



EMPLOYMENT TRIBUNALS

Claimant: Kingsley Iduseri
Respondent: SVLhealthcare (in administration)
Heard at: East London Hearing Centre
On: 27 May 2025
Before: Employment Judge E Searley

Representation

For the Claimant: Mr Amritpal Bachu (Counsel)
For the Respondent: Did not attend

JUDGMENT

1. The complaint of unfair dismissal is dismissed following a withdrawal of the claim by the Claimant.
2. The complaint of unauthorised deductions from wages is well-founded. The Respondent made a series of unauthorised deduction from the Claimant's wages in the period between July and August 2024 as follows:
 - a. Failed to pay overtime for the month of July to the sum of £1012.89;
 - b. Failed to pay overtime for the month of August to the sum of £584.16.
3. The Respondent shall pay the claimant pay the claimant **£1597.05** which is the gross sum deducted. The Respondent is responsible for deducting and paying any tax of National Insurance at source.
4. The Claimant's complaint under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 of a failure by the Respondent to comply with the requirements of section 188 of the 1992 Act is well founded. The Tribunal orders the Respondent by way of protective award under section 189(3) of the 1992 Act to pay [class of employees which the claimant belonged to] for redundancy [between X and Y date]. The remuneration for the period of 90 days beginning on 30 August 2024. The Recoupment Regulations apply (see attached Annex).

NOTE

1. In relation to s.189(3) of the 1992 Act, the Tribunal at this stage makes no financial award but gives a judgment that the claimant is entitled to a protective award in the terms set out above. For this reason, no financial amount is set out in the Judgment. The claimant must then seek payment of their individual award from the respondent (or the Secretary of State), quantifying the same.
2. Failure to pay (should that occur), or any dispute as to the amount payable, then becomes a matter for a further separate claim under s.192 of TULRCA for payment of the award.

Approved by
Employment Judge E Searley
Date: 27 May 2025

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

All judgments (apart from judgments under Rule 51) 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 claimant(s) and respondent(s).

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/>

**ANNEX TO THE JUDGMENT
(PROTECTIVE AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The respondent is under a duty to give the Secretary of State the following information in writing: (a) the name, address and National Insurance number of every employee to whom the protective award relates; and (b) the date of termination (or proposed termination) of the employment of each such employee.

That information shall be given within 10 days, commencing on the day on which the Tribunal announced its judgment at the hearing. If the Tribunal did not announce its judgment at the hearing, the information shall be given within the period of 10 days, commencing on the day on which the relevant judgment was sent to the parties. In any case in which it is not reasonably practicable for the respondent to do so within those times, then the information shall be given as soon as reasonably practicable thereafter.

No part of the remuneration due to an employee under the protective award is payable until either (a) the Secretary of State has served a notice (called a Recoupment Notice) on the respondent to pay the whole or part thereof to the Secretary of State or (b) the Secretary of State has notified the respondent in writing that no such notice is to be served.

This is without prejudice to the right of an employee to present a complaint to an Employment Tribunal of the employer's failure to pay remuneration under a protective award.

If the Secretary of State has served a Recoupment Notice on the respondent, the sum claimed in the Recoupment Notice in relation to each employee will be whichever is the less of:

- (a) the amount (less any tax or social security contributions which fall to be deducted by the employer) accrued due to the employee in respect of so much of the protected period as falls before the date on which the Secretary of State receives from the employer the information referred to above; OR
- (b) (i) the amount paid by way of or paid as on account of jobseeker's allowance, income-related employment and support allowance or income support to the employee for any period which coincides with any part of the protected period falling before the date described in (a) above; or

(ii) in the case of an employee entitled to an award of universal credit for any period ("the UC period") which coincides with any part of the period to which the prescribed element is attributable, any amount paid by way of or on account of universal credit for the UC period that would not have been paid if the person's earned income for that period was the same as immediately before the period to which the prescribed element is attributable.

The sum claimed in the Recoupment Notice will be payable forthwith to the Secretary of State. The balance of the remuneration under the protective award is then payable to the employee, subject to the deduction of any tax or social security contributions.

A Recoupment Notice must be served within the period of 21 days after the Secretary of State has received from the respondent the above-mentioned information required to be given by the respondent to the Secretary of State or as soon as practicable thereafter.

After paying the balance of the remuneration (less tax and social security contributions) to the employee, the respondent will not be further liable to the employee. However, the sum claimed in a Recoupment Notice is due from the respondent as a debt to the Secretary of State, whatever may have been paid to the employee, and regardless of any dispute between the employee and the Secretary of State as to the amount specified in the Recoupment Notice.