



EMPLOYMENT TRIBUNALS

Claimant: Mr L Deveney

Respondent: The Secretary of State for Justice

Heard at: Liverpool by CVP **On:** 25 February 2021

Before: Employment Judge Benson

Representation

Claimant: in person

Respondent: Mr N Flanagan - Counsel

JUDGMENT ON REMEDY

1. The respondent is ordered to pay to the claimant a basic award of **£7,612.50**.
2. The respondent is ordered to pay to the claimant compensation in the sum of **£31,200**.

The Recoupment Regulations apply as follows:

Monetary award £31,200

The prescribed element £20,197

The period of the prescribed element is 13 October 2019 to 25 February 2021.

The amount by which the monetary award exceeds the prescribed element is £11,003

Employment Judge Benson

Date 2 March 2021

JUDGMENT SENT TO THE PARTIES ON

8 March 2021

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case

Schedule

Net weekly basic pay at EDT: £476.00
 Date of birth of claimant: 10.10.70
 Period of service: 02.06.08 to 13.10.19
 Complete continuous service: 11 years
 Age at effective date of termination (EDT): 49 years
 Gross weekly basic pay: £600.00 (capped
 at £525)

Basic award

Calculated on basis of 4 years' service under the age of 41 and
 7 years' service over the age of 41

2.1. 1 x 4 x £525.00

2.2. 1.5 x 7 x £525.00

£7,612.50

Total Basic award **£7,612.50**

Compensatory Award

Loss of earnings 14 October 2019 to 25 February 2021

70 weeks x £476.00 £33,320

Pension contributions (gross)

70 weeks x £600 - £42,000 x 29.6% £12,432

Loss of statutory rights

£400

£46,152

Less

Earnings

Income from LD Photography £2,064

Income from HRGO & Reed (to 18.12.20) £10,163

Income 18.12.20 to 15.1.21(4 weeks) £2,012

Income 15.1.21 to 25 February (6 weeks x £375) £2,250

Benefits

JSA £1416

UC £594

£18,499

£27,653

20% uplift for failure to follow ACAS Code

£5,530

Total Compensatory Loss

£33,183

Statutory Cap exceeded (£31,200) therefore award
 limited to one years' gross pay

£31,200

Claimant **Mr L Deveney**

Respondent **The Secretary of State for Justice**

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

Recoupment of Benefits

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

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2414175/2019**

Name of case: **Mr L Deveney** v **The Secretary of State for
Justice**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding discrimination or equal pay awards or sums representing costs or expenses), shall carry interest where the sum remains unpaid on a day ("*the calculation day*") 42 days after the day ("*the relevant judgment day*") that the document containing the tribunal's judgment is recorded as having been sent to the parties.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant judgment day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: **8 March 2021**

"the calculation day" is: **9 March 2021**

"the stipulated rate of interest" is: **8%**

For and on Behalf of the Secretary of the Tribunals