



EMPLOYMENT TRIBUNALS

Claimant: Miss C Davies

Respondents: (1) Neath Port Talbot Council
(2) Governing Body of Sandfields Primary School

Heard at: Cardiff, via video **On:** 7 March 2024

Before: Employment Judge S Jenkins

Representation

Claimant: Ms A Fadipe (Counsel)

Respondents: Mr D Evans (Counsel)

REMEDY JUDGMENT

1. In respect of the Claimant's successful unfair dismissal claim, the Respondents are ordered to pay to her the gross sum of £32,575.47.
2. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply, and attention is drawn to both the following paragraph and the Annex to this Judgment.
3. The grand total of the award payable to the Claimant is £32,575.47. The prescribed element is £21,567.17. The dates of the period to which the prescribed element is attributable are 1 September 2022 to 7 March 2024. The excess of the grand total over the prescribed element is £11,008.30.

Employment Judge S Jenkins
Date: 7 March 2024

JUDGMENT SENT TO THE PARTIES ON 11 March 2024

FOR THE TRIBUNAL OFFICE Mr N Roche

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 Respondents(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>

Claimant: Miss C Davies

Respondents: (1) Neath Port Talbot Council
(2) Governing Body of Sandfields Primary School

**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 Respondents 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 Respondents to the Claimant immediately.

When the Secretary of State sends the Recoupment Notice, the Respondents 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 Respondents must pay the balance to the Claimant. If the Secretary of State informs the Respondents that it is not intended to issue a Recoupment Notice, the Respondents 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.