



# EMPLOYMENT TRIBUNALS

BETWEEN

**CLAIMANT:** MR S COLES

**RESPONDENT:** THE MEMBERS OF FAIRWATER SOCIAL AND ATHLETIC CLUB (BY THE MANAGEMENT COMMITTEE OF THE CLUB)

**HEARD AT:** CARDIFF **ON:** 6 MAY 2021

**BEFORE:** EMPLOYMENT JUDGE R BRACE

**REPRESENTATION:**

**CLAIMANT:** IN PERSON

**RESPONDENT:** MRS ALLOTT

## JUDGMENT

The judgment of the tribunal is that the respondent is ordered to pay to the claimant the sum of

1. **£6,319** in respect of unfair dismissal; and
2. **£730.76** in respect of failure to provide a written statement of terms and conditions.

<b>Basic Award</b>		
10 weeks @ £365.38 per week		
<b>Total basic award</b>		<b>£3,653.80</b>
<b>Compensatory award</b>		

<b>Immediate Loss</b>		
<i>Loss of net pay (Prescribed element)</i>		
28 August 2018 – 18 December 2018		
16 weeks @ £92.05 per week	£1,472.80	
<i>Loss of employer pension contributions</i>		
16 weeks @ £9.96 per week	£159.36	
<i>Loss of statutory rights</i>		
	£500.00	
<b>Total Compensatory Award (Immediate Loss)</b>		£2,132.16
<i>Adjustments to Total Compensatory award</i>		
25% uplift ACAS	£533.04	
<b>Compensatory award after adjustments</b>		<b>£2,665.20</b>
<b>s.38 EA Award</b>		
2 weeks pay £365.38		<b>£730.76</b>
<b>SUMMARY TOTALS</b>		
<b>Basic award</b>		<b>£3,653.80</b>
<b>Compensation award</b>		<b>£2,665.20</b>
<b>s.38 EA Award</b>		<b>£730.76</b>
<b>TOTAL</b>		<b>£7,049.76</b>

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**EMPLOYMENT JUDGE R BRACE**

**Dated: 6 May 2021**

Judgment posted to the parties on 7 MAY 2021

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For the staff of the Tribunal Office Mr N Roche

**NOTE:**

This is a written record of the Tribunal's decision. Reasons for this decision were given orally at the hearing. Written reasons are not provided unless (a) a party asks for them at the hearing itself or (b) a party makes a written request for them within 14 days of the date on which this written record is sent to the parties. This information is provided in compliance with Rule 62(3) of the Tribunal's Rules of Procedure 2013.

**Annex**

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

1. The tribunal has awarded compensation to the claimant but not all of it should be paid immediately. This is because the Department for Work and Pensions (DWP) has the right to recover (recoup) any Jobseeker's Allowance, income-related Employment and Support Allowance, universal credit or Income Support which it 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.
2. The tribunal's judgment should state the total monetary award made to the claimant and an amount called 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.
3. The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.
4. When the DWP sends the recoupment Notice, the respondent must pay the amount specified in the Notice by the department. 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 Department informs the respondent that it does not intend 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 DWP. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the DWP in writing within 21 days. The Tribunal has no power to resolve such disputes which must be resolved directly between the claimant and the DWP.