



EMPLOYMENT TRIBUNALS

BETWEEN

CLAIMANT

V

RESPONDENT

Mr S Lamb

Wolseley UK Ltd (T/A Wolseley)

JUDGMENT

Pursuant to Rule 38(2) Employment Tribunals
(Constitution and Rules of Procedure) Regulations 2013/1237.

The Judgment dated 11 August 2021 and sent to the parties on 13 August 2021, dismissing the **whistleblowing detriment** claim, is set aside.

REASONS

1. An unless order was made by Employment Judge Webster dated 13 July 2021 which stated that unless by 27 July 2021 the Claimant provided answers to the following questions, the claims of **whistleblowing detriment** would stand as dismissed without further order:
 - 1.1. What disclosures is the Claimant relying on as being qualified disclosures under s.43(2)(b)(F) ERA 1996?
 - 1.2. When were these disclosures made?
 - 1.3. To whom were the disclosures made?
 - 1.4. What was the substance of the disclosures made?
 - 1.5. Why was the disclosure in the public interest?
2. As the Claimant had not supplied the information by the date stipulated in the unless order, the **whistleblowing detriment** complaints were

dismissed in a Judgment dated 11 August 2021, and sent to the parties on 13 August 2021.

3. By a letter dated 18 August 2021 from solicitors for the Respondent, the Tribunal was informed that the Claimant had not brought a whistleblowing detriment claim, only a whistleblowing dismissal claim pursuant to s.103A ERA 1996. This error was not drawn to the Tribunal's attention when the unless order was sent out.
4. The Respondent invites the Tribunal to make a new order dismissing the s.103A ERA claim. Such request is refused as the unless order did not refer to a whistleblowing dismissal claim. Instead, I have decided to issue a new unless order, referring to the whistleblowing dismissal claim, and requiring the Claimant to provide the same information about the protected disclosures relied on. However, given that the Claimant has already had an opportunity to provide this information and has failed to do so, I am providing a short window within which the Claimant may send this information.

.....
Employment Judge Hyams-Parish
20 August 2021

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.