



EMPLOYMENT TRIBUNALS

Claimant

Lalchand Luhana

v

Respondent

Leeds Trinity University

Heard at: Sheffield (by video link)

On: 2 July 2026

Before: Employment Judge James

Representation

For the Claimant: Ms L Redman, counsel

For the Respondent: Mr A Edge, counsel

SUMMARY WRITTEN REASONS

1. The interim relief application hearing took place on 2 July 2026. Summary reasons were given verbally at the conclusion of the hearing. A short judgment confirming the decision was prepared the same day and sent to the parties on 15 July.
2. A request for full written reasons was made on 28 July. The effect of Rules 60(4B) and (4E) is that where summary reasons are provided, a party can only request written summary reasons; although the tribunal can choose to provide full written reasons instead.
3. Judge James considers it proportionate to provide summary written reasons in this case. Full written reasons would simply provide more of the background, and more of the relevant legal principles. In relation to the latter, there was no material dispute between the parties. The legal test to be applied by the tribunal to an interim relief application is well known amongst employment lawyers and it is that test which has been applied in this case. In a nutshell, to succeed in an application for interim relief, a claimant must be able to show that he/she has a 'pretty good chance' of succeeding at the final hearing in proving that the reason or principal reason for the dismissal was that the claimant made one or more protected disclosures (see e.g. *Taplin v C Shippam* [1978] ICR 1068). That necessarily engages the question as to whether or not the claimant has a pretty good chance of succeeding in ensuring that he/she made protected disclosures in the first place.

4. Judge James hopes that given the current pressures on the tribunal system, these summary written reasons will be sufficient for the claimant's legal representatives to advise whether or not an appeal is appropriate; and that full written reasons will only be requested, if it is considered that an appeal is likely to succeed because these summary written reasons show an error of law. A request for full written reasons will not lead to any material change in the reasoning set out here. They will simply include, as noted above, more of the background and more of the relevant legal principles.
5. In arriving at this decision, paragraphs 38 to 41 of the recent Presidential Guidance on Interim Relief Applications have been considered and applied. These state:

38. First, to have a pretty good chance of showing that one or more disclosures are protected, the claimant must have a pretty good chance of showing that: (a) they disclosed information, not simply a bare allegation; (b) they reasonably believed that the information tended to show one of the types of wrongdoing identified in section 43B(1) ERA, and (c) they reasonably believed that the disclosure was made in the public interest because it affected other people, not just the claimant personally.

39. Second, the claimant will need to show that there is a pretty good chance the tribunal will find that the protected disclosure caused the dismissal. The employer usually disputes this. If an employer identifies an apparently good reason for dismissing the claimant that is unrelated to a protected disclosure, this is usually something the tribunal will need to decide at the final hearing on the basis of full evidence. It is difficult to see how the claimant will show that they have a pretty good chance of success, unless they have clear evidence that this was not the real reason.

40. Third, the more hurdles the claimant faces in order to succeed with the claim, the more difficult it will be to persuade the tribunal that there is a pretty good chance of success. For example, a dispute about employment status, or a dispute about whether the claimant's resignation should be construed as a dismissal, will make it even less likely that interim relief will be granted.

41. Fourth, cases which are complex because they rely on a large number of disclosures may make it more difficult for a claimant to succeed because there may be no clear link between any specific disclosures and the decision to dismiss. In contrast, those cases which are strong and which have a pretty good chance of success are generally easily identified and explained. [Tribunal's highlighting]

The Protected Disclosures

6. The claimant alleges that he made numerous protected disclosures. These included that the respondent was failing to properly assess whether overseas students should be admitted to courses; and subsequently, issues concerning assessments of those students. Significantly, the Office for Students (OFS) partially upheld a complaint in relation to the former, leading to a not insignificant fine. It is the claimant's case that the same issues continued to arise following the OFS's findings.

7. The claimant alleges he made 17 protected disclosures. All of them appear to be made to his employer, one of the six matters he needs to prove in relation to each of the 17 protected disclosures. There are still however five other matters which the claimant will need to prove in relation to the alleged protected disclosures, in order for the tribunal to conclude that one or more of them were indeed protected disclosures within the meaning of the relevant sections of the Employment Rights Act 1996.
8. These are that the claimant must show: (1) that he disclosed information (as opposed to making 'mere allegations'); (2) that the disclosures of information were in the public interest and (3) that he reasonably believed that; (4) that he believed that the information disclosed tended to show a breach of a legal obligation and or commission of a criminal offence and (5) that belief was reasonable. That involves 85 different questions being answered and the claimant being able to show that he has a 'pretty good chance' in relation to each of those. It is not realistic, in the time available, to consider those questions in relation to each of the alleged disclosures of information, particularly where, because of the failure on the part of the claimant to provide documents in support, in line with the tribunal's orders of 17 June 2026, none of the specific disclosures of information are ascertainable from the documents.
9. However, in fairness to the claimant, and taking a high level approach, I conclude the claimant is likely to succeed in demonstrating that at least some of the disclosures of information he made amounted to protected disclosures, in that they did not just concern him personally, but involved issues of wider public interest; and that he reasonably believed that the information disclosed showed a breach of a legal obligation. The fine by the OFS strongly supports the claimant's allegation that one or more legal obligations were breached.
10. However, all I am saying in making that observation, is that in light of the sheer number of alleged disclosures, I am able to conclude that the claimant has a pretty good chance of succeeding in showing that at least some of them amount to protected disclosures. However, it is not possible to determine, given the summary nature of this application, exactly which of the disclosures.
11. As an aside, the claimant is requested to consider stream-lining the number of protected disclosures he seeks to rely on, in the interests of creating a more focussed list of issues in due course during case management.

The causation issue

12. The difficulty the foregoing creates for the claimant, which is one of the matters highlighted in the recent presidential guidance at #41 (see above), is that the more protected disclosures a person raises, the more difficult it may be for a claimant to establish a causal relationship between the dismissal and any of those disclosures in particular. This is precisely the difficulty for the claimant in relation to this specific application; namely, showing which of the alleged disclosures of information were the cause of his dismissal, if any.
13. On behalf of the respondent, Mr Edge argues at paragraph 3 of his skeleton argument in relation the causation issue:

As set out in the witness statement of Alison Scott (the chair of the hearing panel), the Claimant was dismissed because [#3] [110]:

3.1. colleagues raised serious concerns regarding his behaviour;

3.2. the Claimant was failing / refusing to comply with reasonable management instructions / the Respondent's procedures; and

3.3. the Claimant had become entirely unmanageable. In the last 3 years of his employment, he had raised at least 11 grievances against:

i. every member of the Respondent's staff that acted as his line manager between 2023 and 2026 - including repeated grievances against Mark Fogarty, Sally Margerison, Claire Newhouse and Paul Marchbank; and

ii. Paula Reynier (the Respondent's Head of Apprentices).

14. The respondent says the claimant thereby demonstrated he was unmanageable and nothing he said at the disciplinary hearing convinced the respondent that he had any (or any sufficient) insight into the alleged difficulties created by his behaviour.

15. This is further supported, the respondent says, by the evidence before the respondent of the effect of the Claimant's conduct on those around him, which was significant. These are set out at #3.5 of the respondent's skeleton argument:

3.5.1. The Claimant's College Liaison Tutor (who reported to him) requested to be moved to another manager in June 2024, having raised concerns regarding his behaviour;

3.5.2. Paul Marchbank (the Claimant's final line manager) became unwell as a result of the Claimant's conduct (including the repeated grievances being raised against him) which exacerbated an underlying condition, requiring Mr Marchbank to take time sick leave; and

3.5.3. During the course of October 2025, two of the Claimant's colleagues (Mojisayo Abimbola and Ted Sarmiento) raised significant further concerns regarding the Claimant's behaviour.

16. The respondent's case is therefore that the sole or principal reason for the Claimant's dismissal, was not that he had made any protected disclosures; but that, over a significant period of time, he had behaved in a manner which eroded, and then destroyed, trust and confidence.

17. I do of course appreciate that when this reaches a final hearing, the tribunal will need to take great care when determining whether the matters relied on by the dismissal panel were in reality the protected disclosures made by the claimant; or matters which are properly separable from them. What I have to be satisfied at this stage however, is that the claimant 'has a pretty good chance' of succeeding in his argument that the matters relied on by the dismissing panel are not properly separable.

18. My conclusion at this stage, on the basis of a summary assessment of the issues, is that it is reasonably arguable that the matters just referred to, in relation to the effect of the claimant's general conduct on his line manager and three colleagues, are potentially separable from the protected disclosures. The corollary of that conclusion is that I cannot be satisfied that the claimant has a pretty good chance of showing at trial that it was any protected disclosures themselves, rather than matters which are properly separable from them, which were the reason or principal reason for his dismissal.

19. In reaching these conclusions, I have taken into account the guidance contained in paragraphs 52 to 59 of the EWCA's decision in Kong v Gulf International Bank (UK) Ltd, [2022] ICR 1513.

20. It is further argued on behalf of the respondent at #32:

Accordingly, the situation is precisely that envisaged by paragraph 39 of the Guidance (see paragraph 15.1 above). The Tribunal has before it two inconsistent case theories. The only way the Claimant's case can be determined is by the making of findings of fact with the benefit of testing the party's live evidence. In the absence of that – there is no basis for the Tribunal to hold that Claimant's case is 'likely' to succeed.

I agree with that submission.

21. In arriving at the above conclusion on the application for interim relief, I have concentrated purely on the legal test to be applied in such applications, as identified in cases such as Taplin. Mr Edge also sought to persuade me to refuse the application on the basis that if an interim relief application was granted, but the claimant failed to succeed in his claims at the final hearing, the respondent could be faced with having to pay the claimant's wages for years, before the case was determined. In fact, the Leeds Tribunal can list cases much more quickly than for example, hearing centres in London; although paying wages for a year would still be unfortunate for a respondent. However, I would not have been deterred from making an order for interim relief, if I considered that the legal test was satisfied, just because that might be the effect. Rather, it appears to me that Parliament has set the test for interim relief at a relatively high level, because that would be the result; and that is why in practice, the granting of interim relief tends to be exceptional.

Employment Judge James
North East Region

Dated 21 August 2026

Notes

Summary written reasons for the judgment having been given above, and orally at the hearing, full written reasons will not be provided unless a request is made by either party within 14 days of the sending of these summary written reasons.

Public access to employment tribunal decisions

All judgments (apart from those under rule 52) and any written 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.