EMPLOYMENT TRIBUNALS

Claimant: Sohab Sarfraz

Respondent: Cambridge Design Partnership Ltd

Heard at: Bury St Edmunds (in person)

On: 13 July 2026

Before: Employment Judge Graham

Representation
Claimant: Self representing
Respondent: Mr J Feeny, Counsel

JUDGMENT

1. The application for interim relief fails and is dismissed.

FULL REASONS

JUDGMENT with full reasons was given at the hearing on **13 July 2026** and written full reasons were requested at the hearing in accordance with Rule 60 of the Employment Tribunal Procedure Rules. The following written full reasons are therefore provided:

Introduction

1. By a claim form presented on 14 June 2026, the Claimant claims that he was automatically unfairly dismissed by the Respondent for making protected disclosures pursuant to section 103A of the Employment Rights Act (the “ERA”).

2. This application for interim relief was presented within seven days of the effective date of termination which was 9 June 2026.

3. The issue I had to determine in relation to this application was whether it appears to me to be likely that on determining this claim a Tribunal will be satisfied that:

3.1 There was one or more protected disclosure(s); and

3.2 That the reason or principal reason for the Claimant's dismissal, was due to having made one or more protected disclosures.

4. I made clear at the outset that I would not hear any oral evidence as this was not a fact finding hearing but would decide the application on the basis of the written documents to which I was specifically referred and also the submissions of the parties.

5. I was provided with:

    a. Claimant's bundle of documents of 16 pages.

    b. Claimant's written submissions of 4 pages.

    c. Respondents' written submissions and authorities of 160 pages. The Respondents' authorities bundle comprising *Taplin v Shippam Ltd* [1978] ICR 1068; *Raja v Secretary of State for Justice*; *Ministry of Justice v Sarfraz* [2011] IRLR 652; *Chesterton Global Ltd v Nurmohamed* [2018] ICR 731; *Kilraine v London Borough of Wandsworth* [2018] ICR 1850; *Simply Smile Manor House Ltd v Ter-Berg* [2020] ICR 570; *Steer v Stormsure [*2021] ICR 1671.

    d. Respondent's Summary Ground of Resistance of 6 July 2017 - 4 pages.

    e. Witness statement of Michael Zeitlyn dated 8 July 2026 – 8 pages.

The Law

6. By section 128(1) Employment Rights Act 1996, an employee who presents a complaint of automatic unfair dismissal pursuant to section 103A may apply to the Tribunal for interim relief.

7. Section 129 sets out the procedure to be adopted by the Tribunal before considering making such an order. Section 129(1) provides:

    "(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 100(1)(a) and (b), 101A(1)(d), 102(1), 103 or 103A…"

8. For the purposes of the Claimant's section 103(A) ERA claim, he says she made protected disclosure(s) under section 43(B)(1)(b) and (d) namely:

    "43B. Disclosures qualifying for protection

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,

…

(f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

9. The remedy is limited to a small number of claims – it does not apply to a number of other types of automatic unfair dismissal complaints nor dismissal in other guises such as discrimination - ***Steer v Stormsure Ltd* [2021] ICR 1671**.

10. A qualifying disclosure is the disclosure of information (***Kilraine v LB Wandsworth* [2018] ICR 1850**), which in the reasonable belief of the worker (a) is in the public interest and (b) tends to show one or more of six things – criminal offence, failure to comply with a legal obligation; miscarriage of justice; health and safety; environmental damage, or one of the above being deliberately concealed. The Tribunal must assess whether what was said is sufficiently clear to meet those tests.

11. The Claimant must show that he had a genuine and a reasonable belief that the disclosure was in the public interest but that does not have to be his motive – ***Chesterton Global Ltd v Nurmohamed* [2018] ICR 7311**. Here it was held that a Tribunal will need to consider all of the circumstances but useful tools might be questions such as numbers affected, the nature of interests, the nature of wrongdoing and the identity of the alleged wrongdoer. Only once a Claimant can show one or more qualifying disclosures can they then go on to argue that the reason (or the principal reason) for any dismissal was caused by that disclosure(s).

12. Interim relief can be ordered where the Tribunal finds that it is likely that a final hearing will decide that the reason (or principal reason) for dismissal was the employee having made protected disclosures. The test for interim relief applications was initially set out in the decision in the case of ***Taplin v Shippam Ltd* [1978] ICR 1068 EAT** which at paragraph 23 defined the word "likely" as a "pretty good chance of success". In ***Ministry of Justice v Sarfraz* [2011] IRLR 562** it was held at paragraph 16 that the word likely "*does not mean simply "more likely than not" — that is at least 51 per cent — but connotes a significantly higher degree of likelihood."*

13. Section 103A ERA provides that a dismissal will be automatically unfair if the reason for it, or the principal reason for it, is that the employee has made a protected disclosure.

14. The reason or principal reason for the dismissal means the employer's reason. This can be the reason of the dismissing officer, but it may be necessary to look beyond that decision. In ***Royal Mail v Jhuti*** **[2019] UKSC 55** (at paragraph 60), the Supreme Court held that where the reason for dismissal is hidden from the decision maker behind an invented reason, it is for the tribunal to look behind the invention rather than to allow it to infect its decision, and provided the invented reason belongs to a person placed in the hierarchy of responsibility above the employee, there is no difficultly attributing that person's state of mind to the employer, rather than that of the decision maker.

15. In ***Dandpat v The University of Bath and Ors*** **UKEAT/0408/09** the EAT observed that the meaning of the word likely is context specific and it sought to distinguish the meaning of that word in interim relief hearings from its use when, for example, determining whether someone is disabled. It was held at paragraph 20:

    "We do in fact see good reasons of policy for setting the test comparatively high, in the way in which this Tribunal did, in the case of applications for interim relief. If relief is granted the respondent is irretrievably prejudiced because he is obliged to treat the contract as continuing, and pay the claimant, until the conclusion of proceedings: that is not consequence that should be imposed lightly."

16. Accordingly, the standard of proof required is greater than the balance of probability test to be applied at the main hearing.

17. Clearly the exercise I must perform is a summary assessment, not a final determination. In ***Raja v Secretary of State for Justice*** **UKEAT/0364/09** it was held:

    "What a Tribunal has to do in an application for interim relief is to examine the material put before it, listen to submissions and decide whether at the final hearing on the merits "that it is likely that" that Tribunal will find that the reason or reasons for the dismissal is one or more of those listed in section 129(1). What is clear is that the Tribunal must not attempt to decide the issue as if it were a final issue: Parkins v Sodexho Ltd [2002] IRLR 109[.]" [25]

18. As was noted in ***Simply Smile Manor House Ltd v Ter-Berg*** **[2020] ICR 570**, the likely to succeed test applies to all elements of the claim.

19. The burden of proof therefore rests with the Claimant to persuade me that it is likely that the Tribunal at a final hearing will find that he made the disclosure to his employer; that he reasonably believed that they tended to show one or more of the matters within s. 43B(1) ERA 1996; he reasonably believed that the disclosures were made in the public interest; and the disclosure(s) were the principal cause of his dismissal. The EAT in ***Sarfraz*** referred to a fifth matter, which was the previous requirement for the disclosure to have been made in good faith, however this has since been removed by s. 18 Enterprise and Regulatory Reform Act 2013 and is now relevant only to the matter of compensation.

20. It is not enough to show that the Claimant could possibly win on the balance of probabilities. I need to be satisfied on the evidence before me that it is likely that each element of the 43B definition is likely to be met, and that the final Tribunal is likely to find that the principal reason for dismissal was the disclosure.

21. The EAT in ***London City Airport v Chacko* [2013] IRLR 610** at paragraph 23 of that judgment set out the approach to be followed when hearing applications for interim relief as follows:

    "In my judgment the correct starting point for this appeal is to fully appreciate the task which faces an employment judge on an application for interim relief. The application falls to be considered on a summary basis. The employment judge must do the best he can with such material as the parties are able to deploy by way of documents and argument in support of their respective cases. The employment judge is then required to make as good an assessment as he is promptly able of whether the claimant is likely to succeed in a claim for unfair dismissal based on one of the relevant grounds. The relevant statutory test is not whether the claimant is ultimately likely to succeed in his or her complaint to the Employment Tribunal but whether "it appears to the tribunal" in this case the employment judge "that it is likely". To put it in my own words, what this requires is an expeditious summary assessment by the first instance employment judge as to how the matter looks to him on the material that he has. The statutory regime thus places emphasis on how the matter appears in the swiftly convened summary hearing at first instance which must of necessity involve a far less detailed scrutiny of the respective cases of each of the parties and their evidence than will be ultimately undertaken at the full hearing of the claim."

22. In ***Wollenberg v Global Gaming Ventures (Leeds) Limited* UKEAT/0053/18/DA** the court helpfully summarised the role of the judge at hearings of this nature:

    "Such hearings are intended to be short. They are, as the cases make plain, intended to be broad assessments by an Employment Judge who cannot be expected to grapple with vast quantities of material…. no great reputational importance can be invested in the outcome of an interim hearing application. It is only a preliminary view taken by an Employment Judge in a case which will have to be in due course the subject the detailed investigation."

23. When making a decision on an interim relief application I do not make any formal findings of fact which are intended to be binding at any later stage of the proceedings. I am assessing, amongst other things, the likelihood of disputed facts being proven in the Claimant's favour at the final hearing. There is only limited material available to a judge on an interim relief application but my decision has to be based on whatever material is available.

Presidential Guidance

24. On 22 June 2026 the Presidents of the Employment Tribunals for Scotland and for England and Wales issued a Presidential Guidance on applications

for interim relief. I have taken that Guidance into account in my approach to this matter.

25. I record that at paragraph 27 the Guidance provides:

"To give effect to the summary nature of the interim relief process and to accord with the overriding objective to deal with cases fairly and justly, applications for interim relief will be listed, by default, before an Employment Judge sitting without members for a hearing by video lasting ***no more than three hours****. That allocation of time will only be extended in exceptional circumstances. It is expected to involve: one hour for the judge to read the materials provided, 30 minutes for each side to make oral submissions, and one hour for the judge to reach a decision and provide a short oral judgment with reasons."*

26. The hearing in this case was listed for 2pm. As the tribunal sitting day is usually until 4pm when the administrative staff leave for the day, that would not provide time for the matters as set out in paragraph 27. It is not possible for the hearing to take place without support staff who are responsible for making a recording of the hearing.

27. I therefore read the papers during my own time at lunchtime in order that the parties would have half an hour each and for there to be sufficient time for me to make a decision today.

Background

28. The Claimant was employed by the Respondent from 10 January 2022 until 9 June 2026. The Claimant's role was a Client Manager -THR.

29. The Claimant says that on 18 November 2025 he sent Ben Illidge the Head of THR, a Teams message concerning BAT project Horizon. The Claimant says that he disclosed, among other matters, that:

a. projected contractor costs exceeded approximately 80% of the project budget while less than one-third of the project was complete;

b. work funded by Reynolds (RAI Services) project Trailblazer appeared to have been duplicated, reused or only slightly modified for BAT project Horizon; and

c. there were serious concerns about contractor cost, value for money, client-funded work, intellectual property, contractual integrity and governance.

30. The Claimant says that the disclosure conveyed specific factual information and that he reasonably believed that it tended to show legal, contractual or governance failures and was in the public interest because it concerned substantial client expenditure, client-funded work and wider financial and reputational risks to affected clients, the Respondent and its employee-owner body. The Claimant says that belief was informed by the known workplace context that all three contractors had pre-existing personal or professional associations with Simon Rucker (Deputy Head – THR),

reinforcing the need for independent scrutiny of their engagement and value for money.

31. The Claimant says that on 1 December 2025 he raised the substance of those concerns with Jenna Blood (Head of People Experience) and was told that contractor use was being looked into.

32. The Claimant says that on or around 11 March 2026, he made a third disclosure concerning more than £50,000 of further contractor expenditure and associated financial and governance concerns. The Claimant says that a subsequent written record assigned David Lewis, the Sales Director, an action to arrange a separate contractor discussion, but no such discussion took place.

33. I have been referred to a chronology by the Claimant where he says that in early February he was placed on a PIP and was proposed a settlement or exit; he then raised a formal grievance which was rejected in April, and at the end of April he was issued a PIP stage 1 warning; he then filed an ET1 on 30 April 2026 for detriment; and on 5 May 2026 a consumer restructure was announced; an don 9 June 2026 he was told in an approximately seven-minute meeting that he had not been appointed to any of the permanent roles he applied for and was dismissed immediately with payment in lieu of notice.

34. The Claimant also tells me he had prior sight of some financial year 2027 planning material or forecasts which he says were based on him leaving his role or around April 2026 before consultations even began, and he also challenges the integrity of the interview scoring process for the roles he had applied for and he refers to missing notes and incomplete scores; an unclear moderation process; and uncertainty as to who decided final scores. The Claimant was already pursuing a whistleblowing detriment claim before he was dismissed.

35. The Claimant appears to accept that there was a genuine diminution in work and a genuine redundancy situation in principle at least.

36. The Respondent does not accept that the Claimant made protected disclosures in the first place and it argues that the disclosures fail to continue sufficient factual content to amount to a disclosure of information; and it says he is unlikely to show that he had a reasonable belief that they were a disclosure in the public interest.

37. The Respondent says that the Claimant does not have a pretty good chance of showing causation and it argues that there was a genuine restructuring exercise impacting many employees not just the Claimant; the Claimant's old role was redundant; competitive interviews were held for the replacement roles supported by interview scoring and a business reorganisation; only half of the Claimant's team found positions in the new structure; and the dismissal was solely because the Claimant was not successfully appointed to any of those roles. The Respondent says that whereas the disclosure or disclosures were made to Mr Illidge, the consultation process and interviews were carried out by different people – Mr Zeitlyn who was not even employed at the time of the first disclosure, as well as Mr Tipton.

38. Put simply the Respondent says that there is a lack of any connection between the alleged protected disclosures and the Claimant's dismissal as part of a redundancy process carried out in good faith.

Conclusion

39. In coming to my decision, I must take an impressionistic view of the documentary evidence before me, noting that no oral evidence has been given on oath or tested by cross examination. I have therefore carried out a summary assessment of the material before me to form a view as to whether the Claimant is likely to succeed in his claim.

40. I shall focus my attention on the first alleged disclosure 18 November 2025 where the Claimant references the use of the budget and client costs and the alleged reuse of work and value for money. This appeared to me to be the clearest and strongest of the three alleged protected disclosures as well as the first in time.

41. With respect to the case of ***Kilraine***, it appears to me that the Claimant has a pretty good chance of showing at a final hearing that he made at least one disclosure of information which he believed tended to show a breach of a legal obligation, namely a commercial contract.

42. With respect to the case of ***Chesterton,*** it also appears to me that the Claimant has a pretty good chance of showing that he believed that this was in the public interest, however the decision as to whether this was a reasonable belief on his part is more finely balanced. I consider it is possible that he will persuade a tribunal at a final hearing that he reasonably believed that it was a disclosure in the public interest, however I am not persuaded that it is likely that he will do so.

43. The prospects seem to me to be a little lower than that given the apparent lack of connection with the wider public in what appears to me to be a private contractual matter. It is not for the Tribunal to decide what is in the public interest, it is a matter for the Claimant to persuade the Tribunal at the final hearing on the balance of probabilities which is a far easier and lower threshold than I have to deal with today. Mr Feeny says that the public interest element is not clear cut, and I agree with him. At best it is finely balanced, but nevertheless I am prepared to assume in the claimant's favour for present purposes that the first disclosure of 18 November 2025 was a protected disclosure.

44. I shall leave that to one side as the greater difficulty for the Claimant relates to causation generally and also unpicking the restructure. The alleged disclosures were made to Mr Illidge at a time when Mr Zeitlyn did not even work for the Respondent. Mr Illidge is accused separately of whistleblowing detriment, whereas it is Mr Zeitlyn who was ultimately responsible for the eventual dismissal and Mr Tipton was involved.

45. There were 12 people in scope for redundancy of which 6 or 50%, including the Claimant were unsuccessful. Mr Ilidge is one of those whose job was in scope. Whereas it seems likely to me that Mr Zeitlyn will be shown to have known about the subject matter of the alleged disclosure(s) prior to

the decision to dismiss, I am less persuaded that it is likely that it will be shown at a final hearing that was the reason or the principal reason on his mind when he took the redundancy decisions he did. The evidence does not presently support such a conclusion, at least not to the level that it needs to be at a hearing of this nature.

46. Clearly the Claimant had ongoing whistleblowing detriment proceedings at that time, and the dismissal soon followed the alleged disclosures, however a mere coincidence in timing without more is not enough with respect to showing causation.

47. The other difficulty for the Claimant is the fate of the other five people in addition to him whom it appears also are being made redundant in what the Claimant appears to accept was a genuine diminution in work and a genuine redundancy exercise. It is hard therefore at this very early stage to say that is some how irrelevant and that the real reason or the principal reason for dismissal was one or more protected disclosures. The Claimant's reliance on ***Jhuti*** would therefore appear to be misconceived given his apparent acceptance of the genuine redundancy situation, whereas in that case there had been an invented reason which lay at the crux of that matter.

48. The Claimant's attack on or criticisms of the interview scoring matrix does not assist me at all, there is nothing before me at this stage to suggest there was anything untoward with that scoring.

49. The Claimant places considerable weight on a redacted planning spreadsheet for the 2027 financial year which suggested his departure and that of a colleague. This document may prove to be a critical piece of evidence when it come to the fairness of the dismissal at a final hearing, or it may amount to a red herring. We simply do not know enough about it, not when it was produced or by who. It is a factor I took into account but for the purposes of this hearing it may undermine the Claimant's application as much as it may support it.

50. After taking all of these factors into account, and even assuming the Claimant is able to show a reasonable belief in the public interest at the time of making his disclosure, I am not persuaded that it is likely that the Claimant will show that any or all of the disclosures, were the reason or the principal reason for his dismissal. The Claimant may be able to do so on the balance of probabilities, but he falls far short of the threshold needed for a hearing of this nature.

51. I dismiss the application.

Approved by:

Employment Judge Graham
13 July 2026

SENT TO THE PARTIES ON

17 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/