



# EMPLOYMENT TRIBUNALS

**Claimants:** Mr G Johnson & others (see schedule)

**Respondents:** (1) Singleton's Dairy Limited (in Administration)  
(2) The Secretary of State for BEIS

## JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The complaints seeking a protective award under section 189 Trade Union and Labour Relations (Consolidation) Act 1992 are well founded. The first respondent failed in its duty to consult the claimants under section 188 of that Act.
2. The first respondent is ordered to pay to each claimant identified in the schedule to this judgment remuneration for the protected period of ninety days starting on 22 August 2022.
3. The recoupment regulations apply.

6<sup>th</sup> February 2023

Employment Judge Howard

JUDGMENT SENT TO THE PARTIES ON

20<sup>th</sup> February 2023  
FOR THE TRIBUNAL OFFICE

**SCHEDULE**

***Schedule of Singleton's Dairy Limited (In Administration)***

2409434/2022	Mr Gary Johnson
2409435/2022	Mr jak blanthorn
2409436/2022	Mr dominic rabbits
2409437/2022	Mr shannon pittman
2409438/2022	Mr john pickard
2409439/2022	Mr daniel nicholls
2409440/2022	Ms jacqui deverson
2409441/2022	Mr graham taylor
2409442/2022	Ms emily jenkinson/davidson
2409443/2022	Mr martin lambert
2409444/2022	Mr joseph taylor
2409445/2022	Ms susan hodgkinson
2409446/2022	Mr mark costall
2409447/2022	Mr darren slater
2409448/2022	Ms tatjana mansfield
2409449/2022	Mr nikolay atanasov
2409450/2022	Mr lewis collins
2409451/2022	Mr craig worthington
2409452/2022	Ms julia polakova
2409453/2022	Mr richard france
2409454/2022	Mr michael whiteside
2409455/2022	Mr sahal dadhiwala
2409456/2022	Mr stefan donoghue
2409457/2022	Mr peter mcadam
2409458/2022	Mr turney logan
2409459/2022	Mr sebastian lath
2409460/2022	Mr mohammed aqeel baig
2409461/2022	Mr craig clifford
2409462/2022	Mr alex baxter
2409463/2022	Mr david pugh
2409464/2022	Mr alastair kippax
2409465/2022	Mr shaun austen
2409466/2022	Mr david bowling
2409467/2022	Ms charlotte dewhurst
2409468/2022	Mr damien harrington
2409469/2022	Mr ayub kasamri
2409470/2022	Mr marcin pacak

**Case No: 2409434/2022  
& others  
(see schedule attached)**

2409471/2022  
2409472/2022  
2409473/2022  
2409474/2022  
2409475/2022  
2409476/2022

Mr brendan gornall  
Mr malcolm hutchinson  
Mr neil patel  
Ms helen bradford  
Ms julia watson  
Mr simon wooler

**Case Numbers: 2409434/2022 & others  
(see attached schedule)**

**Claimants:** Mr G Johnson & others (see attached schedule)

**Respondent:** 1. Singleton's Dairy Limited (In Administration)  
2. The Secretary of State for Business, Energy and Industrial Strategy

**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.

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