



## EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 8002905/2025

Held in Glasgow on 22 December 2025

Employment Judge L Wiseman

Mr B Duffy

Claimant  
In Person

BXTR 3 Ltd

Respondent  
Represented by:  
Ms J Conway -  
Managing Director

### JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The tribunal decided to refuse the claimant's application for Interim Relief.

#### REASONS

1. The claimant presented a claim to the Employment Tribunal on 29 November 2025 alleging he had made a protected disclosure and that his subsequent dismissal was automatically unfair in terms of section 103A Employment Rights Act. The claimant made an application for interim relief.
2. The respondent has not yet lodged an ET3 response to the claim but, in their documents for this hearing, they produced proposed grounds of resistance to the claim.
3. I heard submissions from both the claimant and Ms Conway and I was referred to a number of documents.
4. I had regard to the terms of sections 128-132 Employment Rights Act which set out the provisions dealing with interim relief. I noted the tribunal must decide whether it is likely that the claimant will succeed at the full hearing of his claim. This requires the tribunal to carry out "*an expeditious summary assessment as to how the matter appears on the material available, doing the best it can with the untested evidence advanced by each party.*" (**London City Airport Ltd v Chacko 2013 IRLR 610**). Further, in the case of **Taplin v C Shipman Ltd 1978 ICR 1068** the EAT clarified the correct test to be applied

is whether the claimant has a “pretty good chance of success” at the full hearing.

5. I decided to refuse the claimant’s application for interim relief because it was very clear from the submissions that there will be significant factual disputes and issues of credibility to resolve in terms of not only whether a qualifying disclosure was made by the claimant, but also, crucially, whether the decision to dismiss the claimant had already been made by the respondent prior to any disclosure, albeit the claimant was not informed of that decision until some days later.
6. I acknowledged that on the face of it there is a coincidence of timing which may support the claimant’s case in circumstances where he will say that a serious security incident occurred at the respondent’s premises on 25 November 2025, that he called 999 and that he made a formal report to the hotel manager later that night (the alleged disclosure). The claimant was dismissed on 28 November, being his next scheduled shift.
7. The respondent accepts there was a security incident at their premises on the 25 November, and they accept a 999 call was made to the Police; however, they dispute everything else stated by the claimant. Further, and crucially, the respondent will maintain that the decision to terminate the claimant’s employment was made on 22 November because the claimant was not going to meet the required standards for the organisation. It was agreed the claimant’s line manager would advise him of the decision on 28 November because this was the next suitable shift during which they would both be working.
8. I, based on these respective positions, concluded there are fundamental issues of fact and credibility in dispute and, for that reason, it could not be said the claimant had a pretty good chance of succeeding at the full hearing. I decided, for these reasons, to refuse the claimant’s application for interim relief.

**Date sent to parties**

14 January 2026