



# EMPLOYMENT TRIBUNALS

**Claimant:** D Powell

**Respondent** Crosslane Property Group UK Limited

**HELD AT:** Manchester, by video platform

**ON:** 7 May 2024

**BEFORE:** Employment Judge Batten

**REPRESENTATION:**

For the Claimant: in person

For the Respondent: no attendance

## JUDGMENT

**The judgment of the Tribunal is that:**

1. the complaint of unfair dismissal is well-founded and succeeds.
2. the respondent is ordered to pay to the claimant compensation for unfair dismissal totalling **£12,813.62** as set out in the schedule attached to this judgment.
3. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply as set out in the schedule attached.
4. The respondent has made unauthorised deductions from wages and is ordered to pay to the claimant unpaid wages in the gross sum of **£12,187.49**.

5. No order is made in respect of the complaint of breach of contract.
5. The respondent shall pay to the claimant the sum of **£1,664.20** in respect of legal costs incurred in consequence of the respondent's unreasonable conduct of proceedings.

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Employment Judge Batten  
Date: 7 May 2024

JUDGMENT SENT TO THE PARTIES ON:  
Date: 14 May 2024

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FOR THE TRIBUNAL OFFICE

**Note**

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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



## EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**

**and**

**Respondent**

D Powell

Crosslane Property Group UK  
Limited

**This schedule forms part of the Judgment issued as a result of the hearing held on 7 May 2024.**

Basic Award:	£2448.00
Loss of statutory rights:	£500.00
Loss of earnings to 15 March 2023:	£7892.50
Uplift of 25% for breach of ACAS Code:	£1973.13
<b><u>Total award for unfair dismissal:</u></b>	<b>£12813.62</b>
<b><u>Recoupment:-</u></b>	
Prescribed element:	£7892.50
Period of prescribed element: 15 February 2023 to 15 March 2023.	
Excess of total award over prescribed element:	£4921.12

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Employment Judge Batten

Dated: 7 May 2024

**Claimant: Mr D Powell**

**Respondent: Crosslane Property Group UK Limited**

**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.



**NOTICE**

**THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990**

Tribunal case number: **2402010/2022**

**David Powell v Crosslane Property Group UK Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 14 May 2024

"the calculation day" is: 15 May 2025

"the stipulated rate of interest" is: **8%**

Mr P Guilfoyle  
For the Employment Tribunal Office

## INTEREST ON TRIBUNAL AWARDS

### **GUIDANCE NOTE**

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at [www.gov.uk/government/collections/employment-tribunal-forms](http://www.gov.uk/government/collections/employment-tribunal-forms)

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.