



EMPLOYMENT TRIBUNALS

Claimant: Mr N.V.R.P.K. Tavva

Respondent: (1) Brinton Healthcare UK Limited
(2) Mr R. K. Darda

Heard at: Manchester (in public by CVP) **On:** 30 September 2025

Before: Employment Judge Eeley
(sitting alone)

REPRESENTATION:

Claimant: In person
Respondent: Mr I Aimufua, consultant

JUDGMENT having been sent to the parties on 17 October 2025 and written reasons having been requested in accordance with Rule 60 of the Employment Tribunals Rules of Procedure, the following reasons are provided:

REASONS

1. The claimant has made an application for interim relief in relation to his claim of unfair dismissal because of protected disclosures. The claimant was employed by the first respondent as Director and Chief Scientific Officer from 16 August 2021 to 9 August 2025. He presented his claim form to the Tribunal on 22 July 2025.
2. In determining the interim relief application I had regard to the submissions made on behalf of both parties during the hearing plus various items of documentation including:
 - a. An electronic bundle of documents consisting of 257 pdf pages.
 - b. A further electronic bundle of documents submitted by the claimant consisting of 93 pdf pages.
 - c. Claimant's skeleton argument.

- d. Respondents' skeleton argument.
 - e. Respondents' electronic bundle consisting of 56 pdf pages.
 - f. Respondents' Grounds of Resistance.
 - g. "Claimant rebuttal on Respondent Skeleton Argument" document (21 pages.)
 - h. Completed case management agenda from the respondents.
3. Section 129(1) of the Employment Rights Act 1996 states:
- (1) This section applies where, on hearing an employee's application for interim relief, 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 100(1)(a) and (b), 101A(d), 102(1), 103 or 103A, or*
 - (ii) paragraph 161(2) of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992, or*
 - (b) that the reason (or, if more than one, the principal reason) for which the employee was selected for dismissal was the one specified in the opening words of section 104F(1) and the condition in paragraph (a) or (b) of that subsection was met.*
4. In determining the application for interim relief I must consider whether it is 'likely' that, at the final hearing, the principal reason for dismissal will be found to be the making of a protected disclosure. Case law explains what is meant by 'likely' in this context.
5. In an interim relief application 'likely' means that the claimant has a "pretty good chance of success" at the final hearing (Taplin v C Shippam Ltd [1978] ICR 1068.) It is a significantly higher degree of likelihood than if the Tribunal were simply required to decide whether it is 'more likely than not' that the claimant will succeed at the final hearing. It denotes something higher than a 'balance of probabilities' test (Wollenberg v Global Gaming Ventures (Leeds) Limited and anor EAT 0053/18.) I am also reminded that this test (regarding the claimant's likelihood of success) must be applied to all elements of the claim, not just causation, and not just to the existence of a protected disclosure (Ministry of Justice v Sarfraz [2011] IRLR 562.) As Underhill J (as he then was) noted, interim relief could only be awarded in that case if it was likely that the Tribunal at the final hearing would find five things: (i) that the claimant had made a disclosure to his employer; (ii) that he believed that that disclosure tended to show one or more of the things itemised at section 43B(1)(a)–(f); (iii) that that belief was reasonable; (iv) that the disclosure was made in good faith; and (v) that the disclosure was the principal reason for his dismissal. [NB: the statutory requirement for good faith has been removed from this part of the protected disclosure legislation since this case was decided and so would not be required in this case.]

6. I also remind myself that this is not a final trial of the issues at a final hearing. It is a summary process which requires me to do the best that I can on the available material and to make as good an assessment as I am able. I do not make findings of fact which may 'tie the hands' of the judge at the final hearing. I have not heard witness evidence. My task is an impressionistic one. I form a view as to how the matter looks and explain the conclusion I have reached giving sufficient reasons to let the parties know why the application has succeeded or failed given the issues raised and the test to be applied (Al Qasimi v Robinson EAT 0283/17.) I refer also to the case of London City Airport Ltd v Chacko [2013] IRLR 610. I am to carry out an 'expeditious summary assessment' doing the best that I can with the untested evidence that is before me. This involves a less detailed scrutiny of the parties' cases than will ultimately be undertaken at the full hearing. In Sarfraz it was indicated that the message from the Taplin case was that 'likely' does not mean simply 'more likely than not' but connotes a significantly higher degree of likelihood, "something nearer to certainty than mere probability."
7. I turn now to refer to the documentation that I have had to consider. There is, frankly, an overwhelming amount of information on the Tribunal's file. At present it is more than 400 pages, even at this very preliminary stage. I thought I had identified with the parties at the start of the hearing which documents I was required to refer to but that was subject to change during the course of the hearing. I confirm that I have listened to the oral submissions on behalf of the parties, I have read and considered the contents of the claim form and the response form, I have looked at the claimant's updated skeleton argument, I have looked at the claimant's rebuttal of the respondent's skeleton argument, and I have looked at the respondent's skeleton argument. There are three different hearing bundles that I was directed to consider and I have done so, in the time available. There is a hearing bundle which was submitted to the Tribunal by the claimant on 7 or 8 September 2025, that is the 93 page bundle which is cross referred to in the updated skeleton argument. There is a 257 page hearing bundle that the claimant submitted relatively recently which has a witness statement and a skeleton argument at the front of it. In addition, there is a hearing bundle provided by the respondent which ran to some 56 pages. I have done my best in the time available to listen to everything that has been said and consider all the relevant documents.
8. The claimant's claim is for automatically unfair dismissal because of protected disclosures. He also asserts that he has been subjected to detrimental treatment because of protected disclosures. However, for the purposes of the interim relief application it is the unfair dismissal portion of the claim which is relevant.
9. The claimant was employed by the respondent as the Director and Chief Scientific Officer in its UK operation from 16 August 2021 to 9 August 2025 when he was dismissed. The claimant says that he made a series of protected disclosures between 25 June and 10 July and was dismissed because of this. Attached to his claim form/ET1 there was a schedule with 13 entries which seemed to be the protected disclosures relied upon by the claimant when he presented the claim to the Tribunal. That, I note, is not the same list relied upon

in the claimant's skeleton argument for today. I have done my best to reconcile the inconsistencies (where they are present), and I have looked at both lists.

10. The list attached to the claim form referred to 13 entries, the first was the 25 June disclosure in relation to non-compliance with pension requirements. The second was on 29 June, a follow-up in relation to the non-compliance with pension requirements. The third was on 1 July at 8:19 am, where the claimant raises the legal issue in relation to non-payment of salary. The fourth is on 2 July where he repeats his allegations regarding salary. The fifth is on 4 July where he objects to forced relocation and a lack of consultation by the respondent. The sixth is on 6 July, a disclosure in relation to alleged legal breaches by the respondent referring, in particular, to VAT and obligations under the Companies Act. The seventh is dated 7 July, which is said to be a follow-up in relation to unpaid salary. Likewise, the eighth disclosure is on 9 July and is a follow-up on unpaid salary. Number nine on the list was also on 9 July was another follow up on unpaid salary. The claimant then refers (at number ten) to a meeting on 9 July where he requested his salary and referred to his financial hardship. At number eleven there is a reference to the 10 July where the claimant submitted an expenses request. Numbers twelve and thirteen are less clearly referred to as actual disclosures. Number thirteen, in fact, may be a reference to when the balance of the salary was to be paid. The claimant's subsequent skeleton arguments differed in terms of the list of protected disclosures, and I will address that as I come to it.
11. The respondents' response to the case is essentially that they reviewed the viability of the respondents' UK operation and decided that it was no longer viable. The respondents' position is that on 6 August 2025 another employee (named Arthur Rohrigsbeghen) was dismissed. Within a couple of days, on 9 August 2025, the claimant was also dismissed. The respondents say, amongst other things, that this was a restructuring or redundancy decision. The respondent decided to dismiss both of those employees and this had nothing to do with any alleged protected disclosures made by the claimant. The claimant says that this was, effectively, a ruse to cover up for the fact that the protected disclosure was the reason for the claimant's dismissal. He points out that a third employee "Rahul" remained employed by the respondent after the claimant's employment was terminated.
12. Moving back to the respondents' version of events, the respondents say that there was a proposal to close the UK branch of the business and that this was discussed with the claimant from 1 July 2025 onwards. The claimant was asked to relocate back to India but refused to do so and, therefore, the respondents decided to terminate his employment. The basis of the defence is twofold. Firstly, the respondents deny that the claimant made any protected disclosure (within the meaning of the Employment Rights Act 1996). Secondly, the respondents deny that any such alleged protected disclosure was the 'sole or principal' reason for the dismissal.
13. Taking all of that background into consideration, these are my conclusions, bearing in mind that I am not making findings of fact as that will be a task for the Tribunal at the final hearing. I have to decide whether the claimant is 'likely' to succeed, as set out above. This is a higher bar than the 'balance of probabilities.' The outcome of this interim relief application does not give any

indication as to what the Tribunal at a final hearing will decide after it hears all of the relevant evidence. I am taking an impressionistic approach, doing the best I can with the relevant evidence, without making findings of fact or hearing from the witnesses.

14. In order to get interim relief, the claimant has to satisfy the test in relation to each component part of the statutory test. In particular, pursuant to section 103A of the Employment Rights Act it must be established that the sole or principal reason for dismissal was a protected disclosure. Before I consider whether the claimant has prospects of showing that he in fact made protected disclosures within the meaning of the Act, I have looked at the issue of causation. Even if the claimant is able to establish that he made one or more protected disclosures, does he meet the threshold for showing that the protected disclosures were the sole or principal reason for dismissal?
15. I have concluded, at this interim relief stage, that the claimant's prospects of establishing the necessary causation do not meet the applicable threshold at section 129. At the final hearing the respondent is likely to show that the claimant was not the only person dismissed at about the same time. Two out of the three UK employees were dismissed within days of each other in August of 2025. The claimant *may* ultimately succeed in showing at the final hearing that that was a pretext or a ruse (as he alleges) which was designed to cover 'the real reason' for dismissal. However, that is not something that I can be satisfied about at this interim stage. Based on the information before me, it is *more likely* that the two employees were dismissed at the same time for the same reason and that this was to do with the decision to close the UK operation rather than any protected disclosure made by the claimant. If the claimant's protected disclosure were the reason for dismissal, why were both employees dismissed rather than solely the claimant?
16. The fact that two employees were dismissed and that this took place in the context of a chain of communications (in the documents) showing that the respondent was looking to close its UK operation or relocate people to India, is sufficiently weighty information and a sufficiently weighty consideration for me to decide that it undermines the claimant's prospects of establishing the protected disclosure as the reason for his dismissal (as opposed to the restructure or the respondents' financial considerations.) In short, if the reason for dismissal were the protected disclosures made by the claimant, one might be surprised to find that the respondent actually dismissed two people at around the same time. The decision to dismiss two employees can be said to be more consistent with the reason for dismissal being a business restructure or redundancy situation than a whistleblowing dismissal. There was nothing before me to suggest that both dismissed employees had made protected disclosures.
17. Secondly, I note that the issue of relocating the business back to India and closing the UK business was mentioned to the claimant on the 1 July during the meeting and in email correspondence thereafter. I note that most of the protected disclosures relied upon by the claimant actually follow on from this 1 July meeting rather than pre-dating it. That chronology does not assist the claimant because it suggests that the prospect of ending his employment in the

UK was already on the agenda before many of his alleged protected disclosures were made. Again, that undermines the claimant's case in relation to causation.

18. In light of the above I am not satisfied that the claimant is 'likely' to succeed (as per section 129(1)) at the final hearing in showing that any protected disclosure was the reason for dismissal. The first conclusion is that causation is not sufficiently likely to be established for me to give interim relief.
19. That, on its own, would be sufficient for me to refuse the application. However, given that I have heard submissions and have been referred to a lot of evidence about the protected disclosures I will give my conclusions in relation to that issue as well.
20. As previously stated, the list of protected disclosures attached to the claim form differs somewhat from those referred to in the most recent skeleton argument. I have done my best to get clarity on which of the protected disclosures is being relied upon but the documents do not entirely align with each other. That, in itself, is a problem which may undermine the claimant's position. If there is a lack of clarity as to which are the relevant protected disclosures, that may say something about the prospects of success in showing that they were the reason for dismissal. One might not expect the claimant's stance to alter over time in this way.
21. In any event, the first alleged protected disclosure was on 25 June. It is an email regarding pension refunds or the fact that pension contributions were not transferred or refunded to the claimant's colleague, Clara. The claimant says that that is an alleged breach of the Pensions Act 2008. I have been referred to the email itself, which was sent at 8.56am. I have to consider whether, in the claimant's reasonable belief, it tended to show one of the relevant matters in section 43B(1) and whether, in the claimant's reasonable belief, it was being made in the public interest. It may well tend to show (in the claimant's reasonable belief) a breach of the legal obligation in terms of not sorting out a refund of pension contributions. I have more difficulty in relation to the public interest element. It seems to be a query or a disclosure in relation to the interests of one particular individual rather than something that the claimant would reasonably believe to be in the public interest (e.g. relating to a group of people) and so, on that basis, I am not satisfied that the claimant is 'likely' to show that it was a protected disclosure.
22. The second protected disclosure was said to have been made on 29 June at 18:49 and was a follow-up regarding the pension issue. It was not possible to identify this particular email in the available papers. However, the difficulty with that alleged disclosure is the same as in relation to the 25 June protected disclosure referred to above (i.e. that the claimant may struggle to show the necessary reasonable belief that it is made in the public interest as it appears to relate to one individual.)
23. The third protected disclosure is, in one place, referred to as the 1 July email regarding non-payment of salary sent at 8:19am. There is, alternatively, a reference to 'exhibit C' in the 93-page bundle. That asserts that "UK payments have not been done for the July 2025 including salaries, lab rent, consultant fees with other payments." The claimant says, "kindly facilitate the same." The

text of the message appears to be a request for payment rather than a disclosure of information tending to show a breach of a legal obligation. Further, it seems to be specific to the organisation so may not satisfy the public interest element of the statutory test.

24. There are then subsequent demands/ emails asking for the claimant's own salary. They become a little more specific, although it is not clear which of them is relied upon as the protected disclosure(s). I am satisfied, looking at the documents that I have been referred to, that they may well tend to show a breach of a legal obligation in that the claimant is asserting that he was entitled to his salary and had not been paid all of it. However, the absence of the public interest element is likely to be a problem when the claimant asks the Tribunal to find that it amounted to a protected disclosure given that it relates to his own legal entitlements. Again, I am concerned that the claimant may not be 'likely' to establish the public interest element (and consequently the existence of a protected disclosure) at the final hearing.
25. There is reference to the fourth alleged protected disclosure (on 1 July) being a qualifying disclosure in relation to health and safety (s43B(1)(d).) It is suggested that the disclosure tended to show a health and safety issue in relation to the forced relocation over fees. I was directed to Exhibit C in the 93-page bundle (paragraph 15 of the claimant's most recent updated skeleton argument.) This does not match the schedule of protected disclosures attached to the claim form but I have considered it anyway. As I have already stated, this alleged disclosure was made after the respondent had already indicated a desire to relocate the claimant to India. This undermines its causal relevance. Further, I am not necessarily convinced that it 'tends to show' the necessary danger to health and safety or breach of a legal obligation (s43B(1)(b) or(d).) Nor am I satisfied that the claimant will likely succeed in showing the necessary public interest element at the final hearing.
26. Depending on which list of protected disclosures I consult, the next alleged protected disclosure took place on 6 July, when the claimant says that he made a disclosure about the respondent bypassing the UK subsidiary and using third party sales channels. I was referred to Exhibit G and an email at 6:43 am which is a lengthy document. That email raises all sorts of legal obligations which the claimant says are applicable to the respondent and alleges various breaches of them. Doing the best that I can at this preliminary stage, the claimant may well have reasonable prospects of showing that the email discloses a relevant failure, whether it be a breach of a legal obligation or a crime or a danger to health and safety (s43B(1)(a)(b) or (d). However, I am not satisfied that the claimant is 'likely' to establish that this was a protected disclosure for interim relief purposes, particularly in relation to the public interest element and bearing in mind the meaning of 'likely' in this context.
27. There is also reference to a protected disclosure (or disclosures) about GDPR breaches on 27 July. I am referred to Exhibit M. I looked at Exhibit M, which appeared to be a WhatsApp exchange between the claimant and the person to whom he was due to hand over company property (including his car and the various forms he tried to provide to get confirmation that he had in fact delivered the equipment back to the company.) In itself, the WhatsApp exchange does not appear to be a protected disclosure in the manner alleged by the claimant.

It does not look as though it discloses information which tends to show a 'relevant failure' as per s43B(1). It is not entirely clear where the public interest element is in the context of this alleged disclosure. I appreciate that protected disclosures *can* be made about data protection and it *can* constitute a public interest issue (because GDPR is a statutory obligation applying to large numbers of people and from which the public at large may benefit.) However, this does not necessarily mean that the public interest element of the test is satisfied unless the contents of the disclosure demonstrate this. I am not satisfied that it reaches the 'likely to' succeed threshold which is required for interim relief.

28. Drawing the threads of my considerations and conclusions together I have concluded that the claimant may have made protected disclosures at some point prior to his dismissal. It is not entirely clear from the various different versions of the list of protected disclosures which are the particular protected disclosures which the claimant relies on. A lack of clarity and consistency as to the relevant protected disclosures may undermine the claimant's application for interim relief. Given the current information, it is difficult for the Tribunal to conclude that the claimant has a 'pretty good chance' and is likely to succeed in establishing automatic unfair dismissal and the necessary causal link between the alleged protected disclosure(s) relied on and the dismissal.
29. The documents in front of me may disclose information which tends to show one of the 'relevant failures' (for 'qualifying disclosure' purposes.) The aspect of the case which is more difficult is the public interest element. That is not as obvious from the documents presented to me. The claimant may have some reasonable prospects of showing (at a final hearing) that he made protected disclosures but his prospects are not high enough to meet the interim relief threshold of 'likely' to succeed.
30. More importantly, as I have already explained, causation is a significant problem for the claimant. The dismissal of another employee (who is not said to have made protected disclosures) in circumstances which are consistent with the respondent's purported reason for dismissing the claimant (i.e. redundancy/business restructuring) significantly undermines the claimant's prospects of success as assessed at the interim relief stage. Even if he establishes that he made protected disclosures I cannot be satisfied that the claimant is 'likely' to succeed in showing that the sole or principal reason for dismissal was one or more of the protected disclosures. It is on that basis that I have come to the conclusion that I should refuse the application for interim relief.
31. I note, in passing, in relation to the respondent's submissions, that they did tend to address whether there had *actually* been a breach of a legal obligation or a danger to an individual's health and safety (etc). However, the Tribunal has to consider the statutory test which asks whether, in the reasonable belief of the claimant, the disclosure tended to show one of those relevant failures (at s43B(1)(a)-(f) and whether, in the claimant's reasonable belief, the disclosure was made in the public interest. I have decided the interim relief application applying the test as set out in the statute rather than by looking at whether there was in fact a breach of a legal obligation/danger to health and safety etc.

32. That concludes decision on the interim relief application. The case will now proceed through the standard Employment Tribunal processes to prepare it for a final hearing.

Approved by

Employment Judge Eeley

On 3 November 2025

JUDGMENT AND REASONS SENT TO THE PARTIES ON
23 December 2025

FOR THE TRIBUNAL OFFICE

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