



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Ormes

**Respondent:** Laterooms Limited (in administration)

**Heard at:** Liverpool (by telephone)

**On:** 14 January 2022

**Before:** Employment Judge Benson

## Representation

Claimant: in person

Respondent: no attendance

# JUDGMENT

## RULE 21 JUDGMENT

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

1. The claim was not presented within the relevant time limit. It was not reasonably practicable for it to have been presented within the time limit and it was presented within a further reasonable period. The Tribunal has the jurisdiction to consider the claim.
2. The time for presenting a response having expired, and no valid response having been presented by the first respondent within the prescribed time limit, it is the judgment of the tribunal that:
3. The respondent failed to consult with the claimant as a person who may be affected by proposals to dismiss, or measures taken in connection with the dismissal of, 20 or more employees, in breach of s.188(1) of the Trade Union and Labour Relations (Consolidation) Act 1992.
4. The claimant is entitled to, and the Tribunal orders the first respondent to pay a protective award. That award is an award of remuneration for the protected period of 90 days from 2 August 2019.

NOTE

1. These claims all arise from the Administration of the respondent, and the necessary consents to the claims proceeding have been given.
2. No response to the claim has been received, and the claim therefore succeeds.
3. A protective award is a two stage process. The Tribunal at this stage makes no financial awards but gives a judgment that the claimant is entitled to a protective award in the terms set out above. The claimant must then seek payment of his award from the respondent (or the Secretary of State) quantifying the same.
4. Failure to pay, or any dispute as to the amount payable, then becomes a matter for a further separate claim under s.192 of the Trade Union and Labour Relations (Consolidation) Act 1992 for payment of the award.

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Employment Judge Benson

Date 14 January 2022

JUDGMENT SENT TO THE PARTIES ON

21 January 2022

FOR THE TRIBUNAL OFFICE

Notes

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.

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