



EMPLOYMENT TRIBUNALS

Claimant: Mr Sheraz Aziz

Respondent: Reed in Partnership Ltd

Heard at: Leeds Employment Tribunal (via CVP)

On: 11 September 2026

Before: Employment Judge McAvoy Newns

Representation

Claimant: In person

Respondent: Ms Smith, Solicitor

JUDGMENT AT A PUBLIC PRELIMINARY HEARING

1. The Claimant's claim for direct discrimination on the grounds of religion or belief is dismissed following the withdrawal of this claim by the Claimant.
2. The Respondent's strike out application succeeds to the following limited extent:
 - a. There are no reasonable prospects of the Tribunal finding that the alleged protected act at 1.1.1.1 of the issues following the case management preliminary hearing which took place on 18 March 2026, sent to the parties on 20 March 2026, is a protected act. Consequently, all victimisation claims relying upon this protected act are struck out.
 - b. There are no reasonable prospects of the Tribunal finding that the allegations concerning the CCTV footage from 12 November 2024 were caused by the December 2024 alleged protected act. This is referred to at 2.1.1 of the issues following the case management preliminary hearing which took place on 18 March 2026, sent to the parties on 20 March 2026. This allegation of detriment is struck out. Any allegations of detriment relevant to this which took place after the December 2024 disclosure will proceed to the final hearing.

SUMMARY REASONS

1. At the Case Management Preliminary Hearing which took place on 18 March 2026, the Employment Judge agreed to list today's hearing to consider, amongst other things, the Respondent's application to strike out the Claimant's claim or, in the alternative, for deposit orders to be issued.
2. I gave oral judgment and summary reasons during this hearing. At the end, the Claimant requested written reasons.
3. At the outset of today's hearing, the Claimant confirmed that he was withdrawing his claim for direct religious and belief discrimination. He did not object to the claim being dismissed. Therefore, it has been dismissed.
4. The Respondent had produced a written application which I read, alongside the bundle of documents, before the hearing commenced. The application addressed the Respondent's position on strike out and deposit generally. I asked the Respondent's representative to address me orally on the application at the start of the hearing. I asked the Respondent's representative to take me through the various component parts of the claims individually. In this regard, there were several detriments being relied upon and I was keen to understand why the Respondent said each individual detriment claim for had no reasonable prospects of succeeding. Although the Respondent addressed me orally on each alleged protected disclosure and protected act specifically, she did not do so in respect of the detriments which were instead addressed collectively. I therefore adopted the same approach to the case in my deliberations.
5. An Employment Judge has the power to strike out all or part of a claim on the ground that it has no reasonable prospect of success. Alternatively, they have the power to issue a deposit order on the grounds that the claim has little reasonable prospects of success.
6. When considering strike out, the words are "no reasonable prospect". Some prospect may exist, but such prospects may be insufficient. The standard is a high one. If the question of whether a claim has reasonable prospects of success turns on factual issues that are disputed, particularly for discrimination and detriment claims, it is highly unlikely that strike-out will be appropriate. The Claimant's case must ordinarily be taken at its highest. The power to strike out a claim on the ground that it has no reasonable prospect of success should only be exercised in rare circumstances where it is plain and obvious that the claim has no prospects.
7. When exercising discretion to issue deposit orders, although the threshold is lower than that applicable to strike out applications, Tribunals are reminded that deposit orders should not be used to effect strike outs through the back door.
8. For the purposes of these reasons, I have separated out and labelled the disclosures and acts of February 2024 and the disclosures of acts of December 2024. The February 2024 disclosure/act is that: "On or shortly

after 22 February 2024, the claimant told Martin Goodfellow orally and then by email that a colleague had brought a mobile phone into the invigilation pod". The December 2024 disclosure/act is that: "In Teams messages on 21 or 23 December 2024 the claimant disclosed that it had been reported to him that the new regional test centre manager Charlie Denman was giving staff instructions to ensure they asked candidates to remove veils and headscarves and search them in the invigilation pod".

9. I concluded that there are no reasonable prospects of the February 2024 act qualifying as a protected act. Based on the representations provided to me today, and from what I have read, there is no reference to any breach of the Equality Act 2010. When I asked the Claimant directly about this today, he told me that the purpose of this disclosure was to ensure the integrity of the drivers theory test. There are no reasonable prospects of that being found to be a protected act and all victimisation claims relying upon that act as a protected act are struck out as having no reasonable prospects of success.
10. I concluded that there are more than no reasonable prospects of success of the February 2024 disclosure qualifying as a protected disclosure. The information being disclosed could be relevant to the Respondent's contract with the DVSA meaning it could potentially be a breach of a legal obligation. It could also be relevant to the health and safety of the public who may be endangered if someone is able to pass their theory test because they have inappropriately taken a phone into the exam with them. Although I make no finding about whether this qualifies as a protected disclosure, I am persuaded that there is enough for this to be considered and determined at a final hearing.
11. The Claimant's allegations of detriment flowing from this disclosure started about 10 months later. I recognise and appreciate the Respondent's arguments that a disclosure by the Claimant to Martin Goodfellow, about a matter which is of assistance to the Respondent, would be unlikely to lead the Respondent to penalise the Claimant 10 months later. This has been the most difficult part of this application for me to determine. I also recognise that the Claimant says that the reason why he believes this disclosure caused the detrimental treatment is because the disclosure he made in February 2024 involved an employee who I have referred to as AQ and the new regional manager was supportive of AQ. The Claimant does not seek to rely upon this disclosure in isolation but relies upon the cumulative impact of this and the December 2024 disclosure. It's the Claimant's case that he was subjected to detrimental treatment, orchestrated by the new regional manager, because of the complaint the Claimant had made about AQ, who the regional manager was supportive of. The facts here are disputed. Questions need answering such as: was the new regional manager supportive of AQ? If so, what was the new regional manager's attitude towards this complaint? Did it impact the relationship between the Claimant and the new regional manager? In only the clearest cases should I strike out a claim or issue a deposit order. This is not sufficiently clear. I concluded therefore that the question of causation between the February 2024 alleged protected disclosure and the detriments relied upon needs to be determined at a final hearing when all of the evidence has been heard and cross examined. I concluded that it was premature to say that this has no or little reasonable prospects of success.

12. The December 2024 alleged disclosure and alleged protected act is plainly capable of being both a protected disclosure and a protected act. Based on the wording that was recorded following the CMPH, it is certainly arguable that the Claimant was providing information about the conduct of the new regional manager which was capable of potentially being discriminatory and a matter of public interest. If the Respondent's position is that this was a query rather than the provision of information, this is something they can argue at the final hearing, when the Judge at that hearing can decide with the specific messages before them. The messages were not before me during this hearing which meant that I was left relying on what the parties say these messages said together with the quotations of part of the messages in the documents. Although I make no finding about whether these messages qualify as a protected disclosure and/or a protected act, I am persuaded that there is enough for this to be considered and determined at a final hearing.
13. As to the matters that took place after this disclosure and act, therefore from 21 December 2024 onwards, it is a matter for evidence at a final hearing as to whether these amount to detrimental treatment and, if so, whether there is sufficient causation between such treatment and the alleged protected disclosure/protected act. There are too many disputed facts and, taking the Claimant's claim at its highest, as I am obliged to do, it is not possible to conclude that these allegations have no or little reasonable prospects of success.
14. In this regard, the Claimant says that the regional manager was disgruntled with him because of the information provided about her in the messages mentioned above. I can make no assessment of this without hearing evidence from her. Also, it is likely to be relevant to the Tribunal hearing the case that the disciplinary sanction was downgraded at the appeal stage. This may suggest that the person making the decision in the first place imposed too harsh a sanction. It is unclear whether such person may have been influenced by the new regional manager when making this decision. Whilst I recognise that what the Claimant did was wrong, it may be relevant to the Tribunal hearing the case that Claimant was acting on the instructions of his manager, which is why the sanction was downgraded at the appeal stage. The extent to which the decision maker at the disciplinary stage was influenced by the regional manager is a matter for exploration at a final hearing. In this regard, I note from the Respondent's amended grounds of resistance that the regional manager was involved in the investigation relevant to this disciplinary and informed the Claimant of his suspension. It does not therefore appear to be the case that the person who was the subject matter of the alleged disclosure that the Claimant made in December 2024 was not involved in the disciplinary proceedings that followed.
15. I recognise that the Respondent may not have all of the witnesses needed to answer the claim but that is not relevant to my assessment of whether the claims have more than little reasonable prospects of success. Similarly, I recognise the Respondent's position that the Claimant's claim valuation may be over inflated. Again, this is not relevant to my decision making on strike out and deposit.

16. Finally, as the Respondent's representative helpfully pointed out, the allegations concerning the CCTV footage from 12 November 2024 cannot form part of this claim given that this took place before the protected act being relied upon. To the extent it forms part of this claim, it is struck out as having no reasonable prospects of success.

Approved by:

Employment Judge McAvoy Newns

18 September 2026