



EMPLOYMENT TRIBUNALS

Claimant: Ms L Tudorica

Respondent: Once Upon a Time Day Nurseries Limited

CERTIFICATE OF CORRECTION

Employment Tribunals Rules of Procedure 2013

Under Rule 69, the judgment sent to the parties on 24 October 2023 is corrected, as set out in bold type, so that:

1. The second, third and fourth sentences of paragraph 15 reads, “She heard **two of the children** in the nursery room crying. When Ruby Ayyub entered the kitchen, the Claimant said that she could hear **two children** crying but that she could not hear anyone shushing them. Ruby Ayyub replied in a joking manner, something to the effect of, “it’s **[two children]**”.
2. The first, second, and third sentences of paragraph 21 reads, “In her witness statement, Emma Long said that the Claimant also raised the issue of the **two children** crying. Emma Long’s evidence to the Tribunal was that the **two children** had particular needs, and a plan of action had been agreed with the staff, which the Claimant in her role of chef was not aware of. The Claimant had said in the meeting with Ms Long that the **two children** crying had upset her daughter, and the staff had not tried to alleviate her daughter’s distress.”
3. The first sentence of paragraph 75 2 b) reads, “In around November 2021 the Claimant said to Ruby Ayyub, whilst she was in the kitchen with her that she could hear **two children** crying but no-one shushing (comforting) them.”
4. The first sentence of paragraph 110 reads, “The Claimant alleges she made a protected disclosure when, in around November 2021, the Claimant said to Ruby Ayyub, whilst she was in the kitchen with her that she could hear **two children** crying but no-one shushing (comforting) them.”
5. The second sentence of paragraph 111 reads, “She conveyed to Ruby Ayyub that when she was in the kitchen she could hear **two children** crying but could not hear anyone shushing them”, and the final sentence in paragraph 111 reads, “The Tribunal considered that at the time she said this, she was only concerned with **those two children**, and not whether by saying this, she was raising a matter that was relevant to the wider public.”

6. The second sentence of paragraph 113 reads “In the hearing, the Claimant referred to believing that leaving the **two children** to cry without comforting them was not consistent with the Respondent’s wording on its website about the type of environment it fostered.”
7. The second sentence of paragraph 114 reads, “The Claimant’s disclosure indicated that she felt the **two children** should have been shushed or comforted when they were crying, but she did not go so far as to say that **their** health and safety was at risk by the failure to comfort them.”
8. The second sentence of paragraph 115 reads, “The disclosure was a single factual statement about what the Claimant had heard, and while it conveyed, she thought they should have been comforted, there was no other sentence which was linked to the **two children’s** health or their safety.
9. The first sentence of paragraph 159 reads, “The Tribunal accepted that while the staff no doubt found it irritating when the Claimant raised the concerns in her disclosures (such as the fact that **two children** were crying or that she did not approve of the three warning rule), the discussions between the Claimant and other members of staff only became heated when they related to matters concerning her daughter.”

Employment Judge Annand

7 March 2024

SENT TO THE PARTIES ON
3 May 2024

FOR THE TRIBUNAL OFFICE

Important note to parties:

Any dates for asking for written reasons, applying for reconsideration or appealing against the judgment are not changed by this certificate of correction and corrected judgment. These time limits still run from the date the original judgment or reasons were sent, as explained in the letter that sent the original judgment.