

Monday Morning Dispatch

YOUR WEEKLY EMPLOYMENT LAW NEWSLETTER FROM CHADWICK LAWRENCE

Coming
up this
week...

- Sam & Nils discuss an EAT case on ADHD & ASD disability discrimination, as well as issues with proving relationships in visa applications.
- Daniel summarises the key changes to statutory sick pay which will come into force in April 2026.
- In the news, we explore a whistleblowing case and its implications for employers.
- Register for our events and seminars below!

The Legal Alternative Podcast



18. ADHD & ASD Disability Discrimination and Relationship Proof with UK Visa Applications

In this episode, Sam & Nils discuss an EAT case involving ADHD and ASD, focusing on the definition of disability under the Equality Act. They delve into the tribunal's initial decision, the appeal process, and the implications of medical evidence in legal judgments. Additionally, Nils explores visa issues related to relationships and dependencies, providing insights into UKVI guidelines.

18. ADHD & ASD Disability Discrimination and Relatio...



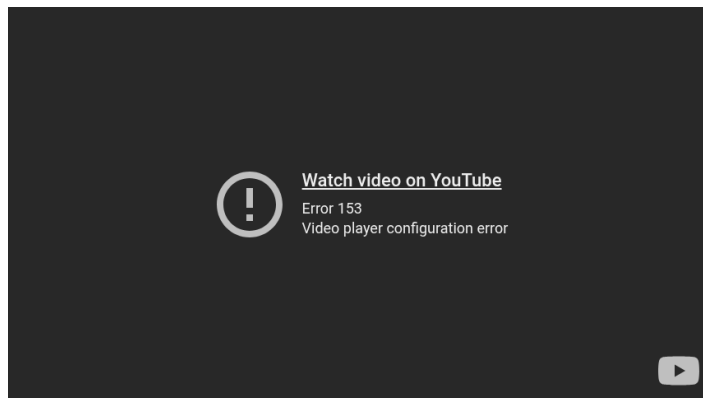
The Media Hub



How will the SSP regime change in April 2026?

In this video, we summarise the key changes to statutory sick pay which will come into force in April 2026, commenting on the removal of waiting days and the removal of the lower earnings limit.

🌐 How will the SSP regime change in April 2026?



In the News



Whistleblowing in 2025: Lessons from *Day v Lewisham & Greenwich NHS Trust*



Recap: What Is Whistleblowing?

Whistleblowing is when a worker makes a disclosure of information that they reasonably believe shows wrongdoing in the workplace, such as a criminal offence, health and safety risks, damage to the environment, or a breach of legal obligations.

In the UK, whistleblowers are protected under the Public Interest Disclosure Act 1998 (PIDA), which amends the Employment Rights Act 1996.

For protection to apply, the disclosure must:

- be a “protected disclosure” (e.g. about patient safety, financial malpractice, or breaches of law),
- be made in the public interest, and
- be made to the right type of recipient (e.g. the employer, a regulator, or in limited circumstances, wider disclosure such as to the media).

Employee Rights

- Protection from unfair dismissal. This means that if someone is dismissed due to whistleblowing, the dismissal will be treated as an automatic unfair dismissal.
- Protection from being subjected to a detriment (such as demotion, bullying, or damage to reputation) because of whistleblowing.

Importantly, as recent case law shows, these protections do not necessarily end when employment does.

The Case of *Day v Lewisham & Greenwich NHS Trust*

Background

- Dr. Chris Day, a junior doctor, worked at the Trust between 2013 and 2014. During his employment, he raised concerns about patient safety. This concern qualified as protected disclosures under Public Interest Disclosure Act 1988.
- In 2014, Dr. Day brought a whistleblowing claim alleging unfair dismissal and detriment. That dispute was settled in 2018 without any compensation.
- However, when Trust had published defamatory statements on its website about the settlement in response to media interest, Dr Day issued further proceedings by stating this amounted to post-employment detriment linked to his whistleblowing.

Tribunal & EAT Decisions

- Employment Tribunal (ET): The ET dismissed his claim, ruling that detriments that occur after employment ends cannot succeed under whistleblowing law as they were not “in the employment field”.
- Employment Appeal Tribunal (EAT): While the EAT upheld the Tribunal’s decision, due to the Trust’s statements being found to have been motivated by reputation and media concerns, it did state that the ET’s reasoning was flawed. The EAT confirmed that whistleblowing protections can extend to post-employment detriments if they are closely connected to the employment relationship or litigation arising from it.

Why Is This Significant?

Just as discrimination law recognises post-employment harassment, whistleblowing law now clearly covers detriments that occur after termination, provided they relate back to the employment relationship.

Employers who can show that protected disclosures had no meaningful influence on their decisions, however, will not be held accountable.

Takeaways

- Employers providing references or public statements must avoid letting the whistleblowing history influence tone or content.
- Even unintended consequences of reputational management, such as website posts or press statements, could be perceived as retaliatory. Therefore, when drafting these communications, employers should keep the content and tone strictly accurate and objective.
- HR teams, managers, and communication staff should understand whistleblowing risks before publishing or sharing information about former employees.
- Employers should document the rationale for references or public communications to show that whistleblowing was not a factor.

Upcoming Events



Seminars & Events Autumn/Winter 2025

Employment Law and Recruitment Market Update *with Hays*

23
OCT

TIME

8:30 AM – 10:00 AM

LOCATION

Chadwick Lawrence Wakefield Office, WFI 2DF



🌐 Employment Law & Recruitment Market Update with Hays

Mock Tribunal Event: Disability Discrimination & Flexible Working

27
NOV

TIME

8:30 AM – 12:00 PM

LOCATION

Weetwood Hall Estate, Leeds, LS16 5PS



🌐 Mock Tribunal Event

Contact Us



For questions, feedback, article ideas, or story contributions, email boxhr@chadlaw.co.uk and we'll be in touch.

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