



EMPLOYMENT TRIBUNALS

Claimant: Ms N Maitre

First Respondent: London Borough of Richmond Upon Thames
Second Respondent: London Borough of Wandsworth

Heard at: London South (Croydon)

On: 4th, 5th, 6th 7th and 8th December 2023

Before: Employment Judge L Clarke

Appearances

For the claimant: Mr James Miller (Counsel instructed by FRU)
For the Respondents: Ms Naomi Gyane (Counsel)

JUDGMENT

Re-consideration

1. The judgment of the legal officer dated 17th November 2023 is reconsidered pursuant to rules 69, 70 and 73 of the Employment Tribunal Rules. As there is an obvious error, that judgment is corrected and varied to show that **ONLY** the claim for public interest detriment (whistleblowing detriment) pursuant to s.47(B) of the Employment Rights Act 1996 is dismissed on withdrawal.

Unfair Dismissal

1. The complaint of unfair dismissal is well-founded. The Claimant was unfairly dismissed.
2. The respondent shall pay the claimant the following sums:
 - (a) A basic award of **£11,029.00**.
 - (b) A compensatory award of **£24,289.56**.

Note that these are actual the sums payable to the claimant after any deductions or uplifts have been applied.

3. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply:
 - (a) The total monetary award (i.e. the compensatory award plus basic award) payable to the claimant for unfair dismissal is **£35,318.46**
 - (b) The prescribed element is **£24,289.56**.

- (c) The period of the prescribed element is from **17th June 2020 to 17th March 2021**.
- (d) The difference between (1) and (2) is **£11,029.00**.

Employment Judge L Clarke
Date: 12 December 2023

Note

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments (apart from judgments under rule 52) 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.

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.