



EMPLOYMENT TRIBUNALS

Claimant: Mrs S White

Respondent: Abbey Grange Care Home Limited

Heard at: Liverpool (CVP) **On:** 6 June 2024

Before: Employment Judge Horne

Representatives

For the claimant: Mr M Todd, counsel

For the respondent: Mr L Pike, solicitor

JUDGMENT

1. This judgment follows a reconsideration hearing under rule 72(2) of the Employment Tribunal Rules of Procedure 2013, following preliminary consideration under rule 72(1) on 6 June 2024, and the tribunal having waived the requirement for a rule 72(1) notice under rule 6.
2. The judgment sent to the parties on 2 October 2023 (“the original judgment”) is varied as follows:
 - 2.1. The name of the respondent is varied to Abbey Grange Care Home Limited.
 - 2.2. Paragraphs 1 to 5 of the original judgment are revoked.
 - 2.3. Paragraph 6 of the original judgment is confirmed.
 - 2.4. Paragraph 7 of the original judgment is varied so as to read, “The respondent breached the claimant’s contract by failing to pay employer’s pension contributions into the claimant’s workplace pension scheme and is ordered to pay the claimant damages of £150.96.”
3. This judgment means that Abbey Grange Care Home Limited is liable to pay the claimant the total sum of £683.83 in holiday pay and as damages for failure to pay pension contributions.
4. The complaints of unfair dismissal, wrongful dismissal (failure to give notice of termination), failure to provide reasons for dismissal (section 93 of the Employment Rights Act 1996) and breach of the right to be accompanied (section 11 of the Employment Relations Act 1999) will be determined at a hearing.

Employment Judge Horne

7 June 2024

SENT TO THE PARTIES ON

10 June 2024

FOR THE TRIBUNAL OFFICE

Note:

Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date when this judgment is sent to the parties. If written reasons are provided, they will be entered onto the tribunal's online register, which is visible to internet searches.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2406212/2023**

Mrs S White v Abbey Grange Care Home Limited

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: 10 June 2024

"the calculation day" is: 11 June 2024

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

Mr P Guilfoyle
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/collections/employment-tribunal-forms

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.