# EMPLOYMENT TRIBUNALS

**Claimant:** Dr J Ndikum

**Respondent:** Chiesi Ltd

**Heard at:** Manchester (by CVP) **On:** 14 April 2026

**Before:** Employment Judge Phil Allen

**REPRESENTATION:**

**Claimant:** In person
**Respondent:** Mr L Murdin, counsel

**JUDGMENT** in the interim relief application having been approved on 14 April 2026 and sent to the parties on 12 May 2026, with written summary reasons having been approved on 15 April 2026 and sent to the parties on 12 May 2026, full written reasons having been requested in accordance with rule 60 of the Employment Tribunal Rules of Procedure, the following written full reasons are therefore provided in accordance with rule 60(4C).
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# FULL REASONS

**Procedure**

1. This was an application for interim relief.

2. The claimant represented himself at the hearing. Mr Murdin, counsel, represented the respondent.

3. The hearing was conducted by CVP remote video technology with both parties attending remotely by video.

4. I was provided with a bundle by each of the parties. The claimant's bundle had 143 pages, included tables of authorities, and a core submission document. The respondent's bundle had 614 pages.

5. The interim relief application was, unusually, allocated two days to include a first day for an Employment Judge to read the documents in advance of the hearing. I was not initially the Employment Judge assigned the case at the start of the day preceding the date of the hearing. I was assigned the case during 13 April 2026.

That provided me with some time during that day to read the documents (but not the full day), in addition to the usual time available to read prior to a hearing starting on the day of the hearing itself. I read the pleadings and the claimant's written submissions, and I endeavoured to read all the documents provided in advance of the hearing, in as much detail as I was able.

6. After submitting the claim form on 19 February 2026, the claimant entered a document on the portal the following day and a further document was provided on 21 February. The claimant sent a significant number of emails which were also saved onto the Tribunal's case file (many with attachments), which included emails of 22 February, 23 February, 26 February, 2 March, 6 March, 12 March, 18 March, 24 March, 26 March, 7 April, 8 April, 10 April and 13 April. The claimant provided the following documents (many with attachments and exhibits):

6.1. supplementary submissions;

6.2. pre-hearing submission;

6.3. supplementary submission on causation;

6.4. a schedule of exhibits, listing fifty-two exhibits which were attached;

6.5. a get up to speed quickly judicial map;

6.6. an outline of his claims (with a subheading of comprehensive schedule of all claims with legal framework);

6.7. an application for vulnerable party directions and protected communications order;

6.8. an observation report following DSAR release;

6.9. an urgent update on current circumstances;

6.10. a request for reasonable adjustments;

6.11. an application to strike out the specific grounds of response;

6.12. a comprehensive schedule (said to record ninety misrepresentations, false assertions and documentary contradictions);

6.13. a document titled Aviva's bad faith, possible collusion with Chiesi and strategic narrowing;

6.14. an urgent application for the interim relief order to be granted unopposed;

6.15. an application to debar the respondents from oral submissions and late filing;

6.16. an urgent application for immediate case management directions and other matters;

6.17. a response to the Tribunal's letter of 10 April 2026, the procedural record before the Tribunal;

6.18. a supplementary note on the respondent's continued procedural non-compliance further to the letter of 10 April;

6.19. an addendum – case management application in limine litis;

6.20. a response to Employment Judge Holmes' correspondence of 13 April;

6.21. a response to the Tribunal about the question of 13 April 2026 about reasonable adjustments; and

6.22. a supplementary submission (with the sub-title that the respondents' own filings reinforce the application in limine litis).

7. Regional Employment Judge Franey had informed the parties in a letter of 10 April 2026 that he had refused the applications made by the claimant for interim relief to be granted unopposed and/or for the respondent to be prevented from participating in the hearing.

8. On 13 April an email was sent to the parties at the instruction of Employment Judge Holmes addressing some matters regarding the hearing, including addressing the need for any skeleton argument or submissions from the respondent to be provided as soon as possible.

9. The respondent had submitted a response form. For the interim relief hearing, it also provided a skeleton statement and a chronology of key events.

10. In advance of the hearing, the claimant had made a request for various reasonable adjustments. A letter had been sent by the Employment Tribunal on 31 March, on the instruction of Regional Employment Judge Franey, informing the claimant that the request would be considered at the interim relief hearing. A further letter of 7 April had been sent by the Tribunal which set out the position on some of the adjustments sought (which I will not reproduce in this Judgment).

11. In the hearing, I referred to the document containing the claimant's requests. We discussed breaks. The claimant asked for regular breaks during the hearing and regular breaks were taken (it was agreed a break would be taken every hour, which the claimant said was fine). The claimant asked for remote attendance for all hearings and as the hearing had been arranged by video that was what occurred. The claimant asked that he be given written questions in advance of any examination in chief or cross examination, but as no evidence was heard at the interim relief hearing that did not arise. The claimant requested to make written submissions in lieu of oral submissions. I considered what the claimant had written in his submissions but also gave him the opportunity to make oral submissions if he wished to (and he did). The claimant asked for documents to be provided in advance of the hearing, something that was outside my control for an interim relief hearing, but which occurred in any event (albeit the respondent's documents were not provided to the claimant until the day before).

12. On the morning of the hearing, the claimant had sent to the Tribunal a document which contained his oral submissions, but he said that he did not trust the respondent with what was sent. That oral submission document was not provided to the respondent at the time. Early in the hearing a break was taken to enable the claimant to decide whether he wanted the oral submission document to be sent to the respondent so that it could be read and so that it could be taken into account. The claimant decided that he did wish to rely upon it and would send it to the respondent, so it was provided to the respondent, and I considered what was said in it alongside the submissions which the claimant gave orally.

13. Each of the parties was given the opportunity to make oral submissions. They each did so. The claimant briefly responded orally to the respondent's oral submissions.

14. After hearing submissions, I adjourned the hearing to consider my decision. After the adjournment and in the afternoon, I returned and informed the parties of my Judgment and my summary reasons for that decision.

15. A written Judgment was approved on the same day as the hearing and was sent to the parties on 12 May 2026. Written reasons were requested and in accordance with rule 60(4B), as summary reasons had been provided orally at the hearing, written summary reasons were approved on 15 April 2026 and were sent to the parties on 12 May 2026. On 23 June 2026,in an email, the claimant requested full written reasons. That email does not appear to have been copied to the respondent as it should have been (indeed the portal should have been used for making any such application). It was also not an application made within 14 days of written summary reasons being sent, as it should have been. Nonetheless I have provided full written reasons as requested. The full written reasons are provided in this document.

**Facts**

16. As it was an interim relief hearing, it was not for me to make decisions on the facts. As a result, I will not record in this Judgment anything more than a very brief and broad summary of the key relevant facts. Some of the relevant factual matters are set out in (and/or addressed in) my conclusions below.

17. The claimant was employed by the respondent from 6 May 2024 until 13 February 2026. He was a medical manager.

18. In his particulars of claim, the claimant included a schedule of fourteen alleged protected disclosures which he said he had made (page 32 of the respondent's bundle). I will not reproduce that table in this Judgment. The disclosures listed were made from September 2025, with the last listed disclosure being a post-dismissal disclosure which was made in mid-February 2026. The table summarised the disclosures' content. For example, the first alleged disclosure was said to be a formal disclosure of the claimant's autism and ADHD and the need for disability-safe handling and adjustments. The second alleged disclosure was at an OH consultation. I will not reproduce all of the content as listed in that schedule as it can be read in the relevant document. A further list also within the particulars of

claim attached to the claim form, appeared to record and detail six alleged protected disclosures (page 79 of the respondent's bundle).

19. The claimant was dismissed on 13 February 2026. I was provided by both parties with a copy of the letter from Shish Patel, senior director medical affairs UK, in which the decision and the reason for the dismissal was recorded (it was page 612 of the respondent's bundle). That letter was headed "*Working Relationship*". The letter referred to a concern that the ongoing working relationship had irretrievably broken down, a contention that the claimant had refused to meet with the writer despite an offer to meet, and references to the claimant's communications. The writer stated that it was their belief that the working relationship had irretrievably broken down and their decision was that the claimant would be dismissed with immediate effect.

20. The claimant alleges that he was dismissed as a result of having made a protected disclosure or disclosures. The respondent denies that he was.

**The Law**

21. Under section 129 of the Employment Rights Act 1996 the test which I needed to apply was whether it appeared to me that it is likely that that the claimant's claim will succeed. In this case, the relevant claim is that of automatic unfair dismissal due to having made a protected disclosure under section 103A of the Employment Rights Act 1996.

22. The test is whether it is likely that, when determining the complaint, the Tribunal will find that the principal reason for the dismissal of the claimant was that the claimant had made a protected disclosure.

23. In considering whether a claimant is likely to succeed, consideration must be given to all elements of the requisite test. Whether a protected disclosure is likely to be found to have been made, is part of that test. A part of the test is whether it is likely to be found that the principal reason for the dismissal was a protected disclosure made (which was referred to as the causal link in the respondent's submissions).

24. In explaining my decision, I referred to the case of **Chesterton v Nurmohamed** [2017] EWCA Civ 979, one of the very large number of cases to which the claimant referred (he summarised it as setting out the public interest four-factor test). That case set out what must be considered when determining whether a claimant reasonably believed that their disclosure of information was made in the public interest.

25. The section 129 test required me to carry out an expeditious summary assessment as to how the matter appears on the material available, doing the best I could with the argument and untested evidence advanced by each party. That necessarily involved a far less detailed scrutiny of the parties' cases than will ultimately be undertaken at the full hearing. I was not required to make findings of fact. I was required to make a decision on the likelihood of success based upon a broad assessment on the material available.

26. Likely to succeed, has been said to mean whether the claimant has a pretty good chance of success at the full hearing, which was the test set out in **Taplin v C Shippam Ltd** [1978] IRLR 450, a case to which I was referred by both parties. **Ministry of Justice v Sarfraz** [2011] IRLR 562 said that it meant a significantly higher degree of likelihood than just more likely than not. The burden on the claimant was in practice more onerous than that which will apply at the final hearing.

27. I was referred to a very great number of cases in the submissions made. I have not endeavoured to record all the case to which I was referred when providing this Judgment. It is not proportionate to do so.

**Conclusions – applying the Law to the Facts**

28. What made this interim relief application particularly difficult to determine, was the enormous amount of documentation which I had been provided. The document attached to the claim form containing the particulars of claim had 143 pages, much of it in closely typed relatively dense text. The Tribunal's electronic case file contained one hundred and nineteen documents, the vast majority of which had been provided by the claimant. I have listed in this Judgment the numerous documents sent in by the claimant in advance of the interim relief hearing. This is clearly going to be a complex case which will require many days to be heard. It is not straightforward. That complexity did not assist the claimant in his argument that he is likely to succeed in his claim.

29. In identifying the alleged protected disclosures relied upon, I was referred to three versions of the list of those upon which the claimant relied (and I suspect that there may be other versions within the many documents provided). The three were:

29.1. The table containing fourteen alleged disclosures at page 15 of the particulars of claim (page 32 of the respondent's bundle), to which I have already referred;

29.2. Six alleged protected disclosures listed and detailed at page 62 of the particulars of claim (page 79 of the respondent's bundle) which I have already mentioned; and

29.3. Twenty-one alleged protected disclosures listed at page 70 of the claimant's bundle. That was a list prepared after the claim had been entered, which the claimant told me he had composed after he had more time to consider what he thought were the protected disclosures made (after he had needed to enter the claim within seven days).

30. I could only consider for this application whether the claimant was likely to show that the fourteen or the six alleged disclosures included in the particulars of claim were protected disclosures. I could not consider whether the twenty-one alleged protected disclosures might be, as they were not part of the pleaded case (at the time of the interim relief hearing).

31. The respondent had addressed the fourteen alleged protected disclosures, included in the claim form, within the grounds of response which it had submitted at

paragraphs 40-43 (page 552 of the respondent's bundle). It addressed the alleged disclosures one by one at paragraph 42. I will not reproduce what was said.

32. Whilst the claimant asserted that the disclosures relied upon were all in writing and (at least some) would have been included within the documents sent to the Tribunal, I was not specifically taken to any of the alleged disclosures in the course of the hearing, to show me exactly what was said. I expected that some of what is listed may contain disclosures of information, but others may not. It is difficult to see, for example, that the claimant is likely to show that the contents of an occupational health report in October 2025 will show the claimant disclosing information to the respondent which fits within the requirements of section 43B of the Employment Rights Act 1996.

33. Most importantly, for my decision, I found that it was uncertain whether the claimant will be able to show that he reasonably believed that any of the alleged disclosures made involved the disclosure of information which was in the public interest (even if they did involve the claimant disclosing information which he reasonably believed fitted within the sub-sections of section 43B(1) of the Employment Rights Act 1996).The respondent's counsel submitted that all of the alleged protected disclosures relied upon involved the employer and employee relationship, and matters raised about issues of health, terms and conditions, treatment and grievances. They appeared to do so. It is certainly possible that the claimant might evidence that he reasonably believed that one or more of the things disclosed were in the public interest, but considering what was relied upon I did not find at the interim relief hearing that he was <u>likely</u> to do so.

34. I considered very carefully what the claimant said in paragraphs 235-254 at pages 66 and 67 of his particulars of claim (pages 83 and 84 of the respondent's bundle of documents). That was where the claimant set out why it was that he said the disclosures were made in the public interest. He informed me that he is better able to address matters in writing than orally, so I carefully considered what he had written, albeit I observed that his oral submissions at the hearing were eloquent and well-delivered. It may be that the claimant will be able to demonstrate at the final hearing that when he raised his personal concerns he believed them to be in the public interest (applying the test set out in **Chesterton**) because of the potential harm to other employees, the impact on patient safety, and/or in the context of the pharmaceutical industry. That is an issue to be determined at the final hearing. However, I did not believe that the claimant was likely to do so (applying that phrase in the way I have described I needed to when explaining the law).

35. Orally, the claimant referred to the fact that one of his alleged disclosures (about Dr Iqbal) was about not only his circumstances, but the impact on colleagues. The argument that he believed that that particular disclosure of information made was in the public interest would appear stronger for that alleged protected disclosure. However, that applied to disclosure C1 in the list of twenty-one alleged protected disclosures (listed at page 70 of the claimant's bundle). That was not an alleged disclosure listed in the grounds of complaint. It was not currently one of the fourteen listed at page 15 of his employment particulars and it was unclear whether it was part of the first of the six alleged at page 62. I could not say, based upon that argument, that the claimant was likely to succeed on that basis.

36. As I found that it was not likely that the claimant would show that he had made one or more protected disclosures, the interim relief application failed. I did go on to address some of the other relevant issues and will also record those other issues in this Judgment.

37. The respondent submitted that it could not be said that the claimant was likely to succeed in his claim that the dismissal was because of any of the protected disclosures relied upon. It said that even taking the claimant's documents as pleaded on their own, they did not show a causal link between any alleged protected disclosure(s) and the dismissal. I considered what was alleged. I found that I was not in a position to say that the claimant was likely to show that the principal reason for his dismissal was that he had made a protected disclosure (even if protected disclosures had been found to have been made).

38. The claimant made a number of very valid criticisms of the process followed by the respondent in dismissing him. In his skeleton argument, he listed six procedural issues with the dismissal which he contended meant that the dismissal was what he described as procedurally defective to a point of nullity. I was told that the claimant was dismissed in breach of the absence policy, as well as other policies. It was contended that the ACAS code of practice on disciplinary and grievance procedures was breached. The absence of a right of appeal was something which stood out from the dismissal letter. I was not required to make a determination about whether the procedure was a fair one. What the claimant submitted raised valid questions about the process followed. However, as the respondent's counsel explained when I asked him about those issues, it would have been an enormous leap for me to decide that acting outside the procedures meant that it was likely to be found that the dismissal was because of a protected disclosure or disclosures (and it was said that even the claimant in his skeleton argument did not go that far). I accepted the claimant's point in response, that to an extent those are the things I needed to consider in my summary expeditious assessment, but I found that I simply could not say on the facts of this case that the procedural flaws that existed meant that the claimant was likely to show that the principal reason for the dismissal was any of the alleged disclosures relied upon.

39. As the claimant highlighted in submissions, the dismissal letter of 13 February 2026 (page 612 of the respondent's bundle) did include some elements which could result in a causal link being identified at the final hearing. The letter referred to the nature tone and volume of the claimant's communications as being part of the reason for the decision to dismiss. The letter referred to some allegations against the business and named individuals as being part of the reason. The claimant also highlighted the apparent inconsistency between the reliance upon both too much communication and not enough communication within the letter. I was mindful that it would be for the respondent to evidence that the dismissal was not because of a protected disclosure or disclosures, if they were made. However, as I have said, the complexity of the case and the matters to be considered, meant that I was not in a position to say that it was likely that the claimant would prove that the principal reason for the dismissal were matters raised which would be found to be protected disclosures, even in the light of what was said in the letter about communications and allegations generally.

40. The claimant made a very significant number of points both in his written and oral submissions and in his many documents. I meant no disrespect to him or those submissions in not addressing them all. It would be impossible in practice to do so. It was not in accordance with the overriding objective and dealing with matters in a way which was proportionate to the issues, to do so. I have explained the reasons why I reached the decision which I did in the interim relief application. However, I addressed some of the issues raised as follows:

40.1. The claimant referred to an unverified statement of truth and the inclusion of a draft paragraph in the grounds of response submitted. There is no requirement in the Employment Tribunal for statements of truth. I agreed with the claimant's point made verbally that a professional representative has a duty to ensure that what is submitted to the court is true. The inclusion of an unanswered question as paragraph 30 of the grounds of response suggested a lack of care in the response being submitted, but it did not mean that the interim relief application should succeed or that the remainder of the grounds of response should not be considered;

40.2. I did not find that the respondent had breached any rules or requirements in preparation for the hearing. Interim relief hearings are unique and are by their very nature prepared in a hurried way. I was mindful of the duty to ensure that the parties were on an equal footing when considering the submissions at the hearing. I decided the outcome for the reasons explained (not because of procedural issues);

40.3. The respondent had not debarred itself from taking part in the hearing. It had done so appropriately;

40.4. I understood and accepted the importance of interim relief as an application and process which Parliament has provided for a claimant. A well-resourced respondent was entitled to resist such an application, in accordance with dealing with cases fairly and justly;

40.5. I understood the impact which dismissal has had on the claimant. He will still be able to pursue his complaints after the hearing. I focused on the interim relief application and what I needed to decide. I did not make factual findings and my decision does not determine the ongoing claim;

40.6. I noted that the claimant said that the response form was contradicted by the respondent's documents – the claimant will be able to pursue those arguments as part of the final hearing in the claims;

40.7. I understood the point made by the claimant about the lack of reference to the reason for the suspension and how it arose in the response form and the respondent's bundle. I noted the email obtained by the claimant, described as the Boxee retraction. I considered that as part of the relevant circumstances in the case;

40.8. I noted what the claimant said about contact with his psychiatrist without consent and contact with the emergency services, and his contention that those concessions materially supported his interim relief application. I understood why they might support elements of his various claims more broadly, but I did not find that they supported the interim relief application or his case on the issues relating to protected disclosures and whether they were the principal reason for the claimant's dismissal;

40.9. There is always something of an evidential vacuum in an interim relief hearing, but I considered the case as pleaded, and based upon the documents provided;

40.10. I noted what the claimant said about the volume of his written filings and his contention that the length was a direct consequence of him being neuro-divergent, rather than evidence of unreasonable behaviour. As I have said, the length and number of the documents provided made it more difficult for me to identify the issues and to find that the claimant was likely to succeed. The claimant will need to be mindful of the need for greater specificity in documents going forward and he will need to try to be more focussed if possible. I did not consider the length of the documents as something in and of itself which was relevant to my decision;

40.11. I understood the points made by the claimant about the human cost, asymmetry of impact, and balance of harm. However, those were not matters which meant that the claimant was likely to succeed in his automatic unfair dismissal claim (based upon having made a protected disclosure or disclosures), considering the actual claim brought (for the reasons I have explained);

40.12. I did not strike out the ET3 (response form), make an unless order, make a referral to the Attorney General, or issue a default Judgment. My focus was on determining the Interim Relief application. There will need to be a preliminary hearing (case management) in this case, with a longer time estimate than usual. The orders for the case to be prepared for final hearing will need to be addressed at that hearing. I was concerned that the claimant asserted that there was a procedural landscape in which a fair hearing was impossible, but I did not consider that to be the case when only the interim relief application had been heard.

41. As I have explained, by its nature an interim relief Judgment is a brief one based upon limited scrutiny, without hearing evidence or having that evidence tested. The Tribunal who conducts the final hearing will undertake a far far more detailed consideration of the evidence and the issues in the claims. My decision did not mean that the claimant will not succeed in his claims, but applying the test required of me, he did not succeed in his interim relief application.

Employment Judge Phil Allen

10 July 2026

SENT TO THE PARTIES ON

15 July 2026

FOR THE TRIBUNAL OFFICE

**Notes**

All judgments (apart from judgments under Rule 51) and any written full 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/