



EMPLOYMENT TRIBUNALS

Claimant: Dumitru M Aionesei

Respondent: Brompton Bicycle Limited

Heard at: Watford in private (by CVP)

On: 27 April 2026

Before: EJ McCooley

Representation

Claimant: in person

Respondent: Ms Firth, Counsel

JUDGMENT

1. The claimant's application for interim relief is refused.

WRITTEN REASONS

2. The claimant requested written reasons at the conclusion of the hearing.

Procedural history

3. There have been two claims issued by the claimant; i. the first 3301768/2026 on 17 March 2026, pre-dismissal, to which the respondent has responded and ii. 6011747/2026, the second, on 3 April 2026, post-dismissal. The respondent's response to the second claim has not yet fallen due.
4. Reference was made to a Scott Schedule of protected disclosures attached to the ET1 of the second claim. The respondents say no such schedule was uploaded to the Tribunal portal or otherwise served at that time, albeit it appears to have been served later. I do not know whether the tribunal received the relevant Scott schedule at the time the claim form was submitted.
5. The underlying claim for this relief is automatic unfair dismissal (s103A Employment Rights Act 1996) with the disclosures said to be regarding a failure

to comply with a legal obligation.

6. It is agreed that this application is within the statutory 7 day time limit.
7. I had before me a bundle from the respondent of 208 pages and two bundles from the claimant of 112 pages and 65 pages, along with skeleton arguments from both parties, which I considered.

Legal principles

8. Interim relief is governed by s128 and s129 of the Employment Rights Act 1996.
9. Section 128 provides two pre-conditions for an interim relief application:

“(1) An employee who presents a claim to an employment tribunal that he has been unfairly dismissed and ... that the reason (or if more specified in ... section 103A ... may apply to the tribunal for interim relief.

(2) The tribunal shall not entertain an application for interim relief unless it is presented to the tribunal before the end of the period of seven days immediately following the effective date of termination (whether before, on or after that date).”

10. Interim relief is to be granted 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 that the reason (or if more than one the principal reason) for the dismissal is one of those specified in section 103A.” (s129(1))

11. Interim relief is “an exceptional form of relief granted pending a determination of a complaint of unfair dismissal” **Taplin v C Shippam Ltd [1978] IRLR 450.**
12. Authorities have provided guidance on the meaning of “likely” for interim relief applications:

“However, the weight of authority is against a simple balance of probabilities approach. As long ago as the decision of this Employment Appeal Tribunal in Taplin v C Shippam Ltd [1978] IRLR 450 it was held that the appropriate test is higher than simply establishing that the balance is somewhat more in favour of the employee’s prospect of success. It must, on the authority of Taplin, be established that the employee can demonstrate a pretty good chance of success. While that cannot substitute for the statutory words, it has been the guiding light as to the meaning of ‘likely’ in this context that has been applied over the subsequent three or more decades by the EAT.”

13. In **Ministry of Justice v Sarfraz [2011] IRLR 562 (EAT),** Underhill P

commented that “the effect of Taplin was that a ‘pretty good chance’ meant more than merely a 51 per cent probability” and “‘likely’ connotes something nearer to certainty than mere probability” (§§18 and 19).

14. In **His Highness Sheikh bin Sadr al Qasimi v Robinson [2021] ICR 1533**, (§114 to 118), the Court of Appeal noted: *“the relatively high threshold required by the ‘likely’ or ‘pretty good chance of success’ test has ‘priced into it’ the serious consequences which follow for an employer if an interim order is made”*.

15. The Tribunal is to reach its decision having formed an “impression” of the case based on the documents and submissions before it. It is necessarily a summary view and the purpose is not to conduct a ‘mini trial’.

Discussion

16. I have considered the second ET1 in reaching my decision, rather than only the first ET1, the respondent having argued it would be open to the Tribunal to do so. I consider that would have been an overly restrictive approach.

17. It appears correct to say that the only protected disclosure mentioned in the second ET1 is a disclosure to HSE on 12 March 2026, a copy of which was in the bundle “HSE disclosure”. Today, the claimant relied on further protected disclosures as per the Scott Schedule now provided, including as part of a grievance raised on 9 March 2026.

18. My focus has therefore been on the HSE disclosure, given that the claimant chose to only mention that one explicitly in his ET1 and it is not clear his Scott schedule was submitted at the same time as an attachment. I have treated the public interest disclosures mentioned in the Scott Schedule as background information to the HSE disclosure, as invited to do so by the claimant in his skeleton argument.

19. The claimant indicated by correspondence on 4 April 2026 that he may make an amendment application; it is not clear if the additional disclosures relied on today form part of that amendment application, if made. As such I consider the claim as it is, prior to any amendment.

20. Even if I had treated each of the additional protected disclosures relied on in the Scott Schedule as part of the original claim, I do not consider that the outcome of this application would have changed, for the overarching reasons set out at paragraphs 22-27 below.

21. For the purpose of this application, I have found that any failure to adequately particularise the HSE is remedied by the documents in the bundle, for example, the record of the report at page 51 of the Supplementary Bundle. It will ultimately be a matter for trial, or for future case management hearings, as to whether there is sufficient particularity regarding all protected disclosures relied

on at the full merits hearing.

22. I was not satisfied, in the absence of oral evidence, that the claimant reasonably believed the disclosure was made in the public interest; he had not explicitly dealt with this in his claim form or in the documents I was taken to. Whilst this gap may well be remedied, I am not satisfied the public interest element is made out at this provisional stage.
23. Even if I were to conclude that there were sufficient grounds to establish the protected disclosure meets all aspects of the legal definition, the claimant's application would nonetheless fail. This is due to the key factual disputes and matters of interpretation that remain and are unresolved by the documentation and submissions alone, in the absence of oral evidence.
24. For example, a central dispute concerns the chronology; the claimant points to the close nexus in time between making his protected disclosure on 12 March 2026 and disciplinary procedures commencing on 17 March 2026, with a dismissal following on 30 March 2026. The respondent says that is an incomplete reflection of the chronology, as conversations were had at a wellbeing meeting on 26.2.26 between the claimant and Mr Jones about concerns which later formed part of the dismissal. I was taken to bullet points of notes from that meeting; it appears that "insubordination" was indeed mentioned and that does indeed seem to form a basis for his dismissal, on the respondent's case.
25. My impression is that there is more nuance to the chronology than the claimant says, because it appears he had raised grievances about other matters, such as his pay, which then may have informed the events that follow.
26. The investigation meeting notes also reference conduct concerns that later appear to form part of the dismissal on their face. It is therefore apparent there is valid argument to be had on both sides about the chronology of events; the chronology alone is not sufficient to persuade me the s.129 test is met, nor is it yet sufficiently clear that the claimant is likely to succeed in the countering arguments about the chronology.
27. Regarding knowledge, I also accept the respondent's point that the claimant has not at this stage explained if and how the dismissing officer in this case knew about his HSE disclosure and, if so, that this influenced their decision to dismiss. The respondents have indicated they may run a separability defense in any event, which given the interview notes with various witnesses, may be arguable.
28. The other concerns the claimant relies on in this application, such as delays to his DSAR; the wording used in the dismissal; his P45 being issued prior to his appeal hearing; may all develop into cumulatively meritorious points at trial but by themselves and taken together, they do not yet form sufficient basis to persuade me the claim is likely to succeed.

Conclusion

29. The claimant did not satisfy me that each element of his automatic unfair dismissal claim is likely to succeed at a full merits hearing, in other words that the tribunal is likely to find he was dismissed for an automatically unfair reason. No central document, or collections of documents, when coupled with submissions, persuaded me that the relatively high threshold is met under s.129. Each element of his claim requires witness evidence, an assessment of credibility; interpretation and further ventilation. This is not a finding that the claimant will fail at trial, merely that the high statutory threshold for interim relief is not met. For this reason the application is dismissed.

Further orders

30. At the conclusion of the hearing and by agreement, I listed the matter for a case management hearing and consolidated the claims. A separate case management order shall follow. No further order is made at this stage.

Approved by:

Employment Judge McCooey

28 April 2026

JUDGMENT SENT TO THE PARTIES ON

.1 June 2026.....

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FOR THE TRIBUNAL OFFICE

Notes

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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:

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