



EMPLOYMENT TRIBUNALS

Claimant: Mr K Biggs and others

Respondent: R1: Staveley Head Limited (in Administration)
R2: The Secretary of State for Business, Energy and Industrial
Strategy
R3 One Sure Insurance Limited

UPON APPLICATION made by letter dated 24 May 2022 to reconsider the dismissal judgment in case number 2405275-20 dated 6 May 2022 (promulgated on 17 May 2022) and the Reserved Judgment in case number 2405241-20 and others dated 6 May 2022 (promulgated on 17 May 2022) under rule 71 of the Employment Tribunals Rules of Procedure 2013, and without a hearing,

JUDGMENT on Reconsideration

In the interests of justice, having had representations from the claimant and the respondents having been afforded an opportunity to make representations and or request a hearing and having not done so:

The judgments are varied:

1. The judgment dated 6 May 2022 dismissing Mr Sean Fletcher's claim, case number 2405275-20 in its entirety is varied: Mr Fletcher's unfair dismissal complaint remains dismissed on withdrawal. **His TULRCA complaint is reinstated.**
2. The 6 May 2022 Reserved Judgment in the consolidated claims including Mr Fletcher's is varied at paragraph 9 of that Judgment to remove the reference to Mr Fletcher having withdrawn his TULRCA complaint.
3. The 6 May Reserved Judgment is further varied so that **Mr Sean Fletcher's name is added to the list of names in Schedule A to the Reserved Judgment with the effect that the Protective Award made at paragraph 108 of the Judgment is made in Mr Fletcher's case number 2405275-20.**

REASONS

4. The reason for the reconsideration is that it is in the interests of justice to correct an error which wrongly dismissed both of Mr Fletcher's complaints when only the unfair dismissal complaint was withdrawn and to rectify the Schedule to the Reserved Judgment so as to have determined Mr Fletcher's TULRCA complaint as part of the consolidated claims brought by Mr Biggs and others in the consolidated lead case number 2405241-20 and allow Mr Fletcher to achieve his protective award.

Employment Judge **ASPINALL**
18 August 2022

JUDGMENT SENT TO THE PARTIES ON

22 August 2022

FOR THE TRIBUNAL OFFICE

**Case No 2405241-20 the consolidated lead case
And case number 2405275-20 Mr Fletcher's individual case number**

Schedule to Judgment

The dismissed employees in respect of whom a protective award is made

Case Number	Claimant Name
2405233/2020	Mr Tobias Hussain
2405241/2020	Mr Kevin Biggs
2405242/2020	Lisa Ward
2405243/2020	Mr Lee Evans
2405244/2020	Ms Elizabeth Blackie
2405245/2020	Mr Peter Mountfort
2405246/2020	Mr Liam Roberts
2405247/2020	Ms Caroline Kirkham
2405248/2020	Ms Deborah Hughes
2405249/2020	Mr Stuart Buxton
2405250/2020	Ms Rhian McGraa
2405251/2020	Mr Adam Graham
2405252/2020	Mr Allan Scattergood
2405253/2020	Mrs Sandra Roberts
2405254/2020	Mr Fryderyk Banski
2405255/2020	Ms Kristie Williams
2405256/2020	Ms Amy Hebaiter
2405257/2020	Ms Victoria Guest
2405258/2020	Ms Sian Martin
2405259/2020	Ms Jennifer Hiles
2405260/2020	Ms Zoe Hughes
2405261/2020	Mr Carl Sillitoe
2405262/2020	Ms Jayne Hudson
2405263/2020	Mr Andrew Connolly
2405264/2020	Ms Sarah Hood
2405265/2020	Ms Amanda Jackson
2405266/2020	Ms Holly McGlade
2405267/2020	Ms Cerys Pryce
2405268/2020	Mr Nathan Davies
2405269/2020	Ms Sarah Kissack
2405270/2020	Ms Bethany Hodson
2405271/2020	Ms Amy Crocombe
2405272/2020	Ms Aneta Edwards
2405273/2020	Ms Olita McKeon
2405274/2020	Ms Emily Leighton
2405275/2020	Mr Sean Fletcher
2405276/2020	Mr Peter Cresswell
2405277/2020	Mr James Ablett
2405278/2020	Ms Megin Doig
2405279/2020	Ms Abbie Colclough

**Case No 2405241-20 the consolidated lead case
And case number 2405275-20 Mr Fletcher's individual case number**

Case Number: 2405275/2020

Claimant: Mr S Fletcher

Respondent:

- 1. Staveley Head Limited (In Administration)**
- 2. The Secretary of State For Business, Energy And Industrial Strategy**
- 3. One Sure Insurance Limited**

**ANNEX TO THE JUDGMENT
(PROTECTIVE AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The respondent is under a duty to give the Secretary of State the following information in writing: (a) the name, address and National Insurance number of every employee to whom the protective award relates; and (b) the date of termination (or proposed termination) of the employment of each such employee.

That information shall be given within 10 days, commencing on the day on which the Tribunal announced its judgment at the hearing. If the Tribunal did not announce its judgment at the hearing, the information shall be given within the period of 10 days, commencing on the day on which the relevant judgment was sent to the parties. In any case in which it is not reasonably practicable for the respondent to do so within those times, then the information shall be given as soon as reasonably practicable thereafter.

No part of the remuneration due to an employee under the protective award is payable until either (a) the Secretary of State has served a notice (called a Recoupment Notice) on the respondent to pay the whole or part thereof to the Secretary of State or (b) the Secretary of State has notified the respondent in writing that no such notice is to be served.

This is without prejudice to the right of an employee to present a complaint to an Employment Tribunal of the employer's failure to pay remuneration under a protective award.

If the Secretary of State has served a Recoupment Notice on the respondent, the sum claimed in the Recoupment Notice in relation to each employee will be whichever is the less of:

- (a)** the amount (less any tax or social security contributions which fall to be deducted by the employer) accrued due to the employee in respect of so much of the protected period as falls before the date on which the Secretary of State receives from the employer the information referred to above; OR

**Case No 2405241-20 the consolidated lead case
And case number 2405275-20 Mr Fletcher's individual case number**

- (b)** (i) the amount paid by way of or paid as on account of jobseeker's allowance,
- (c)** income-related employment and support allowance or income support to the employee for any period which coincides with any part of the protected period falling before the date described in (a) above; or

- (ii)** in the case of an employee entitled to an award of universal credit for any period ("the UC period") which coincides with any part of the period to which the prescribed element is attributable, any amount paid by way of or on account of universal credit for the UC period that would not have been paid if the person's earned income for that period was the same as immediately before the period to which the prescribed element is attributable.

The sum claimed in the Recoupment Notice will be payable forthwith to the Secretary of State. The balance of the remuneration under the protective award is then payable to the employee, subject to the deduction of any tax or social security contributions.

A Recoupment Notice must be served within the period of 21 days after the Secretary of State has received from the respondent the above-mentioned information required to be given by the respondent to the Secretary of State or as soon as practicable thereafter.

After paying the balance of the remuneration (less tax and social security contributions) to the employee, the respondent will not be further liable to the employee. However, the sum claimed in a Recoupment Notice is due from the respondent as a debt to the Secretary of State, whatever may have been paid to the employee, and regardless of any dispute between the employee and the Secretary of State as to the amount specified in the Recoupment Notice.