



EMPLOYMENT TRIBUNALS

Claimant: Mr D Lyons

Respondent: Interserve Futures Ltd

Heard at: Leeds (by CVP) **On:** 24 November 2021

Before: Employment Judge Miller

Appearances

For the claimant: In person

For the respondent: Ms G Crew - counsel

RESERVED JUDGMENT

The respondent's application to strike out the claimant's claims of automatically unfair dismissal under s 103A Employment Rights Act 1996 and detriment on the grounds of protected disclosure under s 47B and 48 Employment Rights Act 1996 is refused.

REASONS

The respondent agreed that the tribunal can only strike out protected disclosure claims in the clearest of cases. In this case, there is an arguable issue that turns on the evidence. There is a clear chronological link and a reasonably short period of time between the alleged protected disclosures and the claimant's suspension. The people about whom the claimant made the alleged protected disclosures are the same people that the claimant alleges subjected him to detriments.

Although the claimant only finally gave the detailed information about the alleged detriments at this hearing, that issue is the subject of an amendment application and does not fundamentally undermine the claimant's case, although it might be relevant to the credibility of his evidence at a final hearing.

Clearly, therefore, this evidence needs to be considered and tested and the case is not suitable to struck out as having no reasonable prospects of success For these reasons, the respondent's application is unsuccessful and is dismissed.

This decision does not impact on the outstanding applications to strike out other elements of the claimant's claims.

Employment Judge **Miller**

Date 10 December 2021