



# EMPLOYMENT TRIBUNALS

**Claimants:** Mrs D Barry and others

**Respondents:** Hudsons of England in Administration (1)  
Secretary of State for Business Energy and  
Industrial Strategy (2)

## JUDGMENT

1 In this Judgment “the claimants” means those listed in the Schedule to it.

2 The claimants were employed by the first respondent and were among some 44 employees who were dismissed as redundant on 15 June 2016. The first respondent went into administration on 15 June 2016.

3 I declare that the complaint that the first respondent failed to comply with the requirements of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 is well-founded.

4 I make a protective award in respect of the claimants and ordered the first respondent to pay to each of the claimants remuneration for the protected period of 90 days beginning on 15 June 2016.

NOTE: the following statement is given under Regulation 5 (2) (b) of the Employment Protection (Recoupment of Jobseeker’s Allowance and Income Support) Regulations 1996 (“the Regulations”) and advises the first respondent of its duties under Regulation 6, and of the effect of Regulations 7 and 8, of the Regulations.

(1) The first respondent is required to give to the Benefits Agency in writing:

(a) the name, address and National Insurance number of every employee to whom the above protective award relates; and

(b) the date of termination of the employment of each such employee.

(2) The first respondent is required to comply with paragraph (1) above within the period of 10 days commencing on the date on which the judgment was announced at the hearing, or, if it was not so announced, the date on which the judgement was sent to parties.

(3) No remuneration due to an employee under the protective award shall be paid to him until the Benefits Agency has (a) served on the first respondent a notice (“a recoupment notice”) to pay the whole or part of the award to the Benefits Agency or (b) informed the first respondent in writing that no recoupment notice is to be served.

(4) The sum due to the Benefits Agency under the recoupment notice shall be the lesser of:

- (i) the amount (less any tax or social security contributions which is full to be deducted by the first respondent) accrued due to the employee in respect of so much of the protected period as falls before the date on which the Benefits Agency receives from the first respondent the information mentioned at paragraph (1) above; and
- (ii) the amount paid by way of, or as on account of, jobseeker's allowance or income support to the employee for any period which coincides with any part of the protected period falling before the date mentioned at (i) above.
- (5) The sum due under the recoupment notice shall be paid forthwith to the Benefits Agency. The balance of the protective award shall then (subject to deduction of any tax or social security contributions) be paid to the employee.
- (6) The Benefits Agency shall serve a recoupment notice within the period of 21 days after the date mentioned in paragraph 4 (i) above, or as soon as practicable thereafter.
- (7) Payment by the first respondent to the employee of the balance of the protective award (subject to deduction of any tax or social security contributions) is a complete discharge of the first respondent in respect of any sum so paid.
- (8) The sum claimed in a recoupment notice is due as a debt by the first respondent to the Benefits Agency, whatever may have been paid to the employee and whether or not there is any dispute between the employee and the Benefits Agency as to the amount specified in the recoupment notice.

### **THE SCHEDULE**

Case Number 130 2487/2016 Mrs D Barry  
Case Number 130 2488/2016 Mr D Bradbury  
Case Number 130 2489/2016 Mrs C Coward  
Case Number 130 2490/2016 Mrs L Gascoigne  
Case Number 130 2491/2016 Mr R Harper  
Case Number 130 2492/2016 Mrs J Hayes  
Case Number 130 2493/2016 Mrs M Kelly  
Case Number 130 2494/2016 Mr G Kelsall  
Case Number 130 2495/2016 Mrs S Lawson  
Case Number 130 2497/2016 Mrs S Monks-Neil  
Case Number 130 2498/2016 Mrs S Ottaway  
Case Number 130 2499/2016 Mr M Parker  
Case Number 1302500/2016 Mrs S Parkes  
Case Number 130 2501/2016 Mr K Parton  
Case Number 130 2582/2016 Mrs J Percival  
Case Number 130 2503/2016 Miss S Rowley  
Case Number 130 2504/2016 Mrs C Tilstone

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Employment Judge Woffenden

Date **3<sup>rd</sup> August 2017**