



EMPLOYMENT TRIBUNALS

Claimant
Mr L Haughton

v

Respondent
Clancy Docwra Limited

PUBLIC PRELIMINARY HEARING

Heard at: North Shields

On: 17 February 2020

Before: Employment Judge S Shore

Appearances:

For the Claimant: Mr R Owen

For the Respondent: Mr D Mistry

JUDGMENT AND REASONS

JUDGMENT

1. The claimant's claim of failure to pay holiday pay is dismissed upon withdrawal.
2. The respondent's application for a strike out or deposit order in respect of the claimant's claims is refused.

REASONS

1. By a letter dated 28 January 2020, the respondent applied for a strike out or deposit order in respect of the claimant's claims on the grounds that they had little or no reasonable prospect of success.
2. The parties were advised that the issue would be dealt with a preliminary hearing on 17 February 2020. I dealt with the private preliminary hearing and then converted the hearing to a public preliminary hearing to deal with the application.
3. For the respondent, Mr Mistry submitted that the documents submitted with the application did not disclose that the claimant's claim had merit. It was acknowledged that it was at least arguable that the claimant had made a protected disclosure, but that there was no evidence that the reason for

dismissal, or that the disciplinary proceedings had been instigated was because of any protected disclosure.

4. Mr Owen submitted that there was a great deal of dispute about the facts of the case and that the real reason for the claimant's dismissal was not clear. It had been acknowledged that there had been a potential protected disclosure and the timings showed that disciplinary proceedings and dismissal followed quickly from the alleged disclosure.
5. I considered the submissions and documents. This is a case where many facts are in dispute. The respondent at least acknowledges the possibility that a protected disclosure was made by the claimant. Given the dispute on the facts, I have to find that the prospects of success of the claimant on all claims is better than no reasonable prospect and little reasonable prospect. He has an arguable case on the papers disclosed thus far.

Employment Judge Shore

24 February 2020