



EMPLOYMENT TRIBUNALS

Claimant: Mr P Jackson

Respondent: Serious Fraud Office

Heard at: London Central

On: 22, 23, 24, 25, 26,
29, 30 September 2025, 1, 2
and 3 October 2025

Before: Employment Judge Forde
Ms L Jones
Mrs C Marsters

REPRESENTATION:

Claimant: In person

Respondent: Mr T Perry (barrister)

JUDGMENT

The unanimous judgment of the Tribunal is as follows:

1. The complaint of being subjected to detriment for making protected disclosures is not well-founded and is dismissed.
2. The claimant's claim of breach of contract is dismissed.
3. The orders made under rule 49(3) of the 2024 Rules of Procedure shall remain in place specifically in respect of the names of foreign law enforcement agencies, persons or entities investigated or prosecuted by the respondent, and the claimant's home address.

Reasons

1. By way of a claim form received 25 April 2024, the claimant pursues claims of whistleblowing detriment and unlawful deductions from wages.

2. The claimant commenced work with the respondent on 19 February 2019 as a senior investigator (SEO grade) initially on in? a full-time role. The claimant hours reduced to a 32 hour week at some time in 2022. The respondent is a government department that investigates and prosecutes cases of serious complex fraud and corruption.
3. Prior to his appointment at the respondent, the claimant had extensive law enforcement experience having served with the Royal Military Police, Surrey Police and had acquired a wide range of experience gained both as a special investigation branch investigator, and senior investigating officer manager of criminal investigation units.
4. Between 12 December 2022 and 30 November 2023 the claimant was temporarily promoted to principal investigator (PI) (G7 grade) on operation ZNL01.
5. Within his claim, the claimant sets out the statutory framework that relates to the investigation and prosecution of criminal offences. The principal act of Parliament is the criminal procedure and investigations act 1996 (CPIA) which sets out the roles and responsibilities of various actors within prosecutorial authorities such as the respondent. Much of the claimant's claim focuses on the duties placed upon investigators and prosecutors in relation to disclosure. For example, the claimant quotes section 3 of the act (initial duty of the prosecutor to disclose), part II of the CPIA which contains duties relating to investigators and their duty of disclosure, and various other aspects of the criminal investigatory framework.
6. In addition, the claimant highlights the respondent's own operational handbook which is said to reflect the statutory requirements as well as the reviews conducted by Sir David Calvert Smith and Brian Altman KC which he says resulted in extensive revisions to the operational handbook and which it is said gave rise to further disclosure training being implemented by the respondent. This is not disputed by the respondent.
7. In his particulars of claim, the claimant also sets out that the respondent has a managing poor performance policy and identifies various issues within it, a misconduct policy and resolving issues at work guidance policy.
8. In addition, the claimant says that the respondent has published a whistleblowing policy called raising a concern, has appointed a freedom to speak up Guardian to deal with protected disclosures, and has developed a performance management policy which the claimant says is based upon meaningful conversations, a focus on development, delivering clear objectives and receiving real-time feedback and recognition.

9. In his witness statement, the claimant identifies that prior to his appointment he had undertaken research concerning the respondent and identifies a number of well-publicised cases where the respondents conduct in proceedings has been placed under scrutiny both by the courts and by the wider public through reporting of the respondent's conduct. Those issues do not fall within the consideration of the tribunal as they do not impinge upon the issues to be determined in the case and in any event fall outwith the scope of the considerations of this tribunal.
10. The claimant contextualises his provision of this information to say that it is referred to and demonstrates that his protected disclosures as alleged were raised in good faith and well-founded. It is his view as he puts it, 'I do it to put my protected disclosures into context and illustrate my state of mind in respect of serious, long-running cultural problems within the respondent that the government has determined are in the public's interest to correct'.
11. The claimant goes on to identify a number of instances where he alleges whether rightly or wrongly that there have been failings in respect of disclosure. While interesting, this information is not relevant to the issues of this case although it may well feed into whether or not the claimant has reasonable beliefs that the respondent was an institution beset by an inability to comply with its statutory disclosure obligations as set out in CPIA 1996.
12. During all times material to this claim, the claimant was directly managed by Mr Nicholas McLaughlin who at all material times was a case controller (grade 6) having been appointed to that position in August 2018. He describes his role as, '... A project management role which involves managing case teams who work on different aspects of SFO investigations and prosecutions including budgets, personnel, case tasking and case strategy'.
13. When he took over the management of ZNL01, the claimant was working on a different case team as a senior investigator. Some weeks later, the claimant was deployed to work on ZNL01 as a senior investigator. It is not disputed by the parties that the senior investigator role has responsibilities including gathering relevant materials, understanding the information in a case, , building the known facts of the case, interviewing witnesses, writing witness statements, managing HEO investigators, assisting the G7 principal investigator in devising and implementing an investigated plan, writing timelines of evidence and more.
14. At the time Mr McLaughlin joined the team it was severely understaffed with several important roles unallocated. In around autumn 2022, the person who Mr McLaughlin understood to be the claimant's line manager handed in her notice which impacted the staffing profile of the team even further. It is Mr McLaughlin's evidence

that he discussed the issues with staffing with the deputy head of his division, Paul McManus and he suggested that the claimant may be able to cover the PI role. It is Mr McLaughlin's evidence that Mr McManus did mention that the claimant could be quite difficult to work with and manage and that his previous line manager, Paul Murphy, had highlighted problems with his behaviour such as the fact that he approached case related discussions angrily and aggressively and seem to have difficulty following reasonable management instructions. This was something that Mr McLaughlin had confirmed informally with Mr Murphy in or around September 2021. However, Mr McLaughlin's evidence is that he did not document these discussions as they were conducted informally.

15. Mr McManus suggested that were the change to be made, Mr McLaughlin should directly line manage the claimant as opposed to the grade immediately above the claimant's undertaking the role, namely PI. Mr McLaughlin says that he was not surprised by the request and followed the advice he had been provided.
16. The claimant was temporarily promoted to the position of PI. The evidence before the tribunal is that a PI acts as the lead investigator on the case and drives it forward. This requires the PI to have a detailed knowledge of the facts of the case and the legal parameters upon which it is being brought. If a case reaches trial, the PI acts as the public face of the investigation and has the responsibility of explaining key facts and actions to the court. Mr McLaughlin considered that the claimant was the only person he was aware of who could fulfil this role and so, together with his co-case controller Mr Duff he approached the head of division, Sara Chouraqui to request that the claimant was temporarily promoted. In due course, Mr Duff prepared a business case for the claimant's temporary promotion and it was submitted to HR on 4 November 2022.
17. It is not in dispute that the business case explained that it was expected that a permanent PI recruitment campaign would be launched in January 2023 and that it could take some time following this for the successful candidate to be appointed and therefore there was a requirement for a temporary PI to be put in place to enable vital work to be undertaken in relation to the operation. The business case explained that the claimant had been identified as the only appropriate candidate available at that time due to his previous experience in law enforcement and the fact that he had been working on the case longer than any other team members such that he had the required knowledge of the case.
18. The business case stated that the intention behind the promotion was for it to be limited in terms of its duration. Consequently, it stated that the promotion would run for an initial period of six months until 31 May 2023 so as to allow for the recruitment and onboarding of the permanent PI to run its course and become embedded with the team.

The business case was approved on 9 November 2022. HR wrote to the claimant on this date to inform him of his temporary promotion stating that it would be effective from 12 December 2022 until 31 May 2023. The letter of appointment stated, 'I must remind you that due to the temporary nature of your promotion, you may revert your substantive post and grade at any time'. Following his promotion, the claimant began working on the case in the way that it had been envisaged he would.

19. The claimant applied for the permanent PI position but was unsuccessful. It is recorded that approximately 100 people applied for the role and another internal candidate, Colin Pritchard who was a witness in these proceedings, was successful. Mr Pritchard was prior to his appointment to the position a SEO senior investigator with the team and had only recently (around a year before his promotion to PI) been promoted to that position. Therefore, he was less experienced in the role of senior investigator than the claimant.
20. The claimant's temporary promotion was extended for a further six months. This was because both Mr McLaughlin and Mr Duff assessed that the essential work the claimant was undertaking needed to be completed and that the claimant was best placed to complete it as well as considering that Mr Pritchard required time before he came up to speed in terms of his operational capability within the new role. Having received approval from Ms Chouraqui and upon a successful business case submission to HR, a subsequent business case was approved on 25 May 2023 and the claimant was informed that his temporary promotion had been extended to 30 November 2023 on the same basis that his temporary promotion had been informed granted to him previously.
21. It is said by the respondent and disputed by the claimant that at times he presented as being difficult and behaviourally challenging, including by Mr McLaughlin and Mr Duff. It is the respondent's case that throughout the period Mr McLaughlin worked with the claimant's in late 2021 and 2022, that the claimant's work output was good but there were issues with relating to colleagues, acting aggressively in meetings, acting dismissively in the face of questions, acting unprofessionally towards colleagues and adopting working practices of his own or of his own learnings as opposed to following orders or directions from his superiors. The claimant disputes the criticisms made of him in their entirety.
22. On 31 October 2023, the ZNL01 team met by Microsoft teams for their weekly disclosure meeting. During the course of this meeting, it is the claimant's case that Mr McLaughlin said that he wanted to talk to the team about prosecution strategy and stated, 'nobody is to write anything critical of our case in emails without speaking to me first, because our emails are disclosable. In past SFO cases, people have written ill-considered emails criticising the investigations, which

undermine the cases even though those people were wrong '. The claimant says that this caused him confusion, followed by shock and this is on the basis that it was difficult for him to understand how something that someone said that was later established as being incorrect could go on to undermine the case.

23. In his witness statement, Mr McLaughlin says that the instruction was broadly aimed at the claimant and another, John Martyn arising from his concerns relating to a few emails that had been circulated as part of the chain a few days prior to the meeting. Mr McLaughlin says, 'the claimant and John Martin's emails had raised some concern so I thought I would take the opportunity to remind all staff at the meeting, particularly as we now had some new, inexperienced investigators on the team who had no criminal legal experience, how to meet their disclosure obligations'. When referring to disclosure obligations, Mr McLaughlin specifically makes mention of the need to meet the respondent's obligations under CPIA.
24. The claimant's view is that the message conveyed by Mr McLaughlin was that he was attempting to avoid negative criticism forming part of matters disclosed to prospective defendants in cases prosecuted by the respondent. In response to this, the claimant said, 'I am sorry Nick, I fundamentally disagree with that. I don't want to dissuade anyone from informing me of material that might undermine the case or something that they believed I was wrong about writing up our case theory. I don't want the witness box to be the first place I learned about an issue with the case, they won't have had a chance to consider the impact of the matter on the case, whether the issue undermined it, whether further reasonable enquiries should be made and whether there was any evidence to mitigate the impact of the issue. These matters have to be recorded under the CPIA and it is for us [as the people running the case] to review the critical observations made, to conduct further enquiries if reasonable and write up our decisions accordingly'. The claimant relies on this as his first disclosure. Mr Pritchard's recollection of what Mr McLaughlin said is substantially aligned with what Mr McLaughlin says that he said in the meeting. Specifically, Mr Pritchard says that Mr McLaughlin did not convey to the meeting that 'anything critical' should not be recorded without speaking to him first. Instead, it is Mr Pritchard's clear recollection that Mr McLaughlin provided guidance on communication between each other and directed the attendees to the Disclosure Officer, John Martyn, if they had concerns or questions around which matters were suitable for capture and which were not.
25. The claimant says that during this meeting Mr McLaughlin belittled him in front of the team. He says that he did this by not allowing him to speak and talking over him. It is the evidence of Mr McLaughlin and Mr Pritchard that there was a natural exchange of views and opinions within the confines of an otherwise unremarkable meeting.

26. The respondent says that the claimant insistently pushed Mr McLaughlin to 'tell them what you really talking about' and that Mr McLaughlin gave the example of the Claimant's emails with Mr Martyn as he thought that was what was upsetting the Claimant. The respondent invites the tribunal to find that Mr McLaughlin had no intention of focusing on any individual (including the Claimant) in the meeting and that he solely provided this example because the Claimant pushed for it and to try to understand what the Claimant had found so upsetting.
27. The respondent says Mr Pritchard's recollection is supported by Mr Martyn's note found that page 331 of the bundle. It says that Mr McLaughlin reiterated that all emails sent and received by the case team would be included in the disclosure review. Mr McLaughlin is recorded as advising team members to resist sending emails that were not fully considered and which could, at a later date, be considered as undermining the review. He goes on to point out in the face of a concern raised by the claimant that the team's daily call with the disclosure officer was an open forum where reviewers could discuss their thoughts about the review process and whether materials were capable of undermining or assisting within the meaning of CPIA. Any issues raised with the disclosure officer could be discussed within the weekly Wednesday meeting that the team had and which was minuted.
28. At paragraph 85 of his witness statement, Mr McLaughlin goes into more detail. He says the following:
- 'The reasoning behind this comment from myself was threefold, firstly so proper procedures of SFO were followed in relation to disclosure, secondly to avoid creating large volumes of documents that would ultimately not be disclosable which the disclosure officers would have to work through and review – creating unnecessary work and certainly it was often better and more efficient to discuss issues rather through numerous tit-for-tat emails. This comment does absolutely not to prevent appropriate disclosure to defendants and given the way I expressed it could not be taken to mean this. It was simply a reminder of the correct way of raising concerns, which a disclosure officer would then decide whether he should or shouldn't be minuted and recorded to meet our disclosure obligations'.
29. Mr McLaughlin describes the claimant as reacting angrily and inappropriately and undermined him in front of junior members of staff. What is not in dispute is that there was a discussion between the two men as to the emails that Mr McLaughlin was referring to and specifically, the claimant's concerns around the suppression of negative comments. It is the claimant's case that he had in mind not only his knowledge of CPIA compliance but also the Calvert Smith and

Altman reports and subsequently formed the view that Mr McLaughlin's instruction contravened CPIA.

30. Further, Mr McLaughlin describes the claimant's subsequent criticism of him that he was discouraging colleagues from raising issues that should properly be disclosable defence as being a complete misrepresentation of what he had said to the meeting. It is Mr McLaughlin's evidence that the claimant did not state that he felt that his instruction was in breach of CPIA or any other rule or law. Later that afternoon, he emailed the claimant to explain that he had found his response to his comments inappropriate and to remind the claimant to remain professional at all times. He says this within the backdrop that issues with regarding the claimant's conduct and behaviour had been increasing over time with the potential to present a risk to the case itself. These factors led to Mr McLaughlin adopting a different position than he had previously namely that he was in his own words, '... To take steps towards properly addressing his behaviour' (see paragraph 94 of Mr McLaughlin's witness statement). In a letter dated 29 November 2023 addressed to Mr McLaughlin, the claimant refers to the exchange between the two during the course of the meeting on 31 October 2023. In particular he says the following:

'nothing that I said was meant as a challenge to your authority but I saw your warning to the team as a potential risk to the case. My previous experience on GRM02 caused me to speak hastily and with some feeling. I stand by what I said but, on reflection, it would have been much better if we had discussed this issue in private, rather than during the disclosure meeting. I spoke up with the best intentions of the case, I did not mean to cause offence and apologise for any offence taken.'

31. It is said by the respondent that on either 3 or 6 November 2023 Mr McLaughlin and Ms Chouraqui met as part of regular catch up meetings that they would have once a week. During the course of this particular meeting they discussed the claimant's temporary promotion and the fact that it was due to expire at the end of that month. It should be noted that the claimant considers that the meeting did not take place and relies on diary entries for the respective parties attending the meeting as being indicative (to him) that the meeting did not take place. Mr Duff also attended the meeting.
32. Mr McLaughlin informed the meeting that he had some concerns about the claimant's behaviour. It is not in dispute that Ms Chouraqui had ultimate responsibility for staffing decisions and the team. What is in dispute is that it was she rather than Mr McLaughlin who made the decision at this meeting that the claimant's temporary promotion should not be extended. The claimant relies on the fact that it was Mr McLaughlin's decision to terminate his temporary promotion and that he did so on the basis of the claimant having made a protected disclosure during the course of the meeting on 31 October 2023.

33. The claimant asserts that the decision to terminate the temporary promotion is of detriment imposed upon him by Mr McLaughlin. It is the respondent's position that the claimant is wrong in all respects of the allegation that he makes here. Firstly, because Ms Chouraqui made the decision on 6 November 2023 and made that decision without knowledge of the alleged protected disclosure of 31 October 2023.
34. Second, because the decision not to extend temporary promotion was always likely to be made because temporary promotions generally only last 12 months and are only extended beyond that if there are exceptional circumstances. The tribunal heard evidence from a number of witnesses who explained that the respondent, being an agency of the civil service, mirrors the practice of temporary promotions that are employed throughout the civil service. However, and in the words of Mr McLaughlin, the word temporary has a meaning and it is noted that the claimant had applied for the role of PI but was unsuccessful whereas Mr Pritchard had been successful.
35. Third, upon Mr Prichard's appointment, and following a period of six months to allow him to and understand his role, Mr Prichard was appointed to the role that the claimant had fulfilled during the course of his temporary appointment. It is the respondent's case that upon Mr Pritchard's promotion in May 2023, the continued justification for the temporary promotion fell away.
36. Fourth, the respondent says that Mr McLaughlin and Mr Duff had reached the view that a number of staff have been recruited into the team including two full-time investigators.
37. All of these matters are relied upon by Ms Chouraqui as her justifications for terminating the temporary promotion.
38. On the other hand, the claimant points to the fact that it is his belief that Mr McLaughlin made the decision and notes the fact that Mr McLaughlin does indeed refer to it as his decision in writing. In evidence, Mr McLaughlin explained that this was a turn of phrase.
39. The decision to terminate the claimant's temporary promotion was communicated to HR on 6 November 2023 and on 13 November 2023, Mr McLaughlin met with the claimant by Microsoft teams to address the issues of his behaviour and to explain that this temporary promotion would not be renewed.
40. It is Mr McLaughlin's case that the decision not to renew the temporary promotion was explained to the claimant during this meeting. It was explained to the claimant that the rationale behind this decision was that there had been an improvement in the staffing situation within the team. It is noted that the claimant disputes this and points to

organograms within the hearing bundle which show at various times staffing levels within the team. The respondent's case is that those organograms show a substantive improvement in staffing level and capacity whereas the claimant points to a lack of detail identifying the degree of change that the respondent subsequently relies upon. Mr McLaughlin, Mr Duff, Mr Gallagher, Ms Grimwood and Ms Chouraqui all gave evidence before the tribunal on this issue and all expressed a view in varying degrees that the totality of the picture portrayed by either the organogrammes or other documents presented to them demonstrated an improvement in the staffing position. Mr McLaughlin emailed HR on 20 November 2023 to confirm that the claimant's temporary promotion would not be renewed and that he had been informed of this.

41. The claimant identifies the meeting of 13 November 2023 and specifically the information communicated to him by Mr McLaughlin about his behaviours and the temporary promotion as a detriment. The claimant says that Mr McLaughlin contacted him without notice in contravention of the ACAS code of practice on disciplinary and grievance procedures and the respondent's policies and performance management, resolving issues at work, managing poor performance and misconduct and subjected him to a disciplinary interview. He says that during this meeting 'further on detailed assertions of aggression were claimed when I questioned his opinion. I was not provided with any evidence of misconduct, nor record of the proceedings, rights of appeal or an agreed performance improvement plan'. It is the respondent's case that the meeting had nothing to do with discipline or grievance but was an operational meeting related to operational matters.
42. At this time, there was a redistribution of the responsibilities that the claimant held. It is the respondent's case that some of this redistribution was a natural consequence of Mr Pritchard assuming a role superior to the claimant's. Second, because the claimant was reverting to his role of senior investigator, he was allocated work commensurate to that role, namely interview preparation which Mr McLaughlin described as prestigious due to the fact that it involved liaison with foreign enforcement agencies and foreign travel. The claimant disagrees and points to the fact that he lost the funds flow and financial analysis work to a colleague junior to him. In evidence, the claimant points to the fact that the business case behind his temporary promotion identified that he was the person to undertake and complete that work but it was taken away from him. He identifies this and other acts of redistribution of work as detriments.
43. In submissions, the respondent says the claimant was left with a significant and prestigious role. Pertinently, the respondent says that this work was required to reflect on existing plans for any new documents, prepare interview plans for new witnesses and perfect the plans so they could be provided to the overseas authorities.

Specifically, this work was expressly stated to be at the level of SCO/PI and therefore it is denied that the claimant suffered a detriment because he was denied the chance to demonstrate his abilities to work at level 7, a further pleaded detriment. In addition, the claimant had been identified as being overworked and as a consequence, Mr McLaughlin made the redistribution decisions that followed.

44. The last detriment alleged arising from the termination of the promotion is that his reputation was damaged among his colleagues. The tribunal understands this allegation to arise from the claimant's perception that returning to his appointed role was demeaning to him. A number of the respondents witnesses spoke about this. Mr Gallagher explained to the tribunal that his view that the claimant's perception that underpins this alleged detriment is misconceived because the respondent, being a civil service agency, does not operate in the same way that the army or the police might and that it is commonplace and unremarkable when temporary promotions end and incumbents return to their appointed roles. Mr Gallagher expressed the belief that the claimant perhaps placed too much emphasis on this perception when it was not a reality.
45. Ms Grimwood explained that she had been temporarily promoted and thereafter returned to her appointed role at the end of the period of her temporary appointment. She confirmed Mr Gallagher's evidence that a temporary promotion was commonplace and unremarkable.
46. On 22 November 2023, the claimant emailed Paul Duester, Associate general counsel. In his email, he set out his concerns. Those concerns largely mirrored the concerns that he had raised in the meeting on 31 October 2023. Specifically, he said that Mr McLaughlin had said that nobody was to write anything critical of the case in emails without speaking to him first because emails are disclosable. He repeated what he purported was Mr McLaughlin's justification namely problems with regards to disclosure on previous cases, and stated, 'He declined to provide an example we could talk through to further our understanding'.
47. He goes on to say the following:
- 'I was shocked because the implicit message in his instruction (whether intended or not), was that he was going to screen out what he did not like and make sure it was not recorded as a relevant issue in the case. It also implied that he would be prepared to withhold information from the defence, which if discovered would likely lead to the collapse of a trial on the basis that the proceedings were unfair.'

And further,

'I went on to state that these matters had to be recorded under CPIA and that it was for us to review the critical observations made, to conduct further enquiries if reasonable and write up our decisions accordingly.

I was rebuked and he repeated his instruction to the team. Some days later he conducted an interview with me during which he informed me that due to my behaviour, i.e. challenging his decision in what he described as an emotional and unprofessional manner, he would not renew my temporary promotion as PI / OIC for court.'

And lastly,

'Questions:

Is my case controller's instruction regarding critical emails an authorised SFO disclosure policy?

If it is, should the instruction be included in the: Disclosure Strategy Document, Disclosure Review Guidance, Disclosure Management Document, Disclosure Decision Log or Case Decision Log?

Should the decision to remove the PI from post be recorded in the Disclosure Decision Log or Case Decision Log, as it appears to be quite a significant event?'

48. Within the email, the claimant sets out his interpretation of various guidances, and handbooks together with his own observations as to the instruction made by Mr McLaughlin in the course of the 31 October 2023 meeting. He describes Mr McLaughlin as appearing to have a 'closed mind that are settled on a narrative'.
49. The claimant relies on this email as his second protected disclosure. It is not in dispute that the content of this disclosure is substantially the same as the first disclosure the claimant relies upon save that the claimant introduces details of an inference that he draws upon namely within Mr McLaughlin's instruction that evidence should be withheld from the defence contrary to the statutory instruction contained within CPIA.
50. Mr Duester replied the same day informing the claimant that the matters he had raised constitute concerns about the actions of his case controller and the approach/policy adopted on the case. He directed the claimant to formal policies with regards raising concerns as identified in the Calvert Smith report. He directed the claimant to the utilisation of the policies as being the way to deal with his concerns.
51. The claimant directed his email of concerns to Mr Emson the respondent's then freedom to speak up Guardian (FSUG), while indicating that he was seeking to clarify the respondent's policy on critical emails and disclosure on the basis that he could not find anything definitive in the respondent's operational handbook. Mr Emson agreed with Mr Duester that if the claimant was raising a

concern that he should do that by way of the official SFO policy. He also agreed that the claimant appeared to be raising case -related concerns that of the kind that Sir David Calvert Smith had identified in his report. He went on to say that if the claimant had a specific concern that he wished to raise with him he should do so. The claimant relies on this communication on 23 November 2023 as his third disclosure. It is identical to the disclosure made to Mr Duester.

52. On 29 November 2023, claimant wrote to Mr McLaughlin requested that he reconsider the decision not to renew his temporary promotion. The following day, the two men had a meeting which the claimant describes as one that he had requested 'in order to try to resolve the issue'. He alleges that Mr McLaughlin made what he describes as 'further offensive remarks to me which were not supported by any evidence'.
53. In support of his proposition that the temporary promotion should be continued, the claimant relies on (among other things) the business case in support of the extension of his temporary promotion identifying him as being the person to complete financial analysis work which by that point had not been completed, and the fact that the respondent's resourcing policy makes clear that if a project is still required that the temporary promotion can be extended beyond 12 months.
54. The policy itself says that extensions beyond 12 months are exceptional and are done with the agreement of the head of HR. The claimant also relies on the respondent's resourcing policy because it states that staff on temporary promotion may be returned to their substantive grade at any time, for example where the need for temporary cover is for a shorter period than originally envisaged or where the individual on temporary promotion is unable to demonstrate the required level of performance. The claimant says that this wording is pertinent to his assertion that the temporary promotion should have been extended because the work required had not been completed and because he had demonstrated that he was capable of completing it.
55. Specifically, the claimant identifies that Mr McLaughlin told him that he was aggressive in previous meetings (including an allegation that he had been condescending to Mr Duff), that he considered the claimant to be unprofessional, doubted that the claimant could manage people, stated that the claimant set a bad example to junior staff, that colleagues had been afraid to approach the claimant asking questions, that the claimant was emotionally unstable, that he was concerned about the claimant giving evidence at court on behalf of the respondent and that the claimant could not be the public face of the respondent at court due to his emotional instability.

56. Mr McLaughlin was cross examined by the claimant in respect of each of these criticisms. He also addresses them in his witness statement. His explanations and evidence were largely the same as those set out in his witness statement. He recounted a concern raised by Mr Duff that the claimant had been condescending to him, an allegation that Mr Duff repeated in evidence also. Whilst giving evidence, he explained why he considered that the claimant had at times been unprofessional, for example citing the claimant's behaviour during the course of the meeting on 31 October 2023. Mr McLaughlin identified that the claimant's behaviour during the course of the 31 October meeting could in his eyes set a bad example to junior staff. Further, Mr McLaughlin explained that it was his perception that the claimant's behaviour generally was such that junior staff in particular might be afraid to ask him questions.
57. In respect of the allegation that Mr McLaughlin described the claimant as being emotionally unstable, Mr McLaughlin explained to the tribunal that the claimant was at times emotional and would allow his emotions to get the better of him. He explained that it was his perception that the claimant's inability at times to control his emotions had a consequential effect on his behaviour such that he was concerned that once placed under the pressure to lead and present the SFO's case that the claimant would not be a person who could be the public face of the respondent within the court environment. It was submitted by Mr Perry that there is very little between describing the claimant as emotionally unstable on the one hand and on the other as someone who was unable to control his emotions. The respondent submits that this was a conversation that was discussing operational matters and was an entirely appropriate one for a line manager to be having with a subordinate. However, the decision had been made, and the claimant's temporary promotion terminated on 1 December 2023.
58. A consequential effect of the temporary promotion's termination was that the claimant's pay was reduced by £993.26 per month and lost pension contributions paid at £268.18 per month. The claimant claims both sums as a breach of contract claim. He also relies on both as a further detriment arising from the first protected disclosure (see above).
59. On 4 December 2023 the claimant emailed Mr McLaughlin outlining details of his experience and expertise with a view to obtaining an extension of his temporary promotion. Mr McLaughlin replied the same day stating that the decision to allow the expiration of the temporary promotion would not be changed for the reasons he had provided.
60. On 11 December 2023, the claimant wrote to Mr Emson again. He informed him that he was concerned about compliance with CPIA and repeated the concerns that he had expressed previously. Pointedly, he informed Mr Emson that once he had raised these issues he had been removed from his post as PI and stated that his desired outcome was

to be re-instated as PI. Mr Emson wrote to the claimant on 9 January 2024 and informed him that the respondent's general counsel would most likely need to investigate the case concerns and policy issues raised by the claimant before his reinstatement as a PI was considered by the grievance process. The claimant considers the decision to separate the first two matters from the third amounts to a detriment. Also, he asserts that there was a delay in the respondent's general counsel issuing her report which she did in February 2024.

61. General counsel's view was that there was no duty under the disclosure rules to note or schedule the dissenting (or agreeing) views of the case team members and therefore there appeared to be no breach of CPIA as alleged by the claimant.

62. In respect of the third matter that linked the claimant's termination of his temporary promotion to the case and policy concerns investigated by general counsel, an investigation was conducted via HR by Mr Gallagher who was appointed the decision maker for what was carved out as the claimant's grievance. The respondent appointed an investigator, Ms Patel and Ms Patel reported to Mr Gallagher.

63. Mr Gallagher wrote to the claimant on 4 April 2024 setting out the proposed terms of reference for the investigation and propose that they be discussed. The claimant chose not to discuss them with Mr Gallagher. They were as follows:

- a) *Establish if there were any concerns about Philip Jackson's behaviour and, if any, how these concerns were addressed.*
- b) *Establish if the temporary promotion was not extended due to the issues that Philip Jackson raised about the case.*
- c) *Establish what the process for the recruitment of the substantive PI role was.*
- d) *Establish what metrics were used to appoint the substantive role and how the person in post was chosen.*
- e) *Establish what feedback was given to the employee after the recruitment process for the substantive role.*

64. The investigator published a report on 10 May 2024. Her findings were that there were concerns in relation to the claimant's conduct and behaviour were not formally addressed by Mr McLaughlin to the claimant due to reasons that Mr McLaughlin explains in this witness statement, mainly due to the needs of the business and specifically, the ongoing need to ensure that the claimant was fully engaged with the work that he had been allocated and the investigation in general which was at the time understaffed. Mr McLaughlin was overly reliant on the claimant due to the staffing shortages and felt it would be operationally damaging to the case.
65. She also found that the decision to terminate the claimant's temporary promotion was due to the reasons relied upon by Ms Chouraqui and unrelated to the disclosure concerns as identified above. Mr Gallagher wrote to the claimant on 29 May 2024 to confirm his decision. The claimant's complaint that his temporary promotion was removed due to concerns he had raised about the case was not upheld finding that staffing levels had dictated the decision of management within the team and specifically the team did not require two PIs.
66. The claimant appealed the decision and Ms Grimwood was the decision maker on the appeal. It is her evidence that after having reviewed the evidence available to her, and having formed the view that a reasonable investigation had taken place, that she decided that the appeal should be dismissed and in so doing upheld Mr Gallagher's decision.
67. The respondent asserts that the claim is out of time. Under section 48(3) ERA a claim for detriment made under section 47B ERA must be lodged within three months less one day of the alleged detriment, subject to the effects of the ACAS conciliation process. In this case, conciliation began on 20 February 2024 and ended 2 April 2024. The claim form was filed at the tribunal 25 April 2024. The respondent contends that any alleged detriment that occurred before 19 November 2023 is out of time. Therefore it would be for the tribunal to exercise its discretion to extend time limits where it considers that it was not reasonably practicable for the complaint to be brought in time.
68. In relation to the factual matrix set out above, the respondent contends that the respondent's decision to not renew his temporary promotion on 6 November 2024 was communicated to the claimant on 13 November 2024. Further, the respondent says that this was a one-off act as opposed to a series of acts and it is clear that the claimant is heavily reliant on the termination of his temporary promotion as forming the bedrock of the allegations that he makes against the respondent insofar as the allegations of detriment are concerned.
69. The claimant provides very little justification for the delay save to say that it was his estimation that the time limit for the detriment claim ran

from 1 December 2023 as opposed to the notification to him of it on 19 November 2023.

Procedure

70. Before any evidence was heard, the respondent had submitted an application under this.49(3)(b) and (e) of the tribunal's rules for an order of redacting the claimant's witness statement and a further order that prevented the disclosure of the names of foreign law enforcement agencies, individuals subject to ongoing criminal investigation or pastoral? investigations that were ultimately not prosecuted.
71. The details of the application are set out in a letter to the tribunal dated 22 August 2025. In summary, the respondent stated that the information to be redacted was in its words entirely unconnected and therefore irrelevant to the claimant's complaint of detriment. In addition, the respondent identified that it relies on cooperation with foreign all enforcement agencies for the purposes of confidential investigations on the basis of mutual confidentiality. It asserted (in the absence of any evidence) that those relationships could be jeopardised or undermined were the claimant to make mention of the details of the agencies concerned. The respondent cited a consequential loss of reputation as a possible outcome and identified that the respondent had in the past relied on public interest immunity underpinned by a signed PII certificate in High Court civil proceedings to protect relevant confidential information sources for the foreign law enforcement agency.
72. In totality, the respondent asserted that it would be disproportionate to remove the redactions given their distant proximity from the factual matrix central to the issues in the claim and that it was not in the interests of justice to allow the unredacted material to remain. As such given that there was no harm to the claimant, and that on balancing the harm against Articles 6 and 10 of the European Convention on Human Rights as against Article 8, there was little that could support the admission of an unredacted version of the witness statement.
73. The claimant opposed the application on the basis that the names of the parties concerned were in the public domain and could be identified easily through conjunction of access to the tribunal bundle and a Google search.
74. The tribunal determined that it would be contrary to the public interest to allow the claimant's unredacted statement to remain as it was because the identified matters of concern should be redacted. Further, it was the tribunal's finding that redaction and the use of a key to identify individuals or entities as opposed to naming them directly was something that could be applied in this case. When the tribunal weighed the competing needs of Articles 6, 8 and 10, it was clear that

the claimant's Article 6 rights, asserted in respect of any potential confusion that might arise during the course of him cross-examining the respondent's witnesses, Article 8 rights and Article 10 rights namely in respect of the freedom of expression were not engaged such that the tribunal determined that it would be appropriate to grant the respondent's application and derogate from the principle of open justice on the narrow basis of the respondent's application. Full oral reasons were provided to the parties orally in the hearing.

75. And for the same reasons as outlined in respect of the respondent's application, the tribunal made an order of its own motion to anonymise the claimant's address from all tribunal documents on the basis that the tribunal evaluated that there was a possibility that he might be identified and targeted by members of the public and specifically the criminal community. The decision reached by the tribunal was explained to the tribunal orally and to members of the press who were present. No objections were raised in respect of the orders proposed save in respect of the claimant, as set out above. again, full oral reasons were provided to the parties at the hearing for this decision which was uncontested by any party present.
76. The tribunal had access to a bundle numbering 1222 pages and a witness statement bundle numbering 169 pages. A small number of additional pages were added to the bundle during the course of the hearing.
77. Day one of the hearing was for the tribunal to read into the case. The claimant gave evidence over 1 ½ days as did Nicholas McLaughlin, the claimant's line manager. In addition, the tribunal heard evidence from Ronan Duff, Sara Chouraqui, Raymond Emson, Michael Gallagher Colin Pritchard, and Freya Greenwood.

Witnesses

78. In respect of all witnesses, the tribunal has no reservation that each witness gave honest evidence in respect of their understanding and beliefs. Save as otherwise mentioned below, the tribunal found all witnesses to be reliable and honest.
79. The claimant gave evidence first. The tribunal found him to be opinionated and prone to making serious allegations without any evidence to support those allegations. However, the tribunal accepts the respondent's submission that the claimant's tendency towards extreme allegations undermined his credibility. For example, the claimant alleges that Mr McLaughlin is perverting the course of justice where he makes a number of errors as to the recollection of certain dates, those dates being best described as peripheral or non-relevant to the issues in the claim. This can also be seen where the claimant makes an allegation of collusion against the respondent's witnesses in circumstances where there is a scant similarity in the form of words

into witness statements (McLaughlin and Duff) which is of little surprise to the tribunal when one considers the likelihood that the witness statements were likely to have been drafted by the same draughtsperson.

80. The tribunal has no doubt that the claimant was honest and truthful in his evidence. However we agree with the assessment of him by Mr Gallagher who described him as someone who could allow his emotions to cloud his perceptions and understanding. It is with this in mind that the tribunal finds that the claimant's recollections and retelling of facts were clouded by his emotions to such an extent that his view were clouded and his perceptions of what happens was sometimes wrong as a result.

The tribunal found that on numerous occasions while giving evidence or while cross-examining the respondent's witnesses that the claimant demonstrated the observations made of him by the respondent's witnesses such as a fixation on minutiae, and inability to follow the judge's instructions when directed to focus on the case issues as opposed to personal grievances that we wanted to address to the various witnesses.

81. Ultimately, the claimant's fixation on either written or oral perceptions of him by some of the witnesses led to an unnecessarily prolonged cross-examination of Mr McLaughlin (which at times resembled a philosophical or intellectual discussion among colleagues over the interpretation of the law and practice that relates to disclosure) meant that time and again the judge had to draw the claimant's focus to the agreed issues to be determined. This was seen by the tribunal as another example of the claimant's failure to follow an instruction.
82. This means that the tribunal evaluated the claimant as being a not wholly reliable witness. This conclusion is supported by the number of occasions where the claimant drew self-serving meanings or conclusions from words said or written and was prepared to draw inferences (for example Mr McLaughlin was seeking to avoid his statutory disclosure obligations as imposed by CPIA) in the absence of any evidence whatsoever.
83. Understandably, Mr McLaughlin appeared at first uncomfortable while giving evidence. The first 2 ½ hours of his cross examination by the claimant was related to a matter that Mr Gallagher had upheld against him in relation to his management of the claimant, namely his failure to raise issues with regards to the claimant's behaviours with the claimant prior to discussions around the termination of the claimant's temporary promotion. While it can be said that some of Mr McLaughlin's answers stretch credulity such as his assertion that he made attempts to build bridges with the claimant after the 31 October 2023 meeting (as demonstrated by two lines in two emails inviting the claimant to speak with him), the tribunal has no difficulty in accepting

his evidence and particularly so in relation to what he said in the message he conveyed in the meeting of 31 October 2023.

84. Mr Colin Pritchard provided reliable, honest, direct and clear answers to the tribunal. His evidence was accepted in full by the tribunal and the tribunal notes that in respect of his recollection of what Mr McLaughlin said during the course of the meeting of 31 October 2023 was unchallenged by the claimant.
85. Ms Chouraqui was a clear and direct witness whose evidence left the tribunal in no doubt that what she was saying was honest and correct.
86. Mr Michael Gallagher was an impressive witness who explained with the clarity the issues that he recognised from the claimant's grievance, and demonstrated empathy in the way in which he approached his decision-making. His evidence which was unchallenged by the claimant, and was accepted in full by the tribunal.

Law and procedure

There is no dispute between the parties as the relevant law that applies in the case. The tribunal explains the relevance of the cases of Kilraine and Cavendish (see below).

43B Disclosures qualifying for protection.

(1) In this Part a “qualifying disclosure” means any disclosure of information which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show one or more of the following—

- (a) that a criminal offence has been committed, is being committed or is likely to be committed,
- (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
- (c) that a miscarriage of justice has occurred, is occurring or is likely to occur,
- (d) that the health or safety of any individual has been, is being or is likely to be endangered,
- (e) that the environment has been, is being or is likely to be damaged, or
- (f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

47B Protected disclosures.

(1) A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that the worker has made a protected disclosure.

(1A) A worker ("W") has the right not to be subjected to any detriment by any act, or any deliberate failure to act, done—

(a) by another worker of W's employer in the course of that other worker's employment, or

(b) by an agent of W's employer with the employer's authority,
on the ground that W has made a protected disclosure.

In Kealy v Westfield Community Development Association [2023] ICR 1298 the EAT cited the guidance previously given in Williams v Michelle Brown Am UKEAT/0044/19 as to how the 'qualifying disclosure' provisions should be addressed by the Tribunal:

'It is worth restating, as the authorities have done many times, that this definition breaks down into a number of elements: First there must be a disclosure of information. Secondly, the worker must believe that the disclosure is made in the public interest. Thirdly, if the worker does hold such a belief, it must be reasonably held. Fourthly, the worker must believe that the disclosure tends to show one or more of the matters listed in subparagraphs (a) to (f). Fifthly, if the worker does hold such a belief, it must be reasonably held.' [Our emphasis]

The burden of proof is on the Claimant to establish a protected disclosure was made. The Claimant needs to demonstrate for every alleged disclosure, (i) he reasonably believed he was making the disclosure in the public interest; and (ii) he reasonably believed that the disclosure tended to show that there was a breach of the disclosure regime or that one was likely to happen.

The tribunal must consider subjectively whether the worker actually believed the information *tended to show* a relevant failure; and

whether, objectively, such a belief was reasonable (even if mistaken): see *Babula v Waltham Forest College* [2007] ICR 1026 per Wall LJ at [79 and 81].

In relation to the “public interest” provision, the tribunal should ask whether (a) the worker actually believed the disclosure was in the public interest (the subjective element); and (b) whether it was reasonable for the worker to have this belief (the objective element) (Underhill LJ at [27] of *Chesterton Global Limited v Nurmohamed* [2018] ICR 731, following *Babula*).

In *Chesterton*, Underhill LJ said at [37]: “where the disclosure relates to a breach of the worker’s own contract of employment (or some other matter under section 43B(1) where the interest in question is personal in character), there may nevertheless be features of the case that make it reasonable to regard disclosure as being in the public interest as well as in the personal interest of the worker... The question is one to be answered by the tribunal on a consideration of all the circumstances of the particular case, but Mr Laddie’s fourfold classification of relevant factors which I have reproduced at para 34 above may be a useful tool.

The relevant factors at [34] of *Chesterton* are:

- a. the numbers in the group whose interests the disclosure served;
- b. the nature of the interests affected and the extent to which they are affected;
- c. the nature of the wrongdoing disclosed; and
- d. the identity of the alleged wrongdoer.

Parsons v Airplus International Ltd UKEAT/0111/17 is authority for the proposition that disclosures made only in the employee’s self-interest, and while being capable of amounting to protected disclosures, are capable of being ruled as being not disclosures.

A protected disclosure must be a “disclosure of information”. The question of whether a specific statement is a disclosure of information which (in the worker’s reasonable belief) tends to show one of the matters set out at section 43B(1)(a) to (f) of the ERA is a matter of evaluative judgment for the Tribunal ([36] in *Kilraine v London Borough of Wandsworth* [2018] ICR 1850). There is both a subjective and objective element to the test. The information need not come as ‘news’ to the recipient; nor does the recipient need to have identified it as whistleblowing for the statutory test to be satisfied.

The statute requires that the statement must have “sufficient factual content and specificity” such as is capable of tending to show a relevant failure within the meaning of section 43B(1)(a) to (f) ([35] of *Kilraine*).

The meaning of ‘disclosure of information’ was considered in *Cavendish Munro Professional Risks Management Ltd v Geduld* [2010] IRLR 38 in which the EAT held that it is not sufficient that the Claimant has simply made *allegations* about the wrongdoing, there does need to be a disclosure of *information*. As Slade J put it, “...*the ordinary meaning of giving “information” is conveying facts. In the course of the hearing.... a hypothetical was advanced regarding communicating information about the state of a hospital. Communicating ‘information’ would be ‘the wards have not been cleaned for the past two weeks, yesterday sharps were left lying around.’ Contrasted with that would be a statement that ‘You are not complying with Health and Safety requirements.’ In our view this would be an allegation not information.*” The Court of Appeal later clarified in *Kilraine (see above)* that ‘allegation’ and ‘disclosure of information’ are not mutually exclusive categories; what matters is the wording of the statute: some ‘information’ must be disclosed and that required that the communication have ‘*sufficient factual content and specificity such as is capable of tending to show one of the matters listed in subsection (1).*’

87. The tribunal has had regard to the fact that in *Kilraine* generalised allegations of bullying harassment and inappropriate conduct were held to be too vague to amount to a protected disclosure.

Time limits, s.48(3) ERA 1996 says:

(3) An employment tribunal shall not consider a complaint under this section unless it is presented—

(a) before the end of the period of three months beginning with the date of the act or failure to act to which the complaint relates or, where that act or failure is part of a series of similar acts or failures, the last of them, or

(b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

Findings of fact and decision

88. It is the tribunal's finding that this claim arises from matters that occurred in and followed 31 October 2023 meeting as identified above. The respondent submits that the claimant did not disclose information which would qualify as a disclosure in that meeting. It says that taken at its highest, the claimant fundamentally disagreed with an instruction namely not to write down anything critical of the case without speaking to Mr McLaughlin first, that in his view that instruction risked dissuading people from informing managers about information that might undermine the case, and that those matters needed to be recorded under the CPIA.
89. In support of this submission, the respondent says that the information conveyed amounts to a qualifying disclosure. Essentially, what the claimant is doing is communicating his view namely that he disagreed with Mr McLaughlin's instruction. The respondent relies on the case of *McDermott v Sellafeld Ltd and others* [2023] EAT 60 which identifies that where something is just an allegation and the statement discloses no factual comment it is just a statement and not a disclosure.
90. It is the tribunal's finding that the respondent's submission that what the claimant said is not a qualified disclosure is well-founded. While the tribunal notes the application of the EAT case of *McDermott* (see

above). we have also given notice to the case of Cavendish (see above). It is the Tribunal's Finding what the claimant was doing was expressing his disagreement with Mr McLaughlin's case management directive taking the view that there was the possibility that the claimant or anyone else in this position might be left as a hostage to fortune if the claimant's concern around this issue materialised. While the claimant does make mention that it was his view that the matters that Mr McLaughlin had referred to should be recorded as a matter of law it is clear nonetheless that what the claimant was doing was expressing his view as to the interpretation of the law and not ventilating a qualifying disclosure because he was expressing an opinion and not disclosing information of the kind that *Cavendish* and later in *Kilraine* explain would amount to a qualifying disclosure. The tribunal finds that the claimant was not disclosing information and that at best he was disclosing his interpretation of what Mr McLaughlin had said.

91. The tribunal's view is crystallised in this regard when it reviews the further disclosures that the claimant relies upon in these proceedings and specifically the one made to Mr Duester (see above) in which it can be seen the claimant is solely seeking confirmation that his interpretation of the law of disclosure is correct whilst at the same time seeking clarity as to whether or not the respondent has in place a policy that covers Mr McLaughlin's case management directive. In each case, the claimant attaches his own set of inferences to Mr McLaughlin's words (see below). Those inferences are part of the fabric of the claimant's email which reads like a thesis on theoretical possibilities as opposed to a substantive, factual analysis and disclosure of information of the kind the law requires.
92. Further, the tribunal finds that at the time that the claimant said the words that he relies upon, that he did not have a reasonable belief that there had been a breach or a potential breach of a legal obligation. It is noteworthy that the parties, principally the claimant and Mr McLaughlin agree that for example had he said that there was a blanket prohibition on discussing undermining evidence all matters via email on the case itself that this would have constituted a breach of CPIA. The tribunal accepts the respondent's submission that the tribunal does have to make a determination of the words actually said by Mr McLaughlin.
93. As to the words said the tribunal's finding is informed by the evidence of Mr McLaughlin and Mr Pritchard which when taken together with Mr Martyn's note support the respondent's contention that what Mr McLaughlin said was that members of staff should exercise a degree of caution when discussing matters about the case on the case file for a number of reasons not least of which because some members of staff (including the claimant) had been found to be in discussions with others and whose words when read appeared to be no more than a stream of consciousness.

94. It was Mr McLaughlin's view that this in turn was creating an excessive amount of work for the disclosure officer to screen out. It is Mr Pritchard's clear recollection that Mr McLaughlin did not say that nobody was to write equally critical about the case before speaking to him, but instead he said that people should think carefully before writing anything on the case file and should consider discussing concerns first in accordance with the open culture of discussion within the team and that Mr McLaughlin's comments had been made in accordance with his desire to maintain an orderly case file.
95. The claimant's interpretation of events is not accepted by the tribunal for reasons of his unreliability as explained above. Accordingly, the tribunal finds that in any event the claimant lacked the reasonable belief that he was making a qualifying disclosure.
96. The tribunal has reviewed the alleged detriments and makes findings nonetheless.

Detriments arising from protected disclosure one

Issue 3.1.1.1 belittling the claimant in the disclosure meeting

97. The claimant alleges that Mr McLaughlin belittled him during the course of the disclosure meeting on 31 October 2023 in front of the whole case team. Essentially, the claimant says that Mr McLaughlin spoke over him and would not allow him to express his views.
98. The tribunal prefers the evidence of Mr Pritchard over that of the claimant where he says that both the claimant and Mr McLaughlin were speaking over each other, that there was a frank exchange of views that appeared to him to be akin to a storm in a teacup, and was unremarkable. Accordingly, this allegation is not founded on the balance of probabilities.

Issues 3.1.1.2 and 3.1.2 terminating the claimant's temporary promotion

99. Of the facts set out above, the tribunal's finding is that there was a meeting between Ms Chouraqui, Mr McLaughlin, and Mr Duff on either 3 or 6 November 2023. During that meeting the trio discussed staffing levels within ZNL01. As part of that discussion, Mr McLaughlin discussed concerns that he had with regards the claimant's behaviour specifically arising from the meeting 31 October 2023 and the fact that the claimant's temporary promotion to PI was due to expire at the end of November. Further, the trio discussed and appraised that staffing levels within the team had improved such that the need for the claimant's temporary promotion no longer existed.
100. As a direct consequence of this discussion, Ms Chouraqui made the decision that the claimant's appointment to PI would not be extended

and that it would terminate at the end of November. Accordingly, this finding does not support the allegations that the claimant makes that the meeting between the trio did not take place at all, that the decision was solely Mr McLaughlin's and that the rationale for the termination of the temporary promotion put forward by the respondent should be rejected and substituted for the claimant's proposition that the sole or predominant reason for the termination of the temporary promotion was the fact that he had made a qualifying disclosure in the meeting of 31 October 2023.

101. However, and for the avoidance of doubt, had the tribunal found that there had been a qualifying disclosure made during the course of the disclosure meeting the tribunal accepts the evidence of Mr McLaughlin, Mr Duff and Ms Chouraqui in totality in respect of this issue. It is overwhelmingly and abundantly clear that this was a meeting that was held on a regular basis to discuss matters pertinent to ZNL01. Staffing levels had been an issue for that team and Mr Pritchard's appointment to PI changed the dynamic of those discussions around staffing. It is clear that the business case put forward previously was no longer valid. Ms Chouraqui's unchallenged evidence that she was not aware of the facts or details of the alleged disclosure support the tribunal's finding in this regard.
102. It follows that the meeting held between the claimant and Mr McLaughlin on 13 November 2023 was a meeting to discuss the decision to terminate the temporary promotion. Given that this is an ordinary, unremarkable operational decision, described by Ms Chouraqui as one that occurs every day within the respondent and the civil service, and in the absence of any evidence to support the claimant's belief or assertion that the meeting was a disciplinary meeting whether formal or otherwise, it is the tribunal's finding that the claimant's assertion in the way that he has asserted it is plainly misconceived.
103. It must also follow that the allegation of a detriment by way of terminating the payments associated with this temporary promotion is also misconceived. The claimant's temporary promotion was subject to a finite, fixed endpoint and defined contractual conditions. When the appointment ended, his entitlement to those contractual rights ended also. As the tribunal has already identified, the termination of these rights was lawful and not related to any purported protected disclosures.
- 3.1.3, 3.1.4, 3.1.6, 3.1.7 redistribution of responsibilities on 13 November 2023**
104. In his witness statement, the claimant describes how some of the work that he was undertaking while PI was allocated to others. The tribunal accepts Mr McLaughlin's evidence that it was he who made these decisions. It also accepted evidence that the rationale behind

redistribution was primarily because staff numbers within the team had increased (the tribunal expressly finds that staffing numbers had increased), that Mr Prichard was rightfully allocated work commensurate with his grade of PI, that the claimant had been hitherto overburdened with work and therefore it was right to allocate some of the work away from him, and that a subordinate to the claimant who had shown enthusiasm and aptitude for financial analysis work had that allocated to her.

105. Further, the tribunal finds that the claimant was left with a significant and prestigious role leading the interview preparation process. The tribunal finds that the claimant continued to work on this project into April 2024. As part of his work, the claimant was required to reflect on any existing plans, any new documents, preparing interview plans for new witnesses and perfect the plan so they could be provided to the overseas authorities. This work was expressly stated in the job role to be at the level of SEO/PI, in other words at the claimant's level or the level above (PI). Given this finding, the claimant's allegation that he was not able to demonstrate that he was working at the level of a grade seven for the purposes of future applications to become PI is unfounded and is dismissed.
106. There was another aspect to the decision made to reallocate work, namely the claimant's behaviour. The tribunal accepts Mr McLaughlin's evidence that he first became aware that the claimant was someone who was difficult to manage and did not work well with others by another manager prior to Mr McLaughlin becoming his line manager. The tribunal accepts Mr McLaughlin's evidence that the claimant's reaction during the course of the meeting on 31 October 2023 demonstrated the concern that Mr McLaughlin had about the claimant in relation to the claimant's inability to contain his anger and his emotions. Mr McLaughlin identified the claimant's behaviour during the course of that meeting as part of a wider pattern of behaviour. For example, the claimant had a tendency to appear condescending when talking to others such as Mr Duff and during the course of the meeting with a foreign law enforcement agency. He had been noted to be rude in tone in emails. He also been noted to continue to use templates that he had acquired during his long policing career when asked not to do so.
107. The claimant says that he was not angry or dismissive or condescending or rude. In evidence, and specifically in relation to the allegation made by Mr Duff of condescension, the claimant says that it might well be possible that he was working excessively hard and under pressure and that may well have been the cause of his conduct on that occasion. In relation to the allegation raised about the misuse of documents and specifically templates, the claimant says variously that the respondent did not have at material times the documents available to him that he needed to use.

108. The tribunal finds that it was the claimant's preference to work alone where possible. It is also the tribunal's finding that while the claimant not being the easiest person to work with he was nonetheless someone who was capable of working with others. Accordingly, it was reasonable for Mr McLaughlin to perceive the claimant as someone who was not best placed to work collaboratively with others. It follows that Mr McLaughlin's justification for the reallocation of work and specifically the funds tracing work which required collaborative working to another person was entirely justified and unconnected to any purported protected disclosure. The same applies to other work redistributed away from the claimant. The tribunal's finding in this regard is supported by Mr McLaughlin's emails to the claimant dated 31 October 2023 ('as your line manager and the ZNL01 case controller, I ask you to temper your emotion at work and communicate with your colleagues in a professional manner at all times '), and 4 December 2023 response the claimant's request for a review of the decision to terminate the temporary promotion. Specifically, Mr McLaughlin says the following:

'Firstly, you exhibit behavioural deficiencies in terms of how you communicate and collaborate with your colleagues at meetings which do not meet the competencies expected for a G7 PI. You are on occasions excessively aggressive and fail to balance your emotions in an appropriate way for a professional setting like the SFO. This creates disharmony in the team and discourages colleagues from engaging with you in debate. Colleagues are reticent to challenge you in these circumstances and this environment does not optimise the team's decision making capacity.'

109. It is the tribunal's view and finding that these emails do demonstrate the view that Mr McLaughlin had formed of the claimant which the tribunal considers to have been reasonably formed.

Issue 3.1.5 damage to the claimant's reputation on ending of temporary promotion

110. It is the tribunal's finding that there was no reputational damage to the claimant. Given the tribunal's finding at paragraph 105 above, this finding was inevitable.

Issue 3.1.1.3 offensive remarks on 30 November 2023

111. Here the claimant relies on what was discussed between him and Mr McLaughlin during the course of the meeting on 30 November 2023. These are summarised in paragraph 55 above.

112. It is the tribunal's finding that Mr McLaughlin was responding to the contents of the claimant's letter dated 29 November 2023 on a point by point basis. Further, it is not disputed that the claimant was not engaging with Mr McLaughlin during the course the meeting but rather was sitting and making notes. Mr McLaughlin restated the purpose

behind the directive that he issued in the 31 October meeting, that he had no problem with the content of the claimant's comments but rather that he had an issue with the way in which the claimant had communicated his comments during the course of the meeting. Mr McLaughlin also explained that the reason for the claimant's temporary promotion terminating was because of the improved staffing position and in particular, Mr Pritchard's promotion.

113. Set out at paragraph 56 and 57 above is what Mr McLaughlin has to say in response to the claimant allegation here. In short, the allegations are denied with reasons and rationale provided as to what lay behind Mr McLaughlin's comments. It is the tribunal's finding that what he was doing was expressing frank and honest concerns about the claimant's conduct and behaviours as he saw them. This had not been explained in any way to the claimant prior to this period.

114. In respect of the main factual disagreement between the parties, namely whether or not Mr McLaughlin described him as emotionally unstable, it is the tribunal's finding that Mr McLaughlin described the claimant as someone who had difficulty in controlling his emotions. The tribunal is able to reach its finding on the balance of probability noting that the onus falls on the claimant to establish what was said. In totality, the tribunal finds that it was entirely appropriate for Mr McLaughlin to have replied to the points raised by the claimant and further, for him to express his views as to the claimant's behaviour and conduct in the way that he did on the basis that they were frank and honest and informed by the claimant's behaviour and not as a result of any malice on the part of Mr McLaughlin.

Protected disclosures two and three

115. these both arise from the email to Mr Duester. It is the tribunal's finding that this disclosure is identical or substantially similar to the first protected disclosure save in respect that the claimant considered the 'implicit message in this instruction (whether intended or not) was that he was going to screen out what he did not like make sure it was not recorded as a relevant issue in the case'. Also, 'it also implied that he would be prepared to withhold evidence from the defence, which if discovered would likely lead to the collapse of the trial on the basis that the proceedings were unfair'.

116. To the original disclosures identified above are inferences drawn by the claimant and it is tribunal's finding that both of these inferences are unreasonably formed. It was the claimant's evidence, accepted by the respondent that all of the investigators in the meeting have their own duties imposed upon them by the disclosure regime that applies to criminal cases. The claimant makes no assertion that all of those individuals would have been duty-bound to have followed Mr McLaughlin's order and breach their own individual duties. It is also the tribunal's finding that there is no reasonable basis for the claimant to

have made the implication that he does and that his sole purpose in raising the allegations in the way that he does is to increase the seriousness of the disclosures he purports to make and to be proven right (and for Mr McLaughlin to be proven wrong). Accordingly, the tribunal finds that the claimant has no reasonable belief in the disclosure that he makes here accordingly, it fails to be proven on the balance of probabilities.

Issues 3.1.8 and 3.1.9 – detriments following protected disclosures two and three, grievance and appeal

Issue 3.1.8

117. The claimant alleges that the respondent failed to take action to redress the detriment he alleges to have suffered as a consequence of raising his concerns about unfair treatment to Mr Emson. The tribunal understands the claimant's principal concern here is that Mr Emson took a decision to separate the claimant's concerns as set out in the claimant's email of 11 December 2023 into three separate strands and to investigate strands one and two.
118. Put simply, Mr Emson saw the three strands falling into two categories, namely one category concerning case performance and another concerning matters which appeared to be more HR related. The third matter, namely the claimant's allegation that the termination of his temporary promotion had been influenced by his purported protected disclosures was one that Mr Emson decided could only be assessed once the underlying processes took place which would allow those disclosures to be assessed. It is Mr Emson's evidence that at no time did the claimant express his view that in allowing strands 1 and 2 to proceed in advance of strand three he was being subjected to a detriment, that there was no more than a two-month delay in the investigation of the claimant's concerns under strands one and two and that in any event, the claimant has failed to demonstrate what detriment he has suffered.
119. It is the tribunal's finding that this allegation fails to be proven on the balance of probabilities. The tribunal finds that there is no demonstrable detriment arising from what happened in relation to the work undertaken by Mr Emson and thereafter, the respondent's general counsel.
120. In respect of allegation 3.1.9 of the list of issues the Claimant identifies being informed that his grievance would have to wait until the concerns investigated by the respondent's general counsel (see paragraph 119 above) was concluded. Notwithstanding, the claimant appeared to broaden his attack on both the grievance outcome and grievance appeal outcome and does so in his witness statement in a generalised but particularised complaint that the respondent conducted an inadequate and biased investigation. While the claimant

directs the tribunal to read a number of his letters including his appeal letters the claimant has failed to identify or particularise before the tribunal in any meaningful way the inadequacies that he alleges of the investigation conducted in respect of both the grievance and appeal and the outcomes of both processes.

121. The tribunal accepts the evidence of both Mr Gallagher and Ms Greenwood as to the work that they undertook in respect of both stages. The tribunal finds that they undertook a reasonable process of evaluation having both determined that the investigations that preceded their decision-making to have been reasonable and proportionate. Both assessed that the investigators had conducted a thorough investigations of the information available to them. The tribunal has not been presented with any basis upon which to dispute those findings. Accordingly, this allegation fails to be proven on the balance of probabilities.

Time limits

122. It is the tribunal's finding that the claimant presented his claim out of time but that he presented his claim within a short period of time of the expiry of the limitation period and further, the tribunal finds that his rationale in determining 1 December 2023 as the date of the expiry of his temporary promotion as being a reasonable one to have made in the circumstances and therefore extends time for the claim to be heard having determined it was not reasonably practicable for the claim to have been presented earlier.

Conclusion

123. For the reasons stated above, the tribunal finds that the claims of whistleblowing detriment are dismissed because (a) in respect of each the claimant has failed to demonstrate to the tribunal that they are qualifying disclosures and in any event (b) the claimant has failed to demonstrate that the events or acts that he relies upon as detriments can be viewed as such. Accordingly, the claim is dismissed.

Approved by:
Employment Judge Forde
3 October 2025

Judgment sent to the parties on:
15 October 2025

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For the Tribunal:

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