



EMPLOYMENT TRIBUNALS

Claimant: Mr R Taylor

Respondent: The Department for Work and Pensions

Heard at: Liverpool

On: 17 July 2023

Before: Employment Judge Benson

Members: Mr W Partington

Mrs J Pennie

Representation

Claimant: in person

Respondent: Mr A Lyons - counsel

JUDGMENT ON REMEDY

1. The respondent is ordered to pay to the claimant the following sums:
 - a. a Basic Award in the sum of **£1034.31**
 - b. a Compensatory Award in the sum of **£22,836**.
 - c. Damages in the sum of **£1917.75** net in respect of the failure to provide him with notice.
2. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply.
 - a. The total monetary award made to the claimant is £22,836
 - b. The prescribed element is £19,848
 - c. The dates of the period to which the prescribed element is attributable are 2 January 2020 to 17 July 2023
 - d. The amount by which the monetary award exceeds the prescribed element is £2,988.

Schedule

1. The following was agreed: The claimant's gross weekly pay from the respondent was £571.15. His weekly net pay was £383.55. The respondent's weekly pension contribution was £140.15. He was dismissed on 28 November 2019 and was 28 years of age at the date of his dismissal. He had 4 years continuous employment. He was entitled to a notice period of 5 weeks. By 30 May 2021 the claimant was earning the same or a higher salary as with the respondent and had comparable pension benefits. From that date the claimant had no ongoing loss of earnings. He earned income of £12,488 from the date of his dismissal to 30 May 2021. He was in receipt of Employment Support Allowance from 3 January 2020 to 1 November 2020.
2. The Tribunal found: The claimant contributed to his dismissal. The Tribunal determined that his compensatory award should be reduced by 25% and his basic award by 50%. His award was uplifted by 15% for a failure to follow the ACAS Code of Practice. The claimant had mitigated his losses initially by finding temporary work through an agency, and from 1 May 2021 a permanent position with HMRC.

Basic Award:

4 weeks x £517.15 = £2068.62

Less 50%

£1034.31

Compensatory Award

Actual financial loss

3 January 2019 (end of notice period) to 30 May 2021

69 weeks x £383.55 net pay

£26,464.95

28 November 2019 to 30 May 2021

74 weeks x £140.14 pension contributions

£10,370.36

Loss of statutory rights

£500.00

£37,335.13

ACAS Uplift 15%

£5,600.00

£42,935.00

Less income earned by claimant to 30 May 2021

£12,488.00

£30,477.00

Less 25% contributory fault (£30,477 x 25%)

£7,611.00

£22,836.00

Damages for breach of contract – notice period

5 weeks x £383.55

£1917.75

Employment Judge Benson

Date 4 August 2023

JUDGMENT SENT TO THE PARTIES ON

9 August 2023

FOR THE TRIBUNAL OFFICE

Notes

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2401744/2020**

Name of case: **Mr R Taylor** v **The Department for Work
and Pensions**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 9 August 2023

the calculation day in this case is: 10 August 2023

the stipulated rate of interest is: **8% per annum.**

For the Employment Tribunal Office

Claimant: Mr R Taylor

Respondent: The Department for Work and Pensions

**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.