



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Platt

**Respondent:** Joanne Lever

**Heard at:** Manchester Employment Tribunal (by video)

**On:** 26 May 2023

**Before:** Employment Judge Dunlop

## Representation

**Claimant:** Did not attend

**Respondent:** Did not attend

# JUDGMENT

1. The claimant's application for interim relief fails. The claims will proceed to a preliminary hearing.

# REASONS

1. By a claim for presented on 21 April 2023, the claimant brought claims arising out of the termination of his employment . He indicated in the claim form that he did not have an ACAS Early Conciliation Certificate because he was making an application for interim relief.
2. The claim had been presented within the time limit for making an interim relief application and was listed for listed for an interim relief application hearing before me today. It does not appear that the claim has been served on the respondent, although the Notice of Hearing appears to have been sent to both parties. Neither party attended the hearing today.
3. As permitted by Rule 47 of the Employment Tribunal Rules of Procedure 2013, I decided to proceed with the hearing in the absence of the parties. I considered it was appropriate to do so given that s.128(3) Employment

rights Act 1996 (“ERA”) requires the Tribunal to determine an interim relief application as soon as is practicable.

4. In considering whether to grant interim relief I have to consider whether it is “likely” that the Tribunal will ultimately find that the reason for the claimant’s dismissal was a proscribed reason as set out in s.129(1)(a) ERA. Specifically, for the purposes of this case, I have to consider whether it is “likely” that a Tribunal will ultimately find that the claimant was dismissed due to have made a protected disclosure.
5. On the basis of the information set out in the claim form, I cannot make such a finding. In particular:
  - 5.1 There is no clear assertion as to the disclosure that claimant is said to have made. I cannot assess whether, if made, it would meet the requirements of s.43B ERA;
  - 5.2 The claim itself alludes to another potential reasons for dismissal, namely complaints made against the claimant by others.
6. The application for interim relief must therefore fail. The parties will be notified separately of the next steps in the case.

Employment Judge Dunlop  
Date: 26 May 2023

SENT TO THE PARTIES ON  
8 June 2023

FOR EMPLOYMENT TRIBUNALS

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