**N.B.**

**This is a template for guidance only and not all the content will be relevant to your situation. Delete and edit as appropriate. Whatever you include in your ET1 must be truthful and you will be questioned closely on it at tribunal so be careful to make sure that everything you include is accurately reflects what has happened.**

**For more information on completing your ET1, please see our** [**webpage**](https://protect-advice.org.uk/et1claimform/)**. We also have some information on** [**compensation and remedies in whistleblowing cases**](https://protect-advice.org.uk/remedies-in-whistleblowing-cases/) **and an example schedule of loss in our** [**template library**](https://protect-advice.org.uk/templates/)**. If you have any questions, please** [**contact one of our advisers**](https://protect-advice.org.uk/contact-protect-advice-line/)**.**

**IN THE EMPLOYMENT TRIBUNAL**

**NAME**

**CLAIMANT**

**AND**

**COMPANY NAME**

**1st RESPONDENT**

**NAME OF LINE MANGER/DIRECTOR**

**2nd RESPONDENT**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**PARTICULARS OF CLAIM**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

1. I was employed from DATE to DATE at EMPLOYER NAME, the First Respondent, in a [part time] role working XX hours per week as a JOB TITLE.
2. The Second Respondent is JOB TITLE at the First Respondent.
3. During my employment I was based at LOCATION and was line managed by NAME, the Second Respondent.
4. I was dismissed on DATE [by email/by phone/face-to-face], [with notice/without notice/at the end of my probation/as part of a redundancy process].
5. I am issuing this claim against the First Respondent pursuant to ACAS EC Certificate (RXXXXXXXX), and the Second Respondent pursuant to ACAS EC Certificate (RXXXXXXXXX).

**Summary of claims**

1. I am bringing the following claims against the First and Second Respondents:
   1. Whistleblowing detriment under s47B ERA 1996; and
   2. Automatic unfair dismissal under s103A ERA 1996.

1. In respect of the claim for automatic unfair dismissal under s103A, I am applying for interim relief in accordance with s128 ERA 1996.

**Time Limits**

1. The whistleblowing detriment forms part of a series of continuing acts, the last of which was on DATE and therefore falls within three months less one day of my notifying ACAS of my claims (see paragraph 5 above).
2. This application for interim relief in respect of automatic unfair dismissal is presented within seven days of the effective date of termination which was DATE.

**Background**

1. My job role at the First Respondent involved DESCRIPTION OF ROLE.
2. EXPLAIN ANY RELEVANT LEGAL OBLIGATIONS, HEALTH AND SAFETY ISSUES, ETC. (*e.g. The industry rule for stacking certain heavy products is to have at least two workers on the shop floor at any one time. I was made aware of this by the Second Respondent when I started during training, and it is the company’s policy that the two-worker rule should always be met.*)
3. SUMMARY OF ISSUE (*e.g. Since February, there have been shortages of staff. On many shifts, staff end up moving heavy loads on their own*)
4. Between DATE and DATE I became increasingly concerned about SUMMARY OF ISSUE. (*e.g. I have become increasingly concerned about the health and safety risk and two of my colleagues have recently complained to me of back pain*).
5. I raised all these matters with NAME(S) between DATE and DATE (protected disclosures (x)-(x) below).
6. When I raised these concerns with NAME(S) on DATE (protected disclosure (a) below), they responded DETAIL OF RESPONSE. No action was taken and the situation continued.
7. When I raised these concerns with NAME(S) on DATE (protected disclosure (b) below), DETAIL OF RESPONSE. No action was taken.
8. During a meeting with NAME(S) on DATE, I raised concerns about the situation getting worse (protected disclosure (c) below). DETAIL OF RESPONSE. No action was taken to resolve the situation.
9. After making protected disclosures (a)-(c), the Second Respondent’s attitude towards me changed. SUMMARY OF NEGATIVE TREATMENT.
10. On DATE, I was informed [by email/by phone/in a meeting] that I [had not passed my probation period/was being dismissed/was being made redundant]. The reason given was DETAILS (*e.g. The reason given was that my performance had been inadequate. I was given no notice prior to the meeting that it would relate to my dismissal*)
11. Prior to making protected diclosures (a)-(c), EXPLAIN WHY REASON GIVEN COULD NOT BE CORRECT (*e.g.* *I had received positive feedback from the First and Second Respondent on my work. No disciplinary or performance issues had been raised with me. I had won an Employee of the Month Award on DATE*)

**Protected disclosures**

1. I made the following protected disclosures:

a. On DATE I had a conversation with NAME(S). I stated CONCERN (*e.g. we were often working alone to stack heavy products and that staff were now experiencing back pain*). I believed this was TYPE OF WRONGDOING (*e.g. breaching the First Respondent’s legal obligations by failing to comply with health and safety regulations, namely RELEVANT RULE*).

b.  On DATE I contacted NAME by telephone and told her CONCERN. I believed this was TYPE OF WRONGDOING.

c.  On DATE I spoke to NAME and told him CONCERN. I believed this was TYPE OF WRONGDOING.

1. These disclosures were qualifying disclosures because I reasonably believed that I was raising concerns about (DELETE AS APPROPRIATE):
   1. A criminal offence committed by the First Respondent, namely XXX
   2. A breach of a legal obligation by the First Respondent to comply with RELEVANT RULE
   3. A miscarriage of justice, namely XXX
   4. A health and safety risk to WHO posed by RISK/DANGER
   5. Damage to the environment, namely XXX
   6. The deliberate concealment of information relating to TYPE OF WRONGDOING

1. I reasonably believed that these concerns were in the public interest as they did not relate to my own private rights at work, but concerned EXPLAIN WHO IS BEING AFFECTED (*e.g. a risk of serious injury to my colleagues*).
2. My disclosure was a protected disclosure as it was made to [*e.g. my employer*].

**A. Whistleblowing Detriment**

1. I claim the following as detriments against me by the First Respondent on the ground that I made protected disclosures:
   1. My treatment by NAME on DATES in reaction to my protected disclosure on DATES [Elaborate / detail each instance] (*e.g. dismissive and belittling response to my concerns/comment made angrily by the Second Respondent on DATE)*
   2. My [exclusion from meetings/change in shift times/change in job responsibilities]
   3. The decision that [I did not pass my probation period/I should be dismissed/I should be made redundant] communicated [by email/phone/face to face] on DATE with [no given reason / on the basis of unfounded criticisms of my work performance and ethics / on the basis of the allegation of [X, Y, Z ] which was unfounded / on the basis of the allegation of [X, Y, Z] which was incapable of justifying the dismissal as the Respondent sought to do].
   4. The dismissal (pleaded as a detriment) - Timis & Anor v Osipov [2018] EWCA Civ 2321.
   5. The manner (as opposed to the fact of) my dismissal on [DATE], and in particular:
      1. The absence of any recognised procedure;
      2. That I was summoned to the dismissal meeting under false pretences / without being informed of the purpose of the meeting;
      3. The misleading content in the dismissal letter, including the false allegation that [X, Y, Z].
   6. The failure to follow an appeal procedure in line with the Acas Code of Practice on Disciplinary and Grievance Procedures.
2. Each detriment was materially influenced by the Protected Disclosures that predated it.
3. I am also relying on detriments (NUMBER THE RELEVANT DETRIMENTS) as against the Second Respondent personally.

**B. Automatic Unfair Dismissal**

1. The decision taken by the First (and Second?) Respondent that [I did not pass my probation period/I should be dismissed/I should be made redundant] and my dismissal on DATE amounts to automatic unfair dismissal, the principal reason for which being that I made the protected disclosures (a) – (c).
2. The reason given for this decision in the email on DATE was that [my performance was not good enough/I was guilty of gross misconduct/my position was no longer needed]. EXPLAIN WHY THIS WAS NOT THE CASE (*e.g. This contradicts feedback received from the First and Second Respondents during my three-month probation period. During that time, I received no criticism of my performance whatsoever and in fact was told my performance was very good on a number of occasions.*)
3. The dismissal was also a detriment under s.47B ERA (Timis & Anor v Osipov [2018] EWCA Civ 2321).

**Injury to feelings**

1. The detrimental treatment and the automatic unfair dismissal have impacted on me in the following ways: XXX. As such I am claiming damages for Injury to Feelings.

**Interim relief**

1. On the basis of the information above I submit that it is likely that a full Tribunal hearing will determine that the reason or principal reason for my dismissal was a prohibited reason (namely automatic unfair dismissal under s103A).
2. [As such I am applying for reinstatement [or re-engagement on no less reasonable terms than my original employment contract] at the First Respondent.] Should this be granted I am also claiming loss of salary between the date of termination and the date of reinstatement.
3. [In the alternative] I am applying for a continuation of my employment contract including all salary and benefits from the date of termination pending the outcome of the full Tribunal hearing.

**Remedy**

1. By way of remedy I am claiming:
2. A declaration that the First and Second Respondents unlawfully victimised me for whistleblowing;
3. A recommendation that the First and Second Respondents take such action as the tribunal considers practicable with regards to whistleblowing training;
4. Financial compensation (including my loss of earnings and all future losses, to be provided in a Schedule of Loss in due course);
5. Injury to feelings;
6. [ACAS uplift of 25%; and]
7. Interest.

**DATE**