



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Stewart and others  
(see attached schedule)

**Respondents:** 1. Trust Medical Ambulance Services Limited (in Liquidation)  
2. The Secretary of State for Business, Energy and Industrial Strategy

## JUDGMENT

1. The judgment of the Tribunal is that the claimants' complaint under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 of a failure by the first respondent to comply with the requirements of section 188 of the 1992 Act is well-founded.
2. The Tribunal orders the first respondent, by way of protective award under section 189(3) of the 1992 Act, to pay to all those claimants listed on the attached schedule, a payment equivalent to remuneration for the period of 90 days beginning on 29 January 2018.
3. The Recoupment Regulations apply.

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Employment Judge Batten  
23 July 2020

**Case Nos: 2411593/2018  
& Others  
(see attached schedule)**

JUDGMENT SENT TO THE PARTIES ON:  
7 August 2020

AND ENTERED ON THE REGISTER.

FOR THE TRIBUNAL OFFICE

**Claimant: Mr J Stewart & Others**

**Respondent: Trust Medical Ambulance Services Limited (in  
Liquidatation)**

**ANNEX TO THE JUDGMENT  
(PROTECTIVE AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The respondent is under a duty to give the Secretary of State the following information in writing: (a) the name, address and National Insurance number of every employee to whom the protective award relates; and (b) the date of termination (or proposed termination) of the employment of each such employee.

That information shall be given within 10 days, commencing on the day on which the Tribunal announced its judgment at the hearing. If the Tribunal did not announce its judgment at the hearing, the information shall be given within the period of 10 days, commencing on the day on which the relevant judgment was sent to the parties. In any case in which it is not reasonably practicable for the respondent to do so within those times, then the information shall be given as soon as reasonably practicable thereafter.

No part of the remuneration due to an employee under the protective award is payable until either (a) the Secretary of State has served a notice (called a Recoupment Notice) on the respondent to pay the whole or part thereof to the Secretary of State or (b) the Secretary of State has notified the respondent in writing that no such notice is to be served.

This is without prejudice to the right of an employee to present a complaint to an Employment Tribunal of the employer's failure to pay remuneration under a protective award.

If the Secretary of State has served a Recoupment Notice on the respondent, the sum claimed in the Recoupment Notice in relation to each employee will be whichever is the less of:

- (a) the amount (less any tax or social security contributions which fall to be deducted therefrom by the employer) accrued due to the employee in respect of so much of the protected period as falls before the date on which the Secretary of State receives from the employer the information referred to above; OR

**Case Nos: 2411593/2018  
& Others  
(see attached schedule)**

- (b) (i) the amount paid by way of or paid as on account of jobseeker's allowance, income-related employment and support allowance or income support to the employee for any period which coincides with any part of the protected period falling before the date described in (a) above; or
- (ii) in the case of an employee entitled to an award of universal credit for any period ("the UC period") which coincides with any part of the period to which the prescribed element is attributable, any amount paid by way of or on account of universal credit for the UC period that would not have been paid if the person's earned income for that period was the same as immediately before the period to which the prescribed element is attributable.

The sum claimed in the Recoupment Notice will be payable forthwith to the Secretary of State. The balance of the remuneration under the protective award is then payable to the employee, subject to the deduction of any tax or social security contributions.

A Recoupment Notice must be served within the period of 21 days after the Secretary of State has received from the respondent the above-mentioned information required to be given by the respondent to the Secretary of State or as soon as practicable thereafter.

After paying the balance of the remuneration (less tax and social security contributions) to the employee, the respondent will not be further liable to the employee. However, the sum claimed in a Recoupment Notice is due from the respondent as a debt to the Secretary of State, whatever may have been paid to the employee, and regardless of any dispute between the employee and the Secretary of State as to the amount specified in the Recoupment Notice.

## ***Multiple Schedule***

<b>Case Number</b>	<b>Case Name</b>
2411593/2018	Mr John Stewart -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411594/2018	Mr Graham Thompson -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411595/2018	Ms Natalie Lisgo -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411596/2018	Mr Joshua Hoyle -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411597/2018	Ms Marie Hodgson -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411598/2018	Ms Jessica West -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411599/2018	Ms Anne Blessington -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411600/2018	Ms Gillian Stavely -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411601/2018	Ms Christine Mills -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411602/2018	Ms Ruth Chalmers -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411603/2018	Ms Adele Nisbet -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411604/2018	Mr Mark Shallcross -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411605/2018	Mr Carl Smith -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411606/2018	Ms Lizzie Hope -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411607/2018	Ms Mandie Leigh -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411608/2018	Ms Shelby Fort -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411609/2018	Ms Vanessa Kilivington -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411610/2018	Ms Linda Bowker -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411611/2018	Mr Andrew Taylor -v- Trust Medical Ambulance Services Limited (in Liquidatation) & Others
2411612/2018	Mr James Leonard -v- Trust Medical Ambulance Services

**Case Nos: 2411593/2018  
& Others  
(see attached schedule)**

Limited (in Liquidation) & Others  
2411613/2018 Ms Katie McNae -v- Trust Medical Ambulance Services  
Limited (in Liquidation) & Others  
2411614/2018 Ms Julie Garner -v- Trust Medical Ambulance Services  
Limited (in Liquidation) & Others  
2411615/2018 Ms Amanda Howarth -v- Trust Medical Ambulance Services  
Limited (in Liquidation) & Others  
2411616/2018 Mr Jacob Chamberlain -v- Trust Medical Ambulance  
Services Limited (in Liquidation) & Others  
2411617/2018 Ms Gillian Burrell -v- Trust Medical Ambulance Services  
Limited (in Liquidation) & Others  
2411618/2018 Ms Jean O'Leary -v- Trust Medical Ambulance Services  
Limited (in Liquidation) & Others  
2411619/2018 Ms Susan McGrady -v- Trust Medical Ambulance Services  
Limited (in Liquidation) & Others  
2411620/2018 Ms Nahrdia Sheikh -v- Trust Medical Ambulance Services  
Limited (in Liquidation) & Others  
2411621/2018 Ms Lisa Booth -v- Trust Medical Ambulance Services Limited  
(in Liquidation) & Others  
2411622/2018 Ms Julie McHugh -v- Trust Medical Ambulance Services  
Limited (in Liquidation) & Others  
2411623/2018 Ms Caroline Woodruff -v- Trust Medical Ambulance Services  
Limited (in Liquidation) & Others  
2411624/2018 Ms Rebecca Barker -v- Trust Medical Ambulance Services  
Limited (in Liquidation) & Others  
2411625/2018 Mr Melvin Jones -v- Trust Medical Ambulance Services  
Limited (in Liquidation) & Others  
2411626/2018 Ms Laura Campbell -v- Trust Medical Ambulance Services  
Limited (in Liquidation) & Others  
2411627/2018 Mr Jim Smith -v- Trust Medical Ambulance Services Limited  
(in Liquidation) & Others  
2411628/2018 Ms Denise Barton -v- Trust Medical Ambulance Services  
Limited (in Liquidation) & Others  
2411629/2018 Mr Robert Barlow -v- Trust Medical Ambulance Services  
Limited (in Liquidation) & Others  
2411630/2018 Mr Duncan Moore -v- Trust Medical Ambulance Services  
Limited (in Liquidation) & Others  
2411631/2018 Mr Michael Heppinstall -v- Trust Medical Ambulance  
Services Limited (in Liquidation) & Others  
2411632/2018 Ms Rachel Child -v- Trust Medical Ambulance Services  
Limited (in Liquidation) & Others  
2411633/2018 Mr Mohammad Omar -v- Trust Medical Ambulance Services  
Limited (in Liquidation) & Others  
2411634/2018 Ms Alison Hartley -v- Trust Medical Ambulance Services

**Case Nos: 2411593/2018  
& Others  
(see attached schedule)**

Limited (in Liquidation) & Others

2411635/2018 Ms Wendy Wilman -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411636/2018 Mr Gary Bartholomew -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411637/2018 Ms Anita Holden -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411638/2018 Ms Catherine Hill -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411639/2018 Ms Joyce Bromley -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411640/2018 Ms Alice Roberts -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411641/2018 Mr Christopher Howard -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411642/2018 Ms Angela Pickup -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411643/2018 Ms Sandra Fitzpatrick -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411644/2018 Ms Jane Holden -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411645/2018 Mr Tim Charman -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411646/2018 Ms Samantha Bennett -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411647/2018 Mr Edward O'Neil -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411648/2018 Mr David Fearnley -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411649/2018 Mr Liam Jones -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411650/2018 Mr Stuart Mulholland -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411651/2018 Mr Simon Lawrenson (deceased) -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411652/2018 Mr Simon Lawrenson (deceased) -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411653/2018 Personal Representatives -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411654/2018 Executors To The Estate -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others

2411655/2018 Administrators To The Estate -v- Trust Medical Ambulance Services Limited (in Liquidation) & Others