



EMPLOYMENT TRIBUNALS

BETWEEN

CLAIMANT

RESPONDENT

MS C DARBY

V

RSPCA CLYWD & COLWYN

HELD REMOTELY ON: 30 JUNE 2023

BEFORE: EMPLOYMENT JUDGE S POVEY

REPRESENTATION:

FOR THE CLAIMANT:

IN PERSON

FOR THE RESPONDENT:

MR JONES (COUNSEL)

JUDGMENT

1. The complaint of unfair dismissal is made out and succeeds.
2. The Respondent must pay the Claimant the sum of £2,324.67, calculated as follows:

	£
2.1. Loss of Earnings	1,814.82
2.2. Pension Contributions	59.85
2.3. Loss of Statutory Rights	<u>450.00</u>
Total	2,324.67
3. The Respondent paid the Claimant a statutory redundancy payment of £2,137.50 on 15 December 2022. In error, tax & NI deductions of £477.64 were made at source and the Claimant will seek repayment of those sums from HMRC.
4. The Employment Protection (Recoupment of Jobseeker's Allowance & Income Support) Regulations 1996 do not apply.

EMPLOYMENT JUDGE S POVEY

Dated: 3 July 2023

Order posted to the parties
On 10 July 2023

For Secretary of the Tribunals
Mr N Roche

Claimant **Ms M Jones**
Respondent **Bedwellty Park Residential Home Limited**

ANNEX TO THE JUDGMENT (MONETARY AWARDS)

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the Claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the Respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element is payable by the Respondent to the Claimant immediately.

When the Secretary of State sends the Recoupment Notice, the Respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the Respondent must pay the balance to the Claimant. If the Secretary of State informs the Respondent that it is not intended to issue a Recoupment Notice, the Respondent must immediately pay the whole of the prescribed element to the Claimant.

The Claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the Claimant disputes the amount in the Recoupment Notice, the Claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the Claimant and the Secretary of State.