



EMPLOYMENT TRIBUNALS

Claimant: Ms A Leighton

Respondent: Weavabel Group Limited

24 September 2025

Before: Employment Judge Shepherd

Appearances:

For the Claimant: In person

For the Respondent: Mr Price, counsel

JUDGMENT ON THE CLAIMANT'S APPLICATION FOR INTERIM RELIEF

The claimant's application for interim relief is refused.

REASONS

1. The claimant represented herself and the respondent was represented by Mr Price.
2. I was provided with a combined bundle of documents which the respondent had recently submitted consisting of 153 pages. The claimant had received documents electronically but did not have printed copies. Where the claimant did not have immediate access to the documents this was dealt with by Mr Price sharing a screenshot. I considered those documents to which I was referred by the parties.
3. This was an application by the claimant for an order for interim relief on the basis of a claim for a dismissal under section 103A of the Employment Rights Act 1996 by reason of making a protected disclosure within the meaning of section 43B.
4. The claim there was an ongoing claim and the claimant applied to amend her claim. I had allowed that amendment.

5. I have to decide whether it appears to me likely that, on determining the complaint, the claimant will succeed in establishing that the reason (or if more than one the principal reason) for the dismissal was on grounds related to making a protected disclosure under section 103A.

6. The requirement is to decide whether it is likely that the claimant will succeed at a full hearing of the unfair dismissal complaint pursuant to section 103A does not require me to make any findings of fact and I must make the decision as to the likelihood of the claimant's success at the full hearing on the material before me.

8. I have considered the claim form, grounds of complaint and application to amend. I Have also considered the documents to which I was referred by the parties and the submissions from the claimant and Mr Price.

9. The claimant was dismissed on 20 October 2025. There was a detailed letter of dismissal setting out performance and capability issues.

10. The respondent does not accept that the claimant has made a qualifying disclosure in the public interest and that, although there was correspondence from the Information Commissioners office, there was no evidence of the actual disclosure the claimant alleges was made.

11. The basic task I have to decide is to make a broad summary assessment on the material available doing the best I can with the untested evidence from both parties to enable me to make a prediction about what is likely to happen at the eventual hearing before a full Tribunal.

12. When considering the "likelihood" of the claimant succeeding at the Tribunal, the test to be applied is whether he has a "pretty good chance of success". In the case of ***Taplin v C Shipham Ltd 1978 ICR 1068*** the EAT expressly ruled out possible alternative tests such as "a real possibility" or "reasonable prospect" of success. The burden of proof in an interim relief application is intended to be greater than that at the full Tribunal where the Tribunal need only be satisfied on the balance of probabilities that the claimant has made out his case.

13. The respondent has not yet presented a response to the claim of unfair dismissal pursuant to section 103A. It was not appropriate for me to hear detailed oral evidence and for the witnesses to be subjected to detailed cross examination. The alleged protected disclosure was made to the Information Commissioners Office

16. There are clear factual disputes over whether there was a qualifying disclosure and, if so, whether it was in the public interest. Also, the reason for the dismissal.

17. Considering all the material before me and the submissions made by the claimant and Mr Price, I am unable to conclude that, at the final hearing on the merits it is likely that the Tribunal will find that the reason for dismissal was the claimant had made a protected disclosure.

18. The claimant may succeed in establishing that the reason for her dismissal was that she had made a protected disclosure but I cannot conclude that this result is “pretty likely” to be the outcome at the final hearing on the merits.

19. There is a clear factual dispute about the reason for dismissal and It will need to be shown that the reason given by the respondent was not true and that the sole or principal reason was that the claimant had made a protected disclosure. That can only be shown by consideration of all the evidence at the substantive hearing.

20. The claimant may believe that her dismissal was for the reason or the principal reason of her alleged protected disclosure. She may succeed at the substantive hearing but there is nothing within the material available to me that would enable me to conclude that it is pretty likely that the claim of dismissal by reason or principal reason of her alleged protected disclosure will succeed. There are a substantial number of disputes about factual issues that will need to be determined by the Tribunal at the full hearing.

21. In all the circumstances, the claimant’s application for interim relief is refused.

Employment Judge Shepherd

10 July 2026

Sent to the parties on: