



# EMPLOYMENT TRIBUNALS

**Claimant:**

Jencin Mathew

**Respondent:**

Service to the Aged

v

**Heard at:**

Reading by Cloud  
Video Platform

**On:** 23 February 2021

**Before:**

Employment Judge Chudleigh

**Appearances**

**For the Claimant:** Patrick Tomlinson, counsel

**For the Respondent:** No appearance and no representation

## JUDGMENT

The judgment of the Employment Tribunal is:

1. The claim against Service to the Aged Ltd was dismissed upon withdrawal by the claimant. The claimant's employer and the proper respondent to the claim is Service to the Aged company number 02580196, registered office 158-162 Shaftsbury Avenue, London, WC2H 8HR.
2. The Claimant was constructively dismissed by the respondent within the meaning of s. 95(1)(c) of the of the Employment Rights Act 1996.
3. That dismissal was automatically unfair within the meaning of s 103A of the Employment Rights Act 1996 ("the ERA") as the sole or principal reason for the dismissal was protected disclosures she had made. It was also unfair within the meaning of s. 98 of the ERA.
4. The claimant's complaint of detriment contrary to s. 47B of the ERA were presented in time as the acts in question were part of a series of similar acts and the last of them was in time.

5. The Claimant was subjected to detriment contrary to s. 47B of the ERA as follows:
- a) On multiple occasions between July 2019 and 3 February 2020, the Home Manager and the Deputy Home Manager either ignored or challenged reports of incorrect drug administration made by the Claimant.
  - b) On 21 November 2019, the Home Manager displayed annoyance with the Claimant by questioning the Claimant about why she was reporting these matters to her.
  - c) On 23 January 2020, the Home Manager questioned the credibility of the Claimant's findings and denied there had been any expiry of the medication stock.
  - d) On 13 February 2020 the Home Manager shouted at the Claimant and accused her of wrongly changing her shifts.
  - e) On 6 December 2019 (in relation to an error that was alleged to have occurred on 22 November 2019), and on 12 February 2020 (in relation to an error that was alleged to have occurred on 22 January 2020) the Claimant was subject to false allegations by nurses that she had recommended for disciplinary action and/or performance review.
  - f) On 16 March 2020 the Claimant was subjected to a disciplinary investigation meeting.
  - g) On 16 March 2020 at the investigatory meeting disbelieving the Claimant and criticising and challenging her.
  - h) The Claimant was disciplined on 27 March 2020 by being issued with a letter of concern and being advised to improve her practice.
6. The respondent is ordered to pay the claimant the following compensation:
- a) Compensation for injury to feelings in the sum of £10,000 plus interest in the sum of £1066.66 making a total of £11,066.66.
  - b) Compensation for unfair dismissal in the sum of £26,258.44 comprising a basic award to £1,614 and a compensatory award of £24,644.44.
7. The recoupment provisions do not apply.

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Employment Judge Chudleigh

Date: 23 February 2021

Sent to the parties on: 8/3/2021

N Gotecha  
For the Tribunal Office