



EMPLOYMENT TRIBUNALS

First Claimant: Mr O Devlin

Second claimant: Mr G Mitchell

First Respondent: Survey Roofing Group Ltd (in administration)

Second Respondent: Secretary of State for Business and Trade.

Heard: Leeds by CVP video link On: 19 January 2024

Before: Employment Judge Shepherd

Appearances

For the claimants: Ms Christie, solicitor

For the Respondents: No attendance

JUDGMENT

1. The First Respondent failed adequately to comply with a requirement of section 188 of the Trade Union & Labour Relations (Consolidation) Act 1992 and each claim (for themselves only) of the Claimants for a Protective Award under section 189 of the Trade Union & Labour Relations (Consolidation) Act 1992, succeeds.

2. The First Respondent is ordered to pay remuneration for a protected period of 90 days beginning on 31 March 2023 (being the date on which the first of the dismissals to which the complaint relates took effect) to each of the claimants.

3. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply. Regulation 6 imposes on the Respondent a duty to provide information to the Secretary of State. Regulation 7 postpones this award in order to enable the Secretary of State to serve a recoupment notice under Regulation 8. The full effect of Regulation 6, 7 and 8 is set out in the annex to this judgment.

Employment Judge Shepherd

19 January 2024

Sent to the parties on

For the Tribunal Office

Useful information

1. All judgments and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.
2. There is information about Employment Tribunal procedures, including case management and preparation, compensation for injury to feelings, and pension loss, here: <https://www.judiciary.uk/publications/employment-rules-and-legislation-practice-directions/>
3. The Employment Tribunals Rules of Procedure are here: <https://www.gov.uk/government/publications/employment-tribunal-procedure-rules>
4. You can appeal to the Employment Appeal Tribunal if you think a legal mistake was made in an Employment Tribunal decision. There is more information here: <https://www.gov.uk/appeal-employment-appeal-tribunal>