



EMPLOYMENT TRIBUNALS

Claimant: Mr C Simpson
First Respondent: Newman Scott Ltd
Second Respondent: Secretary of State for Business, Energy and Industrial Strategy

HELD AT: North East Region, by video **ON:** 22 September 2021

BEFORE: Employment Judge Aspden
Miss B Kirby
Ms S Mee

REPRESENTATION:

Claimant: In person
First Respondent: No attendance
Second Respondent: No attendance

JUDGMENT

The unanimous judgment of the Tribunal is as follows:

1. The claimant's claim that the first respondent failed to comply with the requirements of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 in respect of his dismissal 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 the claimant a payment equivalent to remuneration for the period of 90 days beginning on 28 January 2019.

Recoupment

3. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply to this award. The protected period is the period of 90 days beginning on 28 January 2019.
4. The first respondent is advised of the provisions of Regulation 6 of the Employment Protection (Recoupment of Jobseeker's Allowance and Income

Support) Regulations 1996, such that, within 10 days of the decision in these proceedings or as soon as is reasonably practicable, the first respondent must comply with the provisions of Regulation 6 of the 1996 Regulations and, in particular, must supply to the Secretary of State the following information in writing:

- a. the name, address and national insurance number of the employee to whom the award relates;
 - b. the date of termination of the employment of the employee.
5. The first respondent will not be required to make any payment under the protective award until it has received a recoupment notice from the Secretary of State or notification that the Secretary of State does not intend to serve a recoupment notice having regard to the provisions of Regulation 7(2). The Secretary of State must normally serve such recoupment notice or notification on the employer within 21 days of receipt of the required information from the respondent.

Employment Judge Aspden
22 September 2021

Note

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.