



EMPLOYMENT TRIBUNALS

Claimant: Mr K Majid

Respondent: Santander UK PLC

Heard at : Leeds **on:** 18 November 2025

Before: Employment Judge Shepherd

Appearances:
For the claimant: in person
For the respondent: Mr. Gillie, counsel

Written Reasons

1. Extempore Judgment having been given orally on 18 November 2025, the respondent has requested written reasons and these are provided pursuant to rule 60 of The Employment Tribunal Procedure Rules 2024.
2. The claim was struck out pursuant to rule 38 of the Employment Tribunal Procedure Rules 2024 as it had no reasonable prospect of success.
3. The claimant represented himself and the respondent was represented by Mr. Gillie.
4. I had sight of a bundle of documents which was numbered up to page 107. I considered those documents to which I was referred by the parties.
5. Rule 38 of the Employment Tribunal Procedure 2024 provides:
 - (1) The Tribunal may or on the application of a party, strike out all or part of a claim, response or reply on any of the following grounds-
 - (a) that it is scandalous or vexatious or has no reasonable prospect of success...
6. The claims and issues were identified following a Preliminary Hearing before Employment Judge Knowles on 23 June 2025.

7. The claimant was employed by the respondent as a specialist CS colleague from 6 February 2023 until 22 July 2023.
8. The claim was about post-employment references provided by the respondent to prospective employers of the claimant. It is alleged that the references amounted to direct discrimination detriment because of race, victimisation or detriment for making a public interest disclosure.
9. In **Anyanwu v South Bank Student Union [2001] ICR391**, the House of Lords highlighted the importance of not striking out such claims except in the most obvious and plainest cases. This is because discrimination claims are generally fact sensitive, and it is a matter of public interest that they should be fully examined to make a proper determination.
10. A similar approach should generally inform protected disclosure (whistleblowing) cases which have much in common with discrimination cases. In **Ezias v North Glamorgan NHS Trust [2007] ICR CA**.
11. In the case of **Ahir v British Airways plc [2017] EWCA** the Court of Appeal provided that where there is, on the face of it a straightforward and well-documented explanation for what had occurred, a case cannot be allowed to proceed on the basis of a mere assertion that the explanation is not the true explanation without the claimant being able to advance some basis, even if not yet provable, for that being so.
12. The claimant's allegation is that he made a protected act or protected disclosure in an anonymous survey by employees of the respondent. The only record of the answers to that survey held by respondents that was capable of being a response by the claimant contradicts the claimant's assertion that he disclosed that there was a racist culture.
13. In the answer to a survey question "I'm confident I won't be discriminated against at Santander" the response was:

"Santander as an organisation I don't think they will discriminate me and do their ultimate best to put policies in place. But sadly people harbour their own opinion which is forced upon colleagues, as the company opinion. Which is not the case. Saturday working for example and seating arrangements I believe are a personal policy which discriminate and make me feel targeted. I have to sit with everyone else due to past problems which I'm not responsible for. I come into work and behave in a professional manner, which is not replicated by certain management."
14. There are no other survey responses which could have been from the claimant.
15. The response to the survey did not mention race even impliedly.
16. The contemporaneous documents plainly contradict the claimant's allegation that he made a protected disclosure or carried out a protected act.

17. The claimant had confirmed that he had been dismissed by his previous employer for gross misconduct.
18. The reason for dismissal provided by the respondent to prospective employers in the references was "unsatisfactory referencing".
19. That reference was in accordance with the respondent's probation policy. This would have been the same reference as a would have been given for any other employee in similar circumstances.
20. It is an innocent non discriminatory explanation and there is no reasonable prospect of the claimant establishing that the application of the standard wording in the reference was a detriment for the purpose of section 13 or 27 of the Equality Act 2010 or because the claimant had made a qualifying disclosure under section 43B of the Employment Rights Act 1996.
21. This is a case in which there are no reasonable prospects of success and it is not fair to the claimant to allow him to persist with what is essentially a hopeless case and the claims are struck out.

Employment Judge Shepherd
16 January 2026

Reasons SENT TO THE PARTIES ON

.....

.....
FOR THE TRIBUNAL OFFICE