

Case No 2406614/2022
2406615/2022
2406616/2022
2406617/2022
2406618/2022
2406619/2022
2406620/2022
2406621/2022



EMPLOYMENT TRIBUNALS

Claimants: Miss S Lacey
Mr R Dingle
Miss S Lejeune-Peggie
Mr P Robinson
Mr M Solanki
Mr S Humphreys
Mrs K Stanley-Gaussen
Ms V Thomas

Respondents: 1. Urban Splash House Holdings Ltd (in administration)
2. Secretary of State for Business, Energy and Industrial Strategy

Heard at: Liverpool On: 21 and 22 September 2023

Before: Employment Judge Horne

Members: Mr I Taylor
Ms M Dowling

Representatives

For the claimants: Mr M Todd, counsel

For the respondents: Neither respondent appeared or was represented

JUDGMENT

The following decisions are unanimous:

1. The first respondent proposed to dismiss as redundant more than 20 of its employees at the Head Office establishment and failed to consult about the dismissals with any appropriate representatives.

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2. The tribunal therefore makes a protective award.
3. The protected period is 90 days, beginning on 11 May 2022.
4. The protective award is in respect of:

Miss Lacey,
Mr Dingle,
Miss Lejeune-Peggy,
Mr Humphreys,
Mrs Stanley-Gaussen,
and
Ms Thomas.

The following decision was made by a majority:

5. The protective award is also in respect of:
Mr Robinson and
Mr Solanki.

Employment Judge Horne

22 September 2023

JUDGMENT SENT TO THE PARTIES ON
AND ENTERED IN THE REGISTER

28 September 2023

FOR THE TRIBUNAL OFFICE

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Notes:

1. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply. The parties should refer to the guidance accompanying this judgment.
2. The majority decision recorded at paragraph 5 was made by the non-legal members of the tribunal, with the employment judge dissenting.
3. Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date when this judgment is sent to the parties.

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Ms V Thomas

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2. Secretary of State for Business, Energy and Industrial Strategy

**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.