



EMPLOYMENT TRIBUNALS

Claimant

Mr J Mangrola

Respondent

v (1) The Home Office (3311616/2023);
(2) Ms Patricia Fitzmaurice
(3311616/2023);
(3) Ms Claire Faxon (3311616/2023);
(4) Ms Gabrielle Monk
(3315289/2023);
(5) Mr Ian Crocker (3315289/2023);
(6) Mr Christopher Edwards
(3315289/2023).

Heard at: Bury St Edmunds (part in person, part by CVP)

On: 23, 24, 25, 26 and 27 June 2025; and
13, 14, 15, 16, 19, 20, 21 and 22 January 2026.
(13 days including days of deliberation, Judgment writing and
delivery of an extempore Judgment)

Before: Employment Judge KJ Palmer

Members: Mr B McSweeney and Mr C Grant

Appearances

For the Claimant: In person

For the Respondent: Mr Harris (Counsel)

JUDGMENT having been sent to the parties on 16 March 2026 and written reasons having been requested in accordance with Rule 60(4) of the Employment Tribunal Rules of Procedure 2024, the following reasons are provided:

REASONS

Background

1. The Claimant pursues claims against six Respondents arising out of his employment at the Home Office between 1994 and his dismissal on 1 October 2024. The issues which are before this Tribunal all occurred when the Claimant was still an employee of the Respondents.

2. The Claimant has issued six Tribunal claims variously between 2021 and 2025. Two have journeyed already to a determination and we understand that those two are the subject of Appeals to the Employment Appeal Tribunal. Two of the most recent claims are still in their infancy and early stages. The two case numbers whose numbers appear at the top of this Judgment, are the two and the only two that we are concerned with.
3. Cases: 3311616/2023 and 3315289/2023, which are the ones which we are concerned with, were consolidated to be heard together and that consolidation was undertaken by Employment Judge S Cowen at a Preliminary Hearing on 25 February 2025. At that Hearing EJ Cowen set out a List of Issues which this Tribunal has to determine in this Full Merits Hearing. The Claimant and Counsel for the six Respondents were present at that Hearing which was conducted by Cloud Video Platform (CVP).
4. Both parties agreed that the List of Issues was the definitive list that was going to be determined at this Hearing. The consolidated Hearing had already been listed to take place on 23, 24, 25, 26 and 27 June 2025, although in her Summary EJ Cowen opined that this might not be sufficient time. She was right. We got nowhere near completing the matter in that five day original listing and it was necessary therefore for us to go what is known as part heard and reconvene the Hearing on 13 January 2026, for a further eight days which included deliberation time, Judgment preparation and writing time and the handing down of an extemporary Judgment, this Judgment.
5. We heard lengthy live evidence from the Claimant and from the five other Respondents who had been individually named by the Claimant in these proceedings.

Preliminary Issues

6. Initially we dealt with a preliminary Application from both the Claimant and the Respondents at the outset of the Hearing in June. The Claimant pursued an Application to strike out the Respondents' defence, which we refused. Detailed reasons were given extemporarily at the time.
7. The Respondent pursued an Application to redact large proportions of the Claimant's Witness Statement on the grounds of relevance. The Claimant's Witness Statement runs to some 51 pages. This was also refused and reasons were also given extemporarily at the time.

The Claimant's evidence and his approach to these proceedings

8. Whilst we did not accede to the Respondents' Application to redact large swathes of the Claimant's Witness Statement, it is the case that very significant proportions of that Statement before us are simply not relevant to the issues in these proceedings.

9. In the consolidated proceedings the Claimant pursues claims in direct discrimination on the protected characteristics of disability, race, sex and age. He pursues a claim in indirect disability discrimination. He pursues claims in discrimination arising from disability and claims for reasonable adjustments. He advances claims in harassment related to disability, race, sex and age and victimisation arising out of a protected act. What is not before us is a claim in whistle blowing, or any claim relating to the Claimant's dismissal purportedly by reason of conduct.
10. However, a very significant proportion of the Claimant's Witness Statement purports to give evidence concerning whistle blowing claims and the Claimant's dismissal. Those issues are not part of the proceedings before this Tribunal.
11. There is a Bundle, which runs to some 2,061 pages and in paper form occupies over four lever arch files. During the course of these proceedings we estimate that we had cause to refer to only a fraction of the 2,061 pages, probably no more than 50 pages at most.
12. We understand that those representing the Respondents attempted on many occasions to limit the amount of pages in the Bundle and that the Claimant insisted upon including many, many hundreds of pages of documents which had no relevance whatsoever to these proceedings.
13. This and the unnecessary and irrelevant evidence in the Claimant's Witness Statement has definitely contributed to the length of this Hearing. We intend no criticism of the Claimant, he is not a Lawyer and is a litigant in person dealing with a very complex and difficult series of concepts in Employment Law which many Lawyers struggle to get to grips with.
14. However, the Claimant seemed in these proceedings to have little understanding of the claim that he was pursuing before us. He continually went "off piste", attempting to bring into play whistle blowing allegations and the events which led to his dismissal.
15. In his cross examination of the Respondent's Witnesses he regularly put questions which had no relevance to these proceedings and it was something of a difficulty to get him to concentrate on the issues set out in EJ Cowen's Case Management Summary.
16. Moreover, we do not think that the Claimant really understood the nature of the claim he was trying to advance. This is particularly so in respect of his claims in direct discrimination, on the basis of the protected characteristics of sex and age. Whilst his Witness Statement does mention both of these, it is not in the context of anything that is before us. The same can be said of his race claim which is mentioned regularly in his Witness Statement but is not mentioned in the context of the issues that we have to determine.
17. When cross examining the Respondents the Claimant rarely, if ever, put any issues relating to his race, sex and age discrimination claims to those

Witnesses. He did not ever put to any of the Respondents that their actions had been because of race, sex or age, or were related to race, sex or age. Essentially he advanced no case in respect of these issues at all to those Witnesses. He even became confused and withdrew parts of his direct discrimination age claim when pressed on the matter.

18. There was really no mention at all during the proceedings of any claim in sex discrimination, or harassment related to sex, other than a reference in the List of Issues to a female comparator in the direct discrimination claim. The Claimant seemed not to understand the significance of this female comparator.
19. We heard evidence from all five of the Claimant's former colleagues, which he has included as Respondents in these proceedings:
 - 19.1. Claire Faxon is an HM Inspector and was the Claimant's Line Manager for a time;
 - 19.2. Patricia Fitzmaurice is a Deputy Director Head of Immigration and Enforcement for the South Region;
 - 19.3. Chris Edwards is an Immigration Compliance and Enforcement Lead in Middlesex;
 - 19.4. Ian Crocker is an Investigation Manager on the Customer Services Investigations Team; and
 - 19.5. Gabrielle Monk is a Director Customer Officer Operations Support Services.

Findings of Fact

20. The Respondents accept that the Claimant was at all material times a disabled person under the auspices of Section 6 of the Equality Act 2010. The disability is Ischemic Heart Disease and / or Type 2 Diabetes.
21. The Claimant was at the material time employed as a Chief Immigration Officer, (CIO) at Higher Executive Officer grade. His role involved managing a Team of Arrest Trained Immigration Officers and providing leadership for day to day operational activities, including operational deployments and Police call outs. The requirements of the role require CIOs to work partially from the office but include shift work, early starts, evenings, overnights, weekends and Public Holidays. The role attracts an Annualised Hours Allowance (AHA) to compensate for working these shift patterns, which can be changed or extended according to the business needs. The AHA is an additional payment paid monthly as a percentage of basic pay and is paid together on a monthly basis with normal basic pay.
22. The role involves running a Duty Office and acting as a Silver Commander, or Supervisor, for operational deployments including authorising the service

of Enforcement Notices and Detentions where appropriate. A CIO is expected to deploy with their Teams on Enforcement Visits in an operational capacity, including arrests. The role can be physically demanding. It is a mandatory requirement for all operational staff, including CIOs to complete and pass a specialist training including Level 3 Public and Personal Safety Training; now known as PPST3. For an Officer to be in ticket they must be PPST3 trained. This is a National requirement. PPST3 includes arrest and restraint techniques including handcuffs and baton strikes. It demands a level of physical activity and physical fitness. Officers who are not PPST3 trained therefore cannot undertake any of the arrest related functions which are a core part of the CIO role.

23. Both in cross examination of the Respondents and in his submissions, the Claimant has advanced an argument that being PPST3 trained is not an essential criteria of the role. This is despite the fact that in cross examination on his own evidence he agreed that it was a requirement and essential to the role. He resiled from this evidence during the course of these proceedings and cited the list headed "Essential Criteria" in a job description which was before us in the Bundle.
24. However, he ignored that elsewhere in that job description it is made abundantly clear that it is absolutely a requirement for the role, that a person complete PPST3 training. It makes it clear that any formal offer is conditional upon completing the training under PPST3.
25. The Tribunal therefore makes a finding of fact that it is an essential requirement of the CIO role that a candidate is able to pass the PPST3.
26. In 2020, when the Claimant was line managed by a Scott Ronaldson, the Claimant was unable to undertake PPST3 training due to ill health. As a result the Claimant was temporarily removed from front line duties and assigned administrative desk based tasks as a reasonable adjustment. This then remained the position until the Claimant was ultimately dismissed purportedly by reason of conduct.
27. There is a dispute between the parties about whether the adjusted role was temporary, or not and whether it was essentially still operational or was purely administrative.
28. In many ways this is the crux of the Claimant's unhappiness in that the Claimant really wished to remain in the adjusted desk based role permanently. The fact that the Respondents ultimately deemed this unacceptable and unreasonable is the cause of the Claimant's ire and the reason for his actions and likely, the reason for the six claims before this Tribunal.
29. The desk based role enjoyed the same pay benefits as a full CIO role in that the Claimant still continued to receive his annualised hours allowance, despite the fact that he was not ticketed to perform the full function of his job role.

30. The Tribunal was impressed by the evidence of Claire Faxon and accepts what she told us, that it was not unusual for CIOs to have temporary periods where they were non-deployable due to illness or injury. Some Officers are non-deployable for only a very short period of time while they await Arrest Refresher training. During Covid, for example, many were non-deployable for longer periods due to being clinically vulnerable.
31. The Claimant maintains that he thought his switch was permanent and that as a reasonable adjustment the Respondents should have maintained him in that adjusted desk administrative role in perpetuity. The Respondents, throughout the time he was in the adjusted role, sought to assess his suitability for a return to the CIO role through seeking medical evidence and through having him attend Occupational Health Assessments. This was specifically to assess when he could return to his CIO role and be operational and deployable.
32. We do not think it likely that the Claimant genuinely believed the adjusted role was permanent. He knew it was temporary and if he did not know, it should have been obvious to him because the Respondents were sending him regularly for OH Assessments to ascertain whether he could fully return to the role for which he was employed. Certainly the first part of his adjusted role took place during the height of the Covid pandemic when most activity was locked down at one time or another, or at least severely restricted. However, in the summer of 2021 when restrictions were being lifted, it was entirely proper that the Respondents would seek to monitor the Claimant so as to ascertain when he could be deployable.
33. There were monthly check in meetings with Claire Faxon. There was some delay as the Claimant awaited various medical appointments to take place. Claire Faxon was in constant touch with the Claimant and we believe he fully understood that the intention was to get him back to a fully deployable position and for him to attend an Arrest Refresher course. This is evidenced in an exchange of emails that was before us between the Claimant and Claire Faxon, in the Bundle, in September of 2021 at pages 235 – 237.
34. We therefore do not accept the Claimant's assertion that he believed the adjusted role was permanent. He knew it was not.
35. Moreover, in his adjusted role he was not fully operational. It was an absolute requirement of the CIO role that he be fully ticketed and attend the Arrest Refresher course.
36. It was then that Claire Faxon had occasion to raise an innocuous issue with the Claimant about why he had not signed off a member of his Team's expenses. The Claimant reacted badly to this and in fact over reacted, sending an email dated 10 September 2021 which threatened Ms Faxon with a complaint of harassment and was very critical of her. We consider this to be a considerable over reaction.

37. There is also evidence that the Claimant struggled to use effectively an IT system called TAMS, which records personal information about the Claimant and his Team including working hours, time off, holidays, etc. Ms Faxon had occasion to ask the Claimant to update and correct errors on the TAMS system more than once. The Claimant cancelled an Arrest Refresher he was due to attend in October of 2021 due to the fact that he was awaiting further medical checks.
38. Ms Faxon was asked to seek a Stress Risk Assessment of the Claimant after his threatening email to her but the Claimant refused to allow her to be involved. It was therefore referred to another colleague Paul Smith to undertake and it took place on 14 November 2021. Ms Faxon continued to press for another Occupational Health Referral to assess whether the Claimant could be deployable again. There was an Occupational Health Assessment which confirmed that the Claimant was not yet deployable. It was decided that the Claimant would remain on the adjusted duties for the moment.
39. A letter was prepared by Ms Faxon to Chris Edwards of West London, to send to the Claimant. This letter which we have a draft of is in the Bundle and is signed by Chris Edwards. It was never sent. It makes it clear that the adjusted role is temporary. Sadly it was not sent, which is unfortunate as there could then have been absolutely no doubt and it would not have been open to the Claimant to argue that the adjusted role was permanent.
40. Mr Edwards told that the reason he did not send it was that the Respondent's procedures were under review and that that standard letter was being superseded and phased out.
41. Ms Faxon had further occasion to remind the Claimant about inappropriate comments he had made in two emails to colleagues.
42. In January 2022 Ms Faxon alerted the Claimant to a job opportunity in the Detention England Team. This further illustrates that the adjusted position was temporary and that she was trying to assist him to find another role that would not require him to complete PPST3.
43. In May of 2022, the Claimant indicated after another Occupational Health Report that he could attend PS2; a lower level of training than PPST3, more concerned with defensive skills; hand cuffs and batons are not involved. He would still not have been able to be deployable as a CIO as all CIOs need PPST3 training, as explained in detail above.
44. The Claimant was fully aware at this point the adjusted role he enjoyed together with all the financial benefits of a deployable CIO could not continue long term. He threatened Claire Faxon with litigation. In any event Occupational Health advised that the Claimant was not fit to attend PS2 in any event.

45. The Claimant sent an email following a one to one with Claire Faxon on 20 May 2022 insisting that he be permitted to continue in the desk based admin role that he had been enjoying for more than two years. Once again, he threatens that he believed he is being discriminated against relating to his disability. He says that if matters are not resolved to his liking he will pursue a Grievance.
46. The Respondents took a decision in respect of all CIOs who remained non-deployable and had been deemed not fit to be so. They determined that there should be a six month period for those individuals where it had been determined they would never be deployable, after which the AHA payment will cease. However, there was a Policy called, "The Workplace Reasonable Adjustments Guidance" referred to hereafter in this Judgment as "the Guidance", which helped to assist all those in this position to find an alternative role before the expiry of that six month period.
47. Claire Faxon had a further occasion to address the Claimant's behaviour when he effectively swore in an email by using the acronym "FFS" which means *for fuck's sake*.
48. Matters continued into 2023. The Claimant was awaiting an operation. He was pursuing ET litigation, though not these proceedings. After the operation the Claimant had a further Occupational Health Assessment and the Report was produced in March of 2023 and made it clear that the Claimant would never be fit to do PPST3 and would never be deployable to fulfil his role of CIO. The Claimant made it clear that he wanted to remain desk based on the enhanced terms he had now enjoyed for close to three years.
49. The Respondent's position is that it was simply unsustainable to continue on that basis. The Respondents were not able to sustain the volume of Officers who were non-deployable and non-operational, such as the Claimant. The intention was to fill all operational roles with staff that were operational and deployable. The Claimant was not. We consider this to be entirely reasonable and appropriate. It was a Regional decision, not simply a decision in respect of the Claimant and was in line with the Workplace Reasonable Adjustments Guidance.
50. This Guidance explained what to do if workplace reasonable adjustments cannot be sustained nor accommodated. The Claimant had been in such a position for three years. The Respondents bent over backwards, in our view, to accommodate him for a much longer period than normal in the hope that he could return to being operational and deployable. It was now clear that he could not be and that would never happen.
51. The Claimant was then to be subjected to the Guidance. The Guidance envisages a three stage process. These are:
 - 51.1. Phase 1: A Case Conference and appropriate follow up to look at options for the employee to remain in the wider

business area and other adjustments that might be arranged to facilitate this.

- 51.2. Phase 2: Supporting the employee to find a role in the wider department via the Career Transition Service, (CTS).
- 51.3. Phase 3: Consideration as to whether the employee's employment can continue to be supported.
52. This was a Region wide Policy and many others had been through this Policy Guidance. The Phase 1 Conference was to be held by Chris Edwards. However, the Claimant refused to allow Claire Faxon to release the latest OH Report to Chris Edwards and in light of this refusal it was determined that Claire Faxon would conduct Phase 1.
53. The Claimant then refused to progress to Phase 1 and rejected Claire Faxon's invitation, indicating that he had raised a Grievance and that the Grievance should first be resolved. The Claimant indicated an intention to attempt to resolve his Grievance informally with Ms Faxon but rendered this impossible by refusing to release details of the Grievance against her, to her. They did, however, meet on 1 August 2023. By this time it appeared that the Claimant was of the view that the Respondents were out to remove him and it was because he had pursued previous ET proceedings, (not these).
54. The Claimant essentially wanted to remain on desk duties but retain his enhanced pay and benefits. To this end, he refused to even begin to engage with the process where the above mentioned Guidance was engaged. This was very unwise of him in the Tribunal's view.
55. That process might well have unearthed a resolution and a new role but the Claimant refused to contemplate that. It might have been possible for him to move into a role that continued to pay AHA payments but the Claimant did not even start the process, he refused.
56. The Claimant in this claim alleges that the Respondents and in particular Claire Faxon, prevented him from working flexible hours. We heard evidence from Claire Faxon and the Claimant. We prefer the evidence of Ms Faxon. We accept her version of events as set out in her Witness Statement at paragraphs 60 – 71. We do not propose to repeat it here.

The allegations the Claimant raised against Ms Faxon

57. In furtherance of a Grievance against Ms Faxon, the Claimant in an email of 18 August 2023 to Chris Edwards, sent a vituperative and personal attack on Ms Faxon. We have this document at page 464 of the Bundle. He purports to diagnose Ms Faxon with various personality disorders, including amongst others, narcissistic sociopathy. He describes her as a dangerous

person who manipulates and arms others for their own personal gain. The email is lengthy and very personal.

58. The Claimant, in his evidence, considers that he is qualified to make such a complex medical and psychological assessment of his Line Manager, as he labours under the illusion that he is medically qualified to do so. In fact, he is not. He is not a Doctor who is qualified in the UK. His medical antecedence are in the Bundle before us. He appears to have a Medical Diploma from Romania dated 1985. The Claimant accepted that when he came to the UK he tried to qualify as a Doctor but failed the necessary examinations. When I asked him during submissions he indicated that he had practised some general medicine in Kenya.
59. We have to say, we find his suggestion that he is sufficiently medically qualified to diagnose Ms Faxon with personality disorders, as to be wholly unbelievable.
60. Moreover, his attitude due to being questioned about this unpleasant attack was equally baffling and irrational. When it was put to him that he should agree that it was deeply offensive, insulting and wholly inappropriate to refer to his Line Manager in those terms, he said, "I do not".
61. Not surprisingly, when this email was forwarded by Chris Edwards to Ms Faxon she immediately refused to continue to be the Claimant's Line Manager henceforth. We regard this as completely understandable and an appropriate reaction. She was replaced as the Claimant's Line Manager by Dave Roberts.
62. The Claimant's wider Grievance was to be managed by Gabrielle Monk, Customer Operations Support Services Director, with Ian Crocker, Customer Services Bullying, Harassment and Discrimination Investigations Unit, as the Investigating Officer. The substance of the Grievance was that the Claimant had been placed on CTS against his will and that Claire Faxon and Patricial Fitzmaurice had discriminated against him, amounting to harassment and victimisation on the grounds of his age, disability, race and his gender.
63. For the avoidance of any doubt, we fully accept the evidence of Ms Faxon that she did absolutely everything she could to support the Claimant when she was his Line Manager. His attack on her in the document we have seen was totally unmerited and inappropriate and in our view, illustrates a level of irrational thought the Claimant was operating under at that time and under which he has brought to these proceedings.
64. Patricial Fitzmaurice had responsibility for the imposition of the Workplace Reasonable Adjustments Guidance in circumstances where it was deemed appropriate. She determined that it should apply where Officers had been deemed unfit to undertake PPST3 on a permanent basis. This was a National decision. She played no part in the detail of the application of the Guidance to the Claimant and had not dealings with him, or any

conversations about his particular circumstances. We heard evidence from Ms Fitzmaurice, with whom we were most impressed.

65. The application of the Guidance was done strictly in accordance with Equality Impact Assessments. At paragraph 22 of her Statement she explains in detail the process in place to ensure fair and equal treatment of disabled employees who are placed in the Workplace Reasonable Adjustments Guidance. The likelihood is that had the Claimant agreed to go forward into the Guidance and commenced Phase 1, he would almost certainly have ended up being deployed into a suitable role that would in no way have disadvantaged him. The Claimant is convinced that this is not so and he claims that he had an anonymous tip off that should he move into the Phase 1 of the Policy, it was a slippery slope to removal and dismissal. He was so consumed with conspiracy theory by this point that everyone he dealt with was, in his view, out to get him and he could muster little rational thought.
66. It was against this background then, that the Claimant produced a document which is before us at page 832. It is entitled, "Explanatory Statement relating to my Grievance regarding disability discrimination". We find it interesting that there is no mention of the other types of discrimination in that heading that is before us.
67. It is at paragraph 11 of that document that the Claimant compares the Equality Impact Management Team to the Third Reich. He goes on to say that the actions of Ms Fitzmaurice as Director of London and South Region are directly comparable to those of Heinrich Himmler the Head of the Schutzstaffel or SS in World War II. He compares her actions to those of Himmler in being the architect of the final solution which was to exterminate all Jews as well as Slavs, Gypsies and the physically and mentally disabled. He said she was involved in the professional extermination of the careers of disabled staff. He goes on to say that EI Managers were engaging in corrupt eugenics. If that was not enough, he then goes on to produce a photograph of Heinrich Himmler along side a photograph of Ms Fitzmaurice. He goes on to say that Ms Fitzmaurice and others have engaged in human trafficking contrary to the UK's obligations to comply with a UN Protocol and that her actions are a breach of the Modern Slavery Act 2015. The document is lengthy and runs to some 30 pages.
68. As a result of this document which was sent to Ian Crocker, who had been charged with investigating the Claimant's Grievance, the Claimant was then suspended.
69. Subsequent disciplinary action led to his dismissal.
70. That action including alleged conduct including the contents of this document and the vituperative personal attack on Claire Faxon were amongst the matters before the Disciplinary Panel.

71. It is very important, however, for us to state that we are not concerned here with those disciplinary proceedings, or the Claimant's subsequent dismissal, its fairness or otherwise. We make no findings in respect of those disciplinary proceedings and their outcome, save only in respect where they are touched upon in the issues that are before us. They do, no doubt, form part of the proceedings in train which are yet to be case managed, although we have no direct evidence of that. We are concerned only with the issues before us in this consolidated matter.
72. However, the Claimant sought to refer to his document of 10 October in cross examination and made it clear in his questioning of Ms Fitzmaurice that he could not understand why his direct comparison of her to Heinrich Himmler could cause offence.
73. This once again illustrates his somewhat unusual perspective and sense of reality, as his reaction to Claire Faxon's offence at his amateur psychological analysis of her, also shows. This is the framework in respect of which the Claimant has pursued these proceedings; a belief in matters which are either irrational or simply not supported by the facts in front of us.
74. In cross examination the Claimant was unconvincing and often extremely evasive. He frequently denied that something was the case in the face of uncontroversial documentary evidence to the contrary. This combined with his continued attempts to justify the missives we have referred to above and his obvious conspiracy theory mindset, leads us to treat his evidence with considerable caution. Where there is conflict in the evidence we prefer the evidence of the Respondents and their Witnesses.
75. It is part of the acts relied upon in the Claimant's claims before us in harassment and victimisation, that Mr Edwards releasing the written personal attack email on Ms Faxon, was an act of harassment and victimisation. We deal with that in our conclusions. However, as a matter of fact we entirely accept that it would have been wholly wrong of Mr Edwards not to have released that document, (at pages 464 – 467) to Ms Faxon. She was the Claimant's Line Manager at the time. The Claimant did specifically ask Mr Edwards not to release it to her on the basis that it would,

“merely feed her sense of pleasure and accomplishment and I wish to remove myself from any further mental injury with a minimum of fuss.”
76. It must be remembered that in that email the Claimant had asked for a change of Line Manager and it was therefore, in our view, entirely appropriate of Mr Edwards to release the document to Ms Faxon.
77. It is also before us as an allegation of victimisation that Mr Crocker was in breach of Data Protection legislation and confidentiality in releasing a copy of the document of 10 October 2023 to Mr Edwards and that this was an act of victimisation arising out of a protected act the Claimant relies upon in

presenting proceedings in the Employment Tribunal. We deal with that claim in our conclusions.

78. We make a finding that there was nothing sinister or perverse in Mr Crocker releasing that document to Mr Edwards, as he says, he was permitted to contact and seek HR advice throughout his investigation which he did. He released the document on the advice of HR because it was clearly something that would be considered to be highly personal to any disciplinary proceedings and there were disciplinary proceedings already in train at that time. There is no evidence whatsoever and it was never even put to the Witnesses, that the release by Mr Edwards of the email to Claire Faxon was in any way connected with the Employment Tribunal proceedings the Claimant had presented. Precisely the same can be said of Mr Crocker's decision to release the 10 October documents. There is no evidence that it was in any way connected to the Claimant's previous ET case.
79. Moreover, we do not accept as a matter of fact that there was a failure by Mr Crocker to investigate the Claimant's Grievance fairly by excluding the contents of the letter of 10 October. Having heard evidence from Mr Crocker, we completely agree that as a very experienced Investigation Officer with years of experience, he acted properly and appropriately in accordance with his terms of reference. Even if his investigation had not been fair, there is no evidence whatsoever that his actions were in any way connected with the Claimant having previously issued ET proceedings.
80. As one of the acts of victimisation, the Claimant seeks to rely on is that Ms Monk failed to deal with his age / race discrimination allegations made in March of 2024, we heard evidence from Ms Monk and we had her Witness Statement before us. It is clear in her Witness Statement at paragraphs 29 and 30 that such matters were included in her findings, she clearly did deal with this and she says so at paragraph 50 and in detail at paragraph 55 of her Witness Statement and in her Outcome Report at page 890 of the Bundle.
81. In any event, even if she failed to deal with those allegations properly, which we do not accept that she did, the Claimant has produced no evidence to suggest that any of her actions were connected to the previous Employment Tribunal proceedings that the Claimant has pursued.
82. The Claimant failed to appeal her outcome. Ms Monk accepts that her letter referring to the Right to Appeal was ambiguous but we, the Tribunal, consider that it was nonetheless clear enough and we do not find that the Claimant was deprived of any Right to Appeal. In any event, the denial of any appeal is not a matter in the issues before us.
83. One matter of fact remains before we set out briefly the Law and our Conclusions based on the issues. The Claimant in his first direct discrimination claim in the issues relies upon a hypothetical comparator and an actual comparator, a Miss A. Miss A's name was previously anonymised pursuant to an earlier Application.

84. We do not consider, as a matter of fact, that Miss A is an appropriate comparator whose circumstances are not materially different to the Claimant's. We accept Mr Edwards' evidence advanced on this issue in his Witness Statement at paragraphs 66, 67 and 68. He was not challenged on this by the Claimant and the Claimant advances no argument to counter this evidence.

The Law

85. The Tribunal is faced with a number of claims under the Equality Act 2010, ("EqA").
86. The first claim is a claim for direct discrimination on the protected characteristics of disability, race, sex and age. Direct discrimination is governed by s.13 in the EqA 2010 which tells us as follows under subsection 1:

13. Direct Discrimination

- 1) A person (A) discriminates against another (B), if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

87. The key to any assessment of a direct discrimination claim is a comparison. The use of the words "less favourable" necessitates a comparator to be brought into play. Claimants are encouraged to cite actual comparators but can also rely upon hypothetical comparators.
88. It is also important for Claimants pursuing claims in direct disability discrimination to rely upon an act of discrimination. They have to convince a Tribunal that that act happened. That act then has to amount to less favourable treatment and it has to be a detriment. Key to any success in a direct disability discrimination claim is that it has to be because of a protected characteristic.
89. In this respect there is considerable Authority and we will not repeat all of it here, save to say a case that is often quoted as the case of Madarassy v Nomura International Plc [2007] IRLR 246. This illustrates that a finding of less favourable treatment and a finding of a difference of treatment and a protected characteristic, do not of themselves mean that the behaviour was discriminatory. There has to be some connection between the less favourable treatment and the protected characteristic itself. This is often referred to as the "something else", or the X factor, there has to be some evidence which connects the two and persuades a Tribunal that the two are connected.
90. In terms of assessing evidence and assessing whether a Claimant has been successful in discharging the burden of proof upon the Claimant to show that less favourable treatment was because of a protected act, we are often

minded to turn to s.136 EqA 2010 which describes the burden of proof in discrimination cases.

91. The case of Igen Ltd. & Ors. v Wong [2005] IRLR 258, is a leading case. This deals with the reversal of the burden of proof. Where a Claimant sets out and persuades a Tribunal there is a prima facie case of a connection between less favourable treatment and a protected characteristic. It is then for the Respondents to show that the treatment was not discriminatory. In many cases, however, claims do not get to the first stage in that there is no prima facie evidence of a connection between less favourable treatment and the protected characteristic and in those types of cases, it is not necessary for the Tribunal to consider the reversal of the burden of proof.
92. The Claimant also pursues a claim in indirect disability discrimination and this is governed under s.19 of the Equality Act 2010 and provides,

19. Indirect discrimination

- (1) A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.
- (2) For the purposes of subsection (1), a provision, criterion or practice is discriminatory in relation to a relevant protected characteristic of B's if-
 - (a) A applies, or would apply, it to persons with whom B does not share the characteristic,
 - (b) it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it,
 - (c) it puts, or would put, B at that disadvantage, and
 - (d) A cannot show it to be a proportionate means of achieving a legitimate aim.

93. There are various tests set out in s.19 Equality Act 2010 that the Tribunal must apply and those tests have been ably set out by EJ S Cowen in the issues before us, for which we are most grateful and in due course we will apply those tests.
94. The Claimant also pursues a claim for discrimination arising from disability, which is under s.15 Equality Act 2010. This tells us,

15. Discrimination arising from disability

- (1) A person (A) discriminates against a disabled person (B) if-

- (a) A treats B unfavourably because of something arising in consequence of disability, and
- (b) A cannot show that the treatment is a proportionate means of achieving a legitimate aim.

95. Those tests have to be applied in those circumstances.

96. The Claimant also pursues a reasonable adjustments claim under s.20 and 21 Equality Act 2010, s.20(3) provides,

20. Duty to make adjustments

- (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 comparisons with persons who are not disabled, A is to take such steps as are reasonable to have to take to avoid the disadvantage.

97. That sets out the principal test that is before us in a reasonable adjustments claim.

98. The Claimant also pursues a claim in harassment related to disability, race, sex and age. Harassment is governed by s.26 Equality Act 2010 and provides,

26. Harassment

- (1) A person (A) harasses another (B) if-
 - (a) A engages in unwanted conduct related to a relevant protected characteristic, and
 - (b) the conduct has the purpose or effect of-
 - (i) violating B's dignity, or
 - (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

99. It also goes on to say that a test has to be applied as to whether if it did have that effect, was it reasonable for the conduct to have had that said effect.

100. Finally, we have a claim for victimisation in front of us. Victimisation is governed by s.27 of the Equality Act 2010 and provides,

27. Victimisation

- (1) A person (A) victimises another person (B) if A subjects B to a detriment because-

(a) B does a protected act.

101. Those tests are all set out in front of us in the List of Issues.

Conclusions

102. We are now going to apply the findings of fact to the tests that are before us in each case in the List of Issues.

Direct discrimination: disability, sex, age, race – s.13 EqA 2010

103. The acts relied upon are those set out at 1(a), (b) and (c) of the List of Issues.

104. Issue 1(a): The imposition of a mandatory requirement for deployability, namely the requirement to be Arrest Refreshed, this might alternatively be considered to be a requirement to have an existing personal safety Level 3 qualification.

105. Issue 1(b): That there was an imposition of a mandatory requirement to attend operational enforcement visits.

106. Issue 1(c): That the Claimant was subjected to a compulsory career transition procedure which might alternatively be considered to be subjecting the Claimant to the Workplace Reasonable Adjustments Policy and Guidance.

107. In his submissions, Mr Harris accepts that both 1(a) and 1(b) do apply to the Claimant but argues that 1(c) does not.

108. We agree with Mr Harris. 1(a) and 1(b) do apply but 1(c) does not; 1(c) never happened. The Claimant refused to become engaged in the Workplace Reasonable Adjustments Policy and Guidance, he did not even attend Phase 1 which was essentially just a scoping meeting. Had he done so, it is possible that none of the six proceedings he subsequently presented to the Tribunal might exist. Any claims under 1(c) therefore must fail because that simply did not happen.

109. As for 1(a) and 1(b) that did happen. However the white female comparator Miss A the Claimant relies upon is not an appropriate comparator as we accept the evidence of Mr Edwards that her circumstances are materially different to the Claimant. For that, we are guided by s.23 of the Equality Act 2010 where it tells us that in cases where an actual comparator is cited, there must be no material difference between the circumstances relating to each case. That is not so here, therefore Miss A is not an appropriate comparator.

110. However, the Claimant does also rely on a hypothetical comparator. That is someone in materially the same circumstances as him but not of Asian origin for the purposes of his race claim, not a man for the purposes of his

sex claim, younger than him for the purposes of his age claim and not a disabled person for the purposes of his direct discrimination claim.

111. Dealing first with the direct disability discrimination. Both 1(a) and 1(b) were something that applied to everyone in the Claimant's Region. 1(a) was a National requirement and had been in place since 2009. It was therefore not imposed on the Claimant because of his disability. It applied before the Claimant was a CIO. It also applied to everyone. There is therefore nothing to persuade us that it was applied to him because of his disability.
112. We accept that at the imposition of 1(a) and 1(b), might be less favourable to the Claimant than a non-disabled colleague, a hypothetical comparator, and that it amounted to a detriment. The treatment was clearly not because of his disability. There was no nexus or connection between the two.
113. For that reason the Claimant's first direct disability discrimination claim must fail.
114. With respect to race, sex and age of the first direct discrimination claim, the Claimant has presented no relevant evidence whatsoever to support these claims. He did not even put these claims to the Witnesses, he seems to have largely ignored them during the course of this trial, at no point did he even mention his age claim and he has put forward no cogent or compelling evidence to support any of these claims.
115. These are therefore nothing more than bare assertions and on the evidence before us we could not possibly conclude that had there been any less favourable treatment which amounted to a detriment, as against the hypothetical comparator in each case. It is clear that any such comparator would have been treated exactly the same as the Claimant.
116. These claims do not even get off the ground and fail.
117. The Claimant then pursues a second direct discrimination claim which is a little muddled in the issues but we can describe it as the paragraph 4 claim. This is that, did Ms Claire Faxon attempt to threaten or prevent the Claimant working flexible hours?
118. Here we do not accept as a matter of fact that Claire Faxon attempted to threaten or prevent the Claimant from working flexible hours. We prefer the evidence of Ms Faxon and we accept it.
119. Therefore this did not happen and the claim therefore must fail.

Indirect discrimination – s.19 EqA 2010

120. Did the Respondent have a provision, criterion, or practice of requiring all operational immigration staff to be Arrest Refreshed and / or, to mandatorily attend Operational Enforcement Visits and / or, enforcing a compulsory career transition procedure?

121. This is essentially a restatement of Issues 1(a), 1(b) and 1(c), as cited in the direct discrimination claim.
122. The Respondents, once again, accept that the first two aspects of that alleged PCP do amount to PCPs. We agree with them. The third does not because it did not happen, for the reasons we have already set out.
123. However, we do disagree with the Respondents as to whether those PCPs that did occur placed those with a disability at a particular disadvantage compared to non-disabled employees. We find that it did place the Claimant at a particular disadvantage in that there was potentially a case that had the Claimant entered into the Guidance the result might be a reduction of his wages and pension, which is what he relies upon. That stemmed directly from him not being able to comply with the PCP which was because of his disability.
124. However, this aspect of the Claimant's claim fails because it was objectively justifiable for the reasons that the Respondents rely upon.
125. In answer to the question, was the PCP a proportionate means of achieving a legitimate aim, the aims relied upon by the Respondents are ensuring the safety of colleagues, the public, and a legitimate use of resources to find a suitable role appropriate to an employee's grade, skills and applicable success profile with a view to retaining an employee's employment.
126. We consider that these are entirely justifiable and these do amount to a proportionate means of achieving a legitimate aim, or an explanation of those, we accept both limbs of that argument being so because it was a means of ensuring the safety of its employees.
127. Therefore, the Claimant's claim in indirect disability discrimination must also fail.

Discrimination arising from disability – s.15 EqA 2010

128. Was the Claimant treated unfavourably by the matters contained in paragraph 1?
129. In terms of 1(a) and 1(b) it is accepted that he was and we agree with the Respondents. In respect of 1(c) it is not the case because 1(c) did not happen, as we have already indicated.
130. Was the treatment because of something arising from his disabilities?
131. In this respect the something arising relied upon is being unable to complete the personal safety training Level 3 qualification, as the something. He relies on the something as required under this section as being that inability.
132. We cannot find that the treatment was because of the something arising. The treatment was universal and across the board; 1(a) was National and

1(b) was Regional. This requirement was not because of his disability, or anything arising in respect of it.

133. However, even had we concluded that it was, we would have regarded the treatment as a proportionate means of achieving a legitimate aim, on the same basis as we did with the s.19 claim on the two limbs set out by the Respondents.

Reasonable adjustments – s.20 and 21 EqA 2010

134. We find the PCPs in 1(a) and 1(b) are made out but not 1(c), as that did not happen.
135. Did those PCPs cause the Claimant a substantial disadvantage when compared to someone without his disabilities? He relies on a reduction of wages and pension. Here there is no potential just the fact of a reduction.
136. We know as a fact that no such reduction ever took place. This can therefore hardly amount to a substantial disadvantage as it was a disadvantage that simply never happened at all.
137. This claim must therefore fail at this point.
138. The Claimant argues that a reasonable adjustment to avoid that disadvantage would have been to continue to allow the Claimant to remain on desk based duty whilst enjoying the full financial benefits of a fully deployable CIO. For the avoidance of doubt, we have concluded that there was no substantial disadvantage but had we concluded that there was, we would have concluded that this would not have been a reasonable adjustment that the Respondent would have been expected to make to alleviate the disadvantage.
139. Therefore, the claim would have in any event failed on that basis too.

Harassment – s.26 EqA 2010

140. Did the Respondents do the following acts? Under paragraph 17 we have five acts to consider.
- a. The first act are the three matters set out previously as 1(a), 1(b) and 1(c). It is accepted that 1(a) and 1(b) happened and 1 (c) did not happen.
 - b. This repeats 4(a) in the direct discrimination claim and we made a finding that that did not happen.
 - c. Mr Edwards suspending the Claimant in October of 2023. Yes that did happen.
 - d. Mr Edwards releasing information about the Claimant which the Claimant had asked him not to do, that is releasing to Ms

Faxon the Claimant's email where he analysed Ms Faxon's alleged personality disorders. Yes, Mr Edwards did do that.

- e. Mr Edwards deciding to initiate disciplinary procedures against the Claimant in mid 2023. Yes he did do that.

- 141. However, did the conduct, that is the questions answered "Yes" above that I have referred to, have the purpose or effect of violating the Claimant's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the Claimant?
- 142. On our findings of fact we do not believe that the Claimant has shown that it has had such an effect. We certainly do not find that it had such a purpose. The Claimant has failed, on the balance of probabilities, to show that it had such effect on him. Even if he had and even if we had accepted that with respect to the incidents that did occur above, we would have concluded that it was not reasonable for it to have had that effect and his claim would have failed on that basis.
- 143. Moreover, we would have concluded that none of the conduct that did happen was related to his disability, his race, his sex or his age. For that reason also, those claims fail.

Victimisation – s.27 EqA 2010

- 144. The protected act the Claimant relies upon in the List of Issues is bringing proceedings under the Equality Act 2010 and it is not clear which proceedings this refers to as the Claimant has brought six claims.
- 145. However, we conclude that it must be the first two claims brought which were in 2021 and we gather currently are the subject of Appeal, as the two claims we are dealing with here were not presented to this Tribunal until October and December of 2023 and the acts complained of all predate those presentational dates and certainly predate the Respondents knowing about those claims and having been served with them.
- 146. The final two claims are much later still.
- 147. It must be that the protected act relied upon is the earlier Application before the Tribunal. It is accepted by the Respondents that those earlier proceedings amount to a protected act, we agree.
- 148. Was the Claimant subjected to the following treatment and here we have seven acts the Claimant relies upon,
 - a. The first is the same as had been throughout our conclusions, 1(a) and 1(b) did happen, 1(c) did not.
 - b. Mr Crocker in October 2023 breaching the Data Protection Act and confidentiality by releasing information to Chris Edwards. We do not

agree that the release of the document comparing Ms Fitzmaurice to Heinrich Himmler, amongst other allegations, amounts to a breach of the DPA. This was never put to us by the Claimant and was never put before us as breach of confidentiality. We have made a finding of fact in that respect and therefore this did not happen.

- c. Mr Edwards suspending the Claimant in October of 2023. This clearly happened.
- d. Mr Crocker failing to give the Claimant a fair hearing by excluding his representations on 15 October 2023. In our findings of fact we concluded that this did not happen. We consider that Mr Crocker did give the Claimant a fair hearing in this respect so we do not accept that that happened.
- e. Ms Monk failing to deal with the age and race discrimination allegations made by the Claimant. We do not accept that this happened. We have made a finding of fact that Ms Monk did deal with these allegations of race and age in her Grievance Outcome. The Claimant might not have agreed with the outcome but she certainly dealt with them.
- f. Mr Edwards released information about the Claimant's Manager which the Claimant had asked him not to do. Yes, that did happen.
- g. Mr Edwards did decide to initiate a disciplinary procedure against the Claimant in 2023. This did happen.

149. In summary:

- a. Happened, save for 1(c);
- b. This did not happen;
- c. This did happen;
- d. This did not happen;
- e. This did not happen;
- f. This did happen; and
- g. This did happen.

150. In 1(a) and 1(b), (c), (f) and (g), did this constitute a detriment?

150.1. Points 1(a) and 1(b) would be a detriment;

150.2. Point (c) is a detriment;

- 150.3. Point (f) is not a detriment, the document was in the knowledge of the Respondents, releasing it to Ms Faxon did not materially change that; and
- 150.4. Point (g) is a detriment.
151. However, in respect of all the actions that we find did happen above and that amount to a detriment, there is not a single shred of cogent evidence that the treatment was in any way connected to proceedings initiated by the Claimant in 2021. He failed to convince us there was any connection between those acts and the proceedings. We accept the evidence of the Respondent's Witnesses that none of them were motivated by those 2021 proceedings.
152. Therefore, the Claimant's claims in victimisation all fail.
153. The Claimant's claims all fail and are all dismissed.
154. In the circumstances we therefore do not propose to make any findings in respect of the out of time issues as it is not necessary.

Approved by:

Employment Judge KJ Palmer

Date: 9 March 2026

Sent to the parties on:

16 March 2026

For the Tribunal Office.

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