EMPLOYMENT TRIBUNALS

Claimant		**Respondent**
Ms Deborah Abraham	**v**	Hound Technology Limited

Heard at: Cambridge **On:** 31 March 2026

Before: Employment Judge Tynan

Appearances
For the Claimant: In person
For the Respondent: Mr W Young, Counsel

The Claimant's Application for Interim Relief having been refused on 31 March 2026 and written reasons having been requested by the Claimant in accordance with Rule 60(3) 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 Sales Development Representative from 16 September 2024 until 21 January 2026, when her employment terminated purportedly by reason of redundancy. The Claimant claims that she was dismissed because she made a protected disclosure. She does not require any qualifying period of service to bring such a claim. Pursuant to s.128 of the Employment Rights Act 1996, an Employment Tribunal may grant interim relief pending the determination of the claim.

2. The Claimant's application for interim relief, which was submitted on 27 January 2026, namely before the end of the period of seven days immediately following the effective date of termination, is opposed by the Respondent.

The Law

3. Section 129(1) of the Employment Rights Act 1996 ("ERA 1996") provides that a Tribunal's power to grant interim relief applies where, on hearing the 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 the reason (or if more than one the principal reason) for the dismissal" is that she made a protected disclosure.

4. The correct test to apply when considering whether 'it is likely' is whether the Claimant can demonstrate a 'pretty good chance' of succeeding in the final application to the Tribunal; Taplin v C Shippam Ltd. [1978] ICR 1068. As Mr Young notes, the approach in Taplin was endorsed thirty years later by the President of the EAT in Dandpat v University of Bath & anor. UKEAT/0408/09/LA. The meaning of 'likely' was also addressed in the case of Wollenburg v (1) Global Gaming Ventures (Leeds) Ltd., (2) Herd UKEAT/0053/18/DA (unreported),

> "*Put shortly, an application for interim relief is a brief urgent hearing at which the Employment Judge must make a broad assessment. The question is whether the claim under s.103A is likely to succeed. This does not simply mean more likely than not. It denotes a significantly higher degree of likelihood. The Tribunal should ask itself whether the applicant has established he has a pretty good chance of succeeding in the final application to the Tribunal".*

5. In Ministry of Justice v Sarfraz [2011] IRLR 562 at [19], Underhill P (as he then was) confirmed that "likely" connotes something nearer to certainty than mere probability". The case involved an interim relief application in respect of a s.103A automatic unfair dismissal claim. The President said that a judge has to decide whether it is likely that the Tribunal at the final hearing will find five things:

   a. that the Claimant made a disclosure to [their] employer;

   b. that [they] believed that the disclosure tended to show one or more of the things itemised at (a) – (f) under s.43B(1) ERA 1996;

   c. that that belief was reasonable;

   d. that the disclosure was made in good faith; and

   e. that the disclosure was the reason or principal reason for dismissal.

   Section 43B of ERA 1996 was subsequently amended so as to remove a good faith requirement in order for a disclosure to qualify for protection. Instead, a Claimant must establish that they reasonably believed their disclosure to have been made in the public interest.

6. In His Highness Sheikh Khalid Bin Sagr at Qasimi v Robinson (UKEAT/0283/17/JOJ), Her Honour Judge Eady QC said:

> "*By its nature, the application had to be determined that expeditiously and on a summary basis. The ET had to do the best*

it could with such material as the parties had been able to deploy at short notice and to make as good an assessment as it felt able. … The Employment Judge also had to be careful to avoid making findings that might tie the hands of the ET ultimately charged with the final determination of the merits and the points raised. His task was thus very much an impressionistic one: to form a view as to how the matter looked, as to whether the Claimant had a pretty good chance and was likely to make out her case, and to explain the conclusion reached on that basis: not in an over-formulistic way but giving the essential gist of his reasoning, sufficient to let the parties know why the application had succeeded or failed given the issues raised and the test that had to be applied."

7. Similar observations were made in London City Airport Ltd v Chacko [2013] IRLR 6101, namely that a judge is required to make as good an assessment as they are promptly able of whether the Claimant is likely to succeed and, by necessity, that this involves less detailed scrutiny of the respective cases of the parties and the evidence than will be undertaken at the full hearing of the claim. A judge in an interim relief case is doing the best they can with the untested evidence advanced by each party.

8. It is always important not to lose sight of the relevant statutory wording. In this case, section 129(1) ERA 1996 requires me to be satisfied that it is likely "on determining the complaint to which the application relates" that the reason for dismissal will be found to be because the Claimant made a protected disclosure. It is trite that her complaint is to be found within her claim form. In this regard, the Claimant asserts in her ET1 that her disclosure was in the public interest without identifying why this was or why she had a reasonably held belief as to the public interest element to it.

9. In Kuzel v Roche Products Ltd [2008] EWCA Civ.380, the Court of Appeal approved the following analysis of the proper approach to the burden of proof in an automatic unfair dismissal claim:

    a. Has the Claimant shown that there is a real issue as to whether the reason put forward by the Respondent was not the true reason?

    b. If so, has the Respondent proved its reason for dismissal, in this case redundancy?

    c. If not, has the Respondent disproved the section 103A reason advanced by the Claimant?

    d. If not, dismissal is for the s.103A reason.

10. Establishing the reason or principal reason for dismissal is an exercise in identifying the reason(s) within the mind of the decision maker based on the facts known or relied upon by that individual. In Orr v Milton Keynes Council [2011] IRLR 3172, the Court of Appeal held that "known to the employer" does not mean that the employer is taken to have knowledge of

all facts known to all of its employees; just the facts known to the decision maker at the time of reaching the decision to dismiss. Accordingly, where an Employment Tribunal is satisfied that a decision maker acted in good faith and without an improper motive, a claim that the dismissal was for a proscribed reason is unlikely to succeed unless for example the Claimant resorts to an argument that the decision maker was manipulated. I would expect any such case to be expressly pleaded, which is not the case here. There is a passing reference to Royal Mail Group Ltd v Jhuti [2019] UKSC 55 in the Claimant's skeleton argument, but no facts which are said by her to support its application to her case.

Available material

11. The Claimant submitted a 70-page bundle of documents in support of her application, which was located and provided to me shortly after the hearing had commenced; it includes a 5-page written statement by the Claimant that I was able to read during a short adjournment. The Respondent filed a 113-page bundle of documents and relies upon detailed witness statements by Tina Henderson, its Director of Sales Development, Matt Nelson, its Chief Revenue Officer and Beth Bines, the Claimant's former line manager. I had read their statements prior to the start of hearing. Neither they nor the Claimant gave oral evidence. Inevitably, in the limited time available, I have been unable to read all the documents contained in the parties' respective bundles, though was taken to certain documents in the course of their oral submissions.

Analysis and Conclusions

12. It is not in dispute that the Claimant initially raised concerns with Ms Henderson on 21 August 2025 about the conduct of a manager, Helen Mason. The Claimant raised similar concerns again with Eunice Sun, Head of People Operations on 15 October 2025. She relies upon this second expression of concern as a protected disclosure. Ms Mason was alleged to have created an adverse working environment by persistently introducing sexuality, gender and race-related topics during meetings and conversations.

13. The Respondent questions whether the Claimant reasonably believed her disclosure to have been made in the public interest. In her 15 October 2025 message to Ms Sun, the Claimant stated that those who had been on one particular call had been made to feel "very uncomfortable". Otherwise, however, she focused upon the impact of Ms Mason's alleged conduct upon herself. A disclosure may qualify for protection even if it is expressed within a personal workplace grievance; that does not prevent it from having a public interest element, as the two things are not mutually exclusive. However, having read the message at page 47 of the Claimant's bundle, I am not able to conclude that she has a pretty good chance of establishing the necessary belief that she was acting in the public interest, not least in circumstances where this interest is not obviously identified within the disclosure itself or in the Claimant's ET1. In

my view, it is something she will need to address more fully in her witness statement so that it can be tested in the normal way at a final hearing.

14. Putting aside whether the Claimant is likely to establish that she made a qualifying disclosure, on a necessarily expeditious summary assessment of the materials currently available to me, I am not satisfied in any event that at the final hearing the Tribunal is likely to conclude that the Claimant was dismissed because she made any such disclosure. This is not to say that she will not succeed at final hearing on this issue. I express no further view as to her prospects in that regard. Indeed, I reiterate, as I explained in the course of the hearing, that my decision on the interim relief application will not, indeed must not, tie the hands of the Tribunal that hears the case. I have been careful not to make any findings or reach any conclusion beyond that required by s.128 ERA 1996.

15. As the Claimant lacks sufficient qualifying length of service to bring a claim for 'ordinary' unfair dismissal, s.98(1) of the Employment Rights Act 1996 does not operate so as to require the Respondent to establish the reason for the Claimant's dismissal. Instead, as noted above, it will be for the Claimant at final hearing to place sufficient information before the Tribunal to raise a real issue as to whether redundancy was in fact the reason for her dismissal. In her claim form, the Claimant says, "the timing and sequence of events, viewed together with the procedural defects in the redundancy process and the involvement of senior individuals aware of the disclosure, undermine the employer's stated rationale". It is not clear to me what she means by the timing and sequence of events. She claims that the Respondent did not offer any explanation at the time for her redundancy. However, whilst the Respondent seemingly did not consult her about her redundancy, (nor it would seem, her colleague Mr Wallis, who was made redundant at the same time) there is a contemporaneous record of the reasons why she was said to have been selected for redundancy, in the form of email correspondence the day after she was dismissed, in which the Respondent wrote: "You and other employees were selected based on a combination of factors including role alignment, skills and performance rating" (page 53 of the Claimant's bundle). The Respondent's witness statements go into further detail about these matters, including why the Claimant and Mr Wallis were selected for redundancy.

16. The Claimant places particular emphasis upon the fact that Mr Nelson and Merritt Anderson, the Respondent's Chief People Officer were aware of her disclosure. I agree with Mr Young that although their lack of knowledge of any disclosure might prove fatal to her claim, the fact they were aware of her concerns and that one or both of them may have taken the decision that she should be dismissed does not of itself obviously call into question the reason for dismissal advanced by the Respondent; in much the same way that knowledge of a person's sex, race etc. does not of itself obviously support an inference that the relevant protected characteristic was a factor in any treatment complained of.

17. Regardless of the burden of proof and having regard to the materials I have been taken to, including the parties' witness statements, the Respondent has advanced an arguably clear and consistent explanation for the Claimant's dismissal. Whether this explanation will stand up at final hearing, I cannot say. However, it seems to me that arguments can plainly be made by the Respondent as to why there was a genuine redundancy situation, (namely, as per section 139(1)(b) ERA 1996, there was a *diminished* need for work of the kind being carried out by the Claimant and her Sales Development Representative colleagues) and as to why the Claimant's selection for redundancy was not because she made one or more protected disclosures. I note specifically in this regard:

    a. The Claimant first shared her concerns informally with Ms Henderson, on or around 21 August 2025, who in turn shared them with Forrest Woodley, People Business Partner. The Claimant was informed that Mr Woodley would work with Mr Nelson to provide feedback to Ms Mason, albeit without identifying the Claimant as the source of any concerns. On 27 August 2025, Mr Nelson wrote in an email:

    > "Wanted to share with you both that Helen and I spoke today, I shared direct feedback on how she shows up in chat on our all hands call, how she shows up in forecast and team calls, and that the consistent high level of snark at minimum is unprofessional and not what I expect as a leader here and at worst, crosses lines that we take very seriously as an organization. I spent a lot of time talking about my expectations of her, how her actions send a signal to me on the type of leader she is and how our customers may experience her (not serious, not understanding the gravity of situations, not representing the brand we want to have here, etc). She acknowledged all of this, apologised, shared that how she shows up will change immediately". (page 42 of the Respondent's bundle)

    On the face of it, the email suggests that Mr Nelson took the Claimant's concerns seriously and, rather than retaliate against her, that he gave direct feedback to Ms Mason and clearly communicated his expectations in terms of her future conduct. The Claimant will be able to question Mr Nelson at final hearing regarding his handling of the situation, including if appropriate whether the email accurately reflects the matters he discussed with Ms Mason and whether, consciously or otherwise he was subsequently influenced by the Claimant's concerns when he decided that she should be dismissed by reason of redundancy. However, on the strength of this early contemporaneous email alone, I cannot say that the Claimant has a pretty good chance of

establishing at final hearing that Mr Nelson's sole or principal reason for selecting her for redundancy was because she made a protected disclosure.

b. The Claimant is quite right when she notes that a temporal gap between disclosure and dismissal does not preclude the inference that the disclosure materially influenced the outcome. Nevertheless, the existence of a temporal gap, in this case approximately 5 months between the Claimant's initial communication of concerns and her redundancy, adds to the overall picture as to why I cannot say at this stage that the Claimant has a pretty good chance on causation.

c. Notwithstanding the Claimant's submissions at section 10 of her skeleton argument, (page 26 onwards of her bundle) I was not taken to evidence of the Claimant having raised concerns during her employment that she had been subjected to detrimental treatment by Mr Nelson (or Ms Anderson) because she had made a protected disclosure. This can be explored further at final hearing, when there will be an opportunity for the Claimant to question them on their treatment of her, and on matters concerning her, in the weeks and months prior to her dismissal. In this regard I have referred already to Mr Nelson's email of 27 August 2025.

d. The immediate response of Eunice Sun, Head of People Operations to the Claimant's claimed protected disclosure on 15 October 2025 was to thank the Claimant for sharing her concerns. She wrote, "... I want to acknowledge the weight of what you've raised and assure you that we take this matter with the utmost care and seriousness" (page 47 of the Claimant's Bundle). The following month, she again thanked the Claimant for raising the matter and specifically acknowledged that it had been raised through an appropriate channel. The Tribunal will, of course, be focused at final hearing upon the reason for dismissal operating in the minds of Mr Nelson and Ms Henderson, if indeed Ms Henderson was either part of the decision-making process or influenced the decision in the Jhuti sense. Nevertheless, Ms Sun's responses do not obviously indicate an organisational culture of hostility towards those who make protected disclosures or do protected acts (within the meaning of the Equality Act 2010).

e. The Claimant is critical of the Respondent's response to her concerns. Indeed, she submits amongst other things that she was not told if her concerns had been investigated (page 21 of her bundle). However, she then goes on to quote Ms Sun as having told her that the company had been unable to

conclude its investigation, in other words that her concerns had been investigated albeit the process had not concluded. Be that as it may, the 12-page Investigation Summary at pages 75 to 86 of the Respondent's bundle indicates at least on paper a reasonably detailed investigation, including: interviews with at least five potential witnesses (and a summary of their evidence); an analysis of the evidence in relation to each alleged concern; identification of aggravating factors; an evidential gap analysis and recommended next steps in light of that analysis; and preliminary conclusions. The Investigation Summary will undoubtedly be scrutinised at final hearing, including the reasons why it was not shared with the Claimant, alternatively why an executive summary was not made available to her. I have not been told whether the Respondent has a whistleblowing policy and, if so, what, if anything, it says on the subject of feedback being provided to whistleblowers. This can be explored further within the proceedings and at final hearing. As matters stand, however, the available evidence does not currently indicate to me that the Claimant has a good chance of establishing that her concerns were ignored, minimised or otherwise dealt with inappropriately. Mr Young notes, on the contrary, that the Respondent came to the preliminary conclusion that, "there is a credible and partially corroborated pattern of conduct by Helen Mason that, if substantiated through remaining interviews and documentary evidence, would likely satisfy the elements of a hostile work environment claim under both US and UK law". The Investigation Summary goes further, noting that retaliatory statements on the part of Ms Mason may have discouraged timely reporting, but even so that management were on notice of concerns for nearly two months before the formal investigation commenced and that there was "significant vicarious liability exposure if adequate corrective action is not demonstrated". In the circumstances, I can understand why the Respondent will submit in due course that it took the Claimant's concerns seriously and did not retaliate against her.

f. The Claimant does not dispute that organisational change occurred within the Respondent's business and does not contend that no redundancy situation existed (paragraphs 31 and 32 of her skeleton argument). According to the Respondent, 11 existing global roles in the 'revenue organisation' were removed, and a further 4 planned hires did not go ahead. It says that in total 31 roles were removed across the Respondent. If correct, that does not of course preclude the possibility that the Claimant was made redundant primarily because she was a whistleblower, but it frames her dismissal today within the immediate context of a genuine redundancy exercise.

g. The Claimant does not suggest that no performance concerns were ever raised (paragraph 34 of her skeleton argument). The Respondent has adduced seemingly undisputed evidence that the Claimant failed by some margin to achieve her revenue targets in three of the 2025 Quarters. At the Claimant's October 25 Talent Review, the precise timing of which is unclear vis a vis her claimed 15 October 2025 disclosure, the Claimant's performance was assessed as 'Meets Most Expectations' (p.88 of the Respondent's bundle). The assessment indicated that she was "on track in many areas, but not all. Delivers meaningful impact but still has a few gaps to close before fully meeting the "bar" for the role". Performance areas which were said to require attention included maintaining timely follow-ups with prospects and building her professional presence and engagement in team settings. I have not been told that the Claimant challenged either the assessment or the feedback within the Review or suggested that they were influenced by her expression of concern. It is not one of the five matters referred to by the Claimant as post-disclosure context in section 10.1.1 of her skeleton argument.

18. In conclusion, I am unable to say that the Claimant has a pretty good chance of establishing that she made a qualifying disclosure or the necessary causal link with her dismissal, alternatively if the burden of proof does shift to the Respondent, that the Respondent has a relatively poor chance of proving that any protected disclosures were not the reason why the Claimant was dismissed, including selected for redundancy.

19. In the circumstances I refuse the Claimant's application for interim relief.

Approved by:

Employment Judge Tynan

Date: 14 April 2026

Sent to the parties on: 15 May 2026

For the Tribunal Office.

Public access to Employment Tribunal decisions

Judgments and Reasons for the Judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the Claimant(s) and Respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal Hearing has been recorded you may request a transcript of the recording, for which a charge is likely to be payable in most but not all circumstances. If a transcript is produced it will not include any oral Judgment or reasons given at the Hearing. The transcript will not be checked, approved or verified by a Judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/