



EMPLOYMENT TRIBUNALS

Claimant: Mr Ridwan Musa

Respondent: Lancashire County Council

Heard at: Manchester

On: 5 June 2026

Before: Employment Judge Cookson

Representation

Claimant: In person

Respondent: Mr J Searle (counsel)

JUDGMENT having been sent to the parties on **1 July 2026** and written reasons having been requested in accordance with Rule 60 of the Employment Tribunals Rules of Procedure, the following reasons are provided:

REASONS

Background

1. This was an application for interim relief sought by the Claimant who was employed as Head of Service Highway Operations and Design, against his former employer, Lancashire County Council, the Respondent. He was employed from 2004 and at the time of his dismissal had been absent due to sickness since 17 March 2025.
2. The Claimant's employment ended on 17 February 2026. The reason for dismissal was given as the financial operational impact of Claimant's suspension pending a criminal investigation which was estimated would last two years and the reputational risk to the Respondent which is said to be some other substantial reason justifying dismissal. He was paid notice pay.
3. The Claimant had already lodged a claim alleging sex and race discrimination and victimisation in claim number 6025772/2025 at the time of his dismissal and those proceedings are on-going.
4. The application for interim relief was submitted on 19 February 2026. The claim form also contains other complaints about fairness of dismissal and refers to further discrimination complaints, but these were matters beyond the scope of my considerations at this hearing
5. HMCTS sent me the request for written reasons on 13 August 2026.

What I considered

6. I was provided with the following documents:
 - (a) A bundle of documents from the Claimant running to some 57 pages which included the Claimant's submissions;
 - (b) A bundle from the Respondent running to some 328 pages;
 - (c) Written submissions from the Respondent.
7. I also received oral submissions from both parties.

The Law

8. Section 128 Employment Rights Act (ERA) 1996 provides:

128 Interim relief pending determination of complaint.

An employee who presents a complaint to an employment tribunal that he has been unfairly dismissed and that the reason (or if more than one the principal reason) for the dismissal is one of those specified in section 100(1)(a) and (b), 101A(1)(d), 102(1), 103 or 103A, or paragraph 161(2) of Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992, may apply to the tribunal for interim relief.

9. The question to be considered upon an application for interim relief is set out in section 129 ERA 1996:

129 Procedure on hearing of application and making of order

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 that the reason (or if more than one the principal reason) for the dismissal is one of those specified in section 100(1)(a) and (b), 101A(1)(d), 102(1), 103 or 103A.

10. This means that interim relief will 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 that the employee had made protected disclosures contrary to section 103A ERA.
11. The meaning of the words "likely" for these purposes has been considered in several cases. In ***Taplin v Chippam*** [1978] IRLR 450 EAT, (decided under similar provisions relating to interim relief applications in dismissal for trade union reasons) the EAT held that it must be shown that the claimant has a "pretty good chance" of succeeding, and that that meant something more than merely on the balance of probabilities.
12. A "pretty good chance" of success was interpreted in the whistleblowing case of ***Ministry of Justice v Sarfraz*** [2011] IRLR 562, EAT, as meaning "a significantly

higher degree of likelihood than just more likely than not". The then President, HHJ Underhill stated in *Ministry of Justice v Sarfraz* that, "in this context "likely" does not mean simply "more likely than not", that is at least 51% but connotes a significantly higher degree of likelihood."

13. In **Al-Qasimi v Robinson** there is guidance from HHJ Eady QC in which she says by its nature an application for interim relief in relation to the context of a s103A claim, has to be determined expeditiously and on a summary basis. The Tribunal has to do its best on such material as the parties have been able to deploy at short notice and make as good an assessment as it felt able and the Tribunal has to do the best it can from the material which has been made available. The employment judge must be careful to avoid making findings which could tie the hands of the Tribunal ultimately charged with the final determination of the merits of the case, and the task is therefore very much an impressionistic one to form a view on how the matter will be looked at during the final hearing and as to whether the claimant had a pretty good chance and was likely to make out her case, but it is not an over-formulistic way of looking at things. HHJ Eady said an essential gist of reasoning sufficient to let the parties know why the application has succeeded or failed given the issues raised and the test to be applied, and the test of likely to succeed applies of course to all elements of the claim in question.
14. The Claimant must show the necessary level of chance in relation to each essential element of the relevant statutory provisions.

Protected disclosures (so called whistleblowing)

15. "Protected disclosure" is defined in section 43A ERA 1996, as a *qualifying disclosure (as defined by section 43B)* which is made by a worker in accordance with any of sections 43C to 43H. A "qualifying disclosure" is 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 relevant legal issues one of which is that the health or safety of any individual has been, is being or is likely to be endangered.
16. The disclosure must be a disclosure of information, of facts rather than opinion or allegation (although it may disclose both information and opinions/allegations **Cavendish Munro Professional Risk Management v Geldud** [2010] ICR; and **Kilraine v LB Wandsworth** [2016] IRLR 422).
17. The test for "reasonable belief" is a subjective test.
18. In determining whether the reason for the Claimant's dismissal was his alleged disclosure(s), it is not sufficient for the disclosure to be "in the employer's mind" or for to have influenced the employer. The Tribunal must consider whether that disclosure was the "sole or principal reason" for her dismissal.

My decision in this case

19. This was a hearing listed before me as a free-standing claim for unfair dismissal containing an application for interim relief made on 19 February 2026. It was accepted by the Tribunal on that basis, and I have considered it looking at the

document which was attached to the ET1 as an application for interim relief.

20. I stress that what I record here are not in any way factual findings, rather this is my summary assessment of the case based on the principles set out above.
21. It is clear that there is a significant factual dispute between the parties in this case and that is significant.
22. In his claim form the Claimant says that he had made protected disclosures on 13, 14, 16 and 17 February 2026 (para 6 of the ET1 attachment). Before me he has also referred to disclosures made on 4 and 10 December although these were not referred to, at least by date, in the interim relief application.
23. In terms of facts which show he is likely or very likely to succeed, the Claimant points to the temporal proximity of the decision to dismiss and the final disclosure and has highlighted to me case law that suggests that this is something from which a Tribunal may draw an adverse inference as to the reason for dismissal. The Claimant says that I should bear in mind there was no need for an urgent decision in his case, he was off sick at the time and not fit to defend himself, and no attempts were made to investigate his concerns. He says these too are matters which I should accept suggest there is a causal link between his disclosures and finally he says that reliance is placed on a criminal investigation, but he has not been arrested or charged, and he has had no contact from the police.
24. In relation to the protected disclosures, the Claimant emphasises that although he raised concerns about what was happening to him, he says he believed they were matters raised in the public interest because the concerns raises matters of the administration of public money and the conduct of a public authority in its compliance with legal obligations and its conduct towards employees and whistleblowers. He says he had raised concerns about the person making the dismissal decision and that is too strongly suggests the reason for dismissal was his protected disclosure, motivated by the fact he was seen as a troublemaker.
25. The Claimant denies all of the underlying allegations referred to by the Respondent in strong terms and he suggests there is no credibility in the Respondent's case about reputational risk. There had been a one-off enquiry from a Sun newspaper journalist in October but nothing further. He also argues that the cost of suspension is overstated because the investigation should in fact be nearly complete.
26. The Respondent raises a number of points, set out in Mr Searles's written skeleton argument:
 - (a) It points out that the two of the disclosure relied on by the Claimant in support of his application for interim relief (those made in December) are not referred to in the claim form. That means that the Claimant will need to seek leave to amend his claim in order to pursue an argument that these were matters which influenced the decision to dismiss the Claimant.
 - (b) That is not to say it is suggested that leave will not be granted, but it is a matter which has not yet received judicial consideration. The fact that the Claimant will need a judge to exercise their discretion in his favour to pursue the case as

advanced before me might make it less likely that he can meet the statutory test.

- (c) It is not clear that the disclosures relied upon will be protected because they appear to be personal to Claimant and not raised by him in the belief that they raised matters of public interest.
- (d) The Claimant had raised grievances and concerns in the past (from March 2025 onwards) about managers and had not been dismissed or disciplined for them. There is no reason to suppose it was the latest grievances which were the reason for dismissal.
- (e) Most significantly the decision to initiate the Respondent's "3-step dismissal policy" in respect of the Claimant was taken in October 2025 predating the first disclosure I have been referred to, even if the Claimant is allowed to amend his claim to rely on the December 2025 disclosures. This is evidence which strongly suggests the Respondent was already considering the Claimant's dismissal before the protected disclosures he relies upon were made so the main reason for dismissal is unlikely to be that he had made protected disclosures.
- (f) On the Respondent's case, the context of the decision to proceed with the Claimant's dismissal is important. There was an ongoing investigation into corruption being led by the Respondent's internal team which has formal investigatory powers. The Respondent was concerned there would be a long investigation. Several senior managers were implicated. The Respondent faced significant suspension costs, reputational risks and an important Council department was left without adequate senior management.
- (g) Three other senior managers had also been accused of corruption, but they had all chosen to resign.
- (h) A disciplinary hearing had previously been delayed because of the Claimant's health but Occupational Health advised the Respondent that the Claimant's mental health was worsening and it could not give any prognosis about when the Claimant might be fit to return to work or take part in hearings and no adjustments to the internal procedures could be suggested.
- (i) In his oral submissions Mr Searle reminded me that the question I had to decide at this hearing was whether the Claimant had a pretty good chance of succeeding, which is not the criminal standard, but which nevertheless represents a higher standard of evidence that a Claimant must usually meet.

My Decision

27. I can see that there is an argument about whether Claimant could reasonably believe he was making protected disclosures in public interest. The Claimant argued before me that he believed the disclosures were made in the public interest but looking at the disclosures themselves, I can see merit in the Respondent's submissions that these seem to be personal concerns raised on the basis of personal interest.

28. Whether the disclosures are protected or not will, of course, be a matter for the Tribunal at the final hearing having heard all of the evidence. I do not find that the Claimant is unlikely to show that the disclosures are protected, but that is not what I am asking myself. The question is do I think he is likely to show that his disclosures were made in the public interest bearing in the mind the meaning of "likely" in that context as explained by the caselaw? Sometimes the Tribunal sees disclosures which undoubtedly are made in the public interest, simply on the basis of the terms on which those disclosures are made to the employer, but this is not one of these cases. The Claimant has an arguable case, but it is not so clear-cut. I cannot say he has a pretty good chance of succeeding on this point.
29. However, in my view it is the factual context which is most significant. In his arguments to me, the Claimant has raised lots of matters which may well be relevant to whether his dismissal was unfair: there was no immediate urgency to dismiss him, the Respondent should have made further adjustments to its procedures, there were breaches of the ACAS code, the Claimant had not been sent all of the evidence and could not defend himself, the outcome was pre-determined, the reputational risk has been overstated, and so on. However, I am not considering how strong the unfair dismissal complaint is, but the likelihood of the automatically unfair dismissal complaint succeeding, and whether that Claimant has a pretty good of succeeding in his complaint that the real reason for his dismissal was not that given but the fact he had made protected disclosures in February (and perhaps December if amendment is allowed) as pleaded in his claim form.
30. Whether Claimant agrees that there were good reasons for Respondent to be actively considering his dismissal in late 2025, the Respondent's witness evidence and documents clearly suggest that the Respondent has an arguable case that it was the reality from October 2025 onwards. Whether that was a fair or reasonable thing to do is a separate issue. It is significant that the Claimant was first invited to a meeting to consider his dismissal in November 2025 before any of the disclosures he now relies on in his claim form. As he says there is temporal proximity between the letters he alleges were protected disclosures and the eventual decision to dismiss him, but the concerns he raised were in part about the identity of the person appointed to consider his dismissal and he was "blowing the whistle" about the process under which his dismissal was being considered. This means temporal proximity in this case does not have the significance it sometimes does, for example in cases where someone raises a protected disclosure and then is dismissed shortly thereafter without any prior indication of concerns about their performance or conduct. In this the temporal proximity seems to be explained by the factual context.
31. I stress again that this is necessarily a broad-brush assessment made on a summary assessment. I have emphasised to the Claimant that my assessment of the case recognises that this is case where there are key factual disputes which will have to be tested in evidence. It may be that the Claimant will succeed when all of the evidence has been considered and tested, but I cannot find on the basis of the information which I have before me at this hearing that the Claimant is likely to succeed in his s103A complaint when there appears to be contemporaneous evidence dismissal was already a likely outcome of the process before he blew the whistle. The Claimant therefore does not meet the threshold of likelihood

required for an interim relief application to succeed and I refuse the application.

Approved by:

Employment Judge Cookson

17 August 2026

REASONS SENT TO THE PARTIES ON

16 September 2026

FOR THE TRIBUNAL OFFICE