



EMPLOYMENT TRIBUNALS

Claimant: Mrs A Robb

Respondent: Hollow Oak Nursing Home Ltd

HELD AT: Carlisle

ON: 17 & 18 December 2017

BEFORE: Employment Judge Tom Ryan

REPRESENTATION:

Claimant: In person

Respondent: Mr S Walker, Solicitor

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's complaint of unfair dismissal by reason of having made a protected disclosure is not well-founded and is dismissed.
2. The complaint of unfair dismissal contrary to section 98 of the Employment Rights Act 1996 is well-founded.
3. The respondent is ordered to pay compensation to the claimant in respect of the complaint of unfair dismissal, calculated as follows:

Basic award

£252.00 (gross weekly pay) x 2 weeks x 1.5	£756.00	
Less - 50% for contributory conduct	<u>- 378.00</u>	

£378.00

Compensatory award

£232.60 (net weekly pay) x 3 weeks	697.80	
Loss of statutory rights	<u>350.00</u>	
	1,047.80	
Less - 50% for contributory conduct	<u>-523.90</u>	

£523.90

Total award for unfair dismissal

£901.90

4. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to this award. The tribunal is satisfied that the claimant neither claimed nor received any relevant benefits.
5. The respondent was in breach of its obligation under Part 1 of the Employment Rights Act 1996 to provide the claimant with a statement of particulars of employment. Pursuant to section 38 of the Employment Act 2002 the respondent is ordered to pay the claimant 2 weeks' pay in the sum of £504.00.
6. The respondent is ordered to pay the claimant the aggregate of the sums awarded by this judgment, amounting to £1,405.90, on or before 2 January 2018.

Employment Judge Tom Ryan

Date 20 December 2017

JUDGMENT SENT TO THE PARTIES ON
29 December 2017

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: 2402773/2017

Name of case: Mrs A Robb v Hollow Oak Nursing Home Ltd.

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 29 December 2017

"the calculation day" is: 30 December 2017

"the stipulated rate of interest" is: 8%

MR S ARTINGSTALL
For the Employment Tribunal Office