



EMPLOYMENT TRIBUNALS

Claimant: Ms M. Brown

Respondent: Tender Heart Support Services Limited

Heard at: East London Hearing Centre (by Cloud Video Platform)

On: 6 April 2021

Before: Employment Judge Massarella

Representation
Claimant: Mr C. Toms (Counsel)
Respondent: Ms S. Praisoody (Counsel)

JUDGMENT

The Claimant is entitled to the following compensation, subject to the recoupment provisions (for which, see Appendix below).

1. Basic award: £647.97.
2. Loss of earnings: £11,752.79.
3. Loss of statutory rights: £500.

Employment Judge Massarella
Date: 6 April 2021

APPENDIX: (MONETARY AWARDS)

Recoupment of Jobseeker's Allowance, income-related Employment and Support Allowance and Income Support

The following particulars are given pursuant to the Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1996, SI 1996 No 2349, Reg 4 and SI 2010 No 2429 Reg 5.

- (a) Monetary award: £12,900.76 (the total of the basic and compensatory awards).
- (b) Prescribed element: £11,752.79 (the amount of lost earnings suffered by the Claimant in the prescribed period).
- (c) Period to which (b) relates: 23 October 2019 to 23 November 2020 (the period of loss for which the Claimant is being compensated).
- (d) Excess of (a) over (b): £1,147.97.

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 Support Allowance 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.

Only the prescribed element (item (b) above) 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 (item (d) above) 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.