



EMPLOYMENT TRIBUNALS

Claimant: Dean Fitzsimmons

Respondent: Trustwell UK Ltd

Heard at: Midlands West Employment Tribunal, Centre City Tower, 5-7 Hill Street, Birmingham, West Midlands, B5 4UU

On: 17 June 2026

Before: Employment Judge Bennett

Representation

Claimant: In Person

Respondent: Mr Anderson of Counsel, instructed by Jones Day

JUDGMENT

The application to strike out the Claimant's complaint of race discrimination in relation to his dismissal is refused.

Approved by

Employment Judge Bennett

Date: 17/06/2026

NOTE ACCOMPANYING DEPOSIT ORDER

1. The Tribunal has made an order (a “deposit order”) requiring a party to pay a deposit as a condition of being permitted to continue to advance the allegations or arguments specified in the order.
2. If that party pays the deposit and continues to advance the allegations or arguments specified in the order, but the Tribunal decides those allegations or arguments against that party for substantially the reasons given in the order, that party would then lose their deposit. In addition, the Tribunal might make an award of costs or preparation time against that party for unreasonably pursuing those allegations or arguments.

What happens if you do not pay the deposit?

3. If the deposit is not paid the complaint or response to which the order relates will be struck out on the date specified in the order.

When to pay the deposit?

4. The party against whom the deposit order has been made must pay the deposit by the date specified in the order.
5. If the deposit is not paid within that time, the complaint or response to which the order relates will be struck out.

What happens to the deposit?

6. If the Tribunal later decides the specific allegation or argument against the party which paid the deposit for substantially the reasons given in the deposit order, that party shall be treated as having acted unreasonably, unless the contrary is shown, and the deposit shall be paid to the other party (or, if there is more than one, to such party or parties as the Tribunal orders). If a costs or preparation time order is made against the party which paid the deposit, the deposit will go towards the payment of that order. Otherwise, the deposit will be refunded.

How to pay the deposit?

7. Payment of the deposit must be made by cheque or postal order only, made payable to HMCTS. Payments CANNOT be made in cash.
8. Payment should be accompanied by the tear-off slip below or should identify the Case Number and the name of the party paying the deposit.
9. Payment must be made to the address on the tear-off slip below.
10. An acknowledgment of payment will not be issued, unless requested.

Enquiries

11. Enquiries relating to the case should be made to the Tribunal office dealing with the case.

12. Enquiries relating to the deposit should be referred to the address on the tear-off slip below or by telephone on 0117 930 2410. The PHR Administration Team will only discuss the deposit with the party that has been ordered to pay the deposit. If you are not the party that has been ordered to pay the deposit you will need to contact the Tribunal office dealing with the case.
13. You have the right to appeal against the decision to make a deposit order if you consider that the decision, or the amount ordered, is wrong in law. The time for appealing is 42 days from the date on which the deposit order was sent out in writing by the Tribunal. Details of how to appeal can be found here:

HMCTS Booklet T440:

<https://www.gov.uk/government/publications/how-to-appeal-to-the-employment-appeal-tribunal-t440>

The website of the Employment Appeal Tribunal:

<https://www.judiciary.uk/courts-and-tribunals/tribunals/employment-appeal-tribunal/>

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DEPOSIT ORDER

**To: Judicial Fees, Expenses and Payroll (JFEPs) Team
 Magistrates' Court & Tribunal Hearing Centre
 Marlborough Street
 Bristol
 BS1 3NU**

Case Number _____

Name of party _____

I enclose a cheque/postal order (*delete as appropriate*) for £_____

Please write the Case Number on the back of the cheque or postal order