



EMPLOYMENT TRIBUNALS

Claimant: Mr L McLune-Boyland

Respondent: Shaw Trust Limited

Heard at: London South

On: 1-3 September 2026

Before: Employment Judge Atkins (sitting alone)

Representation

Claimant: In person

Respondent: Ms D Gilbert, Counsel

SUMMARY REASONS

1. The Tribunal dismissed the claim in an oral judgment handed down on 3 September 2026. In accordance with rule 60(4A)(b)(i) of the Employment Tribunal Procedure Rules 2024 (as amended), summary reasons were given.
2. The written judgment was sent to the Claimant on or after 4 September 2026. On 16 September 2026 and in accordance with rule 60(4B), the Claimant requested written summary reasons. The Tribunal did not consider it appropriate in this instance to provide full written reasons under rule 60(4E) instead.
3. This is a claim for automatic unfair dismissal. The Claimant says that he was dismissed because he made a protected disclosure. He accepts that he does not have the necessary length of service to make a claim of ordinary unfair dismissal. He relies on a single disclosure made to Ms Netica Murray of the West London Alliance, at a meeting on 10 July 2024.
4. The parties agree that:
 - (a) The Claimant was employed by the Respondent, a registered charity providing services to young people and adults, as an Employment Adviser.
 - (b) His employment began on 18 March 2024.
 - (c) He attended the meeting with Ms Murray on 10 July 2024 with three other employees of the Respondent.
 - (d) He was dismissed on 23 July 2024.

5. The Claimant provided a witness statement and gave oral evidence. Two witnesses gave written and oral evidence on behalf of the Respondent. First, Jacob Goldstein, the Claimant's line manager. Second, Claire Lavery, Mr Goldstein's line manager and the person who made the decision to dismiss the Claimant. I had a 216 page bundle with an index. Four further documents were provided during the course of the hearing. The parties were content that I had all of the papers. I received written submissions from both parties prior to their oral submissions. I have considered all of this evidence, even if I do not make reference to any specific part of it.
6. The list of issues was set out in the CMO of EJ Wright dated 4 November 2025. I do not repeat it here. The parties both confirmed that the list of issues was agreed.
7. In June 2024 the Respondent changed the way that it worked. It began asking Employment Advisers to go into FE colleges. As a result, they might encounter people under 18, and so needed DBS checks to confirm that they were cleared to work with children, in addition to their current DBS checks clearing them to work with adults. The Claimant was informed about the need for a new DBS check. The Respondent says this was at a team meeting on 10 June 2024. The Claimant says that it was by way of an email dated 19 June 2024. Nothing turns on this. The fact is that he was made aware of it.
8. Ms Murray was a programme lead within the West London Alliance. The West London Alliance is a body set up by seven London boroughs to co-ordinate the procurement of services for service users within those boroughs. Amongst other things, they commission services from the Respondent. This is why Ms Murray is referred to as a 'commissioner'. She does not hold any public office.
9. The Claimant says that he set up the meeting with Ms Murray after attempting to raise issues with the Respondent and getting no or unsatisfactory answers. He did so because at a training event given by Ms Murray she had encouraged them to come to her with any issues, "big or small", and provided them with her phone number so that they could do so. The Claimant and three other Employment Advisers attended the meeting. The Claimant attended in spite of having been told by Mr Goldstein, who was aware the meeting was to happen, not to attend.
10. It is not disputed that at the meeting with Ms Murray on 10 July 2024, five issues were raised. They are:
 - (a) A lack of clarity about the role of Employment Adviser and what they were expected to do;
 - (b) inadequate training;
 - (c) process issues about forms and line manager directions;
 - (d) concerns that some staff have excessive caseloads; and
 - (e) confusion about DBS levels.
11. Ms Murray expressly stated to Mr Dandrea (a senior manager at the Respondent) that no whistleblowing concerns had been raised.

12. The Claimant says that he only raised one concern, relating to DBS checks, with Ms Murray, and the other four issues were raised by his colleagues.
13. The Respondent's position, and their stated reason for dismissal, is that he raised one or more of the four other issues, which were internal matters that it was inappropriate to raise with an external business partner.
14. A dismissal becomes automatically unfair if the reason or principal reason for disclosure is because the employee made a protected disclosure: section 103A of the Employment Rights Act 1996 ('ERA 1996').
15. In order to make a protected disclosure, a claimant must:
 - (a) be a worker (it is accepted that the Claimant is);
 - (b) make a qualifying disclosure as defined in ERA 1996; and
 - (c) do so in one of the ways set out in ERA 1996.
16. Section 43B ERA 1996 sets out the criteria for a qualifying disclosure.
17. First, it is necessary to find out what the disclosure was. It must be factual information. It must be more than a mere allegation. The Claimant says:
 - (a) In oral evidence, that he wanted to raise his main issue with Ms Murray and that issue was the DBS check. He could not remember the exact words he used due to the passage of time.
 - (b) In his witness statement, that his 'concern' raised with Ms Murray was that his DBS check was inadequate for the work he was doing.
 - (c) At the case management conference, and recorded in the List of Issues at paragraph 1.1.1 as telling Ms Murray that "he had 'received an email about a new DBS check, despite asking [Mr Goldstein] and [Ms Lavery] about his concerns and his caseload concerning vulnerable persons, if the DBS check was incorrect, what would he do?'. Footnote 1 indicates the parties agreed this was the disclosure.
 - (d) In his claim form, his 'concern' raised with Ms Murray that his DBS did not cover working with children or vulnerable adults and he was required to continue working 'even without' DBS clearance.
 - (e) In his probation review meeting, that he asked Ms Murray a question, and later indicated that it was along the lines of 'are people allowed to have a caseload if they were told they need a new DBS?'
18. I have not taken into account any further evidence volunteered by way of submissions, as this is impermissible on account of being unfair to the Respondent, who did not have the chance to cross-examine the Claimant about it.
19. Putting all of this together, I find that the Claimant said to Ms Murray words to the effect that, in his opinion, his current DBS check did not cover the full spectrum of casework that had been allocated to him, as that casework involved working with children for whom he was not DBS cleared to work with. His account has been clear and consistent throughout.
20. I am satisfied that this is more than a mere allegation. We do not know the exact words used. I bear in mind the Claimant is a litigant in person. However there is enough information for me to conclude that, even if the concern was presented as a question, it contained information about a real

concern: namely that the Respondent's staff may be assigning cases involving (potentially vulnerable) service users to employees who have not been DBS cleared to work on them. I find for that reason that there was a disclosure of information.

21. Second, I must be satisfied that the Claimant reasonably considered this to be in the public interest to disclose. I do. The Respondent does not suggest that it is not in the public interest to disclose that people who are not DBS cleared may be interacting with (potentially vulnerable) service users where clearance to do so is required. The Claimant clearly believed it.
22. Third, I must be satisfied that the disclosure shows a relevant failing. I am. The disclosure clearly indicates two relevant failings: both the Respondent's compliance with its legal responsibility to have staff who are DBS cleared, and the potential health and safety impacts upon (potentially vulnerable) service users if such a thing were to happen. The Respondent themselves acknowledge the potential for these impacts and had in fact changed their working arrangements to protect against them: by getting further DBS checks for employees, and put in place buddying arrangements for employees until they were DBS cleared for the new arrangements.
23. I am accordingly satisfied that for these reasons this was a qualifying disclosure.
24. I must however be satisfied that it was made in one of the appropriate ways set out in ERA 1996.
25. The Claimant does not claim it was made to his employer: section 43C(1)(a).
26. The Claimant suggests that Ms Murray was a "prescribed person" within the meaning of section 43F ERA 1996. However, the Claimant has not identified (despite being invited to do so) which "prescribed person" Ms Murray is within Schedule 1 to the Public Interest Disclosure (Prescribed Persons) Order 2014. The burden is on him to do so but he did not. He cannot succeed in establishing this route on that basis alone.
27. However, for completeness, I also note that Ms Murray is not the only "prescribed person" she could possibly be. The only description she could possibly fall into is that of a "Local [authority] which [is] responsible for the enforcement of health and safety legislation". She cannot fall within that description as local authorities are not responsible for health and safety matters within FE colleges. The HSE is that authority, per regulation 3(5) of the Health and Safety (Enforcing Authority) Regulations 1998. I am accordingly satisfied that the disclosure was not made to a prescribed person.
28. The Claimant suggests it was made under the provisions for disclosure to other persons under section 43G ERA 1996. Further tests apply here. I consider them in turn.
29. First, I am content that the Claimant reasonably believed that the information disclosed was substantially true. He had been informed by his

employer that he would need a new DBS check to work with (potentially vulnerable) service users under 18, and his employer were actively taking steps to obtain that check and to mitigate against the potential harms that he described.

30. Second, it is not suggested, and I am content, that he did not make the disclosure for purposes of personal gain.
31. Third, I must consider whether any of the conditions in section 43G(2) ERA 196 are met.
32. I do not consider that the Claimant reasonably believed that he would be subject to any detriment by his employer for making the disclosure. This is because he claims to have done so and that no detriment had occurred.
33. The Claimant accepted in evidence that he did not believe the Respondent would conceal failures or destroy evidence if he made the disclosure.
34. The Claimant instead says that he had previously made substantially the same disclosure to his employer, by:
 - (a) Raising his concerns with Mr Goldstein on 19 June 2024. Mr Goldstein says in terms that he did not. There is no other evidence.
 - (b) Raising his concerns with Ms Lavery on 19 June 2024. Ms Lavery says in terms that he did not. She did have a conversation with the Claimant but this was about travel expenses. There are emails in the bundle dated 20 June 2024 which only mention travel expenses and not DBS.
 - (c) Raising his concerns with Mr Dandrea on 20 June 2024. The Respondent denies this. Mr Dandrea did not provide a statement. There is evidence that a Teams meeting took place on that date but no evidence of what was said. There is no other evidence.
35. The burden is upon the Claimant to prove, to the relevant standard, that he did. The relevant standard is the balance of probabilities. He claims he has done so, it is denied by those he claims to have spoken to. I must accordingly look to the other evidence to resolve the issue.
36. Looking at all the evidence in the round, I am not satisfied that the Claimant has proved that he did make substantially the same disclosure. This is for the following reasons:
 - (a) There is evidence in the bundle of the Claimant raising other, similar, concerns with his managers and then documenting them: work locations, travel expenses, lunch hours, referrals, working times.
 - (b) I find that it is more likely than not that if he had raised issues about DBS checks then there would be a record of them too.
 - (c) There are no such records.
 - (d) Given that there are such no records, and in light of my finding that if the issues had been raised such records would exist, I am not satisfied that the Claimant made those disclosures on 19 and 20 June 2024 as claimed.
 - (e) This is supported by the fact that there is evidence relating only to travel expenses after the conversation with Ms Lavery. If DBS checks had featured in that conversation, I would expect to have found it recorded there. It was not.

- (f) This applies equally to the meeting with Mr Dandrea and the conversation with Mr Goldstein. If DBS checks had been mentioned I would have expected the Claimant to follow it up, as he did with Ms Laverty. He did not.
 - (g) I find, for those reasons, that he did not make that disclosure to any of the three managers.
37. That means that none of the conditions in 43G(2) are met and so the Claimant has not made a qualifying disclosure to an appropriate person. That in turn means that his claim must fail.
38. If I am wrong about that, I would in any event have found that it was not reasonable in all the circumstances for the Claimant to have made the disclosure, for the following reasons:
- (a) I accept that the relevant failure was serious, and that at the time of disclosure it may not only have been occurring but also might be expected to continue to occur (the Claimant himself not obtaining a full DBS clearance until some weeks later). I also accept that there was no breach of confidentiality – the Respondent expressly declined to interfere in the meeting to prevent any disclosure from happening.
 - (b) However, there was no indication that the Respondent might not take any necessary action, as I have found above that they were not given the opportunity to do so.
 - (c) Further, Ms Murray may have invited disclosure to be made to her, but this needs to be considered in the round. First, she was not in a position of ostensible authority – on all accounts she was a middle manager responsible for training rather than somebody with authority to demand change. Second, the Claimant had the opportunity to make a complaint via the whistleblowing policy, in his own name or anonymously. This was made available to him at induction and was available to him on the central system. He did not do so.
39. Because the Claimant did not offer the Respondent the opportunity to address the concern, and because he did not use the whistleblowing policy, I am content that it was not reasonable in all of the circumstances to make the disclosure to Ms Murray.
40. In any event, if I am wrong about that, I would in any event have found that the Claimant was not dismissed for the reason or principal reason of having made a protected disclosure. This is for the following reasons:
- (a) The Respondent has consistently said, during the review meeting and in the dismissal letter, that it had disregarded any potential protected disclosure and made its decision because the Claimant had disclosed inappropriate matters to an external business partner, thereby damaging the Respondent's reputation and commercial interests. The Claimant in oral evidence accepted that disclosure to Ms Murray of such internal matters (relating to, for example, pay and hours) would not be appropriate.
 - (b) The Respondent had cause for believing that he had done so. At the review meeting the notes record that he said in terms that he discussed with Ms Murray things such as gathering referrals, time spent in the community, difficulties with forms and processes, and adequacy of cover by community officers. The Claimant felt entitled to do so after having

raised these issues internally. He did not make the claim to have only discussed the DBS issue with Ms Murray.

- (c) The Claimant said at the hearing that the notes were wrong. He had however ample opportunity to challenge them. He had disclosure of the papers since March 2026. He was aware of the Respondent's position throughout the proceedings. He did not do so until he was cross-examined. Ms Lavery in her evidence subsequently confirmed that the notes were accurate and the Claimant did not challenge her evidence even when invited to do so. He says that he was distracted and anxious but at the same time he was able to prepare a witness statement, questions to witnesses, and written closing submissions. I would have expected him to challenge something as significant and obvious as this. He did not do so and so I do prefer the Respondent's evidence on the point.

41. I am therefore satisfied that the Claimant was dismissed for the reasons given by the Respondent, rather than because he made any protected disclosure.

42. For all those reasons, the claim must fail.

Employment Judge Atkins
24 September 2026

Note

Summary reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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