



EMPLOYMENT TRIBUNALS

Claimant: Mrs C Rama

First Respondent: Teeside Healthcare Ltd -
Churchview Nursing and
Residential Home

Second Respondent: Bharathi Panjadka

Heard at: Newcastle Employment Tribunal
(by CVP)

On: 12 March 2026

Before: Employment Judge Childe

REPRESENTATION:

Claimant: In person
Respondent: Mrs Lennon (Registered Nurse)

PRELIMINARY HEARING IN PUBLIC REASONS

Summary of the case and Introduction

1. On 9 July 2025 the claimant presented a claim form to the tribunal in which she brought claims of detriment because she made a protected disclosure, race discrimination and unlawful deduction from wages.
2. The respondents did not present a response to the claim within the time permitted.
3. The claimant was subsequently summarily dismissed on 26 January 2026.
4. On 28 January 2026 the claimant filed an application to amend her claim. Within this application the claimant made an application for interim relief by applying to add a complaint of unfair dismissal by way of amendment of existing proceedings (as opposed to presenting a new claim form to the tribunal containing the relevant unfair dismissal complaint).
5. The claimant's amendment was granted on 25 February 2026 by the tribunal.
6. This is a case in which the claimant, an administrator in a care home, made protected disclosures orally and by email to the respondent about unsafe practices in the care home.
7. Three days after making the protected disclosure by email, the claimant herself was subjected to a disciplinary process, suspended for over twelve months and finally dismissed at a disciplinary hearing which lasted less than five minutes.
8. I had access to a tribunal bundle from the claimant which ran to 157 pages. I was provided with a witness statement from the claimant. We agreed that I would read the witness statement and take it at face value but not hear any witness evidence or test the evidence.

9. I had the benefit of oral submissions from the parties.
10. I gave my decision orally on the day and sent the judgment to the parties afterwards.
11. The claimant then made a request for written reasons.

Issues in this case

12. This preliminary hearing was set down to decide:

- a. whether the claimant's application for interim relief has been validly made.
- b. if the application is validly made, decide the interim relief application.

13. When deciding the interim relief application I had to decide:

- c. whether the application succeeds;

if so:

- d. whether to order that the claimant is reinstated or re-engaged in their employment; and
- e. if not, whether to order the continuation of the contract until the final determination of the claim.

Relevant Law

14. The relevant parts of section 128 Employment Rights Act 1996 ("ERA") provide:

(1) An employee who presents a complaint to an employment tribunal that he has been unfairly dismissed and—

(a) that the reason (or if more than one the principal reason) for the dismissal is one of those specified in—

(i) section ... 103A, ...

...

may apply to the tribunal for interim relief.

(2) The tribunal shall not entertain an application for interim relief unless it is presented to the tribunal before the end of the period of seven days immediately following the effective date of termination (whether before, on or after that date).

(3) The tribunal shall determine the application for interim relief as soon as practicable after receiving the application.

...

15. Section 103A ERA 1996 provides:

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.

Relief

16. The relevant parts of s.129 ERA 1996 provide:

a. (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—

1. (i) section ... 103A

(2) The tribunal shall announce its findings and explain to both parties (if present)—

(a) what powers the tribunal may exercise on the application, and (b) in what circumstances it will exercise them.

(3) The tribunal shall ask the employer (if present) whether he is willing, pending the determination or settlement of the complaint—

(a) to reinstate the employee (that is, to treat him in all respects as if he had not been dismissed), or (b) if not, to re-engage him in another job on terms and conditions not less favourable than those which would have been applicable to him if he had not been dismissed.

(4) For the purposes of subsection (3)(b) “terms and conditions not less favourable than those which would have been applicable to him if he had not been dismissed” means, as regards seniority, pension rights and other similar rights, that the period prior to the dismissal should be regarded as continuous with his employment following the dismissal.

(5) If the employer states that he is willing to reinstate the employee, the tribunal shall make an order to that effect.

(6) If the employer—

(a) states that he is willing to re-engage the employee in another job, and
(b) specifies the terms and conditions on which he is willing to do so,
the tribunal shall ask the employee whether he is willing to accept the job on those terms and conditions.

(7) If the employee is willing to accept the job on those terms and conditions, the tribunal shall make an order to that effect.

(8) If the employee is not willing to accept the job on those terms and conditions—

(a) where the tribunal is of the opinion that the refusal is reasonable, the tribunal shall make an order for the continuation of his contract of employment, and (b) otherwise, the tribunal shall make no order.

(9) If on the hearing of an application for interim relief the employer—

(a) ...

(b) states that he is unwilling either to reinstate or re-engage the employee as mentioned in subsection (3), the tribunal shall make an order for the continuation of the employee's contract of employment.

Relevant Authorities

17. The following authorities are relevant in this case.

Whether it is likely that reason for dismissal was an automatically unfair one

18. The industrial tribunal should ask themselves whether the applicant has established that he has a “pretty good” chance of succeeding in the final application to the tribunal. “Likely” means more than “probable” and “probable” means “51 per cent or more” (**Taplin v. C Shippam Ltd.** [1978] ICR 1068).

19. Further guidance was provided in **Ministry of Justice v. Sarfraz** [2011] IRLR 562 at [16]: “likely” does not mean simply “more likely than not” — that is at least 51 per cent — but connotes a significantly higher degree of likelihood.

20. Where interim relief is sought in relation to a dismissal under s.103A, the claimant must show that it is likely that the tribunal will find that:

(1) They made one or more disclosures to the employer;

(2) The disclosure(s) (and in the case of more than one, each) met the requirements of specificity and precision identified in *Kilraine*;

(3) They believed that:

(a) The disclosure tended to show one or more of the wrongs in s.43B(1); and

(b) The disclosure was in the public interest;

(4) Those beliefs were reasonable;

(5) The disclosure was the sole or principal cause of the dismissal

(**Al Qasimi v. Robinson EAT/0283/17** at [11]-[15]).

21. “what [determination of the application] 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” (**London City Airport Ltd. v. Chacko** [2013] IRLR 610 at [23]).

Analysis and conclusion

22. I have decided that the claimant’s successful application to amend their claim, made on 28 January 2026, to include a claim of automatic unfair dismissal due to whistleblowing, which included an application for interim relief, was the claimant presenting a valid complaint to the tribunal for interim relief in accordance with section 128 ERA.
23. I have not been referred to any case law on the definition of *presenting a complaint* to the tribunal, for the purposes of section 128 ERA.
24. The respondents did not advance any reason why the claimant’s interim relief claim was not validly presented for the purposes of section 128 ERA.
25. In the circumstances, I consider that it is a natural reading of the legislation to interpret the meaning of *presenting a complaint* under section 128 ERA, to include successfully applying to amend an existing whistleblowing complaint to include a

claim of automatic unfair dismissal due to whistleblowing, which included an application for interim relief. Otherwise, the claimant would be deprived of an important remedy under the whistleblowing legislation, because rather than presenting a fresh claim in an ET1, she made an application to amend an existing whistleblowing claim, to include a complaint of a claim of automatic unfair dismissal due to whistleblowing, which included an application for interim relief. This would not, in my judgment, be in accordance with natural justice or what parliament intended when drafting section 128 ERA.

26. As I have found that application to amend was made by the claimant within seven days of the termination of her employment, it was therefore made within the relevant period set out in section 128 (2) ERA, regardless of the date the application was actually granted.
27. The interim relief application is therefore validly presented.
28. I've identified the legal test that I must follow in determining the claimant's application for interim relief. The issue for me to determine is, having heard the claimant's application, whether it appears to me that it is likely the tribunal hearing this case at final hearing will find that reason or principal reason for the claimant's dismissal was that she raised a protected disclosure.
29. It is agreed by the respondents that:
 1. The claimant raised a protected disclosure by e-mail on 25 February 2025 to the first respondent's management.
 2. Days later, on 28 February 2025, the claimant was suspended for various reasons.

3. The claimant remained on suspension for a year.
 4. The claimant's disciplinary hearing lasted 4 minutes and 59 seconds. No notes of the meeting were produced, and the claimant did not attend an investigation prior to the decision to dismiss.
30. The claimant says she raised the protected disclosures set out in her e-mail on 25 February 2025 orally with the respondents.
31. I have concluded that the claimant has a pretty good chance of establishing that she was dismissed because she raised a protected disclosure on 25 February 2025 by email and orally with the respondents, for the following reasons:
1. The respondents have not produced any documentary or witness evidence to support an argument that the claimant's dismissal was fair or was for a reason not connected to the protected disclosure.
 2. The respondents' suggestion that one of the recipients of the protected disclosure e-mail on 25 February 2025 did not read that email at the time, fails to address the fact that the email was sent to multiple recipients to that email and was also raised orally with the respondents. It is likely the tribunal will find that the respondents did read the protected disclosure e-mail on 25 February 2025 at the time and that the same protected disclosures were made orally to the respondent at the time.
 3. The speed within which the claimant was suspended, after the protected disclosures were raised, raises the strong inference that the reason for suspension was the protected disclosures.

4. The fact that the first respondent waited a year before inviting the claimant to a disciplinary hearing, did not carry out an investigation with the claimant prior to the disciplinary hearing and the fact that the disciplinary hearing itself lasted less than 5 minutes, all raise the strong inference that the allegations against the claimant were not the real reason for the dismissal, rather it was the protected disclosure.
32. The first respondent said they were not prepared to reinstate the claimant to her previous role.
33. After some discussion about different options, the claimant agreed to the first respondent's offer to be reengaged in the same role as before and on the same terms and conditions, at the first respondent's Cherrytree care home.
34. I therefore made the appropriate Order, which was set out in my judgment.

**Employment Judge Childe
25 March 2026**