



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr S Sears

v

Department for Work and Pensions

Heard at: Employment Tribunal **On:** 5 October 2020

Before: Employment Judge Johnson

Appearances

For the Claimant: in person

For the Respondent: Mr P Smith (counsel)

JUDGMENT

1. The complaint of direct race discrimination is dismissed upon withdrawal by the claimant. For the avoidance of doubt, the complaint of indirect race discrimination was struck out by Employment Judge Buzzard on 3 July 2020.
2. The complaints of wrongful dismissal and whistleblowing are dismissed on withdrawal by the claimant as he acknowledges they were presented in error.
3. The respondent's application that the claimant's claim be struck out because they have no reasonable prospects of success in accordance with Rule 37(1)(a) of the Employment Tribunals Rules of Procedure is dismissed.
4. The respondent's application that the claimant's claim has little reasonable prospect of success in accordance with Rule 39 of the Employment Tribunal's Rules of Procedure is successful and the claimant is ordered to make a payment in respect of a deposit order to the Tribunal in the sum of £50.00 (fifty pounds), **by no later than 26 October 2020**. Further details are contained in the separate notice of a Deposit Order.
5. The remaining complaint of unfair dismissal will continue to be heard at the final hearing listed to take place at the Employment Tribunals **3rd Floor, Civil & Family Court Centre, 35 Vernon Street, Liverpool, L2 2BX on 4, 5, 6, 7 & 8 January 2021** starting at 10am or as soon as possible afterwards. The

case however, will converted to hearing before an Employment Judge sitting alone.

6. The parties shall ensure that they let the Tribunal know as soon as possible if they believe that it is necessary for the case to be heard remotely using the Cloud Video Platform ('CVP'), or if a party, representative or witness needs to attend the hearing remotely due to medical shielding or for other reasons. In these circumstances, the parties shall ensure that pdf copies are made available to those affected by these circumstances in order that they can fully participate in the proceedings.

Employment Judge Johnson

Date: 5 October 2020

Sent to the parties on:

23 October 2020

For the Tribunal Office