



EMPLOYMENT TRIBUNALS

Claimants: Mario Arede and others (see attached Schedule)

Respondents: 1. Pure Business Group Limited (in administration)
2. Pure Claims Support Services Limited (in administration)
3. PLL1 Realisations Limited (in administration)
4. Pure Technology Systems Limited (in administration)

Heard at: Manchester

On: 2 March 2023

Before: Employment Judge K M Ross

RECONSIDERATION JUDGMENT

1. The application of the claimants' representative clarified on 3 February 2023 to reconsider the judgment dated 2 November 2022 and sent to the parties on 10 November 2022 succeeds and is reconsidered as set out in bold type below.
2. Therefore, the judgment of the Tribunal is that the claimants' complaint under Section 180 of the Trade Union and Labour Relations (Consolidation) Act of 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 and the other claimants listed on the attached Schedule who were dismissed for redundancy on or after 2 November 2021 **remuneration for the period of 90 days beginning on the date each claimant was made redundant.**
3. The Recoupment Regulations apply.

Employment Judge Ross

9 March 2023

**Case No. 2400565/2022 and others
(see attached Schedule)**

JUDGMENT SENT TO THE PARTIES ON

23 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.

Schedule

2400565/2022	Marvio Arede
2400575/2022	Ahmed Borwin
2400580/2022	Patrick Brennan
2400588/2022	Neil Carey
2400590/2022	Simon Chadwick
2400592/2022	Daniel Chu
2400597/2022	Robert Crosby
2400606/2022	Olivia Dennison-Reed
2400607/2022	Rebecca Downing
2400613/2022	Paul Ferguson
2400618/2022	David Forshaw
2400626/2022	Kristofer Hahne
2400643/2022	Timothy Johnston
2400646/2022	Jamie Laidlaw
2400649/2022	Edward Lang
2400661/2022	Jack Maynard
2400677/2022	Mark Owens
2400679/2022	Ryan Penn
2400682/2022	Daniele Piccolo
2400683/2022	David Poole
2400689/2022	Nerys Reece
2400716/2022	Michael Taylor
2400731/2022	Daron Winter
2400744/2022	Christopher McGuinness
2400745/2022	Elizabeth Stevens

Claimants: Marvio Arede & others

Respondents:

- 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)**

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.