305687/2014 | Mr John Fox |
| 1305688/2014 | Mr John Heseltine |
| 1305689/2014 | Mr John McGlone |
| 1305690/2014 | Mr Jon Sladen |
| 1305691/2014 | Mr Jonathan Rugg |
| 1305692/2014 | Ms Julia Stone |
| 1305693/2014 | Ms Julie Bourne |
| 1305694/2014 | Ms Julie Green |
| 1305695/2014 | Ms Julie Hughes |
| 1305696/2014 | Ms Julie Smith |
| 1305697/2014 | Ms Karen Walton |
| 1305698/2014 | Ms Kathleen McBride |
| 1305699/2014 | Mr Keith Rayment |
| 1305700/2014 | Ms Kelly Hall |
| 1305701/2014 | Ms Kelly Jones |
| 1305702/2014 | Mr Kevin Gable |
| 1305703/2014 | Mr Kevin Hall |
| 1305704/2014 | Ms Kim Nash |
| 1305705/2014 | Ms Laura Wilson |
| 1305706/2014 | Mr Lee Duckworth |
| 1305707/2014 | Mr Lee Dunkley |
| 1305708/2014 | Ms Lilian Robins |
| 1305709/2014 | Ms Linda Juggins |
| 1305710/2014 | Ms Lisa Bowman |
| 1305711/2014 | Ms Lisa Bulcock |
| 1305712/2014 | Ms Lorraine Bugeja |

| Case Number | Claimant |
|--------------------|----------------------|
| 1305713/2014 | Ms Lorraine Latham |
| 1305714/2014 | Ms Louise Tooke |
| 1305715/2014 | Ms Lucy Grimes |
| 1305716/2014 | Ms Lynn Wilson |
| 1305717/2014 | Ms Mandy Hill |
| 1305718/2014 | Mr Marc Jones |
| 1305719/2014 | Mr Mark Flower |
| 1305720/2014 | Mr Mark McArthur |
| 1305721/2014 | Mr Mark McHugh |
| 1305722/2014 | Mr Mark Robertson |
| 1305723/2014 | Mr Mark Warren |
| 1305724/2014 | Mr Mark Davies |
| 1305725/2014 | Mr Martin Benson |
| 1305726/2014 | Mr Martin Sullivan |
| 1305727/2014 | Mr Martyn Yates |
| 1305728/2014 | Mr Melvin Diffey |
| 1305729/2014 | Mr Mervyn Hampshire |
| 1305730/2014 | Mr Michael Flynn |
| 1305731/2014 | Ms Michelle Fretwell |
| 1305732/2014 | Mr Morgan Merrifield |
| 1305733/2014 | Ms Natalie Leahy |
| 1305734/2014 | Ms Natasha Hull |
| 1305735/2014 | Mr Nicholas Mace |
| 1305736/2014 | Ms Nicola Koos |
| 1305737/2014 | Ms Nicola Sutton |
| 1305738/2014 | Ms Nicola Thorpe |
| 1305739/2014 | Ms Nikki Day |
| 1305740/2014 | Ms Nikki Summerfield |
| 1305741/2014 | Mr Paul Edwards |
| 1305742/2014 | Mr Paul Landricombe |
| 1305743/2014 | Mr Paul Williams |
| 1305744/2014 | Mr Peter Brown |
| 1305745/2014 | Mr Peter Cawte |
| 1305746/2014 | Mr Phil Neely |
| 1305747/2014 | Ms Rachel Williams |
| 1305748/2014 | Mr Richard Clay |
| 1305749/2014 | Mr Richard Grant |
| 1305750/2014 | Mr Richard Littler |
| 1305751/2014 | Mr Robert Cann |
| 1305752/2014 | Mr Russell Bees |
| 1305753/2014 | Ms Samantha Harrison |
| 1305754/2014 | Mr Samuel McConnell |

| Case Number | Claimant |
|--------------------|-----------------------|
| 1305755/2014 | Ms Sarah Biggart |
| 1305756/2014 | Ms Sarah Stott |
| 1305757/2014 | Ms Sarah Pearson |
| 1305758/2014 | Mr Shaun Wilson |
| 1305759/2014 | Mr Stephen McAllen |
| 1305760/2014 | Mr Stephen Moon |
| 1305761/2014 | Mr Stephen Radford |
| 1305762/2014 | Mr Stephen Wheeler |
| 1305763/2014 | Mr Steve Cambridge |
| 1305764/2014 | Mr Steven Cassidy |
| 1305765/2014 | Mr Steven Penny |
| 1305766/2014 | Mr Stuart Williams |
| 1305767/2014 | Ms Tanya Bowman |
| 1305768/2014 | Mr Terence McDougall |
| 1305769/2014 | Ms Teresa MacKness |
| 1305770/2014 | Mr Timothy Sumner |
| 1305771/2014 | Ms Tracey Webber |
| 1305772/2014 | Ms Tracy Exell |
| 1305773/2014 | Ms Trudy Mayfield |
| 1305774/2014 | Ms Victoria Blackwell |
| 1305775/2014 | Ms Wendy Rowlson |