



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr W Hannah-O'Donnell

**Respondent:** Coulson Collins Care Home Limited

**HELD AT:** Manchester (by CVP)

**ON:** 18 January 2022

**BEFORE:** Employment Judge Johnson

## REPRESENTATION:

**Claimant:** Miss V James (mother)

**Respondent:** Ms L Gould (counsel)

## REMEDY JUDGMENT

1. The respondent shall pay to the claimant compensation for his complaint of unfair dismissal of **£2909.08 (Two Thousand, Nine Hundred and Nine Pounds and Eight Pence)** and calculated as follows:

<b>Unfair dismissal</b>	<b>Subtotal/Total</b>
1. Immediate loss of earnings from effective date of termination on 20 January 2021 until 19 February 2021 (being the correct date of termination had consultation taken place) of 110 hours work = <b>£919.60</b>	
2. Accrued untaken annual leave from 20 January 2021 until 19 February 2021 = <b>£99.48</b>	
3. Immediate loss of earnings from 19 February 2021 until 17 April 2021 = <b>£1640.00</b>	
4. Loss of statutory rights = <b>£250.00</b>	
<b>Grand Total</b>	<b>£2909.08</b>

2. The claimant acknowledges that from 24 March 2021 until an unspecified date in June 2021, he did receive universal credit payments from the Department

of Work and Pensions, ('DWP'). It is not clear whether recoupment is applicable in this case, however, the following figures may be of relevance:

- a) **Prescribed element:** £2659.08, (being immediate loss of earnings payable as part of the compensatory award and which must be held until the question of recoupment has been resolved);
- b) **Prescribed period:** 20 January 2021, (the effective date of termination) until 18 January 2022 (date of remedy hearing).
- c) **Total award:** £2909.08 (see Grand total figure in the table above)
- d) **Balance:** £250.00 (following the reservation of the prescribed element and payable to the first claimant immediately)

NOTE: The respondent will reserve the prescribed element until they have been informed by the DWP what amount of that figure should be subject to recoupment by the DWP (if any), and the amount of the balance of the prescribed element which can then be paid to the claimant.

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Employment Judge Johnson

Date 18 January 2022

JUDGMENT SENT TO THE PARTIES ON

24 January 2022

FOR THE TRIBUNAL OFFICE

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.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2402994/2021**

Name of case: **Mr W Hannah-  
O'Donnell** v **Coulson & Collins Care  
Home Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision 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: 24 January 2022

"the calculation day" is: 25 January 2022

"the stipulated rate of interest" is: 8%

For the Employment Tribunal Office

**Claimant:** Mr W Hannah-O'Donnell

**Respondent:** Coulson & Collins Care Home Ltd

**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.