



EMPLOYMENT TRIBUNALS

Claimant: Mrs Alison Poland
Respondent: Buckinghamshire Council

Heard at: Watford Employment Tribunal
On: 29 April 2026
Before: Employment Judge Alliott

Representation

Claimant: In person
Respondent: Ms Katherine Anderson (counsel)

JUDGMENT

The judgment of the tribunal is that:

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

FULL REASONS

Introduction

1. The claimant was employed by the respondent as a Local Area Technician within Highways & Technical Services at Grade 6 on 27 September 2021. Her employment was terminated on 2 February 2026 with an effective date of termination on 3 April 2026. By a claim form presented on 9 April 2026 the claimant presents a claim of automatically unfair dismissal for making a protected disclosure (whistleblowing). This hearing is to determine the claimant's application for interim relief.

The law

2. Section 43B of the Employment Rights Act 1996 provides as follows:-

“43B Disclosures qualifying for protection.

- (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—

...

- (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,

...

- (d) that the health or safety of any individual has been, is being or is likely to be endangered.”

3. Section 103A of the Employment Rights Act 1996 provides as follows:-

“103A Protected disclosure.

An employee who is dismissed shall be regarded for the purposes of this Part as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that the employee made a protected disclosure.”

4. Section 129 of the Employment Rights Act 19956 provides as follows:-

“129 Procedure on hearing of application and making of order.

- (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 ... 103A

5. As per the IDS Employment Law Handbook “Unfair dismissal”:

At 18.22

“Likelihood of success

“...the tribunal must go on to decide whether it is likely that he or she will succeed at a full hearing of the unfair dismissal complaint – section 129(1) ERA... The test is whether “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 automatically unfair reason for dismissal is established. The EAT in *London City Airport Limited v Chacko* [2013] IRLR 610, EAT, stated that this test 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. This, it observed, necessarily involves a far less detailed scrutiny of the parties cases than will ultimately be undertaken at the full hearing.

...

The basic task and function is to make “a broad assessment on the material available to try to give the tribunal a feel and to make a prediction about what is likely to happened at the eventual hearing before a full tribunal.”

6. And at 18.23

“When considering the “likelihood” of the claimant succeeding at tribunal, the correct test to be applied is whether he or she has a “pretty good chance of success” at the full hearing – *Taplin v C Shippam Limited* [1978] ICR 1068, EAT. In that case, the EAT expressly ruled out alternative tests such as “real possibility” or “reasonable prospect” of success, or a 51 per cent or better chance of success. According to the EAT, the burden of proof in an interim relief application was intended to be greater than that at the full hearing, where the tribunal need only be satisfied on the “balance of probabilities” that the claimant has made out his or her case.”

7. In addition, Ms Anderson submitted that the burden of proof in an automatic unfair dismissal claim rests upon the claimant and that the reason, or principal reason, has to be that the claimant made a protected disclosure.

The evidence

8. I was provided with a bundle of 203 pages.
9. The claimant provided a second skeleton argument, an interim relief letter dated 31 March 2026 and three screen shots.
10. In addition, I had a Local Area Technician job summary, an acceptance of alternative role email dated 7 March 2026, an OH report, a phased return to work plan, a Bucks County Council Reorganisation, Redeployment and Redundancy Guidance document, and a grievance email dated 13 November 2025.
11. An unusual aspect of this application is that the respondent has offered to re-engage the claimant in other roles, the most recent being Area Devolution Officer at Grade 6 and the offer remains open.
12. However, in her pleaded case the claimant states:

“Given the breakdown in trust and confidence, re-instatement or re-engagement is not practicable. I seek an order for the continuation of my contract, including full pay and benefits, until the final determination of my claim.”

13. It would appear that what the claimant is really seeking is a continuation of contract order.
14. Be that as it may, I have to determine the application before me. If I find that the claimant has a pretty good chance of success I will go on to explain my powers, ask the respondent if it is willing to re-engage the claimant and, if so, on what terms and conditions. I will then ask the claimant formally if she is willing to accept the job on those terms and conditions.
15. The pleaded protected disclosures in the claimant's ET1 claim form are as follows:-

“Between 30 September 2025 and March 2026, I made protected disclosures regarding serious regulatory and legal concerns arising from statutory highways inspections under the Highways Act.”

16. Various other protected disclosures have been advanced in various other documents. In the skeleton argument and in a document in the main bundle the claimant has advanced protected disclosures on the following dates:-

18.1 23 September 2025.

18.2 30 September 2025.

18.3 15 January 2026.

18.4 19 January 2026.

17. In an additional document the claimant has suggested that she made one or two protected disclosures on 2 February 2026.
18. In today's hearing the claimant suggested that the reference to a protected disclosure on 23 September 2025 should in fact have been a disclosure in 2024. This she told me was an oral disclosure to a legal officer taking a witness statement for a highways case. The gist of what she suggested she said was that she was unqualified to make an inspection and that that was a risk to public safety.
19. I have a copy of the 30 September 2025 email from the claimant. This contains the following:-

“The absence of proper training places me at personal risk, exposes the public to foreseeable harm, undermines the council's ability to rely on the section 58 defence under the Highways Act 1980 should litigation arise.”
20. The 15 January 2026 email, which was only produced before me today, contains the following:

“I believe my employer's actions have created a huge risk to both myself personally, the public and the organisation.”
21. I do not have the claimant's email dated 19 January 2026 but there appears to be quotes from it that have been responded to by a manager, Mr Dave Roberts. The extracts that appear to come from the claimant's email contain the following:-

“...it would be unlawful for me to return to either my role or the new role of Area Inspector or to perform these tasks without the qualifications.

...I should not have been involved in the court case last year had the qualification issue been identified earlier.”
22. The email dated 2 February 2026 contains the following:-

“I further note that, during the period leading up to the redundancy process, I have been required to undertake statutory highway safety inspections and to represent and defend the council in court proceedings in relation to these inspections. I perform these duties without having the requisite statutory qualifications, in circumstances where the employer had failed to provide or arrange the necessary training despite repeated requests.

This situation has created a foreseeable and material risk to public safety, to my own health and safety, and to the council's legal and regulatory compliance obligations.”
23. As far as the alleged protected disclosures on or after 30 September 2025, I find that the claimant has a pretty good chance of establishing that those were protected disclosures. The extracts cited refer to public safety and, potentially, compliance with a legal obligation. The claimant will obviously have to demonstrate that the disclosures were made in the public interest but given that they relate to public safety, then, in my judgment, she has a pretty good chance of establishing that they were protected disclosures.

24. It is the claimant's pleaded case as confirmed before me today, that no genuine redundancy existed.
25. I have seen a consultation document dated 4 September 2025. This is a Highways & Technical Services Communities directorate proposed restructure of Highways and Technical Services Teams. The document is Phase 2 of H & TS Service Review. Within the document the following is set out:-

“The outcomes of Phase 1 Service Review went live on 1 November 2024, aligning functions and strengthening strategic leadership.. Phase 1 implementations delivered actual savings...”
26. As the document suggests it is outlining Phase 2 of the redundancy exercise. It is clear to me that the redundancy exercise therefore began in 2024 significantly before the alleged protected disclosures of the claimant.
27. It is the respondent's case that trade unions were notified via a Section 188 letter on 28 August 2025.
28. Formal staff consultation ran from 4 September to 18 October 2025.
29. All staff were invited to attend a consultation meeting which took place on 4 September 2025. The claimant attended.
30. Following the consultation meeting all staff received a letter with information outlining how their posts will be affected. On 4 September 2025, the respondent sent an at risk letter to the claimant notifying her that her role of LAT will be affected inviting her to apply for six roles through a selection process within a selection pool.
31. An end of consultation meeting took place on 23 October 2025.
32. The consultation process applied to 68 people across Highways & Technical Services and resulted in: Deletion of existing posts; creation of new posts; slotting in; ringfencing and selection pools based on a 75 per cent job match methodology in accordance with the Council policy.
33. In total 16 LAT roles (including the claimant's) were deleted.
34. In my judgment the claimant does not have a pretty good chance of establishing that the redundancy situation was a sham. Quite the contrary, in my judgment. The respondent has a pretty good chance of establishing that there was a genuine redundancy situation.
35. During the course of the redundancy process the claimant was offered the role of Area Inspectorate Grade 6, which she declined. By the end of January 2026, a total of six roles had been offered to the claimant, two roles at Grade 6 and four roles two grades lower but with two years pay protection.
36. The claimant was invited to a final options meeting to take place on 27 January 2026 but was unable to attend due to illness. The claimant was sent a formal notice of redundancy letter on 2 February 2026 confirming a termination date of

3 April 2026.

37. Notwithstanding the formal termination of the claimant's contract it is clear to me that the respondent continued to offer the vacant Devolution role (G6) during March and up to the effective date of termination of the claimant's employment on 3 April 2026.
38. Having reviewed all the evidence placed before me, I have concluded that the claimant does not have a pretty good chance of showing that her dismissal was attributed to any or all of her protected disclosures. In my judgment it is quite clear that the redundancy process began before the claimant made protected disclosures.
39. Consequently, the claimant's application for interim relief is dismissed.

Approved by:

Employment Judge Alliot

Date: 7 May 2026

JUDGMENT SENT TO THE PARTIES ON
10 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/