**Case Number: 6021845/2024**

# EMPLOYMENT TRIBUNALS

**Claimant:** **Mr L Cyrus**

**Respondent:** **Greenwich Students' Union**

**Heard at:** **Croydon (CVP)** **On:** **8/9/2025**

**Before:** **Employment Judge Wright**

**Representation**
Claimant: In person
Respondent: Mr C Crow - counsel

# JUDGMENT

The claimant's application for interim relief fails and is dismissed.

# REASONS

1. This was the claimant's application for interim relief. Such applications are dealt with urgently. Thie interim relief application was made and accepted on the 7/8/2025.

2. This hearing is unusual as an application for interim relief has to be made within seven days of the date of dismissal. This claim was originally presented on the 13/12/2024 as a claim of unlawful discrimination under the Equality Act 2010 based upon the protected characteristic of race.

3. The claimant applied to amend his claim on the 29/3/2025 (page 48). In essence, his amendment application was understood that he sought to reply upon the same matters pleaded as unlawful discrimination, to be the alleged protected disclosures in the alternative. He was directed on the 11/4/2025 to particularise those purported disclosures and to provide full details of the detriments he relied upon.

4. To the extent the claimant did or did not comply with that Order, the basis of his claim has been understood for some time.

5. Since then, the claimant's employment was terminated on the 6/8/2025. He made an application for interim relief on the 7/8/2025 as a result. That application identified six alleged protected disclosures (which the claimant

confirmed he relied upon). The claimant did not expressly set out the detriment, however it can be inferred that he relies upon the dismissal and the suspension on paid leave on the 29/10/2024.

6. The position at this hearing is therefore slightly unusual as the respondent has responded to the substantive claim and provided an amended grounds of resistance (to the whistleblowing claim) on the 30/5/2025.

7. The hearing started 45 minutes late. This was due to confusion about whether or not the hearing was in person. The claimant had been told the hearing was in person, however, the Tribunal and the respondent understood it to be a video hearing. The claimant attended in a Tribunal hearing room, with video access.

8. The claimant confirmed he no longer pursued that the reason for his dismissal was in the alternative due to Trade Union activity.

9. The law on interim relief is long-established and settled and was contained in respondent's skeleton argument. The substance is:

*Interim relief*

*The Tribunal has the power to grant interim relief under s.129 ERA 1996 where, after hearing the application 'it appears to the tribunal that it is likely that on determining the complaint to which the application relates the tribunal will find – (a) that the reason (or if more than one the principal reason) for the dismissal is one of those specified in (i) section…103A'.*

*Guidance on this provision (and the corresponding provisions relating to trade union activities) was provided by the EAT in London City Airport v Chacko [2013] IRLR 610:*

> *Whether the application for interim relief is made under the 1992 Act or the 1996 Act, the test to be applied by the Tribunal is the same in both cases. That is to say, that the Tribunal must be satisfied that "it is likely that on determining the complaint" the Tribunal will find that the reason or the principal reason for dismissal is that which the employee has asserted. It is not sufficient that the employee is able to establish that "it is likely" they were otherwise unfairly dismissed, i.e. for other reasons. They must be able to show that it is likely that it will be found that they have been dismissed for the sole or the principal reason of their trade union activities. (para.9)*
>
> *As long ago as the decision of this Employment Appeal Tribunal in Taplin v C Shippam Ltd [1978] ICR 1068 it was held that the appropriate test is higher than simply establishing that the balance is somewhat more in favour of the employee's prospect of success. It must, on the authority of Taplin, be established that the employee can demonstrate a pretty good chance of success. (para.10)*

*The EAT in Al Qasimi v Robinson (UKEAT/0283/17) emphasised that the test of likelihood is 'a relatively high bar for a claimant' (paras.9-10). In Wollenberg v Global Gaming Ventures (Leeds) Ltd (UKEAT/0053/18) a differently constituted EAT observed:*

> *The question is whether the claim under section 103A is likely to succeed. This does not simply mean more likely than not. It connotes a significantly higher degree of likelihood. The Tribunal should ask itself whether the Applicant has established that he has a pretty good chance of succeeding in the final application to the Tribunal. (para.25)*
>
> *The Claimant is therefore only entitled to interim relief if they can persuade the Tribunal that they have significantly better than even chance of succeeding with all of the ingredients necessary to win a claim under s.103A ERA.*

10. To summarise the various authorities, the burden is on the claimant. The Tribunal's task as this hearing is necessarily a cursory exercise. No oral evidence will be heard in accordance with Rule 94. The Tribunal is conducting an expeditious summary assessment doing the best it can with untested evidence.

11. Interim relief is not something which should be granted lightly.

12. In light of those comments, the claimant has to establish that his case is nearer to certainty, rather than a mere possibility. That he has a higher degree of certainty than reasonable prospects of success; he has to demonstrate a pretty good chance of success or of succeeding. At a final hearing, the claimant only has to prove his case on the balance of probabilities, or establish 51% prospect of succeeding. This application involves a much higher degree of certainty.

13. The claimant's case it that he made six protected disclosures.

14. When the claimant's application to amend was permitted, he was Ordered to provide further information. Namely: confirm the disclosure made, to whom it was made and the date: and form of the disclosure. In addition the claimant was to provide full details of detriments relied upon, including the date upon they occurred and who carried out the detriment.

15. The claimant provided limited information and did not identify the detriments. Notwithstanding that, the claimant had been given a clear indication of what basic information he should provide when particularising his whistleblowing claim. Those requirements equally applied in respect of this interim relief application.

16. The claimant's six allegations relied upon for interim relief lack specificity. They do not state to whom the allegation was made. They are not dated. The method of communicating the disclosure is not specified and the particular phrase/sentence/words relied upon are not set out. They are at best a vague statement, rather than giving actual examples of the actual information he says he disclosed.

17. As no dates are provided, it is impossible to identify the link between the alleged disclosures and the dismissal. The issue of the Lower Deck venue concern was raised on or about 18/9/2024 (according to other pleadings). The claimant has attempted to date previously pleaded protected

disclosures (in his document entitled Disclosure Table, which it appears was his attempt to comply with Employment Judge Lumby's Order of 11/4/2025) he provided four dates of: July 2023; September 2023; September 2024; and November 2024 (although the 'form' of that disclosure refers to a 'written report and letter from Head of Finance 2023 (it is therefore not clear whether or not this is a disclosure made by the claimant himself to the CEO and Trustee Board, or when it was made)).

18. There is as yet no response to the interim relief allegations. The respondent however submitted that the claimant's case is in effect that his dismissal by reason of redundancy was a sham and that it was engineered to remove him (and others) from post, as a result of making protected disclosures. The respondent submitted there was a valid and evidenced redundancy situation.

19. As the disclosures have not been specifically identified, it is impossible to say whether or not there is a 'significantly higher degree of likelihood' of the detriments resulting from the disclosures. Or that he has a 'pretty good' chance of success based upon the documents available for this interlocutory hearing.

20. The Tribunal cannot say, at this stage that the prospects of any of these issues is nearer to certainty, rather than a mere possibility. In short, the claimant would need to provide further details of the disclosures he relies upon, before any consideration at all could be given to whether his claim is likely to succeed. His claim is insufficiently pleaded to form the basis of an interim relief application. Even if the claimant is subsequently found to have made a qualifying protected disclosure, based upon the limited information, the causal link to the detriments is not at all clear.

21. It should be made clear that the Tribunal is not making findings of fact on these issues. This is an assessment or overview at an early stage in the proceedings where the Tribunal does not even have the benefit of the respondent's response to the allegations which are the subject of the interim relief application. What has been conducted is a summary assessment based upon a limited amount of time and limited documents. Full disclosure has not taken place.

22. Following this summary assessment, with a higher burden of proof, it does not necessarily follow that the claimant will be unsuccessful when relevant evidence will be produced, heard and tested at a final hearing; which is the opposite of this expeditious summary assessment. The Tribunal does note however, that the respondent has already reserved its position in respect of a deposit Order and strike out application. Indeed a preliminary hearing has been listed for the 27/11/2025. Case management Orders will follow in respect of that hearing.

Approved by:

**Employment Judge Wright**

**08 September 2025**