



EMPLOYMENT TRIBUNALS

Claimants: Jennifer Ainsworth 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 as clarified on 3 February 2023 to reconsider the judgment dated 2 November 2022 and sent to the parties on 10 November 2022 succeeds. The Judgment is reconsidered as set out in bold type below.
2. Therefore, the judgment of the Tribunal is that the claimants' claim under Section 180 of the Trade Union and Labour Relations (Consolidation) Act 1992 of a failure by the third respondent to comply with the requirements of Section 188 of the Act is well-founded. The Tribunal orders the third respondent by way of a protective award to pay the claimants who were dismissed for redundancy on or around 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. 2400560/2022 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

2400560/2022	Jennifer Ainsworth
2400563/2022	David Andrew Allan
2400564/2022	Rebekah Ankers
2400566/2022	Zara Arshad
2400568/2022	Jake Bailey
2400569/2022	Matthew Barlow
2400574/2022	Louise Boddy
2400577/2022	Mary Boyle
2400578/2022	Philip Bradley
2400579/2022	Michael Bray
2400582/2022	Gemma Bielby
2400583/2022	Stephanie Brooks
2400586/2022	Matthew Brown (Pryers)
2400587/2022	Aishah Butt
2400591/2022	Shahbaz Choudhary
2400596/2022	Steven Coyle
2400599/2022	Charlotte Cullingworth
2400600/2022	Chloe Cuthbert
2400603/2022	Catherine Davies
2400604/2022	Mark Davies
2400605/2022	Debbie Davis
2400612/2022	Zoe Evans
2400622/2022	Thomas Giles
2400623/2022	Michelle Golden
2400632/2022	Tarryn Hindle
2400633/2022	Ashley Ho
2400638/2022	Julie Hughes
2400639/2022	Michelle Hughes
2400647/2022	Sanjeet Lally
2400651/2022	Jodie Lees
2400654/2022	Vincenzo Logozzi
2400656/2022	Saliya Mahmood
2400660/2022	Faye Mathias
2400663/2022	Ian McCreath
2400666/2022	Sarah McGuire
2400667/2022	Shiamli Mehta-Cronie
2400669/2022	Steven Millward
2400670/2022	Katie Murphy
2400671/2022	Sian Murphy
2400675/2022	Claire O'Rourke
2400676/2022	Nicole Owen
2400678/2022	Aisha Pasha

**Case No. 2400560/2022 and others
(see attached Schedule)**

2400681/2022	Daniel Petty
2400684/2022	Simon Porter
2400688/2022	Madeeha Rahman
2400691/2022	Samantha Roberts
2400693/2022	Lisa Rotheram
2400694/2022	Danielle Russell
2400698/2022	Shaun Shanmugan
2400699/2022	Bethany Shaw
2400705/2022	Catherine Smith
2400706/2022	Ellesha Smith
2400707/2022	Paul Smith
2400709/2022	Martin Snee
2400710/2022	Jon Snee
2400712/2022	Shaun Stanton
2400717/2022	Jodie Teare
2400718/2022	Stuart Thomas
2400721/2022	Mohammed Ubaid
2400722/2022	Kelly Vauson
2400723/2022	Nadeem Vaza
2400724/2022	Lauren Ward
2400725/2022	Rebecca Watson
2400727/2022	Stuart White
2400728/2022	Denise Wilkinson
2400729/2022	Eileen Williams
2400730/2022	Paula Williams
2400732/2022	Emily Womack Marl
2400733/2022	Pamela Woollen
2400735/2022	Danielle Young
2400736/2022	Iram Zafar
2400737/2022	Rohida Luhar
2400738/2022	Christopher Young

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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.