



EMPLOYMENT TRIBUNALS

Claimant: Mrs S Millar

Respondent: The Oak Trust

Heard at: Manchester Employment Tribunal

On: 23, 24, 25 and 26 January 2023

Before: Employment Judge Dunlop
Mrs D Radcliffe
Mr I Taylor

Representation

Claimants: Mr I Millar (claimant's husband)

Respondent: Miss R Kight (Counsel)

JUDGMENT

1. By consent, the claimant's claim is amended to include a claim that she is entitled to a statutory redundancy payment and an associated contractual redundancy payment. Those claims were not determined at this hearing and will be determined, if required, at the Remedy Hearing.
2. The claimant was unfairly dismissed by the respondent.
3. Following a fair process, the respondent would have given notice of dismissal to the claimant no earlier than 2 July 2020, meaning that the claimant would have remained in employment beyond her 55th birthday on 18 September 2020.
4. Following a fair process, the prospect of the claimant remaining in employment with the respondent beyond the expiry of her notice period was 10%.
5. The respondent unlawfully discriminated against the claimant on grounds of her age by failing to re-start the redundancy consultation process when requested to do so by the claimant.

6. The compensation due to the claimant in respect of her successful claims will be quantified at a Remedy Hearing to take place on 9 May 2023, if not agreed between the parties.

Employment Judge Dunlop

Date: 26 January 2023

SENT TO THE PARTIES ON

27 January 2023

FOR EMPLOYMENT TRIBUNALS

Note

Written reasons for the judgment were requested orally at the hearing. These will be provided in due course. There is no need to make another request.

Public access to employment tribunal decisions

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2411513/2021**

Name of case: **Mrs S Millar** v **The Oak Trust**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day, the calculation day, and the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 27 January 2023

the calculation day in this case is: 28 January 2023

the stipulated rate of interest is: **8% per annum.**

For the Employment Tribunal Office