



EMPLOYMENT TRIBUNALS

Claimant: Mr P Patel
Sciensus Logistics Limited

Respondent:

APPLICATION FOR INTERIM RELIEF

Heard at: Reading (by video hearing) **On:** 17 August 2026

Before: Employment Judge Gumbiti-Zimuto

Appearances

For the claimant: Not attending and not represented

For the respondent: Mr A MacPhail, counsel

DECISION

The claimant's application for interim relief is dismissed.

REASONS

1. The claimant's claim of unfair dismissal contains an application for interim relief based on the fact that he alleges he was dismissed because he made a protected disclosure. The claimant's application has been listed and is considered pursuant to the provisions contained in sections 128 and 129 of the Employment Rights Act 1996. The parties have referred me to the cases of *Taplin v C Shippam Ltd* [1978] ICR 1068 and *MOJ v Sarfraz* [2011] IRLR 562 as providing guidance on the proper application of those provisions.

The claimant's application for interim relief

2. The claimant states that he "relies on the detailed information escalated to Regional Manager Bradley Damarell on 13 April 2026, which had been circulated immediately beforehand to Thomas Cross and Driver Trainer Chris Mayor. The claimant states that the disclosure was not confined to a complaint that the claimant disliked his PDR score or a manager but that it included specific information alleging that Year End PDRs had not been conducted face-to-face, that the claimant had repeatedly been asked not to disclose that fact because management could get into trouble, that he felt he was being expected to uphold something untrue, that local management was not following company rules/practices, and that

other drivers were affected and were reluctant to speak because of fear of repercussions.

3. The claimant's case is that he reasonably believed the disclosed information tended to show wrongdoing and failures to comply with obligations governing proper and honest employment / management processes.
4. On public interest, the disclosure expressly extended beyond the claimant's personal treatment. It referred to the PDR process affecting other drivers, the integrity of depot management processes, drivers' fear of repercussions and the ability of employees to raise concerns.
5. The respondent argues there is no evidence that Thomas Cross was influenced by the claimant's grievance and maintains that the dismissal is fully explained by the accident and the existing Final Written Warning. The claimant accepts those matters provide a substantial alternative explanation but submits that the evidential record is not empty. His position is that the Tribunal must assess whether there is nonetheless a sufficiently strong likelihood that the protected disclosure was the real principal reason for the dismissal.
6. The claimant seeks to gain support from the fact that the dismissing officer had knowledge of the alleged protected disclosure.

Respondent's position

7. The respondent produced a skeleton argument and copies of the cases of Taplin and Sarfraz. The Respondent's counsel further submits that the claimant's grievance (p65) concerns alleged bullying focused solely on himself, raising no identifiable legal obligation breached or public interest element required under section 43B Employment Rights Act 1996. Counsel argues the claimant cannot show he reasonably believed the grievance disclosed information tending to show a protected matter, noting the submissions and grievance appear AI-generated and cannot reliably evidence his belief at the time. Even if disclosure were assumed, it is submitted that causation is absent: the claimant had a final written warning, about which he did not appeal, and then went onto commit further similar misconduct. While the dismissing officer was aware of the alleged disclosure, the dismissing officer's mere awareness of the grievance does not provide a sufficient evidential link to dismissal for it to be said to be the reason for the dismissal.

Conclusions

8. Is this really a case where we can say that there is a pretty good chance that the claimant will be able to show that he made a protected disclosure, and that he has a pretty good chance of showing that the reason for his dismissal was, or if more than one, the principal reason was, that he made a protected disclosure within the meaning of section 43A of the Employment Rights Act 1996? What is the potential evidence to show an alleged protected disclosure, or to point to that disclosure being the reason or principal reason for the dismissal?

9. To make an interim relief order I have to be satisfied that the claimant has a pretty good chance of success—meaning something more than on balance of probabilities or 51% chance—it seems to me that this is not a case where on the information before me I can conclude that threshold has been and therefore this is not an appropriate case in which to make an order for interim relief.
10. There would, in any event, I think, be some difficulty for the claimant to show that, on the material he has identified, he is going to be able to demonstrate that there was a behaviour falling within one of the five behaviours specified in section 43B of the Employment Rights Act 1996, and that he had a reasonable belief that he made a disclosure of information tending to show such a behaviour in the public interest; in this case, that he raised the information he did concerning the instances of what the respondent refers to as, in essence, bullying in the public interest.
11. It seems to me that the claimant may have difficulty in showing that there was a protected disclosure on which he can rely to found his complaint of automatically unfair dismissal, so as to justify an interim relief order being made.
12. Further, this is a case where there is a clear and compelling reason explaining why the claimant was dismissed. The claimant had a final written warning for misconduct and then, whilst that warning was still live, he committed a further act of misconduct of a similar nature. There does not appear to be any dispute that either the first or second instance of misconduct occurred. There was no appeal against the decision to impose the final written warning.
13. While there is evidence that the dismissing officer was aware that the claimant had raised the grievance the claimant relied on as a protected disclosure, there is nothing to indicate that it was that alleged disclosure, as opposed to the proven instances of misconduct, on which the dismissing officer relied that was the reason or principle reason for the claimant's dismissal.
14. So, for those two reasons, I do not consider this an appropriate case in which to make an order for interim relief. I am not going to make an interim relief order, that is an order for the continuation of the contract of employment, because I am not satisfied, on the basis of the information before me, that the claimant will be able to show at the final hearing that there was a protected disclosure, or that any protected disclosure shown was the reason, or principal reason, for his dismissal.

Approved by:

Employment Judge Gumbiti-Zimuto

Dated: 17 August 2026

Sent to the parties on:

22 September 2026

For the Tribunal: