



EMPLOYMENT TRIBUNALS

Claimant: Mr A Mottram

Respondent: The Inspire Multi Academy Trust

Heard at: Bristol (by CVP)

On: 26 November 2025

Before: Employment Judge Danvers

REPRESENTATION:

Claimant: In person

Respondent: Mr Passman (Employment Law Consultant)

JUDGMENT having been delivered orally and written reasons having been requested (by writing on the same day), in accordance with Rule 60 of the Employment Tribunals Rules of Procedure, the following reasons are provided:

REASONS

1. This was a summary procedure, evidence was not heard from either party. I heard submissions from Mr Passman on behalf of the Respondent and from the Claimant. I also reviewed documents that I was referred to by the parties that were contained within a 150-page PDF bundle.

Procedural background

2. The Claimant was a caretaker at the Respondent's Ernesettle Community School between 1 March 2024 and his summary dismissal on 22 October 2025.
3. The Claimant notified Acas of a claim on 4 August 2025 and Acas issued a certificate on 15 September 2025.
4. By a Claim Form dated 14 October 2025, the Claimant purported to make complaints of:

- a. automatic unfair dismissal on the grounds of making a protected disclosure;
 - b. detriment on the grounds of making a protected disclosure; and
 - c. victimisation.
5. On 26 October 2025 the Claimant made an application for interim relief.
6. On 6 November 2025 EJ Midgley listed the case for an Interim Relief Hearing and made orders for the preparation of that hearing including that the Claimant confirm which of the protected disclosures in the detailed claim form he argues were the primary or main cause of the dismissal.
7. On 25 November 2025 the Claimant wrote to the Tribunal stating: “*As requested, I confirm that the protected disclosure I rely upon as the primary reason for my dismissal is: The safeguarding disclosure raised on 14 July 2025.*”
8. Accordingly, although the Claimant has provided a long list of other disclosures that may be relevant to his detriment claim, the focus of his application today, the Respondent's response to the application and my decision has been on the alleged disclosure of 14 July 2025.

The Law

Interim relief

9. S.128 Employment Rights Act 1996 ('ERA 1996') provides that an employee who presents a complaint that he has been unfairly dismissed and that the reason for dismissal is the making of a protected disclosure may apply to the Tribunal for interim relief (such application having to be presented before the end of the period of 7 days following the effective date of termination).
10. Pursuant to s.129 ERA 1996, if on hearing an employee's application for interim relief it appears to the Tribunal that it is 'likely' that on determining the complaint of unfair dismissal the Tribunal will find that the reason or principal reason for dismissal was that the employee made a protected disclosure then the Tribunal shall announce those findings and explain the powers it may exercise and in what circumstances it will exercise them.
11. In this context 'likely' has been held to mean a '*pretty good chance of success*' and this means something more than '*more likely than not*' (**Taplin v C Shippam Ltd** 1978 ICR 1068, EAT.) The test applies to establishing all elements of the claim.

12. Rule 94 of the Employment Tribunal Procedure Rules 2024 ('ET Rules 2024') provides that a Tribunal shall not hear evidence at an interim relief hearing unless it directs otherwise.
13. The Tribunal is required to undertake an 'expeditious summary assessment' of the case based on the material available and untested case advanced by each party (**London City Airport Ltd v Chacko** 2013 IRLR 610, EAT). Per para 23 of **Chacko**:

'...The application falls to be considered on a summary basis. The employment judge must do the best he can with such material as the parties are able to deploy by way of documents and argument in support of their respective cases. The employment judge is then required to make as good an assessment as he is promptly able of whether the claimant is likely to succeed in a claim for unfair dismissal based on one of the relevant grounds. ...'

Protected disclosure dismissal

14. S43B ERA 1996 provides:

(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.*

15. A disclosure is 'protected' if it is made to the employee's employer (s.43C) or in any of the circumstances set out in s.43C-H ERA 1996.
16. Pursuant to s.103A an employee shall be regarded as unfairly dismissed if the reason or principal reason for the dismissal is that the employee made a protected disclosure.

17. As identified by HHJ Auerbach in **Williams v Michelle Brown AM** UKEAT/0044/19/OO (para 9) there are five issues the Tribunal must decide to determine if there has been a 'qualifying disclosure' (own order):
- a. Has there been a disclosure of information?
 - b. Did the worker believe that the disclosure tended to show one or more of the matters listed in s43B?
 - c. If so, was that belief reasonably held?
 - d. Did the worker believe the disclosure was made in the public interest?
 - e. Was that belief reasonably held?
18. The reason for dismissal is '*the set of facts known to the employer, or it may be of beliefs held by him, which cause him to dismiss the employee*' (see **Abernathy v Mott, Hay and Anderson** [1974] ICR 323). This will normally focus on the state of mind of the decision maker on dismissal, although in certain circumstances if the person who makes the decision to dismiss is misled or manipulated into adopting an invented reason for a dismissal by a manager who themselves is acting for the reason or principal reason of a protected disclosure then the Tribunal may look behind the invented reason to the real reason for the manager's actions (**Royal Mail Group Ltd v Jhuti** [2020] ICR 731).

Submissions

19. The Claimant submitted that by way of his email of 14 July 2025 he had raised a safeguarding concern about adult-to-adult sexualised misconduct on school premises. When asked, he said he reasonably believed the information he disclosed tended to show a criminal offence had been committed or there had been a breach of a legal obligation in the form of sexual harassment. He said he reasonably believed his disclosure was in the public interest because it was a safeguarding issue if there was sexual behaviour on school grounds and any such conduct affected the whole school community.
20. He submitted that 3 days after he raised that concern, he was called to a meeting to discuss his conduct and it was only after his disclosure that matters which had not been raised before were then escalated. The timing in his words was '*immediate and seems strongly linked*'. He said prior to him raising a safeguarding concern there were no warnings about his behaviour or HR involvement.
21. On questioning as to why he felt his complaint of 14 July caused those involved to be motivated to dismiss him, he further explained that his allegation of harassment was against someone who had worked at the

school for a long time and that safeguarding failures impact the reputation of the school, which can have a knock on impact on whether parents feel safe bringing their children to school and can ultimately impact the finances of the school so it was in the favour of the Respondent to prevent the allegation from becoming an issue.

22. The Respondent's case is that the Claimant was summarily dismissed for gross misconduct on 22 October 2025 following an investigation and disciplinary process.

23. The reasons given for dismissal were that:

- a. the Claimant had sent messages to Olivia Bartlett, Headteacher, Ernesettle Community School, that were inappropriate under the employee/employer relationship and could be classed as harassment;
- b. that the Claimant had left unwanted and/or inappropriate gifts on Olivia Bartlett's desk;
- c. that the Claimant's behaviour at work had become erratic and concerning; and
- d. that as a result the trust and confidence in him as an employee had irretrievably broken down.

24. It was submitted that a reasonable investigation had taken place which provided evidence that supported those allegations and formed the basis for a genuine belief in misconduct. It was also noted that the Claimant did not attend the disciplinary hearing to defend himself or deny the allegations or assert that he was being dismissed due to blowing the whistle. In fact, the Respondent says he did not contest the evidence as part of the internal process at all and nor did he appeal his dismissal. Further, given the nature of the allegations that were upheld, parts of which are currently under police investigation (it is not in dispute that the Claimant has been charged with stalking and is currently on bail), it is not cause for surprise that he was dismissed.

25. On questioning Mr Passman agreed that it appeared the conduct issues for which the Respondent says the Claimant was later dismissed were first referenced in a more formal way on 17 July 2025. However, he submitted that it was a coincidence that this was after the 14 July 2025 email. He said that email was an allegation of harassment against an agency staff member that the Respondent dealt with appropriately and passed on to the agency, notwithstanding that the first line of the email from the Claimant said he did not wish to escalate the matter further. Mr Passman said there was no reason to think it would cause the Respondent to dismiss the Claimant. Mr Passman's position was let alone being 'likely' to succeed, the claim in fact has no reasonable prospects of success.

26. Mr Passman also raised a jurisdictional point in that the ET1 was submitted prior to the Claimant's dismissal on 22 October 2025. When asked what the Respondent's position would be if the Claimant sought to amend to include details of the subsequent dismissal in his claim form Mr Passman pragmatically accepted that given the Claimant would still be in time to issue a new claim for dismissal the Respondent would be in a weak position to object. He accepted that the Claimant had made the application for interim relief within 7 days of his dismissal as was required.

Conclusions

27. As a preliminary point, I accept that the Claimant submitted his ET1 on 14 October 2024 and it included a complaint of dismissal before he was in fact dismissed on 22 October 2024.

28. Pursuant to s.111 ERA 1996 complaints of unfair dismissal cannot be considered by the Tribunal unless they are presented before the end of the period of three months '*beginning with the effective date of termination*'. S.111(3) provides that a complaint about a dismissal with notice can be considered if it is presented *after* notice is given but before dismissal. However, in this case it is not in dispute that the Claimant was not given notice of dismissal. This effectively means the Claimant presented his complaint for unfair dismissal prematurely.

29. However, the ET1 includes other claims which do appear, on the face of it, to have been properly presented. Mr Passman pragmatically accepted that given the Claimant is still within 3 months of his dismissal, if the Claimant applied to amend to now include a claim of unfair dismissal (or if his application for interim relief was treated as such an application) any objection by the Respondent would be very weak.

30. Accordingly, I am not of the view that this jurisdictional issue in and of itself would prevent the Claimant from being 'likely' to succeed on his claim at the full hearing. I therefore move on to the more substantive points

Protected disclosure

31. It is not in dispute that on 14 July 2025 at 07:00 the Claimant sent an email to the Respondent's Designated Safeguarding Lead (Ms Sally Risborough). This stated:

*"Dear Sally,
I am writing to formally log a safeguarding concern that I feel is important to record, while also making clear that I do not wish to escalate the matter further at this stage.*

On 11/07/2025, during food preparation for the event at approximately 13:30, Kate - the kitchen manager and employee of CaterEd - intentionally made inappropriate physical contact with me. Specifically, she rubbed her bum against the back of my legs and my bum. I immediately moved away and told her, "What are you doing? That's sexual harassment." Despite this, she moved closer and repeated the action almost instantly.

It was clearly intentional and not accidental. I had already moved away after the first incident and expressed that the behaviour was inappropriate. The fact that it happened again - immediately and deliberately- left me feeling deeply uncomfortable. At that stage, I removed myself from the situation.

This made me feel genuinely sick and unsettled. There were also others present who witnessed the incident.

I am aware of the potential fallout this could create if escalated, especially in a school setting where reputations and dynamics can be sensitive. That is why I am choosing to log this quietly and respectfully- so that it is on record in case anything further develops. Thank you for treating this matter with discretion.

*Kind regards,
Ashley"*

32. The Claimant alleges that this was the protected disclosure that formed the reason or principal reason for his dismissal.

33. Having regard to the matters that the Claimant will need to establish at trial as set out in **Williams**, I am of the view that the Claimant is 'likely' in the sense of having a pretty good chance of success, to be able to establish:

- a. There has been a disclosure of information – the email relays an incident he says occurred.
- b. That he believed the disclosure tended to show there had been a breach of a legal obligation – he refers to sexual harassment in the email.
- c. And that belief was reasonably held.

34. However, I am not of the view that he is 'likely' to establish that he reasonably believed the disclosure was made in the public interest. It is *possible* he will be able to establish that was the case at trial, and I recognise the point he made in submissions, that a report of any sexualised behaviour in a school setting (even in private and among adults) may be reasonably believed to be a matter of public interest. Nonetheless, I am of the view that a Tribunal could just as easily conclude that the disclosure raised a complaint that was private in nature and either that he did not believe it was made in the public interest or that any such belief was not

reasonable. Therefore, I am not of the view that it is 'likely' in the sense of having a 'pretty good chance of success' that he would win on this point.

35. For completeness I have also gone on to consider the competing cases on the reason for dismissal.

Reason for dismissal

36. It is not in dispute that on 17 July 2025 the Claimant was invited to a meeting to discuss the complaint he had made in his email on 14 July 2025 "*along with some other points that have recently come to light*". It appears common ground that those 'other points' were the matters which later formed at least part of the stated grounds for dismissal.
37. The Claimant raised issues about process and that meeting ultimately did not happen. On 4 August 2025 the Claimant was suspended and he was informed a formal investigation was commenced into the allegations that later formed the alleged basis for dismissal.
38. It was not disputed by the Claimant that an investigation took place, although he is critical, amongst other things, that the investigating officer was the Deputy Headteacher who was subordinate to the Headteacher. It appears on the face of the documents I was provided with that the investigator gathered statements from various witnesses, as well as reviewing CCTV evidence and text and email messages. An investigation report dated 10 October 2025 concluded that:

'Ashley Mottram has breached the Trust's expected behaviours and professional boundaries procedures. Evidence demonstrates repeated over-familiar communication with the Headteacher, boundary-crossing behaviours, bypassing of line management and actions that caused discomfort, fear and concern to colleagues. Despite guidance, support and formal meetings, Ashley continued behaviours inconsistent with expected professional standards. Ashley's actions, including leaving gifts and personal items in the Headteacher's office outside of agreed protocols, erratic and inconsistent conduct and repeated disregard for professional boundaries demonstrate a serious breach of trust, confidence and the code of conduct. These behaviours had a significant impact on workplace safety, staff wellbeing and operational integrity. Moreover, the erratic behaviours demonstrated and subsequent written communications from Ashley demonstrate that the trust and relationships have irretrievably broken down for all parties.'

39. The Claimant was invited to a disciplinary hearing that took place on 22 October 2025, which he did not attend. The hearing was conducted by the Governor's Staffing Panel comprised of 3 individuals.
40. I have reviewed the note of the disciplinary hearing and the reasons given for dismissal in the letter giving notice of summary dismissal.
41. The *'findings in relation to the allegations'* set out in the dismissal letter were, in my view, quite brief and it is not clear what behaviour on the part of the Claimant the Panel concluded had become *'erratic and concerning'*. This lack of detail, along with the timing of the matters first being formally raised on 17 July, shortly after his disclosure, are matters the Claimant could rely on to argue the true reason for dismissal was not as set out in the letter, but instead his protected disclosure.
42. However, I note that the Disciplinary Panel says they did have CCTV evidence of the Claimant leaving a gift on the Headteacher's desk. The Claimant does not appear to have disputed, as part of the internal process, that he had left such a gift on the Headteacher's desk and he did not dispute it today. The Panel also had witness statement evidence from the Headteacher saying that she did not have a 'familiar' relationship with the Claimant and that a meeting had been held with him previously to discuss communication and boundaries. I am of the view that this could well lead a Tribunal at a final hearing to conclude the Panel had formed, from that evidence, a genuine belief that the Claimant had left unwanted / inappropriate gifts on the Head Teacher's desk, which was one of the relied on reasons for dismissal.
43. Further, the Disciplinary Panel appear to have had sight of text messages sent by the Claimant to the Headteacher which include comments like *'Liv, You've got this, show the your best'* and messages from the Claimant asking for chats without any discernible work purpose. There is also a Whatsapp message on 15 July (after the Headteacher had said he could put what he wanted to discuss in an email) which included the Claimant saying: *'Oh and remind me when you see me that I have some photos to show you, maybe need a walk too. Hope you enjoy your little self! It's definitely quieter around here without the clickity clack of your tiny heels rushing about the place'*. Again, I am of the view that this could well lead a Tribunal at a final hearing to conclude the Disciplinary Panel had formed, from evidence, a genuine belief that the Claimant had sent messages to the Head-Teacher that were inappropriate under the employee/employer relationship and that could be classed as harassment.
44. Further, taking account of those points and the evidence the Panel appear to have had before it, and the fact that evidence was not disputed at the time by the Claimant, I am *not* of the view that a sanction of dismissal was

so obviously disproportionate that it would lead a Tribunal at the final hearing to be likely to conclude the real reason was in fact the Claimant's complaint of 14 July 2025.

45. Nor do I consider that the timing of how matters evolved means it is 'likely' that the Tribunal will come to that conclusion. I do recognise that the concerns about the Claimant's conduct appear to first be raised more formally on 17 July 2025, a few days after the Claimant's email of 14 July. However, I also note that in the intervening period the Claimant sent the Whatsapp message of 15 July 2025 (referenced above), which may be an alternative explanation for why the concerns were escalated at that time.
46. I am not of the view that the nature of the complaint raised by the Claimant was so obviously damaging to the Respondent that it is likely the Tribunal will accept that the decision makers on dismissal, or indeed the Headteacher on a ***Jhuti*** analysis, would go to the ends of inventing a reason for dismissal. Nor has the Claimant asserted that the matters he was purportedly dismissed for were entirely invented.
47. Taking all of that together, I have concluded that the Claimant's assertion that the reason or principal reason for his dismissal was his protected disclosure is not '*likely*' to succeed at the full hearing in the sense of having a 'pretty good chance' of success.

Employment Judge Danvers

5 December 2025

REASONS SENT TO THE PARTIES
ON
22nd December 2025

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FOR THE TRIBUNAL OFFICE