EMPLOYMENT TRIBUNALS

Claimant		Respondent
Mr D Hazell	v	**Cranswick Country Foods Plc**

Heard at: Leeds by CVP **On: 22, 23, 24 November 2021**

Before: Employment Judge O'Neill

Appearance:

For the Claimant: In person

For the Respondent: Mr T Wood of Counsel

WRITTEN REASONS

JUDGMENT having been sent to the parties on 24 November 2021 and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

REASONS

1. Claims

   The only claim before the tribunal was for automatically unfair dismissal for whistleblowing (S103A Employment Rights Act 1996).

2. Background

   The claimant was dismissed by the respondent for alleged gross misconduct and at the time he had been employed for about three months. He is therefore not entitled to make a claim for ordinary unfair dismissal because of the continuous service requirement. He makes his claim under section 103 A ERA, whistleblowing which does not stipulate a service requirement. Because the claimant has less than two years' service the burden of proof is upon him to show that the reason for dismissal falls under section 103 A ERA.

3. Law

   3.1 S103A Employment Rights Act 1996.

3.2 In respect of the burden of proof which falls on the claimant as he has less than two years' service I have referred the parties to *SMITH (appellant) v. THE CHAIRMAN AND OTHER COUNCILLORS OF HAYLE TOWN COUNCIL (respondents) - [1978] IRLR 413*

3.3 Counsel for the respondent has referred us *to Broecker v Metroline Travel Ltd (Unfair Dismissal) [2016] UKEAT 0124_16_1410*

4. Issues

4.1 The issues were identified at a preliminary hearing on 16 February 2021 and agreed as follows

4.2 Did the claimant make one or more qualifying disclosures as defined in section 43B of the Employment Rights Act 1996?

4.2.1 What did the claimant say or write? When? To whom? The claimant says he made disclosures as set out in the Scott Schedule in the Bundle.

4.2.2 Did he disclose information?
4.2.3 Did he believe the disclosure of information was made in the public interest?
4.2.4 Was that belief reasonable?
4.2.5 Did he believe it tended to show that:

4.2.5.1 a person had failed, was failing or was likely to fail to comply with any legal obligation;
4.2.5.2 the health or safety of any individual had been, was being or was likely to be endangered;

4.2.6 Was that belief reasonable?

4.3 If the claimant made a qualifying disclosure, it was a protected disclosure because it was made to the claimant's employer.

4.4 If so the Claimant was automatically unfairly dismissed

5. Evidence

5.1 The claimant produced a statement which was taken as read and gave evidence in person to the tribunal and was cross-examined.

5.2 The following respondent witnesses each produced a statement which was taken as read and gave evidence in person and was cross-examined.

5.3 The respondent witnesses were Ms Leah Mackay (technical manager), Mr R Fulara (apprentice QA) and Ms Amritar Singh (Asst technical manager and dismissing officer).

5.4 There was an agreed bundle of documents paginated and indexed of 245 pages.

5.5 There was a dispute between the parties as to whether

5.5.1 The respondent had complied with the order for disclosure of documents in respect of emails relating to disclosures 1,3 and 5 (see Table below) and whether such emails were being withheld or had been deleted.

5.5.2 The respondent had complied in respect of due diligence temperature records for 30 April and 1 May 2020 and whether those documents were being withheld, had been destroyed or had been otherwise lost.

6. Findings

Having considered all of the evidence both oral and documentary I make the following findings of fact on the balance of probabilities which are relevant to the issues to be determined. Where I heard or read evidence on matters on which I make no finding or do not make a finding to the same level of detail as the evidence presented to me that reflects the extent to which I consider that the particular matter assists me in determining the issues. Some of my findings are also set out in my conclusions below in an attempt to avoid unnecessary repetition and some of my conclusions are set out in the findings of fact adjacent to those findings.

6.1 The respondent is a food production company, producing pies and other products for a number of well-known retailers.

6.2 The claimant was employed as a quality control auditor from 16 March 2020 until his dismissal on 19 June 2020. In that role he was required to monitor the production process and standards and the records relating to food safety and production and report any issues. He had a specific duty to calibrate food safety equipment including probes. His probationary period was confirmed on 2 June 2020 and he was made permanent.

6.3 The claimant reported to A the senior quality auditor, who in turn reported to Mr Stockwell, who in turn reported to Ms Singh and she reported to Ms Mackay.

6.4 The claimant accepts that it was a key part of the role to raise matters of concern relating to food safety and hygiene and he was encouraged by his Managers to do so. The claimant accepts that he and Ms Singh enjoyed a good relationship and after his dismissal he wrote to her to express that. Ms Singh says that he was a superb QA and but for the misconduct relating to the Probe Report she had had every confidence in him.

6.5 The emails in the Bundle reveal that when the claimant raised an issue the respondent took it seriously and acted upon it. There is no suggestion that his interventions were unwelcome or regarded as an overzealous exercise of his role. For example, when the claimant raised a concern on 1 May 2020 relating to defrosting chicken it was immediately acknowledged and acted upon by his managers, Mr Stockwell remarked ‘perfect. Thank you’. Similarly, when he highlighted an issue about beef defrosting on 30 April and referred to in emails of 1 May 2020 his concerns were acknowledged and acted upon and Mr Stockwell instructed the management team to add defrost to their daily rounds. The claimant’s concerns raised with Ms Singh on 10 June in connection with the risk of refreezing were taken up by her,

led to a thorough investigation, reported to Ms McKay, who issued an action plan which was subsequently monitored by Ms McKay. When the claimant sent emails and photographs showing excess fat the matter was immediately taken up by Mr Irvine (Purchasing Manager) with the respondent's suppliers and further photographs requested. When the claimant referred a concern about an unwashed tray to Ms Singh she thanked him for raising it and gave him authority to return all such trays to the washroom in the future. Likewise, he was given authority to condemn any plastic trays he considered faulty.

6.6 The respondent contends that the claimant was dismissed by Ms Singh at a disciplinary hearing on 19 June 2024 for gross misconduct, principally the deliberate falsification of a company report, namely the Daily Temperature Probe Calibration Record (the Probe Record). The falsification comprised making up the figures attributed to the master probe. Falsification of company records is given as an example of gross misconduct in the disciplinary policy and procedure.

6.7 The claimant confirmed that he understood on receipt of the letter of dismissal of 30 June 2020 (taking into account his meeting with Ms Singh on 19 June 2020) that the respondent's stated reason for dismissal was the falsification of the Probe record in this way. He admitted to Ms Singh that he had done so.

6.8 The claimant does not accept that this is the real reason for his dismissal and contends that the real reason for dismissal was his whistleblowing.

6.9 The respondent had a whistleblowing policy contained in the documents for which the claimant signed during his induction, but none of the disclosures the claimant relies on were made under that policy. The disclosures he relies on were made in the ordinary course of business.

6.10 The claimant relies on having made the following disclosures in respect of which the respondent has made a number of concessions as set out below.

6.11 <u>Disclosures</u>

	Subject	Date	Section	Respondents Position re PD	C alleges Missing document	R position
1	Defrosting	30 April 20 1 May 20	43 B 1 (d) H&S	No disclosure	Email 30 April 2020	No such email
2	Face masks	17 May 20	43 B 1 (d) H&S	Accepted as PD		
3	Refreezing	10 June 20	43 B 1 (d) H&S	Accepted as PD	Emails to AM and JS	No missing emails
4	Fat content	9 June 20	43 B 1 (b) Legal Ob	Not agreed to be a QD/ PD		

5	Plastic FB	Various throughout the employment	43 B 1 (d) H&S	No disclosure	6-7 missing emails	No missing emails

6.12 Defrosting 30 April 2020

6.12.1 . The claimant says that he emailed Ms Singh and Mr Stockwell on 30 April 2020 and in that email made a public interest disclosure about the dangers to public health of a defrosting process that he had come across during the course of his work. The only email of that date in the bundle is that from the claimant to Ms Singh and Mr Stockwell sent on 30 April 2020 at 19.41. That is not an email relied on by the claimant as his disclosure and would not amount to a qualifying disclosure in any event.

6.12.2 The respondent says there is no other email and all emails in their possession about this and the other listed disclosures have been produced and are in the Bundle. The claimant insists that he sent a second email on 30 April 2020 which contains the disclosure he now relies on. He asserts that it has been deleted by the company to damage his claim. Having left the company the claimant is entirely reliant on the respondent to produce his business emails.

6.12.3 In addition he complains that the temperature records for this defrosting unit for the shift that begins on 30th of April and ends on 1 May 2020 have not been produced. The respondent accepts that there must have been such a record, but it has gone missing. The claimant is convinced that these records have also been destroyed by the company to damage his claim and the fact that the respondent accepts that they are missing tends to show that disclosure has been incomplete and explains why the emails, he alleges he sent are also missing from the bundle.

6.12.4 Both Ms Singh and Ms Mackay gave evidence as to the efforts the respondent has made to find these temperature records and emails and having heard their evidence I accept their accounts that a thorough search (including a second search by the IT Department) was made but these documents not found. There is no evidence to suggest that anyone destroyed these documents and I find it more likely than not that the temperature records have simply gone missing in the course of the preparation of this case and that this is more likely to have been a matter of accident rather than conspiracy. I also find it more likely than not that all emails have been produced.

6.12.5 The so called missing emails were allegedly sent to Ms Singh and Mr Stockwell. Ms Singh told us that she was required to locate on her computer, all the emails sent to her by the claimant. She says that she looked in her various email boxes and sent all that she found to HR, unfortunately because of the volume of attachments her email

enclosing them was blocked by the computer system but then the respondent's IT team became involved and extracted the emails and as far as she is aware they were all sent to the solicitors for inclusion in the bundle. She has no recollection of any other email, having been sent to her on the 30 April 2020 by the claimant.

6.12.6 The claimant alleges that he copied the alleged disclosure email of 30 April 2020, to his colleague Mr Fulara, who was standing at the claimant's side when the email was sent. Mr Fulara has no recollection of the incident on 30 April 2020 when the claimant alleges that meat was improperly defrosted. Mr Fulara accepts he was copied into an email on 1 May 2020, but neither that email nor a photograph taken by the claimant on 1 May 2020, triggered any further recall. At that time Mr Fulara was an apprentice on a learning scheme moving from department to department and he accepts that in May 2020, he was probably working in QA given that he was copied in to the email of 1 May 2020. That email did not require him to take any action and he cannot remember that anything out of the ordinary happened at that time and cannot remember the claimant sending any email on 30 April 2020. Notwithstanding the fact that this witness remains at the company I have no reason to find that he was not telling the truth about his lack of recall.

6.12.7 Following his dismissal the claimant had a conversation with Leah Mackereth (HR Manager) in which he says she invited him to write to her with all his concerns and as a consequence, the claimant produced a lengthy email to her dated 25 June 2020 at 09 .47 which he says was a full and frank description of what had happened. I consider this to be a contemporaneous and telling document. Under the heading 'DEFROST' the claimant deals with the issues said to have taken place on 30 April 2020 and 1 May 2020. In that section he makes no mention of having sent a whistleblowing email to the respondent managers on 30 April 2020.

In cross-examination, he was asked why there was no such reference but he was unable to give an explanation. Initially he gave an implausible explanation, which he then withdrew (having realised he was no longer in the respondent's employment on 25 June 2020) and accepted he had been confused, but produced no cogent explanation.

I consider it to be telling that the claimant failed to mention the key whistleblowing email of 30 April in the email of 25 June 2020.

In his email to Miss Mackereth the claimant does refer to having sent an email on 1 May after coming into work and finding the freezer swimming with blood. This correlates with the email dated 1 May 2020 and photograph in the bundle.

The email of 1 May opens with the words 'as highlighted yesterday'. It does not refer to any email, having been sent on 30 April. I consider this also to be telling, if there had been an email of 30 April, then it is reasonable to expect the claimant to have written 'as highlighted in my email yesterday'.

6.12.8 I find on the balance of probability that there was no email dated 30 April 2020 or at all relating to a food safety issue about defrosting and after all this time the Claimant is mistaken in his recall.

6.13 Disclosure 2 Face Masks – 17 May 2020

6.13.1 On 17 May 2020. The claimant emailed Ms Singh and Mr Stockwell, raising concerns about facemask usage and storage. The respondent accepts that this email amounts to a protected disclosure.

6.13.2 After receiving this email Ms Singh had a conversation with the claimant about his concerns. The claimant does not appear to have raised the matter again from which I infer he was satisfied with the explanation given after Ms Singh reassured him that risk assessment had been done. He did not raise that matter again. The risk assessments were produced in the bundle.

6.13.3 The claimant contends that he submitted a hazard report form about facemasks on 17 June. This report form has not been produced and respondent says it does not exist. The report form was at the time said to be contained in a book with sequentially numbered pages. All staff have access to the book, which is the responsibility of the health and safety manager.

The claimant said in oral evidence that he completed the hazard form and left it on the HS manager's desk. His written statement says in terms, that when he mentioned to the factory manager Ms Sulcova that he intended to complete a hazard report form she encouraged him to do so. His written statement does not say that the hazard form had been completed and left on the H&S manager's desk.

In his email to Ms Mackereth of 25 June 2020 the claimant says ' I also raised a hazard report about the visors with them fogging up after being in the cold and going into the warm and being unable to see. I asked for a risk assessment to be done.' This is a different concern about the facemasks and was not a disclosure identified in the Scott Schedule which related only to storage and taking masks home and wearing them to the toilet. In any event the Claimant is not raising the matter as a qualifying disclosure but requesting in the course of his work that a risk assessment might be done.

In this context, I find that the claimant is mistaken about having completed the hazard report form about face mask storage and wearing them to the toilet and elsewhere. The respondent manager witnesses have given evidence to the effect that a thorough search has been undertaken, but there is no such hazard report from the claimant and it was not apparent to them that there was a missing number from the book to suggest a report been removed. Given the remarks made by the claimant in his email of 25 June 2020. I find that although he may well have left a request for a risk assessment to be done on the desk of the health and safety manager, it is unlikely that he left a formal hazard report at that stage as he was awaiting a risk assessment and in any event such report as he may have left related to a different matter from the disclosure he relies on for his unfair dismissal claim..

6.14 Disclosure 3 Refreezing 10 June

6.14.1 The claimant relies on an email dated 10 June 2020 to Mr Irvine and others as a protected disclosure about refreezing materials. The claimant asserts that there are other emails, which together make up the disclosure. As set out above, the respondent conducted thorough searches for all relevant emails, and I accept the evidence of Ms Singh and Ms McKay on that matter.

6.14.2 The respondent has accepted that the email of 10 June 2020 is a protected disclosure. It is not plausible that having produced the email of 10 June 2020 and accepted that as a protected disclosure that they would then seek to suppress other emails on the same subject. The respondent by so doing would have gained no advantage.

6.14.3 In the circumstances I prefer the evidence of the respondent witnesses that there were no emails other than those in the Bundle no email relating to the refreezing incident exists.

6.15 Disclosure 4 – Excess Fat – 9 June 2020

6.15.1 On 9 June 2020 the claimant sent an email to David Irvine (the respondent's purchasing manager) and others about the possible source of excess fat in sausage rolls, which had been previously raised by Mr Irvine as a matter of concern. The email contains very little text but refers to the attached photographs of fatty meat and in the email, the claimant speculates whether this is the source of the problem.

6.15.2 The respondent does not accept that this is a qualifying disclosure.

6.15.3 The email simply says 'please see photos attached. It looks more like 20vl - this could be the reason such excess fat on sausage roll products. Best'.

6.15.4 In cross examination the claimant accepted that in this respect, he was seeking to protect the commercial interest of the company. The claimant was not acting in the public interest, he was not seeking to disclose the breach of legal obligation, he was keen to assist Mr Irvine and concerned that the company was getting a poor deal.

6.16 Disclosure 5 – Plastic Foreign Bodies

6.16.1 the claimant asserts that during the course of his employment he raised on numerous occasions the problem of frayed and broken plastic trays. He says he raised it with his immediate managers and Ms Singh. He alleges that there are six or seven emails missing from the bundle.

6.16.2 As set out above, I accept the evidence of the respondent witnesses that a thorough search for all relevant emails was undertaken and all

those found were produced. I do not accept that the respondent has concealed or deleted emails about plastic foreign bodies.

6.16.3 The respondent accepts that plastic foreign bodies as a matter of serious concern to them, and Ms Singh accepts that the claimant has raised the matter with her in the course of his work. There are in the bundle some emails relating to plastic risk, none of which can be said to amount to a qualifying disclosure. The respondents have initiated systems to track for plastic foreign bodies. The claimant had authority to remove damaged plastic trays.

6.16.4 The respondent does not accept that the claimant has made a disclosure relating to the health and safety risk of plastic foreign bodies.

6.16.5 The claimant does not rely on the email relating to unclean trays on 11 May 2020.

6.16.6 I do not find that the claimant has made any qualifying disclosure about plastic foreign bodies in the form of an email. I find it likely that in conversation with Ms Singh he raised safety concerns about plastic foreign bodies from broken trays contaminating the products but in his evidence to the Tribunal the Claimant has not made it clear nor did he put to Ms Singh what he alleges he said to her and when which might constitute a qualifying disclosure. In the circumstances I find that the claimant has failed to establish that he made a qualifying disclosure about this.

6.17 Dismissal

6.18 The respondent asserts that the reason for the claimant's dismissal was the falsification of the Probe Record for 17 June 2020. On or about 19 June 2020 Ms Singh received a report from another QA that the Probe Record for 17 June 2020 signed off by the claimant could not be correct as the master probe referred to in that report was not in the building. Checking temperatures is a critical part of the respondent's processes in food safety and Ms Singh called the claimant to the HR office to discuss the matter.

6.19 During the course of that discussion Ms Singh tells us that the claimant had admitted having made up the figures recorded as being those of the master probe. The master probe figures are very important because it is the baseline from which all other probes are calibrated. The respondent depended on the quality auditors to be scrupulous in their measuring and recording such reports. The claimant has told us that food manufacturers have both legal and statutory responsibilities and the due diligence records are a legal requirement. Ms Singh therefore regarded the claimant's admission that he had made up the figures as an extremely serious matter and given his responsibility for accurate recording she felt she could no longer trust him and decided to dismiss for gross misconduct.

6.20 During the course of this hearing, the claimant has not disputed the note of the meeting in which Ms Singh records his admission, nor challenged her evidence that such admission was made. I accept the evidence of Ms Singh that the claimant made an admission to her during the meeting on 19

June 2020 that he had made up the master probe figures in the Probe report.

6.21 The dismissal hearing procedure adopted by Ms Singh can be seriously criticised for failing to conform to the ACAS code of practice, but she had never conducted a dismissal hearing before and had had no training in disciplinary procedures and was unaware of the ACAS Code. The claimant was called up to talk about the report, the meeting then appears to have moved seamlessly from a conversation between them, into an investigation meeting and then onto a disciplinary process in which the claimant was dismissed. The claimant was not given written notice of the charges at the outset, was not told that dismissal was a possible outcome, was not given the opportunity to be accompanied and was not given the opportunity to prepare an answer to the charges or allowed an appeal. Events moved at an alarming rate and without adjournment from the initial conversation to dismissal.

Conclusion

7. The respondent accepts that disclosures 2 and 3 were protected disclosures.

   The claimant has failed to show that disclosure 1 and 5 meet have been made at all.

   I find Disclosure 4 not to be a qualifying disclosure as it is concerned only with the protection of the respondent's commercial interest.

8. In respect of disclosure 1 Defrosting 30 April 2020: the claimant relies on an email dated 30 April 2020. The respondent denies having received such an email and I accept their evidence that a thorough search has been made for all relevant emails and they have been disclosed. I find that the claimant has failed to show on the balance of probability that he sent that he sent an email containing a qualifying disclosure about defrosting on 30 April 2020 or at all. In the circumstances his claim founded on that disclosure 1 fails.

9. In respect of disclosure 4 Fat content – email 9 June 2020: the claimant relies on this disclosure as being a breach of a legal obligation. The email merely says 'please see photos attached. It looks more like 20vl - this could be the reason for excess fat on sausage roll products. Best'. I find that this is not a qualifying disclosure. The claimant accepts that when he sent to this email he was trying to assist the company identify why they had a problem with excess fat in sausage rolls and in doing so, he was seeking to protect the respondent's commercial interest. I find that this email falls short of being a qualifying disclosure because the claimant did not believe that he was disclosing information in the public interest, or that such a disclosure related to any legal obligation and the claimant was seeking only to protect the respondent's commercial interest. Therefore he has failed to show that he made a qualifying disclosure to the respondent. In the circumstances the claim founded on disclosure 4 fails.

10. In respect of disclosure 5 plastic foreign bodies - various dates throughout the employment: the claimant asserts that the respondent has failed to disclose six or seven emails, which he sent to Ms Singh which constitute qualifying disclosures about plastic. I accept the respondent evidence that all relevant

emails have been produced following a thorough search and none have been destroyed or deleted. I find that the claimant has misremembered and has failed to show on the balance of probability that he made a qualifying disclosure to the respondent about plastic. In the circumstances his claim founded on disclosure 5 fails.

11. I also find that the claimant has failed to show that there is a link between the protected disclosures which the respondent accepts he has made (namely 2 and 3) or any of them. If I am wrong about disclosures 1,3 and 5 and they are protected disclosures then the Claimant has also failed to show a likely causal connection between them and his dismissal.

12. The claimant accepts that as a quality auditor it was central to his role to identify any food safety concerns and raise them, and he agrees he was encouraged to do so. It is not likely that a person with such a role would be dismissed for having done so.

    The claimant asserts that he raised concerns about plastic throughout his employment, and disclosures 1 and 2, took place before his probationary period was completed and his employment was confirmed 2 June 2020. It is not likely that if the respondent wished to be rid of the claimant because they regarded him as overzealous in his role and because he had raised health and safety concerns that they would have confirmed his employment on 2 June 2020.

    The email chains in the bundle reveal that whenever the claimant raised an issue it was taken seriously and acted upon and the claimant was thanked by senior managers for having done so. On each occasion the claimant has not followed up his concerns through whistleblowing policy or otherwise, and appears to have been satisfied with the outcome.

    The factory manager commended him as having a good idea when he indicated that he intended to raise a hazard report about masks fogging.

    Having raised his concerns about storage and wearing of masks to the toilets he had a conversation with Ms Singh, was reassured that a risk assessment had been done and appears not to have raised the matter again. There was no live issue about that at the time of the dismissal and the claimant has not followed up any concerns in further emails or under the whistleblowing policy.

    Ms Singh described the claimant as a superb QA and confirmed that they had a good relationship. The claimant similarly described their relationship and in emails following his dismissal thanked Ms Singh ' for making my time at Yorkshire Baker, a very enjoyable time - you were brilliant to work with …. I wish you success in all you do. Kind regards. Derek x'.

    Given this background, I find it unlikely that there was a conspiracy to be rid of the claimant before the 17 June 2020 (the date on which he completed the probe report) or at all on the grounds that he had raised issues and I conclude that the claimant has failed to show a causal link.

13. Ms Singh had good reason to speak to the claimant about the Probe report on 19 June 2020 because the report on the face of it, as completed by the claimant could not be correct. This is a very important document and his measurements in comparison with the benchmark master probe are critical to monitoring the product temperatures for safety purposes. The claimant has not challenged her evidence that he admitted having made up the master probe figures. This was

a very serious matter and caused Ms Singh to lose trust in the claimant. It is obvious that the respondent must be able to trust their quality auditors to complete scrupulously the kind of measurements set out Probe Report and in other records, some of which are a statutory or legal requirement. Ms Singh categorised this as falsification of a company record and it was reasonable for her to do so. Falsification of company records is expressly described in the disciplinary procedure as gross misconduct. If the band of reasonable responses was the applicable test then dismissal in the circumstances would fall within that band.

14. Although the burden of proof is on the claimant to show that the real reason for his dismissal is whistleblowing, I find Ms Singh to be sincere in her evidence that gross misconduct for falsification of a company record was the only reason for dismissal and the respondent has shown that this was the genuine reason for the dismissal.

    In considering her sincerity I have considered whether the conduct of the disciplinary meeting was so hasty and fell so far below the standards of the ACAS code of practice that it casts doubt on the credibility of Ms Singh that the claimant's gross misconduct was the genuine reason for the dismissal. Ms Singh had never undertaken dismissal hearing before, she had had no training in disciplinary matters and was unaware of the ACAS Code or normal standards of fairness. She was advised that the claimant had insufficient service to bring an ordinary unfair dismissal claim and as a consequence the procedure might be truncated and the claimant denied an appeal. I consider it to be most likely that the shortcomings in the procedure were due to her lack of training and experience and it was unlikely that she seized on the Probe record or rode roughshod over the procedures because she was in haste to be rid of the claimant because of whistle blowing.

15. The burden of proof is on the claimant to show firstly, that he has made a protected disclosure and secondly that there is a causal link between that disclosure and his dismissal. I conclude that he has failed to show a link between his dismissal and any of the disclosures he relies on.

    In all the circumstances the claim for unfair dismissal (S103A) ERA fails and is dismissed.

Employment Judge O'Neill

Date: 4 December 2021