



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms F Mizzi

**Respondent:** Denise Griffiths

**24 September 2025**

**Before:** Employment Judge Shepherd

**Appearances:**

**For the Claimant:** In person

**For the Respondent:** Ms Ajibade, Peninsula

## JUDGMENT ON THE CLAIMANT'S APPLICATION FOR INTERIM RELIEF

The claimant's application for interim relief is refused.

### REASONS

1. The claimant represented herself and the respondent was represented by.
2. I was provided with a bundle of documents from the respondent consisting of 71 pages, documents from the claimant consisting of 17 pages and witness statements from Denise Griffiths, the respondent and Shane Duckworth, the respondent's brother in law. I considered those documents to which I was referred by the parties.
3. This was an application by the claimant for an order for interim relief on the basis of a claim for a dismissal by reason of making a protected disclosure within the meaning of section 43B of the Employment Rights Act 1996.
4. The claim for unfair dismissal was presented by the claimant on 4 September 2025.

5. The claimant applies for interim relief under section 128 of the Employment Rights Act 1996.

6. I have to decide whether it appears to me likely that, on determining the complaint, the claimant will succeed in establishing that the reason (or if more than one the principal reason) for the dismissal was on grounds related to making a protected disclosure under section 103A.

7. The requirement to decide whether it is likely that the claimant will succeed at a full hearing of the unfair dismissal complaint pursuant to section 103A does not require me to make any findings of fact and I must make the decision as to the likelihood of the claimant's success at the full hearing on the material before me.

8. I have considered the claim form and grounds of complaint. I Have also considered the documents to which I was referred by the parties and the submissions from the claimant and Ms Ajibade.

9. The claimant was employed as a clinical support worker for the respondent from 2 April 2019 until her dismissal on 11 September 2025.

10. The claimant was suspended on 21 July 2025. She was invited to a meeting on 29 July 2025. In the letter of invitation it was indicated by the respondent that the interaction between the claimant and the respondent had changed such that she no longer felt comfortable receiving care from the claimant.

11. The claimant was dismissed on 1 August 2025. It was stated in the letter of dismissal that the claimant had not attended the meeting and the claimant was dismissed. It was stated that incidents had been discussed demonstrating the breakdown in the relationship included:

“extreme aggression shown towards my daughter resulting in her not feeling safe in her own home and the progressively escalating argumentative attitude towards myself....

“Under the circumstances of the personal nature of your work with myself and our inability to find acceptable alternatives, I must regretfully inform you that your employment is being terminated for some other substantial reason, namely that the relationship between yourself and myself has irretrievably broken down and I no longer wish to receive personal care from you.”

12. The claimant appealed against the termination indicating that no proper procedure been followed, she disagreed with the way the disciplinary actions taken and using the vehicle of an SOSR meeting for something that was not an SOSR matter. The claimant referred to there being no evidence of wrongdoing provide any evidence in her defence, including a qualifying disclosure she submitted to Leeds safeguarding in March 2025.

13. The basic task I have to decide is to make a broad summary assessment on the material available doing the best I can with the untested evidence from both parties to

enable me to make a prediction about what is likely to happen at the eventual hearing before a full Tribunal.

14. When considering the “likelihood” of the claimant succeeding at the Tribunal, the test to be applied is whether he has a “pretty good chance of success”. In the case of ***Taplin v C Shiphham Ltd 1978 ICR 1068*** the EAT expressly ruled out possible alternative tests such as “a real possibility” or “reasonable prospect” of success. The burden of proof in an interim relief application is intended to be greater than that at the full Tribunal where the Tribunal need only be satisfied on the balance of probabilities that the claimant has made out his case.

15. The respondent has not yet presented a response to the claim of unfair dismissal pursuant to section 103A. It was not appropriate for me to hear detailed oral evidence and for the witnesses to be subjected to detailed cross examination. The alleged protected disclosure was made to Leeds Safeguarding. Shane Duckworth’s statement says that none of the emails containing concerns or disclosures had been shared with the respondent. In her statement the respondent says that she only became aware of the allegations when she saw the Tribunal documents.

16. There are clear factual disputes over whether there was a qualifying disclosure and, if so, whether it was in the public interest. Also, whether the respondent was aware of the alleged disclosure at the time of the dismissal and the reason for the dismissal.

17. Considering all the material before me and the submissions made by the claimant and Ms Ajibade, I am unable to conclude that, at the final hearing on the merits it is likely that the Tribunal will find that the reason for dismissal was the claimant had made a protected disclosure.

18. The claimant may succeed in establishing that the reason for her dismissal was that she had made a protected disclosure but I cannot conclude that this result is “pretty likely” to be the outcome at the final hearing on the merits.

19. There is a clear factual dispute about the reason for dismissal and It will need to be shown that the reason given by the respondent was not true and that the sole or principal reason was that the claimant had made a protected disclosure. That can only be shown by consideration of all the evidence at the substantive hearing.

20. The claimant may believe that her dismissal was for the reason or the principal reason of her alleged protected disclosure. She may succeed at the substantive hearing but there is nothing within the material available to me or the witness statements, which have not been subject to challenge or interrogation, that would enable me to conclude that it is pretty likely that the claim of dismissal by reason or principal reason of her alleged protected disclosure will succeed. There are a substantial number of disputes about factual issues that will need to be determined by the Tribunal at the full hearing.

21. In all the circumstances, the claimant’s application for interim relief is refused.

**Case Number: 6032709/2025**

**Employment Judge Shepherd**

**26 September 2025**

**Sent to the parties on:**

.....

**For the Tribunal:**

.....