



# EMPLOYMENT TRIBUNALS

**Claimants:** Mr V Whalley and 22 others (see schedule)

**Respondent:** The Bliss Space (Southport) Limited (In Voluntary Liquidation)

## JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim for a protective award is well founded. The respondent failed in its duty to consult the claimants under section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992. The respondent is ordered to pay to each claimant remuneration for the protected period of ninety days from 19 May 2020.
2. The recoupment regulations apply.
3. The hearing listed on **4 January 2021** is cancelled.

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Regional Employment Judge Franey  
29 December 2020

JUDGMENT SENT TO THE PARTIES ON

31 December 2020  
AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE

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## Multiple Schedule

<b>Case Number</b>	<b>Case Name</b>
2413605/2020	Mr Vincent Whalley -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413606/2020	Miss Yvonne Allen -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413607/2020	Ms Elaine Bowers -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413608/2020	Miss Mia Campbell -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413609/2020	Ms Debbie Claeys-Jackson -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413610/2020	Mr James Dobb -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413611/2020	Miss Andrea Edwards -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413612/2020	Mrs Katie Fitzsimmons -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413613/2020	Mr Gary Fitzsimmons -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413614/2020	Mr Stephen John Gaskill -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413615/2020	Mrs Dianne Green -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413616/2020	Mrs Ann Greenwood -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413617/2020	Miss Charlotte Hall -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413618/2020	Mr Stephen Jackson -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413619/2020	Ms Lisa Kelly -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413620/2020	Mr Daniel Leighton -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413621/2020	Mrs Sarah Massey -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413622/2020	Mr Oliver Pedder -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413623/2020	Mrs Joan Potter -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413624/2020	Mr Howard Ryding -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413625/2020	Miss Nicola Thomson -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413626/2020	Mrs Tina Walsh -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)
2413627/2020	Mr Stuart Watt -v- The Bliss Space (Southport) Limited (In Voluntary Liquidation)

**Claimant:** Mr V Whalley & Others

**Respondent:** The Bliss Space (Southport) Limited (In Voluntary Liquidation)

**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
- (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.