



# EMPLOYMENT TRIBUNALS

## BETWEEN

**Claimant**

**and**

**Respondent**

**Mr Ian White**

**Newlands Garage Ltd**

**Held at: Plymouth**

**On: 10 July 2025**

**Before: Employment Judge Smail**

### **Appearances**

**Claimant:** In Person

**Respondent:** Mr H. Sanders (Director)

## **JUDGMENT**

1. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.
2. The respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015 and it is just and equitable to increase the compensatory award payable to the claimant by 25 % in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
3. The respondent shall pay the claimant the following sums:
  - (a) A basic award of **£1,800**.
  - (b) A compensatory award of **£5,715**.
  - (c) 4 weeks' pay for failure to have a written statement of terms and conditions in the sum of **£1,600**.

**Note** that these are actual the sums payable to the claimant after any deductions or uplifts have been applied.

4. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply:
  - a. The total monetary award (i.e. the compensatory award plus basic award) payable to the claimant for unfair dismissal and no written contract is **£9,115**
  - b. The prescribed element is **£4,072**.
  - c. The period of the prescribed element is from 3 February 2023 to 10 July 2025.
  - d. The difference between (1) and (2) is **£5,043**.
5. For the time for payment see the notes annexed below.

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Employment Judge Smail  
Date: 11 July 2025

Judgment sent to the parties on  
28 July 2025

Jade Lobb  
For the Tribunal Office

**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.