



Claimant: Miss J Dash

Respondent: Athena Healthcare Group Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The respondent not having presented a response and on the information before the Judge,

1. The claimant worked for the respondent and its subsidiary companies including Athena Care (Ormskirk) Ltd trading as Abbey Wood Lodge, in various roles originally at Abbey Wood Lodge but also at other care homes in the respondent group, Hesketh Park Lodge and Parklands Lodge. Wherever she worked, her pay was paid through Athena Care (Ormskirk) Ltd.
2. The respondent failed to present a response to the claim, but wrote to the Tribunal on 26 February 2020 acknowledging that it had been served with the claim.
3. On 19 August 2019 the claimant was made redundant from her new role as administrator which she was due to start that day (instead of her previous part Training and part Compliance roles), with the assurance she would receive 4 weeks' pay and would serve 4 weeks' garden leave.
4. No proper warning or consultation about redundancy from the roles was given and no sufficient consideration of suitable alternative employment made.
5. On termination, the respondent made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the gross sum of £104.50.
6. The claimant was unfairly dismissed by reason of redundancy. The respondent is ordered to pay the claimant a Basic Award of £1,246.50 (representing 3 years continuous service when aged over 41 years at her average week's pay of £277.00) and she will give credit for the redundancy payment received of £961.88, leaving a balance of £284.62.
7. The claimant fully mitigated her loss and found alternative lower-paid temporary employment. Having regard to the respondent's restructuring and the principles in *Polkey v AE Dayton Services (HL)*, the Tribunal limits loss of earnings and collateral benefits compensation to the 21 week period in the claimant's Schedule of Loss to 7 February 2020, in the total sum of £1,006.88, and awards a further £500 for loss of statutory rights. The respondent is therefore ordered to pay the claimant a Compensatory Award of £1,506.88

8. The ACAS Code of Practice on and Disciplinary Grievance Procedures does not apply to redundancies.

Regional Employment Judge Parkin

Date: 26 May 2020

JUDGMENT SENT TO THE PARTIES ON

2 June 2020

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE

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

Tribunal case number: **2400093/2020**

Name of case: **Miss J Dash** v **Athena Healthcare Group 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: 2 June 2020

"the calculation day" is: 3 June 2020

"the stipulated rate of interest" is: **8%**

MR S ARTINGSTALL
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at

www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.