



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No. 8001236/2026

Interim Relief Hearing Held in Glasgow on 12 June 2026

Employment Judge O'Donnell

Ms L-M Madden

**Claimant
In Person**

Real Life Options Ltd

**Respondent
Represented by
Ms Page,
Solicitor**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Employment Tribunal, given orally at the hearing with summary reasons, is that the claimant's application for interim relief under s128 of the Employment Rights Act 1996 is refused.

SUMMARY REASONS

1. These are the summary reasons given at the hearing on 12 June 2026.
2. In order to succeed in an application for interim relief, the claimant must show that it is "likely" that the complaint of unfair dismissal will succeed. The question of what is meant by "likely" has been addressed by a number of authorities which have said that it means "a pretty good chance of success". This means more than just the balance of probabilities it involves a "significantly higher degree of likelihood" than "more likely than not".

3. The Tribunal needs to take account of all matters that would require to be determined at the final hearing of the unfair dismissal claim although it does not require to conclusively resolve those matters before deciding on the application for interim relief.
4. In the present case, there are two issues in which the Tribunal has to be satisfied that the claimant is likely to succeed. First, that she made a protected disclosure within the definition set out in s43B of the Employment Rights Act 1996 (ERA) and, second, that this disclosure was the sole or principal reason for dismissal.
5. The disclosure relied on by the claimant was that she informed the respondent that Reta was not an illegal drug for personal use. Although the claimant made reference to other matters in her submissions, I am proceeding on the basis of what is pled in the ET1 in respect of what information the claimant says she disclosed.
6. I am not persuaded that this information showed or tended to show any of the matters listed in s43B(1) relied on by the claimant:-
 - a. It does not show that a criminal offence is being committed and, if anything, it potentially shows the opposite,
 - b. It does not show that any legal obligations are not being met; what is said by the claimant does not identify any particular legal obligation and someone potentially misunderstanding the law does not, in itself, mean they are not meeting a legal obligation,
 - c. It does not show that a miscarriage of justice was occurring. This term relates to the administration of justice and there is no clear authority that it would cover internal disciplinary proceedings.
 - d. Nor does it show that health and safety is being endangered. The claimant's submissions on this point are that proceeding with the disciplinary process was affecting her health and that of others but the information disclosed does not, in itself, show or tend to show this.
 - e. Finally, in respect of the concealment category, this only applies where the concealment relates to one of the other categories in s43B(1) and having found that none of those apply then this category is not relevant.
7. The information provided by the claimant to the respondent does nothing more than set out her position why she had done nothing wrong in attempting to purchase this drug. The information does not, in my view, fall into any of the categories which makes it a protected disclosure.

8. Further, I do not consider that it is likely that the claimant will show that she reasonably believed that this information was disclosed in the public interest. It was disclosed as part of the claimant's response to disciplinary allegation against her which is a private matter between her and the respondent. There is no wider public interest on the face of the information available to me; the fact that the information may be relevant to other employees facing disciplinary proceedings on a similar basis does not create a "public" interest.
9. In any event, even if the claimant was likely to show that she had made a protected disclosure, I am not persuaded that she is likely to show that this disclosure was the sole or principal reason for her dismissal for the following reasons. In making this assessment, I have borne in mind that the burden of proving the reason for dismissal lies with the claimant.
10. First, the respondent advances a number of reasons why they concluded that the claimant's conduct merited dismissal, none of which have any connection to the fact that the claimant made a protected disclosure. It is noted that many of these reasons are based on facts which are not in dispute. The claimant may feel that these reasons should not have led to her dismissal or are not valid reasons but that is not the question for the Tribunal.
11. Second, the disciplinary process commenced before the claimant made the alleged protected disclosure. Indeed, the broader process involving other employees which eventually encompassed the claimant started long before the claimant made any alleged disclosure. This is not a case where the claimant made a disclosure and then found herself facing disciplinary action. The respondent had issues with the conduct of a number of its employees including the claimant before she made any disclosure to them and it was this conduct which was the reason given for the claimant's dismissal.
12. Third, much of the claimant's submissions were focussed on issues of procedure, the respondent's reasoning and the fairness of the decision to dismiss her. None of these are directly relevant to a claim of automatic unfair dismissal; the only question in such a claim is whether the protected disclosure was the sole or main reason for dismissal. The other issues may well be relevant to an argument that the claimant's dismissal was unfair under s98 ERA but that is not relevant to an application for interim relief. Indeed, such a claim will not be relevant to the proceedings at all given that the claimant does not have the necessary service to pursue a claim of "ordinary" unfair dismissal.
13. Fourth, the claimant's case is, on the face of it, that the respondent did not give sufficient weight or consideration to the information she provided that Reta was not illegal for personal use. That is very different from being likely to show that

the sole or main reason for the claimant's dismissal was any protected disclosure.

14. For all these reasons, I do not consider that the claimant is likely to succeed in her claim for unfair dismissal under s103A ERA and so the application for interim relief is refused.

Date sent to Parties

25 June 2026
