



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms G Wilkin  
**Respondent:** Harold Wood Pre School Limited  
**Heard at:** London East Hearing Centre (in public, by video)  
**On:** 13 August 2025  
**Before:** Employment Judge Moor

## Representation

**Claimant:** Mr Wakefield, partner  
**Respondent:** Mrs Fenn, director

# JUDGMENT

1. The complaint of unfair dismissal is well-founded and succeeds.
2. The unlawful deduction of wages complaint is dismissed upon withdrawal by the Claimant.
3. The breach of contract (wrongful dismissal) complaint is well-founded and succeeds.
4. The Respondent must pay to the Claimant
  - 4.1. For breach of contract:

Damages of **£1276.31**
  - 4.2. For unfair dismissal:

A basic award of **£1595.32**

A compensatory award of **£627.00**

A total of **£3,498.63**. A calculation is attached to this judgment.

5. Recoupment applies only to the compensatory award and only insofar as, if at all, the Claimant's UC award increased after 28 January 2025, see the recoupment notice attached. For the purposes of the Recoupment Regulations therefore:

5.1. The monetary award is £3,498.63

5.2. The prescribed element is £627.00

5.3. The period to which the prescribed element relates is 10 January to 31 January.

5.4. The amount by which the monetary award exceeds the prescribed element is **£2871.63**.

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**Employment Judge Moor**  
**Dated: 14 August 2025**

CALCULATION

Gross monthly pay	£921.78
Net monthly pay	£905.70

Gross weekly pay = $921.78 \times 12/52 =$	£212.71
Net weekly pay = $905.70 \times 12/52$	£209.00

6 complete years' service of which 3 were over the age of 42 years.

Effective Date of Termination 10 January 2025

- |                                                                                                                       |                 |
|-----------------------------------------------------------------------------------------------------------------------|-----------------|
| 1. Breach of Contract (damages amounting to 6 weeks' gross pay)<br>= $212.71 \times 6 =$                              | <b>£1276.31</b> |
| 2. Basic award of $3 \times 212.71 + 3 \times 1.5 \times 212.71$<br>= $638.13 + 957.19 =$                             | <b>£1595.32</b> |
| 3. Compensatory award 3 weeks net pay<br>For the period from 10 January 2025 to 31 January 2025<br>= $3 \times 209 =$ | <b>£627.00</b>  |

## **RECOUPMENT NOTICE**

Recoupment of Jobseeker's Allowance, income-related Employment and Support Allowance, Universal Credit and Income Support.

The Tribunal has awarded compensation to the Claimant but not all of it should be paid immediately.

This is because the Department for Work and Pensions (DWP) has the right to recover (recoup) any Jobseeker's Allowance, income-related Employment and Support Allowance, Universal Credit or Income Support which it 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 is sent to the parties.

The Tribunal's judgment states the total monetary award made to the Claimant and an amount called 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 DWP sends the Recoupment Notice, the Respondent must pay the amount specified in the Notice by the Department. 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 Department informs the Respondent that it does not intend 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 DWP. If the claimant disputes the amount in the Recoupment Notice, the Claimant must inform the DWP in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the Claimant and the DWP.