



EMPLOYMENT TRIBUNALS

Claimant: Kieran Sidhu

Respondents:

1. Exertis (UK) Ltd
2. Glynn Smith
3. Stuart Smith
4. John Cleary
5. Doug Spendlove

Heard at: Southampton

On: 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 30 September 1, 2, 3 October 2019, 3 November 2020

Before: Employment Judge Dawson, Mr Sleeth, Mr Spry-Shute

Representation

Claimant: Ms N Cunningham, counsel
1st Respondent: Mr J Mitchell, counsel
2nd to 5th Respondents: Mr T Hunt & Mr H Sangha, solicitor

SUPPLEMENTAL REASONS

1. At a hearing on 3 November 2020, the first respondent's application for reconsideration of the reasons provided in respect of the judgment dated 20 October 2019 and an application under rule 50 of the Tribunal Rules of Procedure for anonymisation of certain persons referred to in the judgment were considered. The first respondent withdrew the application for reconsideration and the tribunal dismissed the application under rule 50.
2. In the course of his submissions, Mr Mitchell contended that one of the first respondent's particular concerns was that it had read the reasons for our decision as indicating that we had made a finding that persons referred to in our judgment had either committed a criminal offence or failed to comply with a legal obligation to which they were subject.
3. That is an incorrect reading of our reasons. We set out in those reasons the test which we applied under section 43B Employment Rights Act 1996. We did not particularise any provisions of any statute or common law which we considered had been contravened. Our decision was based on the test of whether the claimant had made a disclosure of information which in his reasonable belief was in the public interest and (in his reasonable belief) tended to show either that a criminal offence had been committed or that a person had failed to comply with any legal obligation to which he was subject.
4. However, for the sake of clarity and without varying any of the findings or conclusions set out in our earlier reasons, we confirm that we have not determined whether or not any of the persons referred to in our judgment

Case Number: 1400943/2017

had either committed a criminal offence or failed to comply with any legal obligation to which they were subject.

Employment Judge Dawson

Date: 04 November 2020

Reasons sent to the Parties: 10 May 2021

FOR THE TRIBUNAL OFFICE

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.