



EMPLOYMENT TRIBUNALS

Claimant: Mrs S Millar

Respondent: The Oak Trust

CERTIFICATE OF CORRECTION **Employment Tribunals Rules of Procedure 2013**

Under the provisions of Rule 69, the liability Judgment sent to the parties on 27 January 2023 is corrected as set out in block type at paragraph 3.

Employment Judge Dunlop
Date 30 January 2023

SENT TO THE PARTIES ON
14 February 2023

FOR THE TRIBUNAL OFFICE

Important note to parties:

Any dates for the filing of appeals or reviews are not changed by this certificate of correction and corrected judgment. These time limits still run from the date of the original judgment, or original judgment with reasons, when appealing.



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~~2021~~, meaning that the claimant would have remained in employment beyond her 55th birthday on 18 September 2020~~2021~~.
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

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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 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.**

S Harlow

S Harlow
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:
www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.