



EMPLOYMENT TRIBUNALS

Claimant: Ms C de Paul Abbott

Respondent: YDP Solutions Limited (In Creditors Voluntary Liquidation)

HELD AT: Manchester **ON:** 2nd March 2020

BEFORE: Employment Judge Howard

REPRESENTATION:

Claimant: In person

Respondent: Not in attendance

JUDGMENT

The judgment of the Tribunal is as follows:

The claimant's claims of automatically unfair dismissal and detriment because of making a public interest disclosure, pursuant to S103A and S47B Employment Rights Act 1996 and for wrongful dismissal succeed.

The claimant's claim for unlawful deduction from wages is dismissed upon withdrawal.

The respondent is ordered to pay to the claimant the sum of **£22,904.00**.

The award is constituted as follows:

1. Compensatory award
52 weeks at net pay of £276.00

Subject to the following adjustment:

- deduction of 6 week's paid notice - £1,656.00

Total compensatory award:	£12,696.00
2. Injury to feelings:	£8,000.00
3. Loss of Statutory Rights:	£552.00
4. Wrongful Dismissal (6 weeks' notice pay)	£1,656.00
Total award:	£22,904.00

Recoupment:

The recoupment provisions apply to this award as follows:

1. The Grand Total:	£13,248.00
4.2 Prescribed Element:	£12,696.00
4.3 Period of Prescribed Element:	08-02-19 to 07-02-20
4.4 Excess of Grand Total over Prescribed Element:	£552.00

Employment Judge Howard
2nd March 2020

JUDGMENT AND REASONS SENT TO THE PARTIES ON
4 March 2020

FOR THE SECRETARY OF THE TRIBUNALS

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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 respondent(s) in a case.

Claimant **Mrs C de Paul Abbott**

Respondent **YDP Solutions Ltd (In Creditors Voluntary Liquidation)**

**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.