



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 8000320/2025

Heard in Glasgow on the CVP/Kinly platform on the 2 and 3 December 2025

Employment Judge Porter SIR

Miss R Lennon

**Claimant
In Person**

Cadence BPO Ltd

**Respondents
Represented by:
Mr Fakunle, solicitor**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

It is the judgment of the Employment Tribunal:

- (i) To refuse the claimant's amendment of 2nd December 2025;**
- (ii) To dismiss the claimant's claims of disability discrimination**

Introduction

1. The claimant was employed by the respondents as a Sales Executive between the 12 August 2024 and the 23 June 2025, being the effective date of her resignation. In these proceedings she claims disability discrimination arising from her period of employment with the respondents.
2. The claimant's claims are resisted and there were two Preliminary Hearings in the case. These took place on the 4 April 2025 before EJ Sutherland and on the 16 September 2025 before EJ Mannion. At both Preliminary Hearings there were detailed discussions with the claimant on the issues in this case. At the Preliminary

Hearing on the 16 September 2025 EJ Mannion clarified, defined and noted the issues in the case.

3. A full Hearing on the Merits in this case took place on the 2 and 3 December 2025. At the Hearing on the Merits the claimant represented herself and the respondents were represented by Mr Fakunle, solicitor. Evidence was heard from the claimant herself and Jade Robinson Head of HR and Recruitment and Keith Annand, COO, for the respondents. The parties made reference to a Joint Bundle of Documentation numbered **1-287**.
4. Disability status was conceded by the respondents on the 10 October 2025. In their email of that date the respondents accepted that the claimant met the definition of disability under s6 of the Equality Act 2010 in respect of her psoriatic arthritis and back condition since 2018. The respondents went on to state that the issue of the respondents' knowledge of the claimant's disabilities was not conceded.
5. At the outset of the case Mr Fakunle submitted that the respondents conceded the respondents' knowledge of the claimant's psoriatic arthritis at the material time. He clarified that the respondents did not, however, concede their knowledge of the claimant's back condition. To this end the material time was defined as the 12 August 2024 to the 6 January 2025 when the claimant went on a period of long term sick leave from which she did not return.

The Issues

6. At the outset of the case there was discussion between the parties and the Employment Judge and it was agreed that the issues in this case remain as defined by EJ Mannion in her PH Note of 16 September 2025. These issues comprise the question of the respondents' knowledge of the claimant's disability in respect of her back condition and three separate instances of failure to make reasonable adjustments in terms of s20 and s21 of the Equality Act 2010. The issues are replicated below:

Disability

Did the respondent have knowledge of the claimant's back condition at the relevant time?

Duty to make reasonable adjustments

Incident 1

- (i) *Did the respondent refuse to provide the claimant with an adequate seat with back support and so fail to provide an auxiliary aid?*
- (ii) *Did this place the claimant at a substantial disadvantage that she was absent from work on 16-18 October, 1 November, 11 November, 15-21 November 2024 and 10 January 2025 for back pain, compared to persons who are not disabled but suffering from back pain?*
- (iii) *The claimant alleges a reasonable step to remove this disadvantage would have been the provision of an adequate seat with back support.*

Incident 2

- (iv) *Did Mrs Robinson refuse to take the claimant's patient action card which provided information on her medication and immunocompromised status?*
- (v) *Did the respondent share the claimant's immunocompromised status with the claimant's colleagues?*
- (vi) *In doing so, did the respondent apply a PCP of refusing to accept medical information from employees and share said medical information with colleagues?*
- (vii) *Did this PCP place the claimant at a substantial disadvantage, in that her colleagues were not aware of nor were they briefed about her immunocompromised state, when compared with persons who are not disabled?*
- (viii) *The claimant alleges that a reasonable step for the respondent to take to remove this disadvantage would have been to take a copy of her patient action card and brief both managers and colleagues on her immunocompromised state.*
- (ix) *This incident relates to the disability of psoriatic arthritis only.*

Incident 3

- (x) *Was a physical feature of the respondent's work premises a lack of ventilation?*
- (xi) *Did this place the claimant at a substantial disadvantage, namely that she was constantly picking up infections and viral illnesses, when compared with persons who are not disabled?*
- (xii) *Was it a reasonable step to have the claimant placed in an area with ventilation so as to remove this disadvantage?*
- (xiii) *This incident relates to the disability of psoriatic arthritis only.*

- (xiv) *If the claimant succeeds on one or more of the above, what is the appropriate remedy?*

Amendment

7. In the course of her evidence the claimant sought to amend her claim to include claims under s13 and s15 of the Equality Act 2010 based upon the terms of a letter from Specialised Nurse Jane Argyle on the 5 December 2024 **(196)**. To this end she presented a Minute of Amendment on the 2 December 2024. After hearing argument from the parties the Minute of Amendment was refused, for the reasons articulated in an oral judgment delivered on the 2 December 2025.

Findings in Fact

8. The Tribunal made the undernoted essential Findings in Fact from the evidence taken from the claimant, Keith Annand and Jade Robinson.
9. The claimant was employed by the respondents as a Sales Executive from the 12 August 2024 to the 23 June 2025.
10. The claimant states that the respondents provided her with a broken chair from the outset of her employment with them. In early September 2025 she informed her line manager, Josh Smith, that she had a back condition which was sufficiently serious to be treated with steroids. The claimant told Josh Smith that she required a back support for her chair. Josh Smith told her that there were only 2 back supports in the office and that they were both being used by other employees.
11. In early December 2024 the claimant explained to Sahl Gray, a manager, that she had a back condition and required a back support. Sahl Gray told her that she should get a back support for her chair; however a back support was never provided to her.
12. The Tribunal accepted the evidence of Jade Robinson that the claimant's conversations with Josh Smith and Sahl Grey should have been reported to her as Head of HR but had not been reported. However, the Tribunal believed the evidence of the claimant that such conversations had taken place and found that the respondents had knowledge of the claimant's disability in respect of her back condition from early September 2024.
13. The claimant was never signed off work on account of her back condition.
14. The claimant's evidence was, however, that a back support would not have been sufficient for her back and that what she needed was a chair which was not broken. The claimant stated in evidence that at no point did she ask the respondents for a chair which was not broken.

15. At the time of joining the respondents, the claimant completed a Medical Questionnaire **(186)**. The claimant completed that document stating: *"If ever required, a medical alert card is in my pink purse in bag. A copy can be provided for records."* A copy of the claimant's Medical Alert Card was taken by Jade Robinson for the respondents' records and is to be found at **209**.
16. The claimant stated in evidence that she did not ask or authorise Jade Robinson to share her medical information and her immunocompromised status with her fellow employees. The Tribunal accepted the evidence of Jade Robinson that she would not and could not share the claimant's medical information with the claimant's fellow employees without the claimant's express authority, the reason being that such information is confidential.
17. As a result of her immunocompromised status, the claimant needs to sit in a well ventilated space. The offices in the respondents' premises within which the claimant sat are dog legged in shape with large windows on one side of the room. All the windows open. There are 3 air conditioning vents in the ceiling, one of which was not working at the material time. Even with the broken air conditioning vent the Tribunal found that the evidence demonstrated that the offices in which the claimant sat were well ventilated.
18. On or around 21 November 2024 the claimant met with and explained her health issues to Sahl Gray, manager, and asked if she could sit beside a window. The claimant's evidence was that Sahl Gray immediately re arranged the seating in the office so that the claimant could sit beside a window. The claimant gave evidence that she could open that window.
19. The claimant's evidence was that individuals and managers within the office complained about the window being open and on occasion made comments and closed the window. The claimant was, however, able to re-open the window at all material times.
20. A letter was issued on behalf of the claimant by Jayne Argyle, an Advanced Nurse Specialist in Rheumatology on the 5 December 2025. The letter suggested reasonable adjustments and recommended an Occupational Health assessment to ensure that the claimant had adequate chair and desk facilities to support her condition **(196)**. There was contradictory evidence from the claimant and Jade Robinson on the question of the date when this letter was received. To this end the claimant stated that the letter was given by her to the respondents on the 15 December 2024. For her part, Jade Robinson gave evidence that the letter was handed to her by the claimant on the 2 January 2025 on the claimant's return to work after a period of sick leave.
21. Jade Robinson gave evidence that following receipt of the letter she instructed a Wellbeing Assessment on the claimant on the 3 January 2025. Jade Robinson and

Keith Annand were present at the assessment of the claimant. Notes of this assessment are to be found at **197**. The Tribunal observed that these notes contain proposed reasonable adjustments for the claimant's return to work with the respondents.

22. The Tribunal accepted the unchallenged evidence of Jade Robinson that she would not delay in actioning a medical letter suggesting reasonable adjustments such as that provided by Jayne Argyle to be found at **196**.
23. After having regard to this evidence (and given the fact that the claimant was absent from work for much of December 2024) the Tribunal preferred the account given by Jade Robinson and found that the claimant handed the letter at **196** to the respondents via Jade Robinson on the 2 January 2025.
24. The Tribunal noted that on the 6 January 2025 the claimant went off work on sick leave and did not return to the employment of the respondents. The Tribunal accepted the evidence of Jade Robinson and Keith Annand that the respondents were unable to assess the effectiveness of their proposed adjustments due to the absence of the claimant from the workplace. Neither were the respondents able to action an Occupational Health Assessment due to the absence of the claimant from the workplace.
25. On 31 January 2025 Keith Annand wrote to the claimant and stated:

“ in the meantime, I wanted to highlight that if you are looking to return, we have put the following things in place:

- *An ergonomic chair situated by the window- Managers are fully aware as per Jade's email sent out at the start of the month that the window has to be left open, even if others request it to be closed.*
- *A back support cushion- if you do not find this one suitable, we can look at alternatives and order a different model.*
- *A laptop stand, this allows you to stand whenever you wish, whilst still doing your role.*

It will also be briefed out to Managers that your comfort break allowance will be extended, meaning if you wish to take time to come away from your desk and stretch your legs then you are able to do so.” (205).

The Law

26. In these proceedings the claimant relies upon the terms of **s20** and **s21** of the Equality Act 2010. These sections provide:

“20(3) The first requirement is a requirement where a provision, criterion or practice of A’s puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

20(4) The second requirement is a requirement where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

20(5) The third requirement is a requirement where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.”

27. Guidance on the approach to be taken in reasonable adjustment claims was given by the EAT in **Environment Agency v Rowan 2008 ICR 218 EAT**, In that case His Honour Judge Serota stated that a tribunal must consider:

- the PCP applied by or on behalf of the employer, or the relevant physical feature of the premises occupied by the employer
- the identity of non-disabled comparators (where appropriate), and
- the nature and extent of the substantial disadvantage suffered by the claimant.

28. The EAT went on to state that to identify the substantial disadvantage suffered by the claimant it may be necessary for the tribunal to look at the overall picture and consider the cumulative effect of both a PCP and a physical feature of the premises.

SUBMISSIONS

The parties both produced summaries of their submissions which are replicated below. The undernoted submissions are therefore in the parties’ own words.

Submissions for the claimant

This case is about the Respondent’s repeated failures to support me as a disabled employee, and the disadvantage and harm those failures caused. I have Psoriatic Arthritis, a long-term condition that substantially affects my daily life. The Respondent knew this from the medical evidence I provided. Despite that, reasonable adjustments were not communicated properly, not discussed with me, and ultimately not put in place. On two separate occasions, managers failed to pass on information about the adjustments I needed. Ms Robinson refused to accept an updated medical alert card and never had a proper conversation with me about my illness or how it affected my work. Although I was put in a ventilated area, this wasn’t communicated to staff, meaning the

adjustment didn't work in practice. Crucially, I was refused access to an NHS Occupational Health assessment. I wasn't told this by Ms Robinson but by another manager, who said she was uncomfortable reviewing my medical information. My letter was never returned, and I had to request another copy from Nurse Argyle. Nurse Argyle stated clearly that a professional assessment was necessary to identify suitable adjustments. If that assessment had taken place, I would have been able to continue working safely and without disadvantage. Because these adjustments were not made, I was placed at a clear disadvantage compared with colleagues who do not have a disability. My symptoms worsened; I experienced pain, anxiety and distress, and I ultimately went on long-term absence – something that could have been avoided if the Respondent had met its obligations under the Equality Act. The legal tests under sections 13 and 15 are met. The Respondent knew about my disability, failed to take reasonable steps, and their inaction caused unfavourable consequences for me. I ask the Tribunal to find that I was discriminated against and to award fair compensation for the impact this has had on my health, wellbeing and employment.

29. The Tribunal observed that the claimant's submissions made reference to s13 and to s15 of the Equality Act 2010 and as such did not relate to the issues agreed between the parties and before the Tribunal to determine.

Submissions for the respondents

The Complaints & Relevant Laws

The C brings claims for:

1.1 Discrimination arising from disability, Section 15 EQA 2010

1.2 Failure to make reasonable adjustments. Section 20 and 21 EQA 20210

C – relies on Psoriatic arthritis and a 'Back' condition- amount to physical or mental impairments.

The Law

Section 13 of Equality Act 2010;

Section 15 of Equality Act 2010;

Section 20(3-5) EA 2010;

Section 21 EA 2010;

The Evidence:

The hearing bundle of 287 pages and oral evidence from C – Miss Rebekah Lennon and for R – Miss Jade Robinson and Mr Keith Annad.

Background/facts in the case:

C was employed 05 Aug 2024 as a Sales Executive and was in that role until the time of end of employment on 25 June 2025. However, prior to that C filed complaints on 07 Feb 2025 [003].

It is a common ground that C was a disabled person by her medical condition of Psoriatic Arthritis but is disputed that C suffers a 'Back' problem or medical conditions that satisfy or amount to disability. It is further submitted that if found that C is disabled by the Back medical condition, it is further submitted that R lacks knowledge of the existence of such condition. Therefore, the Burden remains on C to prove that she is disabled as per Back condition as claimed. R relies on *Northumberland Tyne and Wear NHS Foundation Trust v Geoghegan* (UKEAT/0048/13/BA) [2014]

All ER (D) 148 (Mar), Held – It will be an error of law for a Tribunal to take into account when determining whether an employer had the requisite knowledge matters that the employer could not have known at the time.

Dealing with LOI – Incident 1 [172] – C's case was that R refused to provide an adequate seat with back support tantamount to failing to provide an auxiliary aid [S20(5) EQA 2010] – Generally, it is submitted that Incident 1 as alleged or at all is denied. It is further disputed that C was or is a disabled person suffering from Back condition as pleaded. Therefore, it is further submitted that the claim must fail. Evidence both oral and/or written is clear that any back pain if at all does not amount to disability.

Incident 2 – C alleged Mrs Robinson refuse to take the patient action card which provided information on her medication and immunocompromised status. – This allegation is denied. From oral evidence R was able to prove that the card was received from C at the time of employment and scanned [209]. This evidence was corroborated in C's evidence, who confirmed that she provided the card at the time of employment and was scanned. Therefore, the allegation is denied. However. In respect of sharing C's medical information with other colleague at work, it is accepted that that information was not shared as alleged, and the reason for that was that. This is a confidential information, and in accordance with the R's policy such information cannot be shared without the consent of C to do so. C in her evidence confirmed that she never instructed Mrs Robinson to share the information. So, this claim must fail. It is further submitted that if found that R should have disclosed the information to C's colleagues as alleged, R would say that their action amounted to a proportionate means of achieving a legitimate aim, acting in accordance with the R's Confidentiality policy as set out herein. It is therefore submitted that the Incident 2 must fail in its entirety and must be dismissed.

Company Confidential

Incident 3 – Upon the evidence provided at the hearing. There seem to be a conflicting position. It is R's case that workplace has a wide feature in terms space, and that there are lots of windows, and there is some air conditions placed in strategic positions of the workplace. One can only deduce from Mrs Robinson's evidence that the workplace was conducive enough. This position was never challenged by C during cross examination. Therefore, this claim must equally fail.

Conclusion, I will respectfully submit the entire claims brought by C is dismissed outrightly.

30. The Tribunal observed that the respondents made reference to s13 and 15 of the Equality Act 2010 in their submissions when the issues agreed between the parties do not include such claims.

Discussion and Decision

31. The Tribunal turned to the Issues in determining this case.

Disability

Did the respondent have knowledge of the claimant's back condition at the relevant time?

The decision of the Tribunal is that the respondents did have knowledge of the claimant's back condition for the majority of the relevant time. This knowledge was acquired through the claimant's conversations with, firstly, her line manager Josh Smith in early September and secondly, the manager Sahl Gray in early December 2024.

Duty to make reasonable adjustments**Incident 1**

- (i) *Did the respondent refuse to provide the claimant with an adequate seat with back support and so fail to provide an auxiliary aid?*

The claimant's evidence was that the auxiliary aid which she required was a seat that was not broken rather than a back support. Her evidence was that she never asked the respondents for a seat that was not broken but did ask for a back support. In these circumstances the Tribunal concluded that the respondents did not fail to take reasonable steps to provide the relevant auxiliary aid.

- (ii) *Did this place the claimant at a substantial disadvantage that she was absent from work on 16-18 October, 1 November, 11 November, 15-21 November 2024 and 10 January 2025 for back pain, compared to persons who are not disabled but suffering from back pain?*

In answering this question in the negative the Tribunal noted that there was no evidence that the claimant's absences were caused by her back pain.

- (iii) *The claimant alleges a reasonable step to remove this disadvantage would have been the provision of an adequate seat with back support.*

The claimant's evidence was that the provision of a seat which was not broken would have removed any disadvantage she suffered, as opposed to the provision of a back support. The claimant never asked the respondents to provide a seat which was not broken.

Incident 2

- (iv) *Did Mrs Robinson refuse to take the claimant's patient action card which provided information on her medication and immunocompromised status?*

The Tribunal found in evidence that Jade Robinson took the claimant's medical alert card and took a copy of it for the claimant's file **(209)**.

- (v) *Did the respondent share the claimant's immunocompromised status with the claimant's colleagues?*

The Tribunal found in evidence that the claimant never requested or authorised Jade Robinson to disclose to her fellow employees her medical records and the fact she is immunocompromised. The Tribunal found in evidence that Jade Robinson could not disclose an employees medical records or confidential medical information to other employees without express authorisation to do so. The reason for this is that such information is confidential.

- (vi) *In doing so, did the respondent apply a PCP of refusing to accept medical information from employees and share said medical information with Colleagues?*

In answering this question in the negative, the Tribunal noted that no evidence of such a PCP was led by the claimant. In any event the respondents accepted the claimant's medical alert card and took a copy of the same. **(209)**

- (vii) *Did this PCP place the claimant at a substantial disadvantage, in that her colleagues were not aware of nor were they briefed about her immunocompromised state, when compared with persons who are not disabled?*

This issue is answered in the negative for the reasons expressed in the answers to the other issues in respect of Incident 2.

- (viii) *The claimant alleges that a reasonable step for the respondent to take to remove this disadvantage would have been to take a copy of her patient action card and briefed both managers and colleagues on her immunocompromised state.*

The respondents did take a copy of the claimant's medical alert card **(209)**. Jade Robinson could not brief the claimant's fellow employees and managers of the claimant's medical status without an express request and express authorisation from the claimant due to employee confidentiality. The Tribunal found that such a request and such authorisation was not forthcoming from the claimant.

- (ix) *This incident relates to the disability of psoriatic arthritis only.*

Incident 3

- (x) *Was a physical feature of the respondent's work premises a lack of Ventilation?*

The Tribunal found that the offices in which the claimant sat were dog-legged shaped, with windows along one side of the offices. All the windows opened. There were 3 air conditioning vents. Even though one vent was not working at the material time the Tribunal concluded that the offices in which the claimant sat were well ventilated.

- (xi) *Did this place the claimant at a substantial disadvantage, namely that she was constantly picking up infections and viral illnesses, when compared with persons who are not disabled?*

There was no evidence before the Tribunal to demonstrate that the claimant picked up infections and viral illnesses due to sitting in a poorly ventilated office.

- (xii) *Was it a reasonable step to have the claimant placed in an area with ventilation so as to remove this disadvantage?*

The evidence of the claimant before the Tribunal was that on the 21 November 2024 the claimant explained her health issues to Sahl Gray, a manager of the respondents, and asked if she could sit beside a window. The evidence of the claimant was that Sahl Gray immediately re-arranged the seating in the office so that the claimant was sitting beside a window which she could open and shut. The Tribunal accepted this evidence. On the claimant's own evidence, therefore, she was placed beside a window which she could open when she requested the same.

- (xiii) *This incident relates to the disability of psoriatic arthritis only.*

- (xiv) *If the claimant succeeds on one or more of the above, what is the appropriate remedy?*

Due to the conclusions above an assessment of remedy is not required. In any event the claimant gave no evidence on the issue of remedy.

Conclusion

32. It is for these reasons that the claimant's claims of disability discrimination are dismissed.

Date sent to parties

15 December 2025