



EMPLOYMENT TRIBUNALS

Claimant: Miss C Evans

Respondent: Springbank House Limited
t/a Cliff House Care Home

Heard at: Nottingham

On: 2 May 2017 to 4 May 2017, 27 September 2017,
2 October 2017, 4 October 2017, 5 October 2017 and
12 October 2017.
In chambers: 13 October 2017 and 24 October 2017

Before: Employment Judge Milgate

Members: Mr A Beveridge
Ms H Andrews

Representatives:-

Claimant: Ms C Musgrave of Counsel
Respondent: Ms E Hodgetts of Counsel

JUDGMENT

1. The Claimant was unfairly dismissed by the Respondent contrary to Section 103A Employment Rights Act 1996.
2. The Claimant's claim for breach of contract (notice pay) succeeds.
3. The Claimant was subjected to the following detriments contrary to section 47B Employment Rights Act 1996 ('ERA 1996'):-
 - (a) moving her shift from the morning to the afternoon shift on 28 October 2015;
 - (b) withdrawal of her shifts for the week beginning 2 November 2015;

- (c) handling of the disciplinary process;
- (d) provision of a misleading reference; and
- (e) refusing the Claimant a right of appeal.

4. The other claims alleging detriment contrary to section 47B ERA 1996 fail and are dismissed.

5. Full reasons will follow shortly.

Employment Judge Milgate

Date: 15 February 2018

JUDGMENT SENT TO THE PARTIES ON

19 February 2018

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FOR THE TRIBUNAL OFFICE