



EMPLOYMENT TRIBUNALS

Claimant Mr Terry Bridgwater
Respondent Brighton and Hove City Council
Heard at Croydon (by video) **On** 17 September 2026
Before Employment Judge Eoin Fowell
Appearances
Claimant In Person
Respondent James Arnold of counsel

JUDGMENT ON A PRELIMINARY ISSUE

The application for interim relief is dismissed.

REASONS

Introduction

1. These written reasons are provided at the request of the respondent following oral reasons given earlier today. As usual some editing has taken place for the sake of clarity, and here and there some points are expanded, so these written reasons shall stand as the final version.
2. Both sides have provided detailed written submissions, accurately identifying the relevant test for the grant of “interim relief,” but very briefly the relevant provisions are at sections 128 and 129 of the Employment Rights Act 1996. Section 128 states that an application can succeed where it is ‘likely’ that the Tribunal will ultimately find in favour of the employee.
3. The Employment Appeal Tribunal decided in the case of **Taplin v C, Shippam Limited** [1978] ICR 1068 that this meant that the claim needed a ‘pretty good chance’ of success. In **Ministry of Justice v Sarfraz** 2011 IRLR 562, EAT. There, Mr Justice Underhill held that ‘likely’ does not mean simply ‘more likely than not’ but connotes a ‘significantly higher degree of likelihood,’ i.e. ‘something nearer to certainty than mere probability.’

4. Most recently in **Duffy v BXTR 3 Ltd t/a House of Gods** [2026] EAT 119 the Employment Appeal Tribunal endorsed the fact that there was a high bar and stated

Paragraph 39 of the Employment Tribunal Presidential Guidance is clearly correct when it states that:

“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.”

5. That case emphasised that it is not enough simply to identify an alternative explanation from the employer, there also needed to be “an expeditious, summary assessment of the issues.” It may be that the respondent’s explanation does not survive even that much scrutiny.

The appropriate test and approach

6. That is in keeping with earlier guidance in **Al Qasimi v Robinson** EAT 0283/17 where Her Honour Judge Eady QC explained that the task of an Employment Judge is:

‘very much an impressionistic one: to form a view as to how the matter looked, as to whether the claimant had a pretty good chance and was likely to make out her case, and to explain the conclusion reached on that basis; not in an over-formulistic way but giving the essential gist of his reasoning.’

The respondent’s case

7. I will start with the respondent’s position. Events began on 20 August 2025 when a handwritten note was found in Mr Bridgwater’s locker making reference to a bomb. There had, it appears, been a spate of letters threatening bomb attacks against Council employees and so the finger of suspicion now pointed at Mr Bridgwater as the author of these letters.
8. Then, on 15 September 2025, he informed his line manager of a burglary at his mother-in-law’s house that weekend.
9. A month later on 15 October 2025 he had to report that he had been arrested on suspicion of rape and coercive control. At that point he was suspended, at least in part out of concern for his mental health.
10. A month after that, on 18 November 2025, he was arrested. There were a number of charges. One was suspicion of perverting the course of justice in relation to the bomb threats - which had been dubbed Operation Senate. Evidence of these letters have been found on his work computer and at his home.

11. Another suspected offence was of arson with intent to endanger life. Another was perverting the course of justice in respect to dishonesty to the police during an earlier investigation. And the final charge was on suspicion of the burglary of his mother-in-law's property.
12. Mr Bridgwater did not inform his employers of these arrests. When they came to light he was (again) suspended, on 3 December 2025. A few days later he was signed off sick.
13. During December he began to raise concerns about his treatment and the process being followed. A grievance was submitted on his behalf by solicitors.
14. But in the New Year things took a further serious turn. On 3 January he was involved in a police chase for which he was subsequently charged, and pleaded guilty to, dangerous driving. He was given a suspended sentence. The incident itself was reported in the local news but again he failed to inform the Council about his arrest or conviction.
15. For reasons which are unclear to me there was a change in investigating manager at this time, and Ms Natasha Watson took over on 13 April. A few days later on 16 April Mr Bridgwater submitted his first claim form, alleging unfair dismissal, disability discrimination and claiming to be a whistleblower. The unfair dismissal claim was clearly premature since he had not been dismissed or been given notice.
16. A few days after that, on 22 April 2026, he submitted the protected disclosure on which he mainly relies for today's proceedings. It was a form completed by his wife and sent to the Councils dedicated whistleblowing inbox. Within the box headed *What are your concerns/What you want to report?* it states that he had submitted multiple formal disclosures since December 2025, including a solicitor issue grievance, a safeguarding related escalation and a formal harassment/monitoring officer complaint, none of which have been acknowledged or progressed.
17. In the further information section it added that his disclosures raised serious concerns about procedural handling, repeated changes of investigator, and inappropriate circulation of sensitive information.
18. The desired outcome was that the Council immediately pause all investigatory or disciplinary activity until an independent review was completed and reasonable adjustments were in place. He also wanted the removal of Ms Watson, the new investigating officer, and her predecessor.
19. These concerns are not very focussed or concrete and appear to relate solely to his personal circumstances. Suffice to say that there is a real issue here about whether this was a protected disclosure and if so whether it was made in the public interest.
20. The response to that submission was provided by Ms Elizabeth Culbert, Director of Governance and Law, and her position was that the points outlined in the email should be raised as part of the disciplinary process and considered by the

investigating manager. She quoted the Council's grievance procedure. There is nothing hostile about that response of anything to suggest that it was a sensitive matter.

21. In due course an investigation report was prepared by Ms Watson in early August and then a disciplinary hearing was held on 19 August 2026, before Mr Chris Wales. His outcome letter, dismissing Mr Bridgwater, was sent out on 25 August, and this claim followed the next day.
22. The respondent's case in a nutshell is that these were very serious matters and were well underway before any alleged disclosure. Hence there was no basis to assume that the Council's approach changed at all when it was received or that they would not otherwise have decided to dismiss.

The claimant's case

23. Mr Bridgwater has set out his position in a very focused written submission over three pages. As a general observation he has perhaps approached the matter is though the standard of procedural fairness and weight of evidence required is the same as or similar to criminal case, so where there are any flaws in the Council's approach the alternative explanation should be preferred.
24. That is not the true position. In any complaint of unfair dismissal it is sufficient for the employer to have an honest belief based on reasonable grounds that the employee was guilty of the offence in question, having conducted as much investigation as was reasonable in the circumstances, where dismissal was reasonably open to them i.e. within what is known as the range of reasonable responses. What matters most for these purposes is not whether they were justified in treating Mr Bridgwater's various police matters are serious enough to dismiss, but whether those concerns were the main driver behind those disciplinary proceedings.
25. Mr Bridgwater relies squarely on his protected disclosure made on 22 April 2026 which I have already described. He goes on to referred to the response to his first tribunal claim. The grounds of resistance are paragraph 14 alleged that he had been "vehemently and aggressively challenging" the Council through a "concerted effort" which included whistleblowing reporting.
26. Mr Arnold made the point of these challenges included voicemails and other communications rather than simply the alleged protected disclosure in question, but it is certainly true that I have not seen any such aggressive or challenging communications from Mr Bridgwater in the material for today's hearing.
27. He also makes the point that he was provided with pre-interview disclosure by Sussex police on 28 April 26, about six days after this disclosure, and they understood from the Council's legal team that they were "seeking to terminate" his employment and that this had led to a heated email exchange. Again I have not seen any heated email exchanges but he regards the timing as suspicious, the suggestion being that during the six-day period they had been in contact with the police and were now determined on dismissing him.

28. That is an argument that cuts both ways. While it may not be welcome from the Council's point of view in defending the claim of unfair dismissal, it may equally be that it reflects some earlier conversation, before any such disclosure was made, indicating that the Council were intent on dismissal because of the police matters from an early stage.
29. The other points relied on were to the effect that at various stages during the disciplinary process the investigating officer or disciplinary officer had misstated or exaggerated the evidence against him or the seriousness with which it was viewed by the police or CPS. That does not seem to me to cast any real doubt on the fundamental issue, which is whether the disciplinary process or outcome were materially influenced by his disclosure.

Conclusions

30. Overall, there is a clear alternative explanation here from the respondent. It is certainly not a case which can be said that the claimant has provided clear evidence that their explanation is not the correct one. on any view these various police matters must have been of the most serious concern to the Council.
31. There are also indications that the disciplinary process was conducted in an even handed manner, with regard to Mr Bridgwater's mental health. The outcome letter, referring to the dangerous driving incident, states, for example:
- “Regrettably, this incident did cause the Council reputational damage, particularly with respect to the service already notorious for problems. In my judgment there is compelling evidence that you are not necessarily in control of these events, however, I note that you were convicted and have not chosen to appeal it. I must therefore treat this conviction as proof of your guilt in this matter.”
32. There is no sense here of the decision-maker rushing to judgment. In fact of the five disciplinary allegations, two were only partially upheld. In summary the allegations were:
- a) violating the employee code of conduct
 - b) causing reputational damage to the Council
 - c) causing an irretrievable breakdown of trust and confidence
 - d) failing to fulfil the criteria of his job description by losing his licence
 - e) failing to discharge the duties of his post owing to his bail conditions.
33. These last two allegations were not considered to be determinative, on the basis that the Council could have made adjustments to work around the loss of his licence and any temporary bail restrictions. Again this shows a balanced and even-handed approach.
34. Overall therefore, the respondent's case seems very much the stronger, and I have to conclude that on any view the whistleblowing claim is not likely to succeed. Mr Bridgwater may indeed wish to consider whether he intends to pursue it.

Costs

35. Despite the above, I have refused the respondent's application for costs. Rule 74 provides that the Tribunal may make a costs order where it considers that —
- (a) a party ... has acted vexatiously, abusively, disruptively or otherwise unreasonably in either the bringing of the proceedings (or part) or the way that the proceedings (or part) have been conducted; or
 - (b) any claim or response had no reasonable prospect of success; ..."
36. This was considered recently by the Employment Appeal Tribunal in the case of **Madu v Loughborough College** 2025 EAT 52. It was explained that the tribunal has to decide whether the claimant ought at the relevant time, pre-trial, to have appreciated that their claim had no reasonable prospect of success on the information then available. The tribunal also needs to be wary when making such a costs decision, of being influenced by the hindsight of how the evidence in fact unfolded at trial.
37. Even assuming the test for costs is met, costs are exceptional and I do not exercise my discretion to make such an award. Such applications are made in haste and care should be taken when penalising a claimant financially, in case it acts as a financial blunt instrument, deterring him from proceeding with his claim generally.
38. However Mr Bridgwater has an opportunity to reflect on the viability of this claim and I propose to list the preliminary hearing in this matter as an open preliminary hearing in order to consider whether the claim of automatically unfair dismissal has no reasonable prospects of success.

Employment Judge Eoin Fowell
Date: 17 September 2026

Sent to the parties on:
Date: 23 September 2026

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