



EMPLOYMENT TRIBUNALS

Claimant: Amanda Green and others (see Schedule)

Respondent: (1) Wholesale Realisations Ltd (in administration)

(2) Secretary of State for Business, Energy and Industrial Strategy

Heard at: Manchester Employment Tribunal (by Cloud Video Platform)

On: 6 October 2022

Before: Employment Judge Dunlop (sitting alone)

Representation

Claimants: Mr C Oldale (solicitor) all claimants except Mr Ackerley and Mr Dadhiwalal
Mr Dadhiwala, did not attend and was not represented
Mr J Ackerley, did not attend and was not represented

First Respondent: No attendance

Second Respondent: No attendance

JUDGMENT

1. The title of the first respondent is amended to "Wholesale Realisations Limited (in Administration)".
2. The Tribunal makes a protective award in favour of the claimants listed in the Schedule attached to this judgment and orders the respondent to pay remuneration for a protected period of 90 days beginning on 20 July 2021.
3. In the case of Mr Ackerley, the Tribunal rejects his claim in respect of a protective award as he worked at the Warrington Branch and has not produced evidence of there being 20 or more proposed redundancies at that establishment. (The award has been made in respect of claimants who

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and others (see Schedule)**

all worked at the Preston Branch. I heard evidence which satisfied me that there were 26 redundancies at that branch.)

4. Mr Ackerley's claim for holiday pay was withdrawn by his representatives in an email dated 28 September 2022. It is dismissed upon withdrawal.
5. There were duplicate claimants presented by Mr Sahal Dadiwala as part of this multiple (2414401/2021 and 2414402/2021). His claims were also withdrawn by his (then) representatives by letter dated 23 November 2021. There does not appear to be a dismissal judgment on file. Those claims are therefore also dismissed on withdrawal.
6. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award.

Employment Judge Dunlop
Date: 6 October 2022

SENT TO THE PARTIES ON
7 October 2022

FOR EMPLOYMENT TRIBUNALS

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Schedule of Claimants entitled to protective award

| Claim Number | Name |
|--------------|-------------------|
| 2414403/2021 | Amanda Green |
| 2414404/2021 | Steven Parkinson |
| 2414405/2021 | Gillian Rostron |
| 2414406/2021 | Julie Jacobson |
| 2414407/2021 | Fahin Azam |
| 2414408/2021 | Chris Blades |
| 2414409/2021 | Kelly Tite |
| 2414410/2021 | Diane Sedgwick |
| 2414411/2021 | Geraldine Lythgoe |
| 2414412/2021 | Michael Whiteside |
| 2414413/2021 | Daniel Kerrigan |
| 2414414/2021 | Perveez Voraji |

Schedule of Claimants not entitled to protective award

| Claim Number | Name |
|-------------------------------|------------------|
| 2414982/2021 | Jeffrey Ackerley |
| 2414401/2021 and 2414402/2021 | Sahal Dadhiwala |

**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
- (b)** (i) the amount paid by way of or paid as on account of jobseeker's allowance, 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.

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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.