



EMPLOYMENT TRIBUNALS

Claimant: Khalid Hamraoui Arroud

Respondent: Arena Security Limited

Heard at: Norwich (heard remotely via video link)

On: 26 August 2026

Before: Employment Judge Mr A. Spencer

Representation:

Claimant: Ms Cirstiou (Lay Representative) with the claimant in attendance

Respondent: Mr Costello (Operations Manager) and Mr Bethell (Managing Director)

JUDGMENT

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

FULL REASONS

JUDGMENT with full reasons was given at the hearing on **26 August 2026** and written full reasons were requested at the hearing in accordance with Rule 60 of the Employment Tribunal Procedure Rules. The following written full reasons are therefore provided:

Introduction

1. This was the hearing of the claimant's application for interim relief.
2. I took into account various documents. In particular:
 - (a) The claimant's hearing bundle, authorities bundle, skeleton argument and witness statement;

- (b) The defendant's hearing bundle;
 - (c) The documents on the tribunal's electronic file.
3. I took into account the Presidential Guidance : Applications for Interim Relief which has effect from 22 June 2026 ("the Presidential Guidance").
 4. I heard oral submissions from both parties.
 5. I did not hear evidence from any witnesses.

Applicable law

6. Interim relief is an emergency remedy available to employees who claim to have been dismissed for one of a number of inadmissible reasons. It is a procedure which, in appropriate cases, preserves the status quo pending the full hearing of the unfair dismissal complaint.
7. If interim relief is granted, the tribunal may make orders for either:
 - (a) the employer to reinstate the claimant or to re-engage them in an equivalent role, or
 - (b) a "continuation of contract order" which has the effect of keeping the employee suspended on full pay until the full hearing.
8. Interim relief is only available if certain conditions are met. Here, the necessary conditions are met in that:
 - (a) The claimant asserts for the purposes of s128 Employment Rights Act 1996 ("ERA") that he was unfairly dismissed and that the reason (or if more than one the principal reason) for dismissal is a reason within section 103A ERA. In particular, the claimant asserts that he was dismissed because he made protected disclosures (i.e. he says he was dismissed for "whistleblowing");
 - (b) The claim form (which includes the application for interim relief) was presented on 31 July 2026 within the relevant seven day time limit immediately following the effective date of termination of 29 July 2026;
 - (c) This is not a case where the claimant must produce a certificate from an authorised union official covering the requirements in section 161(3) Trade Union and Labour Relations (Consolidation) Act 1992 ("TULCRA"). The claimant does not assert that his dismissal was a trade union dismissal under section 152 TULCRA;
 - (d) The claim was presented without first obtaining an ACAS early conciliation certificate. However, the exemption under regulation 3(1)(d) of the Employment Tribunals (Early Conciliation: Exemption and Rules of Procedure) Regulations 2014 is engaged in this case.
9. Thus, the tribunal has jurisdiction to consider the application for interim relief.

Legal test for interim relief

10. I can do no better than quote from paragraphs 18 - 20 of the Presidential Guidance:

“18. The legal test the tribunal applies when deciding whether to order interim relief is set out at section 129(1) ERA and section 163(1) TULRCA. This 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 reason or principal reason for dismissal was the reason relied upon by the claimant.

19. This has long been interpreted as requiring the tribunal to determine whether the claimant has a “pretty good chance of success” at the final hearing: Taplin v C Shippam Ltd [1978] ICR 1068. This test is not satisfied if the tribunal simply thinks it is more likely than not that the claim will succeed: Wollenberg v Global Gaming Ventures (Leeds) Ltd EAT/0053/18. The test is set comparatively high for reasons of policy: Dandpat v University of Bath EAT/0408/09. It is something nearer to certainty than mere probability.

20. In assessing whether there is a pretty good chance of success, the tribunal will take into account all elements of the claim, not just the reason for dismissal. This may include preliminary matters such as whether the claimant was an employee (if this is disputed), whether the claimant’s resignation should be construed as a dismissal (a “constructive” dismissal), and whether a protected disclosure has been made: Ministry of Justice v Sarfraz [2011] IRLR 562. “

The claim

11. The claimant was employed as a security guard by the respondent for a short time from 4 March 2026 to 29 July 2026.

12. There is no dispute that the claimant was an employee of the respondent. Nor is there any dispute that he was dismissed by the respondent on 29 July 2026.

13. At section 8.2 of the claim form only one claim is identified. That is “whistleblowing”.

14. However, the details of complaint within the claim form also refer to further specific claims:

- (a) unfair dismissal pursuant to s103A ERA;
- (b) detriment for whistleblowing (s47B ERA);
- (c) unlawful deduction from wages (s13 ERA);
- (d) claims under the Equality Act 2010 (failure to make reasonable adjustments / discrimination arising from disability / victimisation);
- (e) Wrongful dismissal/breach of contract.

15. Particulars of the claims for unfair dismissal, interim relief and detriment for whistleblowing are given in the claim form. No particulars are given of the other claims.

16. The claimant was notified on 4 August 2026 that his claims of whistleblowing, arrears of pay and disability discrimination were rejected because the claimant had not complied with the requirement to provide an early conciliation certificate number.

17. The claimant says that he made seven protected disclosures between 3

April and 10 July 2026. Details of these are given in the document accompanying the claim form at paragraphs 23 to 51. All were made by email to other employees of the respondent. These disclosures are all said to relate to breach of legal obligations under s43B(1)(b) ERA and / or disclosing a risk to health and safety under s43B(1)(d) ERA.

18. Copies of the various emails appear in the claimant's hearing bundle.
19. The claimant was dismissed at a disciplinary meeting on 29 July 2026. He did not attend the meeting. A written record of the meeting (also in the bundle) records that the reason given by the respondent for the disciplinary action and the dismissal related to the claimant's performance. These include the claimant's failure to complete allocated duties, failure to wear the required uniform and failing to attend paid site training. The conclusion of the decision maker is stated as *"I have considered all of the evidence provided to me and I can confirm that I've lost all faith in Khalid Hamraodi to provide a reasonable level of service. And for this reason I have no option but to terminate Khalid's employment immediately"*.
20. The claimant says that this was not the real reason for dismissal. He says that the real reason for dismissal was because he made protected disclosures (i.e. because he was a whistleblower).
21. The respondent has yet to present a response to the claim.

Discussion/Conclusion

22. To apply the test for interim relief, the tribunal must undertake a summary assessment of the merits of the proposed claim.
23. In this case the essential elements of successful claim are twofold. The tribunal must find that:
 - (a) The claimant made protected disclosures to the relevant persons (i.e. he must show that he had legal protection as a whistleblower); and
 - (b) the fact that he had made those protected disclosures was the reason (or the principal reason) for dismissal.
24. The first part requires the Tribunal to consider various matters. In particular:
 - (a) What did the claimant say or write? When? To whom?
 - (b) Did they disclose information?
 - (c) Did they believe the disclosure of information was made in the public interest?
 - (d) Was that belief reasonable?
 - (e) Did they believe it tended to show certain things. In this case the claimant says his disclosures tended to show that:
 - (i) a person had failed, was failing or was likely to fail to comply with any legal obligation; and/or
 - (ii) the health or safety of any individual had been, was being or was likely to be endangered;
 - (f) Was that belief reasonable?
 - (g) If the claimant made a qualifying disclosure, it was a protected

disclosure because it was made to the claimant's employer.

25. The respondent does not concede that the claimant made protected disclosures. However, the respondent does not substantively challenge this. They assert that the real issue in the case will be causation (i.e. whether the reason for dismissal was because of the claimant's protected disclosures).
26. There can be no doubt that the claimant sent the various emails to his employer. Furthermore, the content of those emails is clear. A final determination as to whether they were protected disclosures will be a matter for a full hearing (and will be made after hearing evidence particularly in relation to the claimant's belief). However, given the nature, scope and content of the disclosures, the claimant stands a "pretty good chance" of succeeding in showing that at least some of the content of the various emails amounted to a protected disclosure.
27. As the respondent indicates in its written submissions, the key issue in this case is likely to be the question of whether the reason for this dismissal (or if more than one the principal reason) was the fact that the claimant made such protected disclosures. There is a key conflict of evidence on this point:
 - (a) the claimant says that he was dismissed because he made the protected disclosures;
 - (b) the respondent disputes this and asserts that there were other unrelated performance reasons for dismissal. They say that the reasons were those given in the written record of the meeting on 29 July 2026.
28. In oral submissions, Ms Cirstiou, on behalf of the claimant, said that the respondent was "*hiding the real reasons*" for the claimant's dismissal. She also referred to the respondent's reasons being "*invented*". This sums up the key issue.
29. The tribunal's decision on this point will be heavily dependent upon hearing oral witness evidence at the full hearing after seeing that evidence tested under cross examination.
30. The claimant has produced little evidence that suggests the required causal link between his protected disclosures and his dismissal. At its highest, the claimant's case on the evidence available thus far is effectively (and I paraphrase):
 - (a) "*I must have been dismissed for making protected disclosures because I was dismissed shortly after making those protected disclosures*"; and
 - (b) "*Some of the performance issues raised against me relate to similar issues to those that I was raising concerns about. For example, I raised concerns about uniform and the respondent says that one of the reasons I was dismissed was because I did not wear their uniform.*"
31. The contemporaneous documents before me do not suggest that the respondent took issue with the fact that the claimant made complaints. Nor do they suggest a hostile response to the complaints. For example, the respondent asked for further information, confirmed that the complaints

would be investigated further and sought a meeting with the claimant to progress matters.

32. The respondent also said in submissions that the performance concerns that gave rise to the decision to dismiss were first raised before the claimant made his disclosures. They point to this as evidence that the disclosures were not the reason for dismissal.
33. There is clearly a significant dispute on the facts as to the reason for dismissal.
34. For the claim to succeed, the Tribunal must find the necessary causal link between the fact that disclosures were made and the dismissal (i.e. find that the respondent decided to dismiss the claimant because he made the disclosures).
35. There is insufficient evidence that suggests a sufficiently strong link between the two. The claimant's case on this essential point is well below the required standard of a "pretty good chance" of success.
36. For those reasons application for interim relief is dismissed.

Approved by:

**Employment Judge Mr A. Spencer on
26 August 2026**

JUDGMENT SENT TO THE PARTIES ON

3 October 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/