



EMPLOYMENT TRIBUNALS

Claimant: Saskia Lawrence
Respondent: Tokko LTD

Heard at: Watford Employment Tribunal
On: 28 August 2026
Before: Employment Judge Alliot

Representation:

Claimant: Mr Everton Sutherland ("McKenzie" friend)
Respondent: Ms Daisy Van den Berg (solicitor)

JUDGMENT

The judgment of the tribunal is that:

1. The claimant's application for interim relief is dismissed.

FULL REASONS

JUDGMENT with summary reasons was given at the hearing on **28 August 2026**. The following written full reasons are provided:

Introduction

1. This hearing is to determine the claimant's application for interim relief.
2. The claimant was employed by the respondent as a Youth Worker on a fixed term contract from 22 September 2025 to 21 September 2026. There is some issue between the parties as to the nature of the employment relationship of the claimant prior to 22 September 2025. The claimant was dismissed either on 20 July 2026 or with effect on 16 August 2026.
3. By a claim form presented on 27 July 2026, the claimant presents claims which include a claim of automatically unfair dismissal for making a protected disclosure (whistleblowing), section 103A Employment Rights Act 1996.

The evidence

4. I had an 89 page hearing bundle which included the case summaries submitted

by both the claimant and the respondent. In addition, the claimant has provided a 206 page hearing bundle. Both parties provided me with skeleton arguments.

The law

5. Section 128 ERA 1996 sets out the application requirements and the respondent accepts that the claimant has complied.
6. Section 129(1) of the ERA provides as follows:-

“129 Procedure on hearing of application and making of order.

(1) 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—

(a) that the reason (or if more than one the principal reason) for the dismissal is one of those specified in—

(i) ... 103A,”

7. As per the IDS Employment Law Handbook Unfair Dismissal at 18.22:-

“Likelihood of success

...

The test is whether “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 automatically unfair reason for dismissal is established. The EAT in London City Airport Limited v Chacko [2013] IRLR 610, EAT, stated that this test requires the tribunal to carry out an “expeditious summary assessment” as to how the matter appears on the material available, doing the best it can with the untested evidence advanced by each party. This, it observed, necessarily involves a far less detailed scrutiny of the parties cases than will ultimately be undertaken at the full hearing.”

And

“... the basic task and function is to make “a broad assessment on the material available to try to give the tribunal a feel and to make a prediction about what is likely to happen at the eventual hearing before a full tribunal.” This was so regardless of the volume or complexity of the material before it.”

8. And at 18.23

“When considering the “likelihood” of the claimant succeeding at tribunal, the correct test to be applied is whether he or she has a “pretty good chance of success” at the full hearing – Taplin v C Shippam Limited [1978] ICR 1068, EAT. In that case, the EAT expressly ruled out alternative tests such as a “real possibility” or “reasonable prospect” of success, or a 51 per cent or better chance of success. According to the EAT, the burden of proof in an interim relief application was intended to be greater than that at the full hearing, where the tribunal need only be satisfied on the “balance of probabilities” that the claimant has made out his or her case – i.e., the “51 per cent or

better” test.”

9. The Presidential Guidance on Applications for Interim Relief contains the following:-

“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.

30. 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.”

10. I am not making findings of fact.

11. The test needs to be applied to all elements of the claim.

12. Section 43B ERA 1996 provides as follows:-

“43B Disclosures qualifying for protection.

- (1) In this Part a “qualifying disclosure” means 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 of the following—
 - (a) that a criminal offence has been committed, is being committed or is likely to be committed,
 - (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
 - (c) that a miscarriage of justice has occurred, is occurring or is likely to occur,
 - (d) that the health or safety of any individual has been, is being or is likely to be endangered...”

The facts

Qualifying disclosure

13. The respondent complains that in both the ET1 claim form and in the claimant’s summary submitted for the purposes of this interim relief application, there is a lack of particularity as to precisely what the alleged protected disclosure was, in particular what information it is said was disclosed. In my judgment, there is something in that submission. However, the claimant has developed the

argument and it is clearer before me what the alleged protected disclosures are.

14. The claimant relies on a written whistleblowing complaint sent to the trustees of the respondent on 19 January 2026.
15. I have been shown that document and to be fair to Ms Van den Berg she only got it midway through this hearing. The claimant contributed to the document in Appendix B. Annex B begins:-

“This account is provided in good faith and in the public interest to support a formal whistleblowing disclosure. The author requests confidentiality and protection from retaliation.

I am submitting this report as a formal whistleblowing disclosure. I am doing so because I believe there are serious and ongoing issues with the organisation that pose risks to young people, staff wellbeing, safeguarding standards, equality duties, and legal compliance.”

16. There then follows eight separate categories of issues raised by the claimant. One category is headed “Safeguarding failures” it includes the following:-

“Children have been allowed to access spaces without staff supervision.”

17. In my judgment, the claimant stands a pretty good chance of establishing that she disclosed information in Appendix B, that she believed that it tended to show that the health and safety of an individual had been, is being or was likely to be endangered and/or that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject and that that belief was objectively justified. Further, in my judgment, the claimant stands a pretty good chance of establishing that the claimant believed the disclosure was in the public interest and that belief was objectively reasonable.
18. Consequently, in my judgment, the claimant stands a pretty good chance of establishing that the claimant made a protected disclosure.
19. The second protected disclosure relied upon is the grievance dated 12 March 2026. The grievance is seven pages long. It includes the following:-

“The concerns outlined below are not isolated incidents. They demonstrate a sustained pattern of exclusion, failure to implement reasonable adjustments, inadequate safeguarding oversight, serious procedural mismanagement, unreasonable workload expectations, and conduct that has created a hostile and psychologically unsafe working environment.

These issues have significantly impacted:

- The safeguarding and wellbeing of young people.”

20. Again, in my judgment, the claimant stands a pretty good chance of proving that the grievance included the disclosure of information. Further, I find that the claimant stands a pretty good chance of proving that the claimant believed that the information tended to show as before, issues relating to legal obligation and/or health and safety, that that belief was reasonable objectively and that the claimant believed it was in the public interest and that belief was objectively

reasonable.

21. Consequently, in my judgment, the claimant stands a pretty good chance of establishing that the grievance dated 12 March 2026 was a protected disclosure.

Dismissal

22. The claimant's fixed term contract dated 22 September 2025 was scheduled to expire on 21 September 2026. The claimant was offered the fixed term contract specifically because there was a vacancy for a youth worker at Luton Borough Council. Luton Borough Council funded the claimant's salary in total even though the claimant worked 2.5 hours a week for the respondent.

23. The claimant's appointment letter dated 22 January 2026 (it was provided late) contains the following:-

“1. Secondment duration

Your secondment will commence on 22 September 2025 and is expected to continue until September 2026, unless ended earlier in line with the funding terms outlined between the two parties.”

24. The claimant makes complaints about a number of ways she says she was treated badly following the January 2026 protected disclosure. She cites removal from the OK 2 B Group, exclusion from rotas and key communications, a lack of reasonable adjustments and the mishandling of her sickness absence/pay/phased return to work from 1 July 2026. I express no views on those issues. However, the claimant points to them as indicative of the fact that the claimant was being treated badly by the respondent because of the whistleblowing.
25. On either 21 or 27 April 2026, the claimant was signed off as unfit to work due to sickness.
26. On 11 June 2026 Luton Borough Council served notice that the secondment would come to an end on 8 July 2026.
27. A variety of reasons were given. It was noted that the claimant was off sick and that it was unclear what further support might be required to facilitate the claimant's safe and sustainable return to work. It was noted that the claimant had lost contact with the young people previously allocated to the claimant and that the claimant's work had been re-distributed across the team. It was asserted that there was less need for the claimant as the OFSTED inspection had taken place.
28. The practical effect of the termination of the secondment was that as from 8 July 2026 the respondent would no longer have funding from Luton Borough Council for the claimant's position.
29. It is the respondent's case that there was no youth worker role at the respondent.
30. There was a redundancy consultation meeting with the claimant on 10 July 2026. His was held by Aimee Djengiz, CEO of the respondent. The notes contain the following:-

“AD put forward the business case as – Tokko has recently undertaken a review of its funding position and staffing structure. The charity continues to operate in an increasingly challenging funding environment, and despite our efforts to secure additional funding, we have not been successful in obtaining sustainable funding to support this full-time role. We have also reviewed the current and anticipated needs of the organisation and considered whether there are any suitable alternative full-time roles available. At present, we have not identified any roles that align with your qualifications, skills, and experience.”

31. An alternative role was discussed but it was clear that the claimant did not have the requisite qualifications to fulfil that role.
32. The respondent has provided a cogent reason as to why the claimant's position was redundant. I express no concluded view or finding of fact as to whether that was or was not the principal reason for dismissal. It is, however, a good reason unrelated to a protected disclosure.
33. I note that in the claimant's claim form the following is pleaded:-

“Tokko said full-time youth worker role lacks sustainable funding.”
34. Further, I note that in the claimant's case summary the following is asserted:-

“23 The respondent may establish at final hearing that funding was the genuine principal reason.”
35. Obviously, it is the claimant's case that the claimant will be able to disprove that.
36. However, having taken into account all the matters placed before me, in my judgment, I cannot conclude that the claimant has a pretty good chance of establishing that the claimant's dismissal was because of the whistleblowing.
37. For the above reasons, the claimant's application for interim relief is dismissed.

Approved by:

Employment Judge Alliott

Date: 11 September 2026

JUDGMENT SENT TO THE PARTIES ON

23 September 2026

FOR THE TRIBUNAL OFFICE

Notes

All judgments (apart from judgments under Rule 51) and any written full 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.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found here:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/