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# EMPLOYMENT TRIBUNALS

**Claimant:** Mr W Iqbal

**Respondent:** Mazars LLP

**Heard at:** East London Hearing Centre (by Cloud Video Platform)

**On:** 04 May 2021

**Before:** Employment Judge Housego

## Representation

**Claimant:** Andrew McGrath, Counsel

**Respondent:** Declan O'Dempsey, Counsel

# JUDGMENT

1. **The Claimant was at all material times not disabled by reason of dyslexia.**
2. **The claim is dismissed.**

# REASONS

## Summary

1. The Claimant is a chartered accountant who joined the Respondent to be trained and to become a chartered tax adviser. After about 6 months he was put on a performance improvement plan, in part as he had failed tests. He said that he thought he might be dyslexic, and an assessment was organised. He felt the Respondent was heavy handed, and was not taking his problems seriously enough in assessing his performance, and resigned, before the assessment was complete. He claims disability discrimination. The Respondent says the assessment shows that he has long term dyslexia, but that in all the circumstances it does not have more than a minor or trivial effect on him.

2. More than minor or trivial is not a high threshold. Taking exams and tests is a day to day activity. It is not the case that the more difficult the test the less it is a day to day activity, for otherwise there would be a glass ceiling for those with mild dyslexia. It is more difficult for the Claimant to take exams by reason of his dyslexia. However, this applies only at a high level, success in which he cannot achieve even with adjustments. The other effects of his dyslexia on his day to day life are minor. In addition, modest adjustments to daily life enable him to cope. Therefore, the Claimant does not qualify as disabled within the meaning of the Equality Act 2010 ("EqA") and therefore the claim is dismissed.

### Facts found

3. Mr Iqbal was raised in a single parent household by his mother who spoke little English. He left school with 2 GCSEs. He then studied, and obtained a degree, and succeeded in becoming a chartered accountant. He was taken on by the Respondent as someone to be trained to become a chartered tax adviser, agreed to be a higher (that is, harder to obtain) qualification than the chartered accountancy qualification. Perhaps a parallel is a post graduate degree.

4. He is now 30 years of age. He commenced work with the Respondent on 27 July 2019. He resigned on 09 March 2020, lodging a grievance on the same day, and he left their employment on 09 June 2020.

5. Mr Iqbal's cv provided for the job listed as reading as the first of his hobbies. It also stated that he "*works well under pressure towards tight deadlines delivering technically complex projects*".

6. On 16 December 2019, at a meeting called to discuss performance issues, Mr Iqbal told Ms Powell that he thought he might have dyslexia, as he found he had to read things several times over.

7. On 26 January 2020 Mr Iqbal was placed on an informal performance improvement plan. Without delay the Respondent referred Mr Iqbal for a dyslexia assessment.

8. The performance issues at the time were set out by Ms Peck in her witness statement. They were:

- 1 Obtain regular feedback and ensure that any development points are understood and actioned.
- 2 Improve communication with clients and colleagues.
- 3 Improve quality of deliverables – Mr Iqbal was asked to always review his own work and ask questions of the team when required.
- 4 Demonstrate proactive project management – Mr Iqbal was asked to prioritise chargeable work.
- 5 Maintain the required level of utilisation [chargeable time] by accurately recording time and requesting chargeable work from managers.

9. An assessment dated 11 March 2020 by an expert from the British Dyslexia Association ("BDA") is summarised below. Although comment was passed about the partisan nature of the BDA (on the basis that it may advocate for those with dyslexia) it was not challenged, and I accept it as factually accurate.

10. Further facts are not required for this preliminary hearing judgment (which is solely about whether Mr Iqbal is disabled by reason of dyslexia) other than as appear below about issues with his work. I also deal with Mr Iqbal's evidence about the effect on him in the conclusions section.

11. Mr Iqbal's impact statement and witness statement set out the ways in which he says that his life is affected by his dyslexia. These were challenged as often general and not specific, but where specific were not disputed. The issue raised was that these were individually and collectively minor matters, or capable of being addressed by small changes to everyday life which Mr Iqbal could be expected to make.

12. When with the Respondent he failed one of his exams with a mark of 44. He resat in November 2020 after leaving them, with an extra 25% time allowed by reason of his dyslexia. He obtained 47 marks, and so still did not pass, as the pass mark is 50.

13. Not meeting deadlines for chargeable work was not connected with dyslexia, because it was not that he could not do the work in the time available, but because he decided to do non chargeable things.

14. Mr Iqbal could always take notes at meetings on his laptop if he wished. The Respondent has an extensive library of templates for letters and reports.

15. The Respondent has a policy called 4i review, meaning that every document can be checked over for spelling and grammar by a junior in the team.

16. Mr Iqbal would request verbal feedback prior to getting it in writing. (Ms Peck's witness statement stating this was not challenged.)

17. The document bundle contained examples of lengthy and highly complex emails authored by Mr Iqbal.

18. The examples of correction to emails made by Ms Peck of Mr Iqbal's spelling and grammar were very minor. They are the expectation of excellence, and in everyday emails would be regarded as trivial or even nit-picking. (That is not to criticise excellence as an expectation, but an indication of how small the corrections were – misplaced apostrophe, or small changes to sentence structure.)

### **The Respondent's case**

19. He did not realise that he might have dyslexia until he was 30 years of age, by which time he had obtained a degree, and qualified as a Chartered Accountant, all without any adjustments. His dyslexia has not hindered him, showing that it is a minor impairment.

20. The BDA assessment was only of "*mild*" dyslexia: in the context of everyday life "*mild*" is as near a synonym for "*minor*" as makes no difference.

21. Mr Iqbal can read and write Arabic as well as English. The characters are entirely different, and English is written left to right and Arabic right to left. This did not indicate difficulty in processing the written word.

22. His written communication (shown in the bundle of documents) was often highly complex.

23. The example of the need to read tax statutes more than once was no more than everyone had to do, as they are notoriously hard to understand.

24. Taking a while to understand and follow Ikea style instructions on self-build furniture is normal. Indeed, it is unusual to have no difficulty.

25. As to spelling and grammar, spell and grammar checking tools are inbuilt to almost all computer programmes, and are easy to use, so that the effect on the Claimant in writing is minor.

26. No-one now needs to handwrite anything. At home and at work everything can be done on a device, whether it is a shopping list via Alexa, or notes of meetings, and voice recognition software is ubiquitous now, so that the effect of being slow at handwriting is minor.

27. Many of the performance issues raised are unconnected with the effects of dyslexia, as set out in the assessment report, and some are contrary to it, for example his various abilities are well with normal ranges, such as the report describing his spelling as "*Securely average*" (P12 of report 60 in bundle).

28. His impact statement was full of generalities and assertions, despite the clear direction in the case management order that he should give specific examples. The Claimant is an intelligent person, and advised, and were there something significant he would have said so.

29. Some of the examples he did give were not indicative of more than a minor or trivial effect, or he could cope by making reasonable adjustments – such as being forgetful about shopping items (which was trivial, and taking a shopping list was no more than most people did anyway). Other examples given were no more than the division of responsibilities in any household.

30. Catching the wrong bus or train when having little time to decide was similarly minor. So was being slow to order when in a restaurant. He tended to forget his coffee cup on leaving the house if he was in a rush. First, who is not forgetful when in a rush, and secondly this really is a trivial matter.

31. The Guidance was absolutely clear at B7 – people with an impairment were expected to make reasonable adjustments to their behaviours so as to be able to cope (such as being on time for buses, even were this not minor).

32. The standard of grammar expected by the Respondent in emails was very high, and the very small examples he had provided were no more than minor mistakes, and the style of Ms Peck was ever to strive for excellence. That she picked up on a few small points did not mean that the writer of the emails was disabled. She did this to everyone. The quality of his emails was complex and sophisticated, and to a high standard, not indicative of anything other than a minor effect. Comments about style were no more than that and unconnected to dyslexia.

33. The test was of day to day activities. There came a point where someone not able to perform at the pinnacle of a profession was not for that reason to be considered disabled. In the example of manual dexterity, someone with some impairment meaning that s/he was not able to become a concert pianist would not be disabled by the impairment in manual dexterity. Being a concert pianist is not a day to day activity, and the same with being a high level tax adviser. D8 of the Guidance dealt with this.

34. He had not experienced any attributable difficulties at school, university, in professional study or at work. He had not passed his recent exams even with more time, and with a similar mark: there was no disadvantage remedied by more time. The dyslexia had no effect on the outcome, which was the same even after the adjustments. So, the unfortunate outcome must be to do with ability not dyslexia: and therefore there was no significant impact on him by reason of dyslexia, even if high level exams were considered day to day activity.

35. It was entirely normal to read tax law and manuals more than once before understanding them, and one would be worried if someone did not do so.

36. The BDA was an organisation which campaigned for those with dyslexia and its report had to read with that in mind.

37. As to *Paterson*, it was for the ET to make findings of fact and decide the case accordingly.

38. *Chacón Navas* and *Paterson* did not say that all work was a day to day activity.

39. In short, the matters of which Mr Iqbal complains in his impact statement are all either generalised assertions, are minor, or are resolvable by reasonable changes to lifestyle. None of these matters had any significant effect on his life and work to date, and therefore did not meet the definition of disability. Nor had the extra time improved his result: it was plain the difficulty was not the time available but the lack of ability to pass very high level exams in a notoriously complex area of accountancy.

### **The Claimant's case**

40. It is trite law that this is a low threshold. The focus is on what the Claimant cannot do, and not what he can.

41. He left school with only 2 GCSEs, but his subsequent achievements show he has ability, so that was likely to be the effect of his dyslexia. That shows the effect was more than minor or trivial.

42. The BDA assessment set out the NHS criteria, and he was not challenged in his evidence that 3-10 were met. The extensive list of things that might help, set out in the report, showed that the effect was more than minor.

43. It was not right to pick through the list of impacts individually and minimise them. The effect on Mr Iqbal was of all these things cumulatively, and that total effect was not trivial or minor.

44. D8 of the Guidance was not applicable as the Respondent said. There was no parallel with a concert pianist. The effect on him was that he had to pause the television to read text (the example being the start of the Star Wars film).

45. The impact statement had to be read with the witness statement, where Mr Iqbal listed his difficulties from paragraphs 8-22.

46. In addition to the household and daily matters there were work related issues related to dyslexia, and the list of suggested amendments in the BDA report.

### **The BDA assessment**

47. The report is dated 11 March 2020, from a qualified specialist teacher with a Specific Learning Difficulties Assessment Practising Certificate.

48. Its summary states that Mr Iqbal has good visual-kinaesthetic skills (picks up information from graphics and pictures well). He has good non-verbal reasoning ability. He achieved good scores in reading comprehension, vocabulary, word reading and spelling.

49. His difficulties were in short term and working memories, phonological awareness, visual processing, writing speed, grammar and written expression and reading efficiency. These issues had implications for tasks requiring attention and concentration, and skills involving auditory sequencing, such as remembering verbal instruction and information for note taking and following conversations and discussions. He had a slow reading speed. Grammar spelling and handwriting did not come to him automatically. He was hindered by insecure general knowledge.

50. The BDA report states:

#### *“Impact*

*Waqas’s insecure short-term and working memories have implications for tasks that require attention and concentration, and skills that involve auditory sequencing, such as remembering verbal instructions and verbal information for note-taking; and, following conversations and discussions.*

*Owing to his slow reading speed, and difficulties with timed comprehension, Waqas will take much longer than his peers to read through, and extract information from, complex written material, such as technical manuals.*

*Waqas has difficulty underlying connecting sounds with written symbols. He is likely to face challenges with aspects of study that make demands on this area, such as reading fluently at speed. He might also have difficulties dealing with sequential information, such as planning and organising his work.*

*Waqas’s visual discrimination difficulties negatively impact on: reading; completing exams within time constraints; transferring ideas to written*

*expression; and copying accurately and at speed. These difficulties also impact on his reading speed.*

*Waqas's challenges with automaticity of spelling, grammar and handwriting impact on his ability to produce accurate written material when writing to a deadline.*

*Waqas's weak phonological awareness impacts on his literacy skills.*

*Waqas's attention and concentration difficulties exacerbate his challenges with study."*

51. The BDA report set out a diagnosis:

*"Confirmation of diagnostic decision*

*Waqas demonstrated several areas of strength in this assessment: he has good visual- kinaesthetic skills, and good nonverbal reasoning ability, indicating that he has the capacity to learn. He achieved good scores for reading comprehension, vocabulary, word reading, and spelling. Furthermore, Waqas presented as a determined and motivated person.*

*Despite these encouraging strengths, Waqas presents with dyslexia, affecting: short-term and working memories; phonological awareness; visual processing; writing speed; grammar and written expression; and reading efficiency. Dyslexia is a neurological difference that is classified as a specific learning difficulty (SpLD) – see Appendix 3 for a full definition of dyslexia."*

52. Recommendations were of 25% more time, word processing facilities and a separate room for exams. There was a series of other recommendations, involving technological aids and preparedness (such as getting paperwork in advance so as to be able to have more opportunity to process the information before meetings), and always following up verbal information with written confirmation.

### **The legal test**

53. Dyslexia is accepted as a potential disability. It is not in question that this is not an acquired characteristic, but is innate. There is no issue as to whether it is long term or not. It is accepted that Mr Iqbal has dyslexia, and that it is long term.

54. What constitutes a disability is defined in S6 EqA:

*"6 Disability*

*(1) A person (P) has a disability if—*

*(a) P has a physical or mental impairment, and*

*(b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities"*

55. S212(1) of the EqA states that *"substantial" means more than minor or trivial*".

56. Schedule 1, Part 1 of the EqA provides for the government to issue Guidance about what constitutes disability, including (para 4) about what constitutes substantial adverse effects.

57. The guidance is “*Guidance on matters to be taken into account in determining questions relating to the definition of disability*” which was issued by the Office for Disability Issues in May 2011. It is to be found at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/570382/Equality\\_Act\\_2010-disability\\_definition.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/570382/Equality_Act_2010-disability_definition.pdf)

58. The Guidance states that it is to be read as a whole. Section B2 refers to things that may take more time than someone without the impairment. Section D deals with normal day-to-day activities, and what is considered to be an adverse effect on them.

59. The Guidance commences:

*“A1. **The Act defines** a disabled person as a person with a disability. A person has a disability for the purposes of the Act if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities (**S6(1)**).*

*A2. This means that, in general:*

- the person must have an impairment that is either physical or mental (**see paragraphs A3 to A8**);*
- the impairment must have adverse effects which are substantial (**see Section B**);*
- the substantial adverse effects must be long-term (**see Section C**); and*
- the long-term substantial adverse effects must be effects on normal day-to-day activities (**see Section D**).*

*This definition is subject to the provisions in **Schedule 1 (Sch1)**.*  
***All of the factors above must be considered when determining whether a person is disabled.***

*Meaning of ‘impairment’*

*A3. The definition requires that the effects which a person may experience must arise from a physical or mental impairment. The term mental or physical impairment should be given its ordinary meaning. It is not necessary for the cause of the impairment to be established, nor does the impairment have to be the result of an illness. In many cases, there will be no dispute whether a person has an impairment. Any disagreement is more likely to be about whether the effects of the impairment are sufficient to fall within the definition and in particular whether they are long-term. Even so,*



*it may sometimes be necessary to decide whether a person has an impairment so as to be able to deal with the issues about its effects.*

*A4. Whether a person is disabled for the purposes of the Act is generally determined by reference to the **effect** that an impairment has on that person's ability to carry out normal day-to-day activities."*

[Emphasis in original.]

60. What is normal is covered in Section D, which provides (so far as relevant to Mr Iqbal):

*"D2. **The Act does not define what is to be regarded as a 'normal day-to-day activity'**. It is not possible to provide an exhaustive list of day-to-day activities, although guidance on this matter is given here and illustrative examples of when it would, and would not, be reasonable to regard an impairment as having a substantial adverse effect on the ability to carry out normal day-to-day activities are shown in the Appendix.*

*D3. In general, day-to-day activities are things people do on a regular or daily basis, and examples include shopping, reading and writing, having a conversation or using the telephone, watching television, getting washed and dressed, preparing and eating food, carrying out household tasks, walking and travelling by various forms of transport, and taking part in social activities. Normal day-to-day activities can include general work-related activities, and study and education-related activities, such as interacting with colleagues, following instructions, using a computer, driving, carrying out interviews, preparing written documents, and keeping to a timetable or a shift pattern.*

4. *D4. The term 'normal day-to-day activities' is not intended to include activities which are normal only for a particular person, or a small group of people. In deciding whether an activity is a normal day-to-day activity, account should be taken of how far it is carried out by people on a daily or frequent basis. In this context, 'normal' should be given its ordinary, everyday meaning."*

The issue is whether complex tax advice is in intellectual terms the equivalent of the manual dexterity required for watchmaking or for a concert pianist.

61. The Guidance deals with Specialised Activities at D8:

*"D8. Where activities are themselves highly specialised or involve highly specialised levels of attainment, they would not be regarded as normal day-to-day activities for most people. In some instances work-related activities are so highly specialised that they would not be regarded as normal day-to-day activities."*

Examples given are of a watchmaker with tenosynovitis stopping him working, but not from doing everyday things at home. The work that is normal working activity in his profession is not a day to day activity for most people. Other

examples are sports people and musicians such as a pianist with carpal tunnel syndrome stopping her/him from performing but not otherwise significant.

62. Chacón Navas v Eurest Colectividades SA [2006] IRLR 706 was about a person dismissed for disability related sickness. At 43 it stated: *“Directive 2000/78 aims to combat certain types of discrimination as regards employment and occupation. In that context, the concept of ‘disability’ must be understood as referring to a limitation which results in particular from physical, mental or psychological impairments and which hinders the participation of the person concerned in professional life.”*

63. Paterson v. Commissioner of Police of The Metropolis [2007] UKEAT 0635\_06\_2307:

Para 27: *“In our judgment A1 is intending to say no more than that in the population at large there will be differences in such things as manual dexterity, ability to lift objects or to concentrate. In order to be substantial the effect must fall outwith the normal range of effects that one might expect from a cross section of the population. However, when assessing the effect, the comparison is not with the population at large. As A2 and A3 make clear, what is required is to compare the difference between the way in which the individual in fact carries out the activity in question and how he would carry it out if not impaired.”*

Para 69: *“It follows that this ground of appeal succeeds. Once the Tribunal had accepted that the appellant was disadvantaged to the extent of requiring 25% extra time to do the assessment, which is what Dr Biddulph considered appropriate, then it inevitably followed that there was a substantial adverse effect on normal day-to-day activities.”*

64. Paragraphs 62 – 66 set out that examinations to progress a career are a day to day activity (the contrary submission at 63 was rejected at 66). *“Participation is hindered in promotion without reasonable adjustments being made to accommodate the effects of the disability.”* (para 62).

65. Para 67: *“We must read s1 in a way which gives effect to EU law. We think it can be readily done, simply by giving a meaning to day-to-day activities which encompasses the activities which are relevant to participation in professional life. Appropriate measures must be taken to enable a worker to advance in his or her employment. Since the effect of the disability may adversely affect promotion prospects, then it must be said to hinder participation in professional life.”*

### Conclusion

66. I remind myself that the test is about what Mr Iqbal cannot do, and not about what he can do, and that the test of *“more than minor or trivial”* is not a high threshold.

67. I take the BDA report as my starting point, and examine what Mr Iqbal says is the effect on him of this, taking account of what the report says about the impact on him is.

68. It is accepted that Mr Iqbal is dyslexic, and as the BDA state that he needs 25% more time in examinations (which was not challenged in the hearing) there is an almost exact parallel with Mr Paterson. Mr Paterson rose in the police despite his dyslexia, until the rank of superintendent proved elusive to him. That is, the fact that despite this impairment he was able to rise to Chief Inspector was no argument that he was not impaired at all, or that the effect was minor or trivial.

69. The same is not the case for Mr Iqbal, who managed to get a degree and to become a chartered accountant but now finds the higher level (it is accepted to be harder to accomplish than to become a chartered accountant) problematic. So far, he is in the same position as Mr Paterson. He is assessed by the BDA as needing 25% more time in exams.

70. It is not the case that everyone assessed as needing more time in exams is automatically disabled. If that were so, a BDA report so concluding would be determinative. The BDA report (at page 81/122) estimates that 10% of the population has some degree of dyslexia. It is the degree of dyslexia that must be determined, for it cannot be that there are over 6m people in the UK disabled by dyslexia.

71. Mr O'Dempsey is correct that the impact statement is wanting, in the ways he described. Mr Iqbal has been able to get by without even thinking he might be disabled until December 2020, at the age of 30, because the effect on him of dyslexia has been minor and he has been able to overcome it by a combination of ability and effort.

72. That does not deal with the *Paterson* point. The difference is that dyslexia cannot have been the reason Mr Iqbal was unable to pass the exam, because even with 25% more time he did not pass it and only got 3 more marks than the previous time when he had no such adjustment. He is not being held back in the progression of his career by dyslexia, but because, even with adjustments to cater for his dyslexia, the task is (currently) beyond him.

73. This also deals with the D8 argument. *Paterson* makes it clear that high level exams are part of the progression of a career. D8 is not a reason to say that Mr Iqbal is not disabled, because he did not pass even with the adjustment of more time. This means the point is not relevant to this case.

74. The critique of the impact statement and of the matters set out in the witness statement is valid. Some of the matters are indeed trivial, or commonplace. Who has not left in a rush and forgotten something? It is commonplace to have difficulty in putting together flat packed furniture. Most people need a shopping list. Having to pause the television to read scrolling text is a trivial matter. Mr Iqbal says that he has to read credit card statements multiple times as he would not recall that he had reviewed them previously. This does not sit well with his success as a chartered accountant, and I do not find that he has substantial difficulty in this regard. Mr Iqbal says that if rushed he may take the wrong bus or train. Taking care to be in time to avoid having to make split second decisions does not seem to be other than reasonable.

75. There are adjustments that someone with dyslexia is obliged to make to counter the effects of it, and if it is reasonable to do so, then the condition is not

within the definition of disability. For example, even if the shopping list example was not trivial, the solution is “*Alexa, add butter to shopping list*” and having such a list on the mobile phone that Mr Iqbal will inevitably carry with him everywhere.

76. Mr Iqbal says that he finds difficulty concentrating while praying. It is not clear from the BDA assessment how this is related to dyslexia, but in any event, it is well known that meditation or prayer is often interrupted by thoughts wandering. Mr Iqbal describes failing to recall the sequence of exercises in his gym routine and so he takes a list with him. This is minor at most.

77. Mr Iqbal says that there was domestic discord as he would forget to do things like turn on the dishwasher last thing at night, and his wife thought he was shirking his domestic duties (but is now more accommodating as she now understands why). This is a minor matter, but the very modest adjustment of writing a note to oneself to put on the stairs before going up to bed (or something else if they live in a flat) deals with it.

78. I do not accept that Mr Iqbal’s wife has to read their post for him. Mr Iqbal understands tax statutes. No further comment is required. Likewise, when he says that he is anxious about reading to his 3 year old son. The report said that he achieved good scores for reading comprehension, vocabulary, word reading and spelling. The report also says that he has an issue with reading efficiency, but it is hard to see how someone who can understand tax finding difficulty reading to a 3 year old. If the difficulty is said to be in comprehension that is not to the point, as the story is simply narrated, not analysed.

79. Being slow to order in a restaurant is not a substantial difficulty. I am not convinced (given all the other examples) that this is the case, or that if it is that it is no more than indecisiveness.

80. The matters described as part of Mr Iqbal’s life outside the office are minor, assessed cumulatively.

81. There is also a paradox with Mr Iqbal, as the report states (81/122) that the NHS guidance states that there are 7 indicators of dyslexia, one of which is that the person understands information communicated verbally, but not in writing. Mr Iqbal says he is the reverse. It may be that some of the matters of which he complains are not dyslexia related, and the report is unable to assist, as the report writer was not asked to comment on the impact statement or the witness statement.

82. At work, the use of word processing, voice recognition software, the use of macros for common words or phrases, and inbuilt grammar and spell checking programs are commonplace. There is no need to write anything by hand. This judgment and the notes of hearing were prepared in such a way. This is an everyday way of working which negates much of that Mr Iqbal says he finds troublesome. There is no reason why slow handwriting, minor spelling or grammar issues hinder Mr Iqbal at work in more than a minor way. I note also that Mr Iqbal asked for verbal feedback as well as written, so that his difficulty is not as much as he contends. The feedback from Ms Powell on 02 October 2019 (92/122) was all about style and professionalism of approach to the production of written output,

not connected with what Mr Iqbal says is the effect of dyslexia upon him. His response (91/122) was:

*“Thank you for the feedback, please see commentary in red below on how I plan to mitigate these concerns – admittedly my fixation on the research element and sourcing the relevant manuals consumed me and I overlooked the basics – which is very embarrassing.”*

This is not dyslexia related.

83. Examining carefully the points set out in the improvement plan,

*1 Obtain regular feedback and ensure that any development points are understood and actioned.* Being asked to obtain feedback is not disability related. If there is difficulty absorbing it verbally, then it can be obtained in writing, which would be good practice anyway.

*2 Improve communication with clients and colleagues.* This was both oral and written. Oral communication was not an issue related to dyslexia. The points picked up on his written communication was to pay more attention to grammar and style. Style is unconnected with dyslexia. Paying attention to the blue line underneath words in Word is a reliable way to have unexceptional grammar. In addition the 4i teamwork approach should have meant this aspect was not a substantial disadvantage for him.

*3 Improve quality of deliverables* – Mr Iqbal was asked to always review his own work and ask questions of the team when required. The use of templates was recommended, and the standard needed is an absolute: the Respondent cannot be expected to accept work of a lower standard because Mr Iqbal is dyslexic. It must make adjustments to help him achieve those standards if the effect is substantial. This was not substantial, and the performance plan was informal, in the form of support and guidance for someone relatively new in post.

*4 Demonstrate proactive project management* – Mr Iqbal was asked to prioritise chargeable work. Prioritisation of tasks seems unconnected with dyslexia.

*5 Maintain the required level of utilisation [chargeable time] by accurately recording time and requesting chargeable work from managers.* Again, this has no apparent connection with dyslexia.

84. The BDA came up with a long list of recommendations (78/122), and it is submitted that the very length of the list indicates that the effect is more than minor. Many of them are within the matters that are now everyday methods of working.

85. The biggest suggestion made in the report is the 25% extra time for exams. Mr Iqbal has not found difficulty with degree level and professional exams, and succeeded to a level that has enabled him to find employment with a large reputable accountancy firm. The effect on him of his dyslexia in terms of his career has been minor. (The chartered tax adviser exams are dealt with above.)

86. The similarities with Mr Paterson are very clear, and on a first impression make Mr Iqbal's claim to be similarly disabled a strong one. However, after looking carefully all the evidence, I conclude that the effect on Mr Iqbal of his dyslexia is not more than minor or trivial. As that is the prerequisite for Mr Iqbal's claim, I am obliged to dismiss it.

**Employment Judge Housego**

**17 May 2021**