Case Number: 6036820/2025

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

FULL WRITTEN REASONS

Background

1. Oral judgment was given at the end of the public preliminary hearing. The Claimant applied for summary written reasons. After providing those summary written reasons, the Claimant requested full written reasons. These full written reasons have been provided as soon as is practicable following this request.

Form of hearing

2. This was a remote hearing which was not objected to by the parties. The hearing took place via CVP, the Tribunal's video conferencing platform.

Purpose of hearing

3. 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.

4. 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.

5. 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.

6. 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 claim for detriment had no or little reasonable prospects of succeeding.

7. 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.

Findings of fact

8. This was a public preliminary hearing to consider strike out/deposit. No evidence was therefore heard or considered. Consequently, my findings of fact are limited to the following pertinent points:

   8.1 The Claimant commenced employment with the Respondent in October 2021 and remains employed as a driving Test Centre Manager at the Respondent's Bradford site.

   8.2 The Claimant alleges that he made two protected disclosures which are also being relied upon as protected acts, as follows:

      8.2.1 The first he alleges was made on or shortly after 22 February 2024, when he allegedly told Martin Goodfellow orally and then by email that a colleague had brought a mobile phone into the invigilation pod. This is where the theory test takes place. 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. He made no reference of any potential breach of the Equality Act 2010. He did however say that the colleague was someone who I have referred to as AQ. He also told me that the new regional manager, who the Claimant says penalised him for making protected disclosures/doing protected acts was supportive of AQ.

      8.2.2 The second was in a Teams message on 21 or 23 December 2024 when the Claimant says he disclosed that it had been reported to him that the new regional test centre manager was giving staff instructions to ensure they asked candidates to remove veils and headscarves and search them in the invigilation pod. This Teams message was not provided to me. The Respondent's position is that this was a query rather than the provision of information.

   8.3 The Claimant alleges that he was subjected to detrimental treatment as a result of making those protected disclosures/acts. This began with him being monitored and scrutinised in December 2024/January 2025,

suspended between January and March 2025, subject to disciplinary proceedings and issued with a written warning. There are also some allegations made in respect to events which took place after the disciplinary process.

8.4 The reason for the disciplinary process was that the Claimant had been storing lost property test candidate provisional licences in his personal locker. He had also recorded the provisional licences as returned to the DVLA when they were in his locker. The Claimant says he did this on the instruction of his manager. It appears likely from what I have seen in the pleadings that the new regional manager was involved in the disciplinary process. She appears to have been involved in the suspension process.

8.5 The Claimant appealed against that written warning. That appeal was upheld and the warning was removed. In this regard, the Respondent stated in its ET3: "In overturning the 21 March 2025 sanction, the Respondent took the view that given the circumstances, the decision to issue a written warning was too severe and that the re-training received by the Claimant would be sufficient to rectify the conduct for which the warning was received".

Relevant law

9. An Employment Judge has the power under Rule 38(1)(a) of the Rules, at any stage of the proceedings, either on its own initiative or on the application of a party, to strike out all or part of a claim or response on the ground that it has no reasonable prospect of success.

10. The words are "no reasonable prospect". Some prospect may exist, but be insufficient. The standard is a high one. As Lady Smith explained in Balls v Downham Market High School and College [2011] IRLR 217, EAT (paragraph 6):

"The Tribunal must first consider whether, on a careful consideration of all the available material, it can properly conclude that the claim has no reasonable prospects of success. I stress the words "no" because it shows the test is not whether the Claimant's claim is likely to fail nor is it a matter of asking whether it is possible that his claim will fail. Nor is it a test which can be satisfied by considering what is put forward by the Respondent either in the ET3 or in the submissions and deciding whether their written or oral assertions regarding disputed matters are likely to be established as facts. It is, in short, a high test. There must be no reasonable prospects..."

11. The EAT has held that the striking out process requires a two-stage test in HM Prison Service v. Dolby [2003] IRLR 694 EAT, at para 15. The first stage involves a finding that one of the specified grounds for striking out has been established; and, if it has, the second stage requires the tribunal to decide as a matter of discretion whether to strike out the claim, order it to be amended or order a deposit to be paid.

12. In Hassan v. Tesco Stores UKEAT/0098/19/BA at paragraph 17 the EAT observed:

"There is absolutely nothing in the Judgment to indicate that the Employment Judge paused, having reached the conclusion that these claims had no reasonable prospect of success, to consider how to exercise his discretion. The way in which r 37 is framed is permissive. It allows an Employment Judge to strike out a claim where one of the five grounds are established, but it does not require him or her to do so. That is why in the case of Dolby the test for striking out under the Employment Appeal Tribunal Rules 1993 was interpreted as requiring a two-stage approach."

13. It has been held that 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 (Tayside Public Transport Co Ltd (t/a Travel Dundee) v. Reilly [2012] IRLR 755, at para 30).

14. In Mechkarov v. Citibank N A UKEAT/0041/16, the EAT set out the approach to be followed including:-

14.1 Ordinarily, the Claimant's case should be taken at its highest.

14.2 Strike out is available in the clearest cases – where it is plain and obvious.

14.3 Strike out is available if the Claimant's case is conclusively disproved or is totally and inexplicably inconsistent with undisputed contemporaneous documents.

15. Pursuant to Rule 40(1), if the Tribunal considers that any specific allegation or argument in a claim has little reasonable prospect of success, it may make an order requiring a party to pay a deposit not exceeding £1,000 as a condition of continuing to advance that allegation or argument.

16. 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.

Submissions

17. Both parties provided oral submissions. These submissions are not set out in detail in these reasons but both parties can be assured that I have considered all the points made, even where no specific reference is made to them.

Conclusions

18. I have separated out and labelled the disclosures and acts of February 2024 and the disclosures of acts of December 2024. I have then set out my conclusions regarding the detriments relied upon.

February 2024 – alleged protected disclosure and alleged protected act

19. 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".

20. I concluded that there are no reasonable prospects of the February 2024 act qualifying as a protected act.

21. 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.

22. 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.

23. I concluded that there are more than little reasonable prospects 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 or someone else has 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.

December 2024 – alleged protected disclosure and alleged protected act

24. 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 was giving staff instructions to ensure they asked candidates to remove veils and headscarves and search them in the invigilation pod".

Allegations of detriment relying upon the February 2024 alleged disclosure

25. 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 was the most difficult part of this application for me to determine.

26. I also recognised however 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 AQ who the new regional manager was supportive of.

27. Further, 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.

28. It's the Claimant's case that he was subjected to detrimental treatment, orchestrated by the new regional manager, at least in part, 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:

28.1 was the new regional manager supportive of AQ?

28.2 if so, what was the new regional manager's attitude towards this complaint?

28.3 did the fact that the Claimant raised this complaint impact the relationship between the Claimant and the new regional manager?

29. In only the clearest cases should I strike out a claim or issue a deposit order. This is not sufficiently clear.

30. 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.

Allegations of detriment relying upon the December 2024 alleged disclosure

31. The December 2024 alleged disclosure and alleged protected act is plainly capable of being both a protected disclosure and a protected act.

32. 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 (therefore being a breach of a legal obligation) and a matter of public interest.

33. If the Respondent's position remains 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.

34. 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.

35. As to the matters that took place after this alleged 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.

36. 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.

37. 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.

38. Whilst I recognise that the Respondent is likely to have reasonably concluded 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.

39. 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.

40. 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.

41. 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.

42. Finally, as the Respondent's representative helpfully pointed out, the allegations concerning the CCTV footage from 12 November 2024 cannot form part of the victimisation 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.

Employment Judge McAvoy Newns

16 October 2026