



EMPLOYMENT TRIBUNALS

Claimant: Mr P Childs and others (See attached Schedule)

Respondent:

1. Pure Business Group Limited (in administration)
2. PLL 1 Realisation Limited (in administration)
3. Secretary of State for Business, Energy and Industrial Strategy
4. Pure Claims Support Services

Heard at: Manchester

On: 2 March 2023

Before: Employment Judge Ross

AMENDMENT OF CLAIM AND JUDGMENT ON RECONSIDERATION

1. The judgment was originally sent to the parties on 31 October 2022. It was subject to a judgment on reconsideration and amendment of claim which was sent to the parties on 11 January 2023.
2. There has been a further application from the claimants' representative in relation to claimant Jane Walsh 2300491/2022 and claimant Paul Childs 2300486/22.
3. As a result of those successful applications for reconsideration dated 24 January 2023, Pure Claims Support Services is added as a fourth respondent.
4. The judgment is corrected so that the judgment of the Tribunal is that for the claimant Jane Walsh 2300491/22, her complaint under Section 180 of the Trade Union and Labour Relations (Consolidation) Act 1992 of a failure by the fourth respondent 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 Jane Walsh 2300491/22 who was dismissed for redundancy on or after 2 November 2021 remuneration for the period of 90 days beginning on the date she was made redundant.
5. In relation to Paul Childs claimant 2300486/22 the judgment is corrected so that the claimant's 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 to pay the claimant, by way of protective award, who was dismissed for redundancy on or after 2 November 2021 remuneration for the period of 90 days beginning on the date when he was made redundant.
6. The Tribunal's judgment remains unchanged that the judgment of the Tribunal is that all other claimants' complaints 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 all the other claimants (except Jane Walsh 2300491/22 and Paul Childs 2300486/22 and Artiom Makarevic claim number 2300490/22) listed on the attached schedule who were dismissed for redundancy on or after 2 November 2022 remuneration for the period of 90 days beginning on the date each claimant was made redundant.
 7. In relation to Artiom Makarevic claim number 2300490/22 the judgment of the Tribunal is that his claim under Section 180 of the Trade Union and Labour Relations (Consolidation) Act of a failure by the second respondent PLL 1 Realisations Limited (in administration) formerly Pure Legal Limited to comply with the requirements of Section 188 of the act is well founded. The Tribunal orders the second respondent by way of protective award to pay Artiom Makarevic who was dismissed for redundancy on or after 2 November 2021 remuneration for the period of 90 days beginning on the date he was made redundant.
 8. The Recoupment Regulations apply.

Employment Judge Ross

9 March 2023

JUDGMENT SENT TO THE PARTIES ON

16 March 2023

FOR THE TRIBUNAL OFFICE

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.

ANNEX

Claim Number	Claimant's Name
2300486/2022	Mr Paul Childs
2300487/2022	Mr Anthony Cheney
2300488/2022	Mr Liam Lamb
2300489/2022	Miss Lauren Hayes
2300490/2022	Mr Artiom Makarevic
2300491/2022	Jane Walsh

**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.

**Case Nos. 2300486/2022 and others
(See attached Schedule)**

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.