EMPLOYMENT TRIBUNALS

Claimant: Mr D Marajh

Respondent: 3HCA Ltd

On: 3 June 2026

Before: Employment Judge Daniels

At: Watford Employment Tribunal

Appearances:

For claimant: In person

For respondent: Mr Tudor

REASONS FOR JUDGMENT ON INTERIM RELIEF APPLICATION

Summary of judgment:

The Tribunal found that pursuant to section 129(1) Employment Rights Act 1996, that it is **likely** that the Claimant **will succeed** at the final hearing in establishing that the principal reason for dismissal was that the Claimant made a protected disclosure/protected disclosures. A continuation order was made. Judgment dated 3 July 2026.

Detailed oral reasons were provided at the hearing. The respondent subsequently sought written reasons. These are the full reasons.

REASONS

1. The claimant brings complaints of automatically unfair dismissal by reason of making a public interest disclosure.

2. The claimant was employed by the respondent as Governance and Compliance lead from 10 March 2025 until 23 April 2026.

3. The Tribunal was provided with a 134 page bundle by the respondent at 9pm the night before the hearing and 26 pages by the claimant.

4. The claimant relied upon a witness statement along with a written skeleton argument. The respondent did not produce a statement.

5. The Tribunal did not hear oral evidence.

6. It was confirmed with the parties that the hearing was public (see **Public Queensgate v Millett (2021) IRLR 637).**

7. The claimant brought an application for interim relief pursuant to section 128 of the Employment Rights Act 1996 on the basis that the sole or principal reason he was dismissed was because he had made a protected disclosure a claim falling within section 103A of the Employment Rights Act 1996.

8. The claimant's case

9. The claimant was employed by the Respondent, 3CHA Ltd, from 10 March 2025 until dismissal on 23 April 2026. Throughout his employment he says he had maintained a clean disciplinary record. He says he was never subject to any warnings, investigations, or performance concerns. He says he regularly received positive feedback from both the Executive Team and the Board and was nominated for the HQN Best Newcomer Award 2026. He also says he passed two probationary periods and was offered a full-time promotion shortly after joining.

10. The claimant says his first protected disclosure was to Managing Director (Davinder Kajla) between January–April 2026 orally. The Claimant says he raised concerns regarding:

11 (i) fraudulent property documents and falsified support notes;

12 (ii)unrecorded tenant complaints;

13 (iii) an illegal eviction;

14 (iv) a tenant left without support for three weeks;

15 (v) attempts to mislead the Regulator of Social Housing (RSH);

16 (vi) pressure to alter Board minutes;

17 (vii) attempts to circumvent regulatory rules on S106 acquisitions.

18. The claimant says this disclosure tended to show criminal offences (fraud), breaches of legal obligations, endangerment of tenant health and safety and/or deliberate concealment of wrongdoing.

19. The claimant says disclosure 2 was an Internal Disclosure to Board Member (Bradley Stratford) on 13 April 2026.

20. On 13 April 2026, the claimant says he met with Board Member Bradley Stratford and says he disclosed information/made protected disclosures concerning:

21. safeguarding failures affecting tenants,

22. fraudulent documentation produced by managing agents,

23. and the failure of the Managing Director, Davinder Kajla, to act despite being aware of these issues.

24. An alleged summary by the claimant of this meeting is attached in the bundle.

25. Mr Kajla apparently disputes the contents but he was not at the meeting. There was no indication of whether Mr Stratford disputed the contents.

26. The claimant says he raised several protected disclosures during the meeting, including:

27. He says he explained that the system showed 2,700+ missing mandatory documents, including referral forms and compliance evidence. He says he explained that Devinder repeatedly blocked transparency by refusing to show the Board the Porter's Programme because it exposed these failures.

28. The claimant says he informed Mr Stratford that a managing agent was falsifying support notes, and that this had been raised previously but never acted upon. He explained that he believed this created fraud risks (overpayment of public funds in housing benefit), regulatory breaches and safeguarding concerns.

29. The claimant says he raised multiple examples including tenants being placed in properties without support, including Chapter placing tenants without onboarding approval, and them creating fraudulent housing benefit claims.

30. The claimant says he reported that Mr Kajla routinely overrode compliance requirements, including asbestos reports, PAT testing, and mandatory signage.

31. The note records that allegedly during the meeting, the claimant explained that Devinder had threatened his job when he raised compliance concerns with him.

32. ("If you do that, none of us will have a job… you won't have a job.")

33. The claimant says that Mr Statford said that the Board was unaware of many of these issues because Mr Kajla had withheld information and he acknowledged that the Board needed to intervene.

34. The claimant says he said that the organisation was at risk of regulatory action, including for poor governance, lack of tenant support, falsified documentation, unsafe properties, non-compliance with the Housing Ombudsman Code and mismanagement of safeguarding incidents

35. The claimant says that Mr Statford acknowledged these issues and agreed they were serious.

36. The claimant says that Disclosure 3 was an external oral disclosure to Birmingham City Council in early April 2026

37. The Claimant says he orally reported (i) safeguarding failures (ii) a sexual assault incident, (iii) illegal eviction of a South African tenant, (iv) tenants not receiving support by Reds

housing and (v) suspected Housing Benefit fraud by the managing agent. Additional housing benefit was not payable where support was not actually provided.

38. There was also said to be a video call where these items were followed up.

39. The claimant says that disclosure 4 was an external disclosure to South Kesteven Council on 22 April 2026. The Claimant says he reported that (i) a tenant had been left unsupported for at least three weeks, (ii) that the provider (Chapter Ltd) admitted failure and not providing support and that Housing Benefit was being claimed fraudulently as a result.

40. The claimant says that disclosure 5 was an external disclosure to the Regulator of Social Housing (RSH) on 23 April 2026 to the RSH Caseworker. The Claimant says that in summary he reported:

41. fraud and mismanagement;

42. falsified documents;

43. regulatory breaches;

44. Board interference;

45. attempts to mislead the regulator;

46. threats from the Managing Director.

47. The RSH is a prescribed person under PIDA (s.43F). The claimant says the disclosure related to criminal offences, regulatory breaches, and concealment of wrongdoing.

48. The claimant says these disclosures were made in the public interest, as they related to safeguarding failures, misuse of public funds, and potential benefit fraud.

49. As a Registered Provider, he says the Respondent had legal obligations to ensure tenant safety and regulatory compliance, which he believed were being breached.

50. Following his disclosures, the claimant says the Managing Director's attitude towards him changed abruptly.

51. He believes that Bradley Stratford and Amelia McCann raised his concerns with Davinder Kajla, and that this triggered retaliatory behaviour.

52. On 23 April 2026, the day after South Kesteven Council contacted him, he was dismissed with immediate effect.

53. He says that no investigation took place, no allegations were put to him and he was not given any opportunity to respond.

54. The termination letter referred vaguely to "loss of trust and confidence" but provided no evidence or examples of alleged poor performance or misconduct.

55. The claimant says he had never been told of any concerns about his conduct or performance prior to raising protected disclosures.

56. Public Interest and Qualifying Disclosures

57. The claimant relies on the numerous disclosures described above but says that in summary his disclosures concerned matters affecting approximately 850 tenants, including:

58. safeguarding failures,

59. fraudulent Housing Benefit claims (SEA claims),

60. health and safety risks, and safety of person/persons like residents being endangered

61. breaches of legal obligations as a Registered Provider and Social Landlord,

62. and deliberate concealment of wrongdoing by senior management.

63. The claimant says these matters clearly fall within the scope of the Public Interest Disclosure Act 1998, as they relate to criminal offences, breaches of legal obligations, and risks to the health and safety of vulnerable individuals.

64. Belief as to the Reason for Dismissal

65. The claimant believes the true reason for his dismissal was his protected disclosures.

66. He points to the timing, the absence of any prior concerns, the sudden change in treatment, and the Respondent's failure to follow any fair process all support this conclusion.

67. The Claimant contends that the sole or principal reason for his dismissal was the making of protected disclosures, contrary to s.103A ERA 1996.

68. The respondent's case

69. The Respondent submits that Mr Davinder Kajla, Managing Director of the Respondent was the dismissing officer.

70. The Respondent further submits that the Claimant did not make any disclosure to Mr Kajla at any time and Mr Kajla had no knowledge of any alleged disclosures.

71. In those circumstances, it is denied that the dismissal was in any way connected with, or influenced by, any alleged disclosure, as the dismissing officer had no such knowledge.

72. The Respondent contends that the Claimant alleges he made the relevant disclosures to Mr Brad Stratford, Non-Executive Director of the Respondent.

73. The Respondent further submits that the Claimant did not make any disclosure to Mr Kajla, the dismissing officer, and Mr Kajla had no knowledge of any alleged protected disclosures at the time the decision to dismiss was taken.

74. In those circumstances, the Respondent denies that the dismissal was by reason of any protected disclosure and avers that it is not possible for the alleged disclosures to have materially influenced the dismissal decision where the decision-maker had no such knowledge.

75. In view of the above, it is denied that the Claimant was automatically unfairly dismissed as alleged, or at all.

76. The Respondent submits that the decision to dismiss the Claimant was based solely on the Claimant's conduct and his failure to meet the standards reasonably expected of an employee in his role.

77. The Respondent further submits that, on multiple occasions in March and April 2026, the Claimant refused to accept and/or comply with reasonable management instructions given by Mr Kajla. In particular, when Mr Kajla explained that certain operational duties fell outside the Claimant's remit, the Claimant is said to have again refused to accept that direction. The Respondent contends that this was part of an ongoing pattern of noncompliance and unwillingness to engage with management instruction.

78. These arguments are helpfully expanded upon in paras 7-62 of the ET3 that I have very carefully considered.

79. The respondent submitted that the claimant cannot show to the required standard that he made any qualifying disclosures.

80. He was, they say, dismissed for performance/conduct or some other substantial reason namely a breakdown in trust and confidence.

81. The Law

82. ERA 1996 Section 129(1) provides that an application for interim relief should be granted if 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 the principal reason for the dismissal is one of the statutory automatically unfair reasons.

83. "Likely" has been defined as the claimant must show that his case has a pretty good chance of success which means something better than likelihood on the balance of probability; see the cases of **Taplin v C. Shippam Limited (1978) ICR 1068**, as approved and followed in **London City Airport Limited v Chacko (2013) IRLR 610** at paragraph 10 and **His Highness Sheikh Bin Sadr al Qasimi v Robinson (UKEAT/0283/17).**

84. The Tribunal must be satisfied that the claimant is likely to succeed on each necessary aspect of his claim applying the high threshold before relief can be granted that means that the Tribunal must be satisfied that the claimant is likely to show he made a protected disclosure within the statutory definition and that it is likely it was the sole or principal reason for dismissal.

85. In the case of **Chacko** the EAT gave guidance on the approach to be taken at paragraph 23 namely

86. "in my judgement the correct starting point for this appeal is to fully appreciate the task which faces an employment judge on an application for interim relief. The application falls to be considered on a summary basis. The employment judge must do the best he can with such material as the parties are able to deploy by way of documents and argument in support of their respective cases. The employment judge is then required to make as good an assessment as he is promptly able of whether the claimant is likely to succeed in a claim for unfair dismissal based on one of the relevant grounds. The relevant statutory test is not whether the claimant is ultimately likely to succeed in his or her complaint to the employment tribunal but whether it appears to the tribunal in this case the employment judge but it is likely. To put it in my own words what this requires is an expeditious summary assessment by the first instance employment judge as to how the matter looks to him on the material that he has. The statutory regime thus places emphasis on how the matter appears in the swift reconvened summary hearing at first instance which must of necessity involve a far less detailed scrutiny of the respective cases of each of the parties and their evidence then will be ultimately undertaken at the full hearing of the claim."

87. HHJ Eady has stated that

88. "The summary assessment of the material before it to determine this question as broad brush approach and very much an impressionistic one."

89. The Employment Rights Act 1996 provides 43 B disclosures qualifying for protection

90. (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:-

91. (a) that a criminal offence has been committed is being committed or is likely to be committed;

92. (b) that a person has failed or is failing or is likely to fail to comply with any legal obligation to which he subject…

93. (d) that the health or safety of any individual has been or is being or is likely to be endangered…

94. (f) that information tending to show any matter falling within any one of the preceding paragraphs has been is being or is likely to be deliberately concealed.

95. Conclusions

96. On hearing of this application, the Employment Judge has not made findings of fact but relies on the material provided by each party and the required overview.

97. The Tribunal heard no oral evidence.

98. The evidence

99. On the admittedly limited available evidence, I considered on very broad terms whose factual version is more likely to be established at trial and in which respects? I found the claimant's case as inherently credible and importantly partly corroborated by a key contemporaneous meeting note with the board member Mr Steward.

100. I do not see any of his allegations as contradicted by contemporaneous material. The disclosures appeared to be serious and genuinely believed by the claimant. I note that the alleged reports to external agencies are also consistent with the version of events provided by the claimant.

101. I have been given no statement from the respondent, to assist the ET.

102. But I have very carefully considered the Response.

103. The position on the making of protected disclosures in the Response was vague and evasive.

104. I also consider the performance issues alleged to exist as limited and very vague.

105. I did not consider any of these, even if true, serious or significant enough to explain the unusual approach adopted by the respondents and their sudden rather dramatic turn against the claimant.

106. For example, the claimant was entitled to look for other robs while in a job. It is not misconduct to do so or serious poor performance.

107. The operational performance issues alleged appeared to me to be very minor and seemed to be strongly counterbalanced by lots of apparent evidence of good performance.

108. I also note there to be potential evidence indicating the respondent's genuine dissatisfaction with and hostility to the way the claimant was taking up compliance issues.

109. I also do not find their blanket denial of any protected disclosures being made to be at all credible at this time.

110. Mr Kalja appeared to be trying to limit the claimant's role despite his contract saying her reported partly to the board.

111. He did not follow any capability or performance management steps at all. All that happened was an extremely brief 6 minute meeting conducted in a way which suggested that nothing the claimant could said could change his mind. The timing was immediately after the making of a number of apparently serious protected disclosures which might

rather more reliably indicate that Mr Kalja had made a firm decision already and had no interest in hearing the claimant's version of events and was hostile to the protected disclosures that had made by him. In other words, undisputed events suggest that nothing the claimant could do in the meeting would change the view that Mr Kalja had.

112. At the interim relief stage, I did not determine any disputed facts but simply assessed whether, on a provisional evaluation of the evidence — with particular weight given to contemporaneous documentation and without resolving credibility disputes requiring cross-examination — the claimant has a pretty good prospect of establishing their case at the final hearing.

On asking "Which version is more likely to be established? I considered the claimant's version of events albeit not tested by cross examination as coherent, supported by some documents, not seriously undermined by anything the respondent has said, and inherently plausible. I also consider that the claimant's narrative also makes more practical and organisational sense.

113. The Tribunal considered in this case whether there is a pretty good chance that at the final hearing whether

114. (1) that the claimant had made a disclosure to his employer;

115. (2) whether the claimant believed that the disclosure tended to show one or more of the things set out at (a)-(f) under section 43B (1);

116. (3) that he believed that the disclosure was made in the public interest;

117. (4) those beliefs were reasonable and

118. (5) the disclosure(s) was/were the principal reasons for his dismissal.

119. The disclosures

120. There is a dispute as to whether the claimant made qualifying disclosures. The respondent now admits that some of the items would involve breaches of legal obligations if proven.

121. For example, the failure to provide support when claiming housing benefit payments dependant on that support. The claimant relies upon 6 main disclosures.

122. The Tribunal determined that the claimant had a pretty good chance of establishing at the final hearing that he had made protected disclosures in at the very least:

123. Disclosure 1 to KJ

124. Disclosure 2 Brad Steward

125. These disclosures appeared to include a raft of serious issues, in particular, Apparently fraudulent housing benefit claims, a business claiming the provision of support to tenants not actually provided, overpayment of public funds associated by way of enhanced housing benefit paid to the respondent or a client (not to the tenant),

126. Mr Kalja potentially amending board minutes to potentially mislead the regulator in communications with the regulator; apparently illegal evictions without a NTQ not being addressed made due to financial reasons by managing agent/r,

127. Breach of regulations on PAT testing, fire documents and completing forms without doing testing required. Plus apparently genuine health and safety disclosures and dangers to tenants, including with regard to possible sexual offences against them.

128. I don't make any findings with regard to any of the disclosures to external agencies as there is insufficient evidence that these disclosures were reported to Mr Kajla.

129. However, I do take these into account in the round when considering the credibility of the claimant's case generally.

130. In the case of **Eiger Securities LLP v Korshunova (2016) UKEAT/0149/16** the source of the legal obligation should be identified. Here the claimant has identified the source of the legal obligations.

131. I find that, for the reasons explained further above, the claimant has a pretty good chance of establishing that there was a reasonable belief of a likely breach of a legal obligation and/or a criminal offence and/or the necessary endangerment of health and safety. The issues looked very serious, supported by evidence, consistent with documents and the respondent's approach/account looked decidedly implausible.

132. Whether the claimant believes that the disclosures tended to show a relevant failure

133. A belief for these purposes may be mistaken but nevertheless genuinely held. In the case of **Darnton v University of Surrey (2003) IRLR 133 as** approved by the Court of Appeal in **Babula v Waltham Forest College (2007) EWCA Civ 174** whilst the worker must have a reasonable belief that the information he is disclosing tends to show one or more of the matters in section 43 B (1)(a) to (f) there is no requirement upon the worker to demonstrate that the belief is factually correct the belief may still be reasonable even though it turns out to be wrong.

134. The worker must subjectively believe that the information tends to show the relevant failure and the Tribunal is entitled to take into account of the knowledge and the expertise of the worker; see **Korashi v Abertawe Bro Morganwwg University Local Health Board 2012 IRLR 4** (paragaph 62) since the test is their reasonable belief must be subject what a person in their position would reasonably believe to be wrong-doing.

135. In **Babula** the Court of Appeal held that it was sufficient that the worker reasonably believes that the matters disclosed amount to a legal obligation.

136. The Tribunal concludes the claimant has a pretty good chance of establishing at the final hearing that he reasonably believed his disclosures 1 and 2 (at the very least) tended to show a breach of a legal obligation and/or a criminal offence and/or health and safety endangerment. I note his consistent account, the seriousness of the issues and the lack of credibility in the respondents almost blanket denials.

137. Whether the claimant believed the disclosure was made in the public interest

138. In the case of **Chesterton Global Limited and another v Nurmohamed (2017) EWCA Civ 979** Lord Justice Underhill stated that whether a disclosure is in the public interest depends on the character of the interest served by it rather than simply on the numbers of people sharing that interest. Disclosures which are in the interest of the person making the disclosure will not be in the public interest if there is nothing more than the person's own interest. Disclosures where other workers are affected may be in the public interest but numbers are not likely to be sufficient in itself and some other factor should be present.

139. It is in the public interest that the respondent meets its legal and statutory obligations.

140. This case also relates to the use of public money for housing benefit and the safety of tenants (members of the public) in their accommodation etc.

141. I concluded that the claimant had a pretty good chance of establishing the issue of public interest at the final hearing. Indeed, this argument appeared very strong.

142. Whether the beliefs were reasonable

143. Section 43B (1) involves applying an objective standard to the personal circumstances of the discloser and those with professional insider knowledge will be held to a different standard than lay persons in respect of what is reasonable for them to believe.

144. The case of **Korash**i held at reasonableness under section 43B (1) involves applying an objective standard to the personal circumstances of the disclosure and that those with professional or insider knowledge will be held to be different standard than lay persons in respect of what is reasonable for them to believe. whether the beliefs were reasonable

145. The claimant was an insider and well qualified and appeared to me to have had a wealth of knowledge and experience of the key issues.

146. I also determined that the claimant had a pretty good chance of establishing at the final hearing that **he reasonably believed that** there was a breach of a legal obligation and that his disclosure was made in the public interest.

147. Whether the protected disclosures was the sole/principal reason for dismissal

148. The claimant says there were no issues raised by the respondent about his conduct until his protected disclosure.

149. The respondent determined to dismiss the claimant on 23 April 2026 in a roughly six minute video call.

150. The reason given for the claimant's dismissal in the hearing outcome letter was that there had been performance issues or conduct issues or a breakdown of trust.

151. The claimant's case is that Mr Kajla did not appreciate firm advice and guidance from him as the compliance lead.

152. The respondent relies on performance. But the issues raised appear to be very minor. They simply do not appear to justify completely abandoning the normal capability or disciplinary procedures or indeed any meaningful process at all. The disclosures made were serious and of nature a that might very well lead to retaliation. The claimant also

153. escalated these matters up to the board and then outside when he considered appropriate. This put his position in jeopardy and in conflict with Mr Kalja. There appeared to be a clear motive for Mr Kalja to silence and remove the claimant

154. There also appears to be some evidence that Mr Kalja did not appreciate the claimant's commitment to compliance and lawful conduct and so Mr Kalja was trying to "clip his wings".

155. He was also suddenly indicating he was seen as a threat which did not sit with the allegation that there had simply been performance issues. The respondents provided no explanation for the timing of this sudden and dramatic turn against the claimant immediately after he had made at least 2 serious protected disclosures.

156. There was nothing in any documents to suggest there had been any prior concern about the claimant or that his job might be at stake. He had only recently been given a major new job with a well known auditing company Campbell Tickle which was wholly inconsistent with the contention that there were significant or material concerns about his capability.

157. Nothing in the documents indicate any prior concern his job was at stake. The board meeting notes support the claimant's narrative and also point to the antipathy and hostility of Mr kaljar. The claimant relies on the threatening comment by Mr Kalja which is consistent with his case. I had no evidence even in broad form before me to disprove the making of this threat. The claimant's account appeared credible albeit just at first sight.

158. In the circumstances and for all these reasons there appeared to be strong potential evidence in many different respects that the sole or main reason for his dismissal was his first two protected disclosures and that the other reasons provided were an unconvincing smokescreen. Therefore, the application for interim relief succeeds.

159. This decision does not mean that the claimant will succeed at final hearing.

160 The financial awards made were uncontested.

Approved by

Employment Judge Daniels

on 19 October 2026

Sent to the parties on:

19 October 2026

For the Tribunal Office: