



# EMPLOYMENT TRIBUNALS

**Claimant:** Marc Knight

**Respondent:** Driver and Vehicle Standards Agency

**Heard at:** Swansea      **On:** 26 and 27 January 2026

**Before:** Employment Judge G Duncan

## **Representation**

Claimant: In person

Respondent: Katherine Bailey, Counsel

# WRITTEN REASONS

## **Introduction**

1. The Claimant, Marc Knight, brings a claim for disability discrimination relating to allegations of a failure to provide reasonable adjustments. The Respondent, DVSA, denies the claim.
2. By ET1 received on 8 April 2025, the Claimant states that the Respondent was aware of back issues and that the issue was discussed with multiple managers. The Claimant relies upon a OH report dated 14 March 2024 in which he states that it is recommended he is provided with additional equipment, specifically a desk and chair. He states that the Respondent failed to take action to provide the required equipment or support his disability. The Claimant states that a chair was provided but it was not appropriate for his needs. He asserts that this failure led to an accident on 7 March 2025 when he was incapacitated on the floor of his home. The Claimant details the extent of the incident within the ET1. The Claimant asserts that the Respondent made constant excuses following the incident and that he has taken various periods off work as a result. He considers that the requests and grievance have been ignored.
3. The Grounds of Resistance states that the Claimant was the subject of various OH reports and that the issues primarily relate to mental health. The Respondent details a number of flexible working requests made by the Claimant and rehearses the outcomes, including various appeals. The Respondent details that there was then a complaint relating to an alleged failure to make reasonable adjustments. At the time of the grounds being filed,

disability was disputed. The Respondent denies any failure to make reasonable adjustments and submits that adjustments were made. It is said that the changes suggested by the Claimant, that specialist equipment was to be provided at home, were not reasonable because of the Respondent's policy that employees at home should not be provided with furniture.

4. At a Case Management Hearing on 10 June 2025 the Claimant confirmed that he relied upon sciatica for the purposes of disability. He stated that this was one condition. He suffered pain to the lower back and right hip radiating down the leg. It was stated that the PCP challenged was the refusal to provide equipment other than basic computer equipment when working from home. The Claimant said that he required a rise and fall desk and an ergonomic chair. He states that this was not provided. A timetable was fixed through to a trial. Paragraph 45 to 50 of the order includes a helpful chronology of the assessment, flexible working requests, injury and grievance.
5. By email, dated 16 July 2025, the Respondent conceded disability for the purpose of the Equality Act 2010.
6. The matter was listed for a two-day final hearing on 26 and 27 January 2026.
7. I am grateful to the parties for the work undertaken prior to the hearing, including the updating list of issues found at page 933 of the bundle. I do not propose to rehearse the contents save for stating that the agreed list was subject to some clarification as a preliminary issue. The Claimant confirmed that he asserts the PCP applied to him from around October 2024 when the Claimant spoke to the Respondent's employee, Philip Alderton-Hughes. In relation to the nature of the substantial disadvantage, the following points were advanced:
  - a) A risk of exacerbating his back condition;
  - b) He was required to move around more often;
  - c) It was impossible to complete his role without specialised equipment;
  - d) It was very hard to concentrate, it being the expectation that he needed to work full time without specialised equipment.
8. I have considered the contents of the bundle prepared in advance of the hearing consisting of 1005 pages. I have not read every document but have been taken to various key documents as part of the oral evidence. I have had the benefit of the Respondent's written opening, a cast list and an agreed chronology. I heard oral evidence from three witnesses: the Claimant; Philip Alderton-Hughes, Replacement Teams Leader; and Richard Evans, Digital Specialist within the Commercial Vehicle Service Team.

### **Factual Matrix**

9. The Claimant started employment on 31 Jan 2022, working under a form of hybrid contract where he worked a minimum of 60% of working days in the office. I do not propose to rehearse the detailed chronology within which this

reasonable adjustment claim sits. It is clear to me that the request falls to be considered within several flexible working requests made by the Claimant in an attempt to secure agreement to be able to work from home on a full time and permanent basis. The basis for those requests seems to pre-date the initial issues that relate to back related difficulties for the Claimant and appear to be associated with the Claimant's mental health difficulties and the problem that he has had attending the office, known as Ellipse. It is agreed between the parties that the Claimant would have had access to specialist equipment at the Ellipse office. The pre-October 2024 issues appear to be intertwined with the other rather vague references to bullying, harassment and issues relating to dismissal and subsequent reinstatement. Those matters do not form part of this claim but they form the background and context. I have not been informed of the specific nature of those issues, nor have I heard or read evidence regarding the mental health issues around the Claimant's inability to attend the office in person.

10. The Claimant's back issues prior to October 2024 are perhaps best described as "transient pain on occasions" as per the OH report on 14 March 2024. The Claimant, in his oral evidence, described it as it being present in terms of an issue but not serious enough for it to be raised with the Respondent.
11. The OH report at page 825 of the bundle discusses mental health, PTSD and depression, ongoing work issues and a combination of work and home stress. The focus on mental health issues is carried into the flexible working request meeting as per the minutes at page 88 of the bundle on 1 May 2024. When asked about the meeting in oral evidence, the Claimant accepted that Mr Evans was doing his best to explore reasonable adjustments and that at no time did the Claimant mention adjustments to equipment at home. Of note, I have regard to the evidence of Mr Evans in cross-examination by the Claimant, when asked about the OH report at page 825 and the suggestion that the identified need for a desk should cover a need at both home and office, he accepted that it was reasonable to assume that the need applied to both locations.
12. This focus on mental health reasons for working from home is carried into a return-to-work meeting at page 111 on 28 May 2024, it being accepted that mental health was at the forefront of the Claimant's mind. In June 2024, a decision was made by the Respondent to allow the Claimant to work from home on a temporary basis for three months, subject to review.
13. In the summer of 2024, various interactions, meetings and discussions reiterate that the Claimant's focus was again on mental health issues and in particular related to the Claimant's inability to return to the Ellipse office. Of further relevant context is the fact that it would have been known by the Respondent at the time that the Claimant had reported a slipped disc as part of his OH report on 14 March 2024. At page 826, in response to questions with regards to his back condition and height, it is stated that a DSE assessment for both hybrid roles would support the need for a stand/rise desk and that the Claimant reported he cannot stand or sit for long periods and that equipment is likely to help.
14. On 1 August 2024, Mr Evans ceased to be the Claimant's line manager and Philip Alderton-Hughes came to be his supervisor. As of early October 2024, the circumstances are best summarised by the OH assessment at page 117

dated 2 October 2024. It is stated that the Claimant was currently in work but with restrictions due to mental health issues. It is stated that:

*“Currently, Mr Knight is experiencing intense depression, which affects his daily functioning. He struggles with basic activities such as housework, shopping, and socialising, and finds it difficult to leave the house. His condition has not improved with previous medications, which also caused unwanted side effects. He is under the care of his GP, awaiting therapy and an ADHD assessment, with a significant waiting period expected.*

*In terms of his functional capabilities, Mr Knight is unable to face office work currently due to severe panic attacks and the negative impact on his mental health from his previous experiences at his workplace. His GP continues to provide fit notes recommending that he should work from home. Mr Knight feels that even with support, the expected 60% office attendance is unachievable under his current mental state.*

15. The recommendation is for the Claimant to continue to work from home until there is a significant improvement in his mental health symptoms; the timeframe for this is recorded as uncertain.

16. I observe at this stage that the recommendation flags the uncertain prognosis and recovery period, it being the case that the Claimant had already been working from home for a number of months. It was acknowledged and accepted by the Claimant that there were various questions addressing his mental health and that the Respondent was being proactive in trying to assist the Claimant back to work in the office.

17. The document again though flags the potential for steps to be taken to, in my view, reflect the fact that the arrangement for working from home could be required for some time. One of the questions directed to the author of the report requests that consideration be given to any further workplace adjustments that can be made to help support the Claimant in the role and minimise symptoms. The response is as follows:

*To further support Mr Knight in his role and minimise his symptoms, the company could explore additional adjustments such as providing specialised ergonomic equipment for his home office to enhance physical comfort and considering access to mental health resources like online therapy or mindfulness programs during work hours. These measures can help create a more supportive and accommodating work environment for Mr Knight.*

18. Whilst it would be fair to say that the Respondent is proactively assessing and managing the Claimant's mental health position, the Respondent has also identified at this stage, within the reports of 14 March 2024 and 2 October 2024, the fact that the Respondent could explore equipment for the Claimant's home office.

19. Shortly following this report, the Claimant appears to have suffered an exacerbation of his physical symptoms relating to his back on 10 October

2024 as per paragraph 9 of his witness statement. In cross-examination, it was explored with the Claimant that there would have been some discussions with Mr Alderton-Hughes. The Claimant could not recall the precise discussion but thought that there may have had been an informal chat as he describes the significant pain at the time. He stated that it would have been unlikely that he would not have mentioned it.

20. I heard evidence from the Claimant and Mr Evans regarding the close nature of their relationship. Mr Evans addressed in evidence that they spoke almost daily during October and it was clear that wellbeing and support were important issues to Mr Evans. The Claimant states that there was an informal discussion regarding the back injury in October and, on balance, I accept this evidence. In particular, I accept that it is more likely that not that it would have been raised in the context of family issues that the Claimant detailed in his oral evidence. Given the frequent nature of the discussions, and the close nature of support, I find it likely that Mr Alderton-Hughes was told.

21. The first documentary evidence relating to requests for a rise and fall desk appear in the minutes of a meeting to discuss a flexible working request on 5 November 2025. As previously identified, the request for reasonable adjustments is intertwined with various issues, as is the case in this meeting, but at page 632 the minutes state as follows:

*PAH : The rest of the suggests are things like rise and fall desks and chairs etc. You are aware we have already put in place adjustments such as extended breaks if needed and if you need to talk at any time I am always available plus the EAP service and civil service charity which I have provided details of before.*

*MK: One this I want to note, obviously I need the rise and fall because of my back issue, it should be noted that I may need this equipment at home to support me also.*

*PAH: Yes ok we can have a chat separately about the equipment. Do you have any other questions?*

22. The meeting discussion then goes back to the issues relating to the working from home and flexible working requests. In my judgment, from October 2024 on an informal basis, and then early November 2024 more formally, the Claimant is actively requesting and raising the rise and fall desk with the Respondent.

23. I accept that this request has flowed from the issues that the Claimant has encountered on or around the 10 October 2024. It is a consistent timeline based upon the documentary evidence. It is also relevant that at this time in October 2024 there appears to be little prospect of a return to the office based upon his mental health difficulties, hence the repeat requests made by the Claimant for flexible working and a permanent role at home.

24. The request for flexible working was declined in November 2024 and subject to an appeal. It is accepted by the Claimant that as part of the

flexible working request at the time, the focus was very much on mental health related issues and his asserted inability to return to the office.

25. On 19 December 2024, as per page 283 of the bundle, Philip Alderton-Hughes and the Claimant complete a workstation self-assessment. I will not rehearse the document save for to state that the assessment identifies issues with the furniture in place at the Claimant's home. The matter is addressed at paragraph 6 of Mr Alderton-Hughes' witness statement.
26. On 9 January 2025 at page 319, Becky Thomas communicates her appeal decision on the flexible working request and makes various recommendations, they include at page 324 a long-term reasonable adjustment for work from home based on mental health issues. In my judgment this is again relevant as the Claimant has already been working from home for a significant period and the Respondent correctly identified that this was likely to continue.
27. I do not propose to rehearse Philip Alderton-Hughes' witness statement but it addresses an uncontroversial chronology of events from January 2025 into the start of March 2025. He addresses that the policy identified states that the supply of equipment to employee's home was not permitted as per page 338 of the bundle.
28. In my judgment, Mr Alderton-Hughes was plainly doing everything in his power to provide some assistance at this point in time. He clearly cared about his team members' wellbeing and was actively seeking to address an identified need. He even went to the effort of delivering a chair to the Claimant's home on 6 Feb 2025, notwithstanding the terms of the policy.
29. The written and oral evidence of Mr Alderton-Hughes gave me the clear impression that he was frustrated that he was unable to provide additional support. He recognised that there was a policy in place, and that cost was a potential issue, and he referred to other staff members being provided with equipment in the office. He went on to accept that to his knowledge the Claimant was the only individual that was in a category of individuals where mental health was being raised as the reason for not being able to attend the office, but that the reasonable adjustment then related to physical health issues. He recognised that the Claimant's circumstances were complex.
30. At paragraph 15 of the witness statement of Mr Alderton-Hughes, I am referred to the relevant policy relating to the provision of work equipment. This can be found at page 912. Given that the Claimant was not a contractual homeworker, it was not reasonable in Mr Alderton-Hughes' opinion to provide home office equipment.
31. Matters appear to escalate on 7 March 2025 when the Claimant states that his back "went again" due to inappropriate equipment. He describes in his witness statement that his back "seized up". He felt that the Respondent was not addressing the issue and so raised a further grievance and applied for flexible working again.

32. The subsequent investigation proposes further OH assessment, states that he was unfit to work as per the report dated 2 April 2025 and that no adjustments will help the Claimant return sooner.
33. On 16 April 2025, Sam Collier responds to state that it was not the Respondent's policy to provide funding for the purchase of furniture for home working, and then a further letter from Mark Thomas reiterates the Respondent's view.
34. I will not rehearse them at length but in 2025 there are further OH reports, the Claimant sending various chasing emails and requests for information, further flexible working issues and appeals, and intermittent periods of sickness leave.
35. Circumstances change slightly on 1 September 2025, when Mark Thomas refuses the flexible working request but as part of the request permits an extension of 12-months for the Claimant to work from home. The document states that the Claimant should be supported to undertake a DSE assessment from his home location as per page 792.
36. In my view, this is relevant as for the first time it appears to be a departure from the previously applied policy that no equipment should be provided to employees temporarily working from home. The assessment leads to a recommendation that there should be an order for a suitable chair and furniture. During those months, the Claimant took it upon himself to address the issues himself by purchasing a desk.
37. In relation to the evidence of Mr Alderton-Hughes, I formed the view that he was doing all that he could do to assist the Claimant whilst trying to express a view that accorded with the Respondent's policy. This was notwithstanding the obvious desire on his part to try and do more to allow the Claimant to receive additional equipment and to provide further support.

### **Legal Principles**

38. The factual matrix must be applied to the relevant legal principles. I must have regard to Sections 20 and 21 of Equality Act 2010.
39. The importance of a methodical approach to reasonable adjustments complaints was emphasised by the EAT in Environment Agency v Rowan [2008] ICR 218 and in Royal Bank of Scotland v Ashton [2011] ICR 632, both approved by the Court of Appeal in Newham Sixth Form College v Sanders [2014] EWCA Civ 734.
40. In this case, disability and the Respondent's knowledge are not disputed.
41. I have regard to the updated list of issues reflecting the key components that must be considered in every case as per the aforementioned case law.
42. In considering substantial disadvantage, I have regard to section 212 of Equality Act 2010 defining substantial as meaning "more than minor or trivial".

43. It must also be a disadvantage which is linked to the disability. That is the purpose of the comparison required by section 20. However, it is not really a causation question as per the principles contained in the case of *Sheikholeslami v The University of Edinburgh* UKEATS/0014/17/JW namely that the purpose of the comparison exercise with people who are not disabled is to test whether the PCP has the effect of producing the relevant disadvantage as between those who are and those who are not disabled, and whether what causes the disadvantage is the PCP. That is not a causation question. For this reason also, there is no requirement to identify a comparator or comparator group whose circumstances are the same or nearly the same as the disabled person's circumstances. The fact that both groups are treated equally and that both may suffer a disadvantage in consequence does not eliminate the claim. Both groups might be disadvantaged but the PCP may bite harder on the disabled or a group of disabled people than it does on those without disability. Whether there is a substantial disadvantage as a result of the application of a PCP in a particular case is a question of fact assessed on an objective basis and measured by comparison with what the position would be if the disabled person in question did not have a disability.
44. The legislation no longer specifies factors which it is reasonable to take into account. However, the factors that formerly appeared in the Disability Discrimination Act are now found in paragraph 6.28 of the Code. This is not a checklist which must be considered in every case but it is a helpful reminder to Tribunals of some of the factors likely to be relevant to reasonableness.
45. A failure to consider whether a particular adjustment would or could have removed the disadvantage amounts to an error of law: *Romec Ltd v Rudham* [2007] All ER(D) (206) (Jul), EAT. The Court of Appeal put the matter this way in *Griffiths v Secretary of State for Work and Pensions* [2017] ICR 160:
- “So far as efficacy is concerned, it may be that it is not clear whether the step proposed will be effective or not. It may still be reasonable to take the step notwithstanding that success is not guaranteed; the uncertainty is one of the factors to weigh up when assessing the question of reasonableness.”
46. Broadly speaking the more effective the adjustment is likely to be the more likely it is to be a reasonable adjustment; the less effective it is likely to be, the less likely it is to be reasonable.
47. If the claimant proves disability, the burden is placed on the employer to establish that there was no actual or constructive knowledge of that.
48. If that defence fails, the claimant must prove facts from which it could reasonably be inferred, absent an explanation, that the duty has been breached. That means proving facts relating to the application of a PCP, the substantial disadvantage, and the adjustment which might have avoided that disadvantage. The burden will then shift to the respondent. It might discharge that burden in a variety of ways, such as by proving there was no

knowledge of the substantial disadvantage or by showing that the proposed adjustment was not in fact reasonable.

49. I am helpfully reminded of the need to avoid consideration of the manner that the Claimant was treated generally and that there should be a focus on the issue at hand. I should put to one side any observations or consideration around delay of the grievance or overlap with the flexible working requests.

### **Issues**

50. As above, disability and knowledge are not disputed by the Respondent.

51. In consideration of whether the Respondent applied a PCP in refusing to provide furniture for those working from home, I have regard to the following relevant points:

- a) The Respondent knew as early as March 2024 that there was a potential need for a rise and fall desk and this was reiterated in the October 2024 OH report relating to a need for ergonomic equipment;
- b) It was known by the Respondent at the time that the Claimant was off work for number of months and unlikely to be returning to the office anytime soon;
- c) There was a formal request for specialist equipment in November 2024.

52. In my judgment, the identified need for equipment crystallises in November 2024. Following this is a period of investigation, OH assessment and correspondence. This leads into correspondence in January and February 2025 that culminates in the email at page 338 on 4 February 2025 to state:

*“Having spoken to my team, it seems we are still not sending equipment to staff’s home from DSE assessments, and we still don’t do assessments at the homes of staff either”.*

53. In my judgment, this firstly amounts to confirmation of what is reflected in the policy, namely that equipment was not provided to temporary home workers, secondly, on the balance of probabilities, it is the application of the PCP in refusing to provide furniture. As outlined above, the need is known and identified, it has been referred to on a number of occasions, the policy has then been actively applied to the Claimant. Whilst I acknowledge that there are still investigations ongoing, it is in the context of a number of months of discussion and assessment, plus consideration of the flexible working request.

54. The application is further reinforced by way of the confirmation by Sam Collier and Mark Thomas in April and May 2025 respectively. In consideration of the fact that Mr Alderton-Hughes delivered a chair, it was only a partial, minor attempt to address the issues identified by the Claimant and the OH reports. Mr Alderton-Hughes was constrained by the policy.

55. I move onto consider whether there was then a change in terms of the implementation of the policy. I accept that by September 2025 the Respondent indicated that they would resolve the issue, but by this time many months had passed. I do though accept the point made by the Respondent that the PCP applied a short period of a number of months. On any assessment the difference between February or April to September is of limited relevance in my judgment.
56. I thereafter must consider whether there was a substantial disadvantage. A number of observations carry weight in addition to those already made above, namely:
- a) At page 826 the Claimant states he cannot stand or sit for long periods of time and this feeds into the report at page 119 in October 2024 to state that ergonomic equipment was required to “enhance physical comfort”;
  - b) The self-assessment at page 283 is relevant when it is stated that “Comfortable typing position: no support for wrist and forearms, no work surface suitable, no chair not suitable, chair adjusted correctly no, lack of back support”;
  - c) I have regard to the Claimant’s description of pain and discomfort coupled with the need to get up and walk around;
  - d) I accept the evidence of Philip Alderton Hughes that he wanted to try and resolve the Claimant being in pain.
57. When I consider those observations, I conclude on balance that the application of a PCP placed the Claimant at a substantial disadvantage when in comparison with a person who is not disabled. In my judgment, the policy places the Claimant in a position that he must effectively endure periods where he cannot sit or stand for long periods, he is not comfortable at work and must endure pain and discomfort when working from home.
58. I am quite satisfied that the PCP causes a greater disadvantage to the disabled claimant than it does to non-disabled people. I am satisfied on balance that he is required to move around more, unable to work sitting and standing and I accept his evidence that there is a risk of flare up. I do not accept that the absence of medical evidence defeats or undermines the strength of the Claimant’s claim in relation to this point. I have the OH assessments, evidence of the Claimant and ultimately, I am entitled to draw inferences based on that evidence. I do not accept that the Claimant has demonstrated that there were concentration issues as, in my judgment, there is likely to be overlap with mental health issues.
59. I find that the Respondent knew of the substantial disadvantage as the Claimant told the Respondent via the OH reports, told Mr Alderton-Hughes of the difficulties and the Claimant was forceful in emails in pursuit of the equipment. Mr Alderton-Hughes took some steps to try and assist and minimise the disadvantage and was candid in his evidence that he would

have done more if he could. In my view, these factors indicate firmly that the Respondent was aware of the substantial disadvantage.

60. I therefore turn to what reasonable adjustments could have been taken. I accept the evidence of the Claimant that the provision of a chair by Mr Alderton-Hughes was insufficient. I do not accept that the Respondent repeatedly exploring and investigating the issue was in any way sufficient.
61. I also do not accept the submission that just because the Respondent was on sick leave for a period that this negated the need to implement the adjustment. It was known that mental health was a significant factor in the Claimant's employment and I have already found that the application of the policy was prior to a period of sick leave. In my judgment, wellbeing checks, chats and breaks were insufficient where there was a clearly identified need. That need was one that, in my judgment, would have been relatively inexpensive to rectify. It is relevant that the Respondent appears to have accepted that the Claimant was unable to work in the office, was content for him to work from home but failed to provide the limited equipment required to enable him to do this without a significant disadvantage.
62. I have regard to the financial resources of the Respondent, that being a public body. I reject the point raised by the Respondent that the flood gates would have been opened by providing equipment. It would have been perfectly proper to consider an application for funding on an exceptional basis where the specific facts required it - everyone agrees that this is a complex and nuanced case. The evidence of Mr Alderton-Hughes was that to his knowledge the Claimant was the only individual that was unable to attend the office due to mental health difficulties but was impacted by a physical disability at home that required specific equipment.
63. Given the wider difficulties faced by the Claimant, the other alternatives advanced of changing office location and trying to get the Claimant back to the office were not sufficient steps in my judgment. In this context, it is relevant that the Claimant was permitted to work from home for long periods. It seems to be that there was an unwillingness to consider the facts of the particular case and that the blanket policy prevented an objective assessment by the employer.
64. In my assessment, the provision of a desk and chair that was suitable and allowed the type of support required by the Claimant would have been likely to have made a real and tangible difference to the Claimant.
65. I step back and take a holistic approach to the circumstances of this case. I consider the limited financial expenditure required, the potential to apply a discretion on a limited basis to a person with a disability that was unable to attend the office, the ease with which this could have been rectified, the size and type of employer and the likelihood that the provision of equipment would have been effective in addressing the physical issues. I find on balance that the two adjustments would have been reasonable and therefore I find that the Respondent failed to make a reasonable adjustment.
66. In consideration of remedy, there are a number of features of this case that are relevant as follows:

- a) This is a complicated and nuanced case; there are many overlapping features to address and for the Respondent to attempt to distil;
- b) There was significant goodwill and attempts were made by line managers to try and address the issue notwithstanding the fact that they were constrained by the policy. I accept the point that both of the Respondent witnesses were doing everything in their power to assist the Claimant and indeed in the case of Mr Alderton-Hughes took a chair to the Claimant in contravention of the policy;
- c) I accept that it is hard to differentiate between wider mental health issues and the direct impact of the Respondent's failure to make reasonable adjustments;
- d) The failure does not fit squarely into a one-off event but I accept that this failure occurred in the context of a limited period of time whereby it seems that the Respondent was addressing requests for work from home that would then allow consideration under the policy to give the Claimant equipment. Whilst this does not fully negate the issues, there is some degree of mitigation as I am satisfied that the Respondent was acting in good faith during the interactions, as reflected by the gradual process of eventually granting the request in Sep 2025;
- e) I have regard to fact that the Claimant was able to work for substantial periods notwithstanding the absence of the desk and chair.

67. In my judgment, I consider that this is a less serious case where there is a short period during which it is clear that the Claimant was at least supported to some extent through other steps, even if these were insufficient. Accordingly, I consider that an award of £4,500 is appropriate.

68. In relation to the claim for a desk, it is in my judgment reasonable to recover the cost given that the loss flows directly from the Respondent's decision not to provide a desk at an early stage. I accept on balance that the Claimant was required to purchase a desk. I have also carefully considered the evidence relating to the Argos chair and the Claimant's oral evidence that he required back support. I accept his evidence that the new chair can be distinguished from the old gaming chair and that the Claimant was able to purchase a chair that was most appropriate for his needs. Accordingly, the Claimant should be permitted to recover both. There shall be an award of £4,500 for injury to feelings and £509 for financial loss.

69. I do not consider that it is appropriate to make any particular recommendation in circumstances that the facts of the case are complex and nuanced. In my view, this was a difficult case for the Respondent to consider. I acknowledge that the line managers were doing their best to comply with a policy in very difficult circumstances, Mr Alderton-Hughes and Mr Evans should be commended for the way that they have given candid oral evidence and made attempts to try and assist the Claimant

notwithstanding a policy that prevented them from properly doing so in accordance with statute.

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Employment Judge **G Duncan**

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Date 10 March 2026

WRITTEN REASONS SENT TO THE PARTIES ON

19 March 2026

Miriam Drake  
FOR EMPLOYMENT TRIBUNALS