



EMPLOYMENT TRIBUNALS

Claimant: Mr J Huntington
Respondent: Harvard Technology Limited (In Administration)

AT A HEARING

Heard at: Leeds **On:** 17th October 2019
Before: Employment Judge Lancaster

Representation

Claimant: Did not attend but made representations in writing
Respondent: No appearance entered and did not attend

JUDGMENT

1. It was not reasonably practicable to have presented the claim in time and it was presented within a reasonable time after 9th March 2019. Time to present the claim is therefore extended and it may proceed.
2. The claim for a protective award succeeds.
3. The Respondent is ordered to pay to the Claimant remuneration for a protected period of 90 days beginning on 10th December 2018.
4. The Employment Protection (Recoupment of Benefit) Regulations 1996 regulations 6, 7 and 8 apply to this award.
5. The Respondent is accordingly advised of its duties under the Regulations and any award made will be postponed pending any service of a recoupment notice by the Secretary of State in respect of relevant benefits received by the Claimant in the prescribed period and only the balance of any remuneration due will then be payable directly to the Claimant.

REASONS

1. The claim was presented on 4th June 2019 which is out of in time.
2. I am, however, satisfied that the Claimant did not and could not reasonably have known that he had a legal right to bring this claim until after the time limit had expired.

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3. The Claimant will not have been put on notice of a potential protective award claim at the time he was advised about applying to the Secretary of State for payments.
4. It is not reasonably to be expected that in those circumstances redundant employees will necessarily be aware of this additional right, and the Claimant did seek and did then reasonably rely on advice (albeit from an unidentified source) to the effect that there was nothing more he could do.
5. As soon as he was aware of his rights via a chance meeting with a former colleague he obtained an ACAS Early Conciliation certificate and commenced proceedings.

EMPLOYMENT JUDGE LANCASTER

DATE 17th October 2019

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless 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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