



EMPLOYMENT TRIBUNALS

Claimant

Mr R. Nyamaah

Respondent

Solidum Solicitors Ltd

v

Heard at: Norwich (by CVP)

On: 1 October 2025

Before: Employment Judge M. Hunt

Appearances

For the Claimant: the Claimant

For the Respondent: Mr N. O'Brien

Judgment having been sent to the parties on 16 October 2025 and written reasons having been requested in accordance with Rule 60(4) of the Employment Tribunal Rules of Procedure 2024, the following reasons are provided.

REASONS

Background

1. The Claimant was employed by the Respondent as a trainee solicitor from around March 2025 until early September 2025 when he was dismissed. He has brought several claims before the Tribunal. As far as today's hearing is concerned, he has brought an application for interim relief, in accordance with section 128 of the Employment Rights Act 1996.

Evidence

2. For the purposes of determining the application for interim relief, a significant amount of documents were available to the Tribunal. Helpfully they were condensed by the time of the hearing to a file extending to some 243 pages presented by the Respondent, together with three files that had been

prepared by the Claimant. I was assisted by skeleton arguments from both parties and witness statements that had been produced both by the Claimant and by the Respondent.

3. I had regard principally to the documents that I was referred to at the hearing.
4. I heard submissions from both parties at the hearing but no oral evidence. That said, it is arguable that some of the submissions the Claimant made bordered on giving evidence but that is entirely understandable as he is presenting the case himself and clarifying some of the documents he was referring to. I am entirely happy with that and accept that no prejudice whatsoever was suffered by the Respondent in that regard, indeed it was very helpful to clarify aspects of the claim. The Respondent indicated as much whilst making its submissions.

Factual Background

5. Due to the nature of this application and the hearing, it is not appropriate for me to make any firm findings of fact whatsoever. I therefore am not and nothing that follows should be taken as firm findings.
6. Nevertheless, it is helpful to provide context to my decision by giving a broad overview of the background to the claim and the events on which it is based. This broad overview has been gleaned from a summary review of the documents, principally those to which I was referred.
7. The Claimant commenced employment as a trainee solicitor in or around March 2025. As I understood it, it was with a firm of solicitors that specialised in conveyancing.
8. The Claimant says that from the outset of his employment he raised various compliance issues with the Respondent's management. Some of those issues related to personal matters such as the production of payslips and the payment of pension contributions. Others were directed at wider operational issues, notably compliance with anti-money laundering regulations and "source of funds" checks in relation to property purchases, the proper pursuit of Land Registry processes and stamp duty declarations, and a general concern that the Respondent provided inadequate supervision of its employees (I include within that description work experience students who the Claimant believed were granted excessive and uncontrolled access to client files which he believed was inappropriate).
9. There was little objective evidence before me of any of these complaints having been raised, for instance emails or suchlike. Most of the emails that I was referred to related to actions that the Claimant had himself taken relating to such matters, for instance producing new forms to improve the Respondent's practices or processes, and training sessions that he was permitted to provide to his colleagues at the firm. Some of the emails include

congratulations and thanks that the Respondent gave to the Claimant for his actions.

10. The Respondent says that, over a period commencing principally in May 2025, it started noticing errors on the Claimant's files, including related to stamp duty land tax and client billing.
11. In early July of 2025, a potential client apparently chose not to instruct the Respondent after having been referred to it because they were dissatisfied with the Claimant's actions relating to their proposed property transaction.
12. At around the same time, an audit was undertaken of the Claimant's files. The Respondent says that it noted many issues beyond those that it says it had identified in May.
13. I need not dwell on precise timings or events that happened afterwards as I am making no findings. Suffice to say, the parties agree that three meetings took place over July and August to discuss the issues that had been identified, follow up actions that might be required and related matters. There was a disagreement between the parties about the precise nature of those meetings, which it is not for me to resolve today. The Respondent says they were formal "probation review" meetings; the Claimant says they were simply file reviews. All that is relevant for today is that there were matters that needed to be discussed around the Claimant's files and that meetings were accordingly held.
14. The Respondent says that the Claimant's performance did not improve after having been raised during those meetings. It says that it began to monitor the Claimant's work more closely. The Respondent noted that the Claimant would regularly delete emails that were received, contrary to its file management practices.
15. In late August 2025, the Respondent says that it encountered an issue that was relatively serious in its view, regarding a mortgage redemption. The precise details were unclear to me and there was no need to spend time delving into them. Apparently, a property vendor made an overpayment in relation to a mortgage redemption, or at the least the Claimant had introduced some confusion as to exactly how much was due in relation to the redemption, to the tune of £5,000. The Respondent's managing partner says that he had to intervene in that matter whilst he was on annual leave.
16. Subsequently, the Respondent said that it reviewed matters "in the round" and decided to dismiss the Claimant because he was not performing to the standard they were expecting (it is worth noting that, although a trainee solicitor, the Claimant's CV suggested he had significant prior experience of conveyancing). It is arguable that the Claimant was summarily dismissed at a meeting on 3 September 2025 in a secluded area of a Costa coffee shop. However, the dismissal letter that was subsequently sent to the Claimant, as well as a letter sent to the Solicitors Regulation Authority to confirm his

dismissal, indicate that the Claimant's dismissal took effect on 10 September 2025.

17. What exactly was said at the meeting that took place in Costa was subject to some debate at the hearing. The Claimant produced a recording that he had covertly taken of that discussion. He had made a partial transcript of that for the purposes of the hearing. The Respondent submitted that those exchanges were "without prejudice" and should not have been referred to me today. I determined that I should review those transcripts to be able to properly determine the application, as what was said may well have had a significant bearing on my decision. Accordingly, I did so and I ought to say that nothing I read obviously appeared to me as being "without prejudice". It seemed to me that the Respondent was providing an explanation of the reasons for why it chose to dismiss the Claimant, largely in line with the background that I have summarised above.
18. The dismissal letter largely reiterates that.
19. For the purposes of the hearing, I took 10 September 2025 to be the effective date of termination of the Claimant's employment contract. This was the Respondent's position and rendered the Claimant's application for interim relief "in time". If he had in fact been summarily dismissed on 3 September 2025, as the Claimant appeared to suggest at times, then his application would have been "out of time". As it transpires, I have rejected the application in any event, so the matter is of little real relevance for today.
20. As stated above, none of the matters I have referenced above have been fully explored and there may well be gaps in the information that was available to me; if so, these may be filled during the disclosure process.
21. Nevertheless, I had some clear, objective, evidence to support the Respondent's contentions, notably emails that correlated to dates and assertions provided by the Respondent's managing partner in his witness statement.

The Issues

22. The issue for me to determine is whether it is likely that a Tribunal will find that the reason for the Claimant's dismissal was the making of a protected disclosure.

The Law

23. Such a dismissal would be considered to be "automatically" unfair in accordance with s.103A of the Employment Rights Act 1996, which provides as follows.

An employee who is dismissed shall be regarded for the purposes of this Part as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that the employee made a protected disclosure.

24. Section 43B of the Employment Rights Act 1996 provides as follows.

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.

25. The exact matter to which the alleged disclosure related in this case was not entirely clear and largely unimportant at this stage. It appeared to me to be either a failure to comply with a legal obligation, an indication that a criminal offence may be being committed or is likely to be committed, or that information tending to show any of those matters is likely to be deliberately concealed.

Conclusions

26. There were principally two inter-related issues for me to consider for the purposes of this application. Firstly, whether it is likely that a Tribunal will find that any protected disclosures were made. Secondly, whether it was the making of that protected disclosure that was the principal reason for the Claimant’s dismissal.

27. I reached my decision to refuse the application on the basis of the second issue. For present purposes, I accept that it is arguable that certain issues allegedly raised by the Claimant might be described as protected disclosures. I did not need to analyse the position any further and I did not.

28. With regard to the second issue, I do not consider it likely that a Tribunal would find that the making of any such protected disclosure was the principal reason for the Claimant’s dismissal.

29. My first reason for that conclusion is that there was no indication in the evidence that I saw that the Claimant had been viewed particularly negatively by the Respondent due to having made any such disclosure. On the contrary, and in line with his own submissions, the Claimant says that the Respondent allowed him to raise the issues internally and indeed provided him with a platform on which to take action about them. Notably, he was permitted to provide training to colleagues, to share his views on the firm's internal processes and to create new template forms to help prevent errors from occurring in the conveyancing process. These actions indicate

that the Respondent viewed the Claimant's actions positively, which is also reflected in the congratulations and thanks he was given.
30. Secondly, the Claimant says that he raised these compliance issues relatively early on during his employment, in or around April or May 2025. I could see no obvious or good explanation why the Respondent would have waited until September if it was so concerned at those disclosures having been made that it wished to silence or retaliate by dismissing the Claimant.
31. Thirdly, all of the documentary evidence I was referred to suggests that the reason for the Claimant's dismissal was his conduct, or alternatively his capability. Not long after the start of his employment, the Respondent says that it identified certain concerns with the way in which the Claimant performed his duties. The Respondent said that it believed, in light of the Claimant's CV, that he was an experienced conveyancer and therefore likely to have a high degree of independence. As the weeks and months went by, the Respondent perceived that the Claimant's performance did not correlate to its expectations of him. The Respondent conducted numerous reviews and investigations of the Claimant's files, including discussing files at three meetings that took place within the space of two months. On the one hand, it is very unclear to me why the Respondent would have gone to such lengths if it had determined to dismiss the Claimant for making protected disclosures. If so, it would have been a very elaborate "cover up" that is entirely unsupported by anything I have seen. On the other hand, the Respondent provided a relatively detailed and thorough summary and chronology of how it saw events leading up to the Claimants dismissal. That summary was supported, at least in part (if not entirely) by objective evidence. The Claimant barely referenced any of this evidence or the issues it raised.
32. I understand that the Claimant may well have grievances about how the Respondent perceived his conduct or performance, and how and why the Respondent described that as amounting to gross misconduct or gross negligence. However, nothing that I have seen suggests that there is any real prospect that the Claimant can satisfy a Tribunal that his dismissal was due to having made a protected disclosure.
33. Whether or not that reason was capability or conduct, whether or not the actions that the Respondent took in response to that were reasonable,

including deciding to dismiss the Claimant, whether or not the Claimant's treatment was consistent with how other trainee solicitors had been treated, are all matters that would be better considered in the context of an "ordinary" unfair dismissal claim. I appreciate that the Claimant may face insurmountable difficulties in having such matters considered by the Tribunal however due to the limited length of the Claimant's service. That does not provide a good reason for me to allow the application.

34. In relation to some of the other matters that the Claimant raised, notably for instance payslip and pension issues, no doubt they are concerning and no doubt they are very unfortunate. However, they now appear to have been rectified. There is no obvious correlation to his dismissal and no evidence that any protected disclosure relating to these issues contributed in any way to the Claimant's dismissal.
35. Similarly, the alleged concerns that the Claimant raised about the limited supervision of work experience students. He may or may not have in fact raised any concerns. If he did, it is very unclear why that would have been considered especially problematic by the Respondent such as to lead it to retaliate by dismissing the Claimant. There was no evidence to suggest otherwise.
36. Accordingly, bearing in mind everything I know about the case to date, which I accept is not a full picture, I find that not only is it unlikely that the Tribunal will find that the Claimant was dismissed for having made a protected disclosure, but distinctly so. The claim seems to me to be fanciful.

Approved by
Employment Judge M. Hunt

Date: 3 November 2025

Sent to the parties on:
24 November 2025

For the Tribunal Office

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