



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4101879/2020

Mr J Louden

Claimant

**Architectural Coatings Limited (In
Liquidation)**

Respondent

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

The judgment of the Employment Tribunal is that the claimant's complaint of unfair dismissal succeeds and the respondent shall pay to the claimant the sum of £25,657.50 in compensation.

The Employment Tribunals (Recoupment of Benefits) Regulations 1996 apply to this award. The prescribed element is £24,626.13.

Note on Recoupment

The Employment Tribunal Protection (Recoupment of Benefits) Regulations 1996 requires the Employment Tribunal to identify that part of the award which

corresponds to the period of loss when the claimant was in receipt of benefits. The relevant department will serve notice on the respondent stating how much is due to be repaid to it. The respondent should meantime only pay the claimant the amount by which the monetary award of £25,675.50 exceeds the prescribed element.

The prescribed element consists of loss of wages from the date of dismissal until those losses cease. That period is from 26 February 2020 to 25 February 2022, and the total amount is £41,043.56. By reason of regulation 4(2) the prescribed amount falls to be reduced proportionately on account of the statutory cap. The amount thus falls to be reduced by 60% to take account of the statutory cap, making the prescribed amount £24,626.13. The monetary award thus exceeds the prescribed element by £1,049.37.

Note on Calculation of Award

The sums due in respect of compensation are calculated as follows:

- basic award: £1,399.50; compensatory award (past losses): £42, 129.10;
and loss of statutory rights: £750.00.

The award is reduced to take account of the statutory cap (£24,258) making the total award £25,657.20.

Employment Judge:	M Robison
Date of Judgment:	09 March 2022
Entered in register:	09 March 2022
and copied to parties	