



EMPLOYMENT TRIBUNALS

BETWEEN

CLAIMANT

RESPONDENT

MRS E MALONEY

V

SHAWS (CARDIFF) LIMITED
(IN LIQUIDATION)

HELD REMOTELY AT SWANSEA ON: 24 AUGUST 2023

BEFORE: EMPLOYMENT JUDGE S POVEY

REPRESENTATION:

FOR THE CLAIMANT:

MR STEVENS (USDAW)

FOR THE RESPONDENT:

NO ATTENDANCE

JUDGMENT

1. The Respondent acted in breach of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992.
2. The Respondent must pay the Claimant a protective award of £4,142.60, calculated as follows:

2.1. Protected period:	24 December 2022 – 23 March <u>2023</u> (90 days)
2.2. Week's pay	£323 gross
2.3. Day's pay	£323/7 = £46.14
2.4. Protected award	£46.14 x 90 days = £4,142.60
3. The Employment Protection (Recoupment of Jobseeker's Allowance & Income Support) Regulations 1996 apply and attention is drawn to both the following paragraph and the Annex to this judgment.
4. The total monetary award made to the Claimant is £4,142.60. The prescribed element is £4,142.60. The dates of the period to which the prescribed element is attributable are 24 December 2022 to 23 March 2023. The monetary award does not exceed the prescribed element.

EMPLOYMENT JUDGE S POVEY

Dated: 24 August 2023
Corrected: 12 January 2024

Order posted to the parties on 15 January 2024

For Secretary of the Tribunals Mr N Roche

Claimant **Mrs E Maloney**
Respondent **Shaws (Cardiff) Limited (in liquidation)**

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.