



EMPLOYMENT TRIBUNALS

Claimant: Mr P Outlaw

Respondent: Coachstyle Limited

Heard at: Bristol Employment Tribunal, remotely via the Video Hearing Service

On: 7 & 8 February 2022

Before: First Tier Tribunal Judge Volkmer sitting as Employment Judge

Representation

Claimant: in person

Respondent: in person by Mr Jones, Director

JUDGMENT

1. The Claimant's application to amend his claim by adding a complaint of accrued but unpaid holiday pay is refused.
2. The Claimant was unfairly dismissed by the Respondent.
3. The Respondent is ordered to pay the Claimant the total sum of **£14,953.11** in respect of his claims. This consists of:
 - a. £12,124.83 for unfair dismissal
 - b. £2,828.28 for wrongful dismissal (*please note that this figure has been corrected on recalculation and is different from the figure stated in the hearing*).

(NB: Please see the attached annex in relation to the fact that some of this needs to be paid immediately and some needs to be retained by the Respondent pending receipt of a recoupment notice).

4. The recoupment provisions apply
 - a. Prescribed period: **21/12/2020 to 2/02/2021**
 - b. Compensation cap not applied
 - c. Total award: **£14,953.11**
 - d. Prescribed element: **£7,070.71 (to be retained pending recoupment notice (see annex) with any balance to be paid to the Claimant)**
 - e. Balance: **£7,882.40 (to be paid immediately)**

CALCULATION BREAKDOWN**1. Details**

Date of birth of claimant:	28/08/1972
Date started employment:	29/03/2014
Effective date of Termination (“EDT”):	08/11/2020
Age at effective EDT:	48
Net weekly basic pay:	£471.38
Gross weekly basic pay:	£602.78
Contractual notice period:	2 weeks
Statutory notice period:	6 weeks
Complete years’ continuous service:	6 years
Remedy hearing date	08/02/2022
Date by which employer should no longer be liable	01/03/2021

2. Basic award

1.5 (relevant multiplier) x 6 (years’ service) x £538 (gross weekly pay, applying the statutory cap):	£4,842.00
Total basic award	£4,842.00

3. Damages for wrongful dismissal

Loss of earnings	£2,828.28
Damages period (6 weeks) x net weekly pay (£471.38):	
Total damages	£2,828.28

4. Compensatory award

Loss of net earnings	£5,656.56
Number of weeks (12 weeks) x net weekly pay (£471.38):	
Loss of pension (12 weeks x 3% of net weekly pay):	£169.70
Total Past losses:	£5,826.26

Total loss and adjustments

Increase in compensatory award due to respondent's unreasonable failure to comply with the Acas Code 25% x £5,826.26: £7,282.83

Total Compensatory Award £7,282.83

Statutory cap (not applied): £31,344.56

GRAND TOTAL: £14,953.11

5. The recoupment provisions apply

Prescribed period: **21/12/2020 to 28/02/2021**

Compensation cap not applied

Total award: **£14,953.11**

Prescribed element: **£7,070.71**

Balance: **£7,882.40**

First Tier Tribunal Judge Volkmer
sitting as Employment Judge
Date: 10 February 2022

Judgment sent to parties: 11 February 2022

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.

**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.