Protective Award Claims
A Practical Guide for Employees Facing Redundancy from Middleton Law Limited

Being made redundant is stressful, particularly when it happens suddenly and without warning. Many employees do not realise that the law provides additional protection where employers fail to follow the correct process.

This guide explains what a Protective Award is, when a claim may arise, how much compensation may be available, and how the process works in practice. It is designed to help employees understand their rights and decide what to do next.

What is a Protective Award?

A Protective Award Claims (PACs) are compensation that an Employment Tribunal can order where an employer fails to properly inform and consult employees before making large-scale redundancies.

The law requires employers to consult where they propose to dismiss 20 or more employees at the same establishment within a 90-day period. Consultation must begin before any dismissals take effect and must involve a recognised trade union or elected employee representatives.

A Protective Award does not replace redundancy pay or notice pay. It compensates employees for the employer's failure to follow the legal consultation process.

When can a Protective Award Claim arise?

Protective Award claims often arise where employees are dismissed abruptly, with little or no warning and no meaningful consultation.

This commonly happens where an employer:

- Enters insolvency or administration
- Ceases trading with immediate effect
- Suffers sudden financial collapse
- Makes redundancies without engaging with employees in advance

In these situations, employers frequently fail to meet their consultation obligations.

Who can make a Protective Award claim?

You may be eligible if you were dismissed by reason of redundancy as part of a group of 20 or more employees dismissed within a 90-day period and your employer failed to consult before the dismissals took effect.

There is no minimum length of service requirement. Employees with short service may still be entitled to compensation.

Claims are usually brought as group actions, with employees pursuing the claim together. One or more employees will act as Lead Claimants, allowing solicitors to deal with the case efficiently on behalf of the group.

How much compensation can be awarded?

An Employment Tribunal can award up to 90 days'* gross pay to each affected employee.
**If you were made redundant after 6th April 2026 then upto 180 days' pay may be awarded.*

The Tribunal considers how serious the employer's failure was. Where there has been no consultation at all, Tribunals often award the maximum amount.

Protective Awards are calculated by reference to gross pay and sit alongside other redundancy-related payments.

What if the employer is insolvent or cannot pay?

In many cases, the employer is insolvent or in administration and cannot pay compensation directly.

Where this happens, employees can usually recover their award from the Redundancy Payments Service (RPS), a government body that makes payments where employers are insolvent.

The RPS will pay up to eight weeks' pay, subject to the statutory weekly cap, following a successful Tribunal judgment and application.

How does the claim process work?

Protective Award claims are brought in the Employment Tribunal and follow a set legal process.

The claim begins with ACAS Early Conciliation, which is mandatory. If the matter does not resolve, a group claim is issued in the Tribunal.

The Tribunal then manages the case. This may involve exchanging documents, preparing witness statements and attending a final hearing. A small number of employees may need to give evidence on behalf of the group.

Once the Tribunal issues its judgment, steps are taken to recover payment, often through the Redundancy Payments Office.

How long does a Protective Award claim take?

Most claims take between six and twelve months, although timescales vary.

Once judgment is issued, payment from the Redundancy Payments Office is usually received within around six weeks of applying.

Does a Protective Award affect redundancy pay or other entitlements?

No. A Protective Award claim is separate from claims for statutory redundancy pay, notice pay, holiday pay and unpaid wages.

Employees must submit an RP1 form to the Redundancy Payments Office to claim these entitlements. Bringing a Protective Award claim does not affect those rights.

Do employees need legal advice?

Protective Award claims involve Tribunal procedure and strict time limits. In most cases, a claim must be brought within three months less one day of the effective date of dismissal, subject to ACAS Early Conciliation.

Because claims are often group actions and follow a formal process, many employees choose to take advice from solicitors with experience in Protective Award claims, particularly where employers are insolvent.

Next steps

If you believe you may be entitled to a Protective Award, it is important to act quickly. Missing a Tribunal deadline can prevent a claim from being brought.

Specialist advice can help you understand your position, manage the process and recover the compensation available.

At Middleton Law we offer a No Win, No Fee service for Protective Award Claims – contact: enquiries@middletonlawltd.co.uk or 0345 03 42478.