



EMPLOYMENT TRIBUNALS

Claimants: Ms Hollie Adlard and others

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 on Reconsideration

1. The application of the claimants' representative dated 21 November 2022 to reconsider the judgement dated 2 November 2022 and sent to the parties on 11 November 2022 succeeds.
2. Therefore the Judgement 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 second respondent to comply with the requirements of section 188 of the Act is well founded. The tribunal orders the second respondent by way of a protective award to pay the claimants (except Michael Taylor and Joshua Clarke) who were dismissed for redundancy on or after second of November 2021, remuneration for the period of 90 days beginning on the date each claimant was made redundant.
3. In relation to Michael Taylor case number 2400715/2022, the Judgement of the Tribunal is that his complaint under section 180 of the Trade Union and Labour Relations (Consolidation) Act 1992 of a failure by the fourth respondent, Pure Technology Systems Limited (In Administration) to comply with the requirements of section 188 of the Act is well founded. The tribunal orders the fourth respondent by way of a protective award to pay the claimant Michael Taylor who was dismissed for redundancy on or after second of November 2021, remuneration for the period of 90 days beginning on the date he was made redundant.
4. In relation to Joshua Clarke 2400593/2022, the Judgement of the Tribunal is that his complaint under section 180 of the Trade Union and Labour Relations (Consolidation) Act 1992 of a failure by the first respondent, Pure Business Group Limited (In Administration) 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 Joshua Clarke who was dismissed for redundancy on or after second of November 2021, remuneration for the period of 90 days beginning on the date he was made redundant.

5. The Recoupment Regulations apply.

Employment Judge Ross
Date: 11 January 2023

JUDGMENT SENT TO THE PARTIES ON
13 January 2023
AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE

Schedule

2400559/2022	Hollie Adlard
2400573/2022	Paul Blackhurst
2400584/2022	Alison Brown
2400593/2022	Joshua Clarke
2400595/2022	James Coulton

2400601/2022	Graham Dagnall
2400608/2022	Shaun Dyson
2400609/2022	Kieran Eccles
2400611/2022	Leanne Elms
2400616/2022	Tina Fitzmaurice
2400619/2022	Alexandra Foy
2400621/2022	Ellis Gibney
2400624/2022	Mark Gotham
2400628/2022	Lindsey Hall
2400630/2022	Cheryl Harford
2400631/2022	Martin Heaton
2400634/2022	Daniel Hitchcock
2400637/2022	Jordelle Howard
2400640/2022	Kelly Hyland
2400642/2022	Lee Jackson
2400648/2022	Ryan Landry
2400652/2022	Ross Lenton
2400653/2022	Thomas Lindsay
2400655/2022	Carole Longworth
2400662/2022	Neal McAndrew
2400665/2022	Sean McDonough
2400673/2022	Amy O'Brien
2400674/2022	Enya O'Donnell
2400685/2022	Sebastian Praxitelous
2400686/2022	Louisa Prescott
2400687/2022	Kelly Price
2400690/2022	Kayleigh Ricketts
2400695/2022	Jack Sampson
2400702/2022	Anne Shone
2400704/2022	Terry Sloan
2400713/2022	Jessica Stobbart
2400714/2022	Susan Swaine
2400715/2022	Michael Taylor
2400719/2022	Helen Thompson
2400726/2022	Joseph Westhead
2400734/2022	Sulekha Yassin
2400742/2022	Kate Wonderley
2400743/2022	John Flanagan

**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.