



EMPLOYMENT TRIBUNALS

Claimants: Christina Flanagan & others
(see attached schedule)

Respondent: 1. Pure Business Group Limited (In Administration)
2. Pure Claims Support Services Limited (In Administration)
3. PLL 1 Realisations Limited (In Administration)
4. Pure Technology Systems Limited (In Administration)

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The Judgment of the Tribunal is that the claimants' complaint under section 180 of the Trade Union and Labour Relations (Consolidation) Act 1992 of a failure by the first respondent to comply with the requirements of section 188 of the Act is well founded. The Tribunal orders the first respondent, by way of a protective award, to pay the claimant and the other claimants listed on the attached schedule who were dismissed for redundancy on 2 November 2021, remuneration for the period of 90 days beginning 2 November 2021.
2. The Recoupment Regulations apply.

Employment Judge Ross
Date: 2 November 2022

JUDGMENT SENT TO THE PARTIES ON

11 November 2022

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE

Schedule

2400561/2022	Ayodeji Akande
2400562/2022	Layla Alderton
2400567/2022	Amanda Ashton
2400570/2022	Gavin Baxter
2400571/2022	Anthony Berry
2400572/2022	Mark Beswick
2400576/2022	Bettina Boszormenyi
2400581/2022	Paul Broadhurst
2400585/2022	Guy Brown
2400589/2022	Emma Case
2400594/2022	Andrew Clegg
2400598/2022	Devon Crowley
2400602/2022	Neil Daly
2400610/2022	Leanne Egan
2400614/2022	Bethyn Finley
2400615/2022	Nicola Finney
2400617/2022	Christina Flanagan
2400620/2022	Jennifer Furlong
2400625/2022	Gary Grimes
2400627/2022	Heather Hall
2400629/2022	Marie Hall
2400635/2022	Phil Hodgkinson
2400636/2022	Sue Hodgkinson
2400641/2022	Helen Hynes
2400644/2022	David Kirby
2400645/2022	Zita Kiszko
2400650/2022	Daniel Lawlor
2400657/2022	Rebecca Mallon
2400658/2022	Cameron Mares
2400659/2022	Rob Mares
2400664/2022	Ian McDermott
2400668/2022	Bryony Millington
2400672/2022	Sarah Murray
2400680/2022	Naomi Petrou-Brown
2400692/2022	Jack Robertson
2400696/2022	Peter Saunders
2400697/2022	Andrew Scott
2400700/2022	Jennifer Shaw
2400701/2022	Jessica Shaw
2400703/2022	Lauren Silker
2400708/2022	Sophie Smith
2400711/2022	David Stacey
2400720/2022	Philippa Tracy
2400739/2022	Lee Salmon
2400740/2022	Julie Jennings
2400741/2022	Carla Maguire

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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.

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.