



EMPLOYMENT TRIBUNALS

Claimant: Ms L Harris

Respondent: Isle of Wight Council

Heard at: Southampton (via CVP)

On: 24 April 2026

Before: Employment Judge Hastie

Representation

Claimant: In person

Respondent: Ms Sikri, counsel

JUDGMENT having been sent to the parties on 14 May 2026 and written reasons having been requested in accordance with Rule 60 of the Employment Tribunals Procedure Rules 2024, the following reasons are provided:

REASONS

Background

1. On 24 April 2026, the claimant's application for interim relief was dismissed.
2. I was provided with a four-part bundle consisting of 175 pages. The papers included a statement by the claimant as well as other documents filed in response to the directions made by the Tribunal on 25 March 2026.
3. The hearing proceeded by way of summary procedure. I heard oral submissions from both parties. As is usual, I did not hear oral evidence. My understanding of the case is based on the bundle and the oral submissions.
4. By a claim form presented on 24 March 2026, the claimant brought a claim for public interest detriment (whistleblowing) under Employment Rights Act 1996 (ERA96) section 47B, and automatic unfair dismissal ERA96 s103A. In relation to the unfair dismissal claim, the claimant applies for interim relief.
5. The claimant commenced employment with the respondent on 11 November 2025. The claimant was employed as a support worker at Plean Dean, a residential home for adults with learning difficulties that is operated by the respondent.
6. Following a dismissal meeting on 12 March 2026, the claimant was dismissed by letter dated 13 March 2026. As Ms Harris was entitled to one week's notice, her employment came to an end on 19 March 2026. The reason given for the dismissal is that she had not successfully completed her probationary period.

7. The claimant says that she made qualifying and protected disclosures in January and March 2026 about the treatment of vulnerable residents at Plean Dean.
8. The claimant asserts that these disclosures were made to the respondent and to the Care Quality Commission (CQC).
9. The claimant raises a number of concerns in her claim that primarily centre around restrictive clothing and inadequate provision of drinks as well as inappropriate handling of residents.
10. The claimant has produced a table of nine asserted disclosures as a result of which she says she was subjected to detriment by the respondent and subsequently dismissed.
11. Given the expedited procedure attached to applications for interim relief, the application is made at a stage before the respondent has presented its ET3 response.
12. Based on the written documentation and the oral submissions at the hearing, it is apparent that the respondent disputes the claims in their entirety.
13. The respondent does accept that it dismissed the claimant on 19 March 2026.
14. My understanding is that the respondent appears to accept that the claimant raised several issues, but it disputes that they were protected or qualifying disclosures.
15. The respondent asserts that the reason for the claimant's dismissal was that she had failed to satisfactorily complete her period of probation. It asserts that concerns about performance had been raised throughout the claimant's employment, including during two probation review meetings on 15 January 2026 and 5 March 2026. Further, that concerns about the claimant had been raised in a total of seven statements provided by other members of staff.
16. The respondent asserts that the concerns that led to the claimant's dismissal were raised prior to the disclosures that the claimant says she made.
17. The respondent asserts that the decision to dismiss was a considered and documented response to what the respondent saw as performance issues in relation to the claimant's work in a complex environment. Further, that the dismissal was a balanced response to the weighing up of positive feedback as well as the respondent's concerns.
18. The claimant brought an application for interim relief pursuant to s128 ETA96 on the basis that she was dismissed for the sole or principal reason that she had made a protected disclosure, a claim falling under s103A ERA96.

LAW

19. Employees have, subject to certain conditions, a right not to be unfairly dismissed. By s103A ERA96, where the reason, or if more than one, the principal reason for the dismissal is that the employee made a protected disclosure within the meaning of s43B ERA96, the dismissal is automatically unfair.
20. S43B ERA96 provides,

A qualifying disclosure of information which, in the reasonable view of the worker making it, is made in the public interest and tends to show (in terms of its relevance here) - (i) failure to comply with a legal obligation, (ii) the health or safety of a person is endangered.

21. S128 ERA96 allows an application for interim relief to be made pending determination of a complaint of certain types of unfair dismissal. Claims under s103A ERA 96 allow for claims for interim relief to be made (s129(1) ERA96).
22. The ERA96 provides that an application for interim relief should be granted if 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 principal reason for dismissal was one of the statutory automatically unfair reasons.
23. In order to determine whether it is likely the claimant will succeed at a full hearing, the Employment Appeals Tribunal (EAT) said in London City Airport v Chacko 2013 ILR 610 that this requires the Tribunal to carry out an 'expeditious summary assessment' as to how the matter appears on the material available. The Tribunal on an application for interim relief will do the best it can with the untested evidence advanced by each party. Clearly, this involves less detailed scrutiny than will be undertaken at the full final hearing.
24. Rule 94 of The Employment Tribunal Procedure Rules 2024 provides that the hearing should be conducted as a preliminary hearing within Rules 52 to 54. The proper approach is as follows (Parsons v Airplus UKEAT/0023/16/JOJ 4 March 2016 at para [8]).

On hearing an application under section 128 the Employment Judge is required to make a summary assessment on the basis of the material before her of whether the claimant has a pretty good chance of succeeding on the relevant claim. The Judge is not required (and would be wrong to attempt) to make a summary determination of the claim itself. In giving reasons for her decision, it is sufficient for the Judge to indicate 'the essential gist of her reasoning'. This is because the Judge is not making a final judgment, and her decision will inevitably be based to an extent on impression and therefore not susceptible to detailed reasoning, and because as far as possible, it is better not to say anything which may prejudice the final determination on the merits.'

25. To succeed in an application for interim relief, the claimant must show that her case has a pretty good chance of success, which means something nearer to certainty than mere probability (Ministry of Justice v Sarfaz [2011] IRLR562).
26. The Tribunal must be satisfied that the claimant is likely to succeed on each necessary aspect of her claim applying that high threshold, before relief can be granted. That is, that it is likely that it was the sole or principal reason for the dismissal.

CONCLUSIONS

27. It is not for me to make findings of fact. I am reliant on the parties to set out material facts for each side. There has not been any oral evidence. I reiterate that this was a summary assessment based on information I had before me. It may be that at the final hearing, different conclusions are made.
28. I have considered whether there is a pretty good chance that the Tribunal at the final hearing will find the following things,
 - a) That the claimant made a disclosure to her employer or other relevant body,

- b) That she believed that the disclosure tended to show one or more of, a failure to comply with a legal obligation, or that the health or safety of a person was endangered,
- c) That she believed that the disclosure was in the public interest,
- d) That those beliefs were reasonable,
- e) That the disclosure was the principal reason for the dismissal.

a) Whether the claimant made a disclosure to her employer or other relevant body.

29. The claimant asserts nine disclosures to the respondent during the period 1 January 2026 to 25 January 2026, and a further disclosure to the CQC on 11 March 2026.

30. The respondent does not currently accept that disclosures were made. On a summary assessment, I consider that there is a pretty good chance that the Tribunal would find some of the issues raised by the claimant amounted to disclosures of information. The claimant appears to have put some of her asserted disclosures in writing to the respondent. Based on the claimants' information, it appears likely that she made disclosures of information that raised her concerns that restrictive practices were occurring during her period of employment.

31. On the other hand, it appears that there may be a dispute of fact between the parties about whether some of the asserted disclosures were made, or whether disclosures of information may be cumulative across a number of communications. It is difficult for me at an application hearing to anticipate how these issues will conclude.

32. I cannot conclude at this early stage that the claimant has a pretty good chance of succeeding in the dispute of fact in respect of some of the asserted disclosures, such as the asserted manhandling of residents (asserted disclosures 2 and 5).

b) Whether the claimant believed that the disclosure tended to show a relevant failure.

33. The claimant asserts that she believed that the disclosures tended to show the alleged failures, and these are indicated in the bundle. I bear in mind that a belief for these purposes may be mistaken yet genuinely held. It appears that the claimant may have a pretty good chance of establishing that some of the asserted disclosures tended to show a relevant failure when considering her knowledge of the care industry albeit in relation to younger clients.

c) Whether the claimant believed the disclosure was made in the public interest.

34. It appears that there is a pretty good chance of the claimant establishing this in relation to some of the asserted disclosures given the relatively low threshold in relation to public interest. A subcategory of who is affected, such as a residential care clients, might be enough to satisfy the public interest requirement.

35. I do not consider the claimants stated position, that she did not know she was potentially making protected disclosures as set out in the legislation, to undermine her case that the asserted disclosures were made and she had a public interest belief required by this part of the test.

d) Whether the claimant's beliefs were reasonable.

36. I consider that there is a pretty good chance that the Tribunal will find that the claimant believed that some of the disclosures tended to show a failure of a legal obligation or that the health or safety of a person was endangered, given the

reference to her concerns about the vulnerability of residential care home clients, some of whom are said to be non-verbal.

e) Whether the protected disclosure was the sole or principal reason for the dismissal

37. The test for this application is whether the claimant has a pretty good chance of establishing that the sole or principal reason for dismissal were the asserted disclosures between 1 – 25 January and 11 March 2026.
38. The respondent relies on alternate reasons for the claimant's dismissal, a failure to satisfactorily complete probation.
39. If a protected disclosure, or protected disclosures, were made, and it appears pretty likely that they were, were they the principal reason for dismissal?
40. The respondent asserts that there were a series of intervening acts that undermine the claimant's case that her dismissal was due to her making protected disclosures. I have various documents before me including statements written by other staff, the minutes of two probation meetings, and the management analysis of the claimant's performance. These are said to evidence the basis of the respondent's assertion that the claimant was not dismissed as a consequence of making disclosures as she alleges. What is abundantly clear on the information I have is that there is a significant factual dispute about causation.
41. The respondent advances a breakdown in the employment relationship which may be plausible at this stage, and before hearing evidence.
42. The claimant cannot convincingly say that the case will ultimately go in her favour. The facts need to be established at a full hearing. I cannot say at this stage that the claimant is pretty likely to succeed in her claim.
43. In circumstances where there are reasons to believe at this stage that there may have been multiple causes for the claimant's dismissal, and factual matters are in dispute, I do not conclude that the claimant has a pretty good chance of showing that the principal reason for her dismissal was making a protected disclosure. That is not, of course, to say that the claimant will not succeed at a final hearing. It is simply to say that on the basis of what I know today, she has not demonstrated that she is pretty likely to succeed.
44. Accordingly, the claimant's application for interim relief is dismissed.

Employment Judge Hastie
Date: 10 June 2026

REASONS SENT TO THE PARTIES ON
24 June 2026

Jade Lobb
FOR THE TRIBUNAL OFFICE