



EMPLOYMENT TRIBUNALS

Claimant: Ms E Tabo

Respondent: Leeds International Pianoforte Competition

HELD at Leeds Employment Tribunal ON: 27, 28, 29, 30 April 2026

BEFORE: Employment Judge Davies

Members: Ms G Fleming
Mr D Wilks OBE

REPRESENTATION:

Claimant: In person

Respondent: Ms D Worden (Counsel)

JUDGMENT having been sent to the parties on 6 May 2026 and written summary reasons having been requested in accordance with Rule 60 of the Employment Tribunals Procedure Rules 2024, the Tribunal provides the following:

SUMMARY REASONS

Introduction

1. This was a hearing to determine complaints of unfair dismissal, unfavourable treatment because of something arising in consequence of disability and direct disability discrimination brought by Ms Tabo against her former employer, Leeds International Pianoforte Competition.
2. The Claimant represented herself and the Respondent was represented by Ms Worden (counsel). The Tribunal was provided with an agreed file of documents. The Tribunal heard evidence from Ms Tabo on her own behalf and from Ms Sinclair on the Respondent's behalf.
3. The Tribunal discussed reasonable adjustments and dealt with a number of applications at the start of the hearing. The Claimant's amendment application at p 68 of the hearing file was allowed by consent. The Claimant disputed the relevance of a number of documents in the hearing file. The Tribunal indicated

that it would deal with any application in relation to a specific document if and when somebody wanted to refer to it during the hearing. The Tribunal refused to admit a without prejudice document in evidence. The Claimant was not arguing that there had been unambiguous impropriety or that an exception to the without prejudice principles applied. The Claimant had made an application for specific disclosure. The Respondent said that the documents did not exist. The Tribunal declined to order disclosure of documents that did not exist, but told the Claimant that she could draw attention to the absence of the documents in her questions and submissions. The Tribunal refused the Claimant's application for anonymity because she had not produced cogent evidence demonstrating that the principle of open justice should be departed from. The Tribunal admitted a number of additional documents in evidence by agreement.

4. The issues for the Tribunal to determine were identified in detail in the list at page 74-78 of the Tribunal file. The Tribunal dealt with those issues that relate to liability. The issues relating to remedy will now be dealt with at a separate remedy hearing.

Findings of fact

5. The Tribunal made detailed findings of fact during its deliberations. In these summary reasons we do not set out those findings in full; rather we identify the key findings.
6. The Tribunal found Ms Tabo's evidence to be reliable and consistent and we found her evidence credible. We found Ms Sinclair's evidence to be lacking in credibility. That does not necessarily mean she was being dishonest. It may be that she has come to believe that the events and the reasons for her actions were as she describes them in her evidence, but we simply were not able to accept her account in many ways. It was not supported by the contemporaneous evidence and in some ways it was inconsistent with it; her answers changed in some respects; sometimes she was making assumptions rather than giving her recollection; and, fundamentally, her explanation of events does not make sense with the contemporaneous chronology.
7. When Ms Tabo started her permanent role, it was as Head of Administration and Finance. That role was understood as a broad cross-functional role intended to span departments and be a central position. It was intended that Ms Sinclair would put in place a development pathway for the Claimant to help support her to grow into a general manager or other senior role in the organisation. Ms Sinclair was instructed by the trustees to do that. The Tribunal found that it never happened. There was a PDR in the November of that year. That was more in the manner of an appraisal not a development pathway. It did not seem to the Tribunal that the process of supporting the Claimant to grow into a more senior role was ever really undertaken.
8. The reality of the way the Respondent works is a three-year competition cycle. In the competition year the Claimant's time was very much likely to be taken up with finance tasks and in the other years she would have more time to fulfil her other functions.
9. We noted the events the Claimant drew our attention to in terms of absences from work and messages about that, the occasion when her parents were having

a problem and occasions when she had had time off. Up to the late autumn of 2024 Ms Sinclair's evidence was that it did not occur to her that there was something more going on. There were explanations that these events came after busy periods; there was an issue with a colleague; there were the personal events going on for the Claimant. The Tribunal accepted Ms Sinclair's evidence about that. At that point we did not think that the information available to Ms Sinclair was such as she ought to have made further enquiries that would have revealed to her that Ms Tabo is a person with a disability. So the Tribunal found that Ms Sinclair did not have constructive knowledge of the Claimant's disability by the late autumn of 2024.

10. There were de-briefs held with some colleagues but not the Claimant, starting in October of 2024.
11. One key event was the meeting of the RANCO on 21 November 2024. They recorded that the past two iterations of finance and administration roles had not been satisfactory. There was a need to professionalise and streamline the finance function, whilst providing executive administrative support to the core team, including the new development team. The RANCO agreed that a restructure of the key support role would be part of the business plan development for the next three year cycle, and that Ms Sinclair should take early advice from an external advisor. The Tribunal found this to be a fundamental part of the background. The RANCO was requiring, as part of the business plan process, that consideration be given to a restructure of the finance and administration role. An important part of that role remained the continuing provision of executive administrative support to the core team.
12. Ms Tabo accepts that it made sense to review her position and to consider outsourcing parts of it. Indeed, she was expecting a change of role. But she points out that this was the start of the business plan process for the next three year cycle and that this piece of work was to sit within that business planning process.
13. There was also the reference in the RANCO meeting to Ms Sinclair taking external HR advice. It is clear that the first time that happened was in November 2024, Ms Sinclair met the external HR advisor. The Claimant was not present at that meeting. Ms Sinclair said that it was, in part, about the restructuring and that it would not have been appropriate to include the Claimant because that related to her role. It seemed to the Tribunal that meeting a new potential external HR advisor for the first time was very much a CEO function. We would not necessarily have expected that Ms Tabo would be in that meeting.
14. Another key date was 2 December 2024, when the Claimant told Ms Sinclair about what she referred to as a suspected diagnosis of bipolar disorder that summer. In fact, she had been diagnosed with that condition some years earlier. She had not told the Respondent about it, for what may be perfectly understandable reasons, until 2 December 2024. When telling Ms Sinclair of the "suspected" diagnosis, the Claimant did not mention particular symptoms or impacts of the condition on her.
15. Ms Sinclair sent what was, on the face of it, an empathetic response, but it was not followed up with any action, there was nothing structured or specific. She did not ask what do we do next; she did not put in place any process for a review or for dealing with what followed. The Tribunal found that at that stage Ms Sinclair

clearly had constructive knowledge of the Claimant's disability. It was clear that at the time she regarded it as an actual diagnosis. It is only in these proceedings that emphasis has been placed on the reference to it as a suspected diagnosis. In the correspondence at the time it was not referred to as a suspected diagnosis.

16. Other key events included, on 9 December 2024, the Teams messages that Ms Sinclair sent to the Claimant. They did not engage with the disclosure about the mental health condition a week earlier. Instead, there was a series of messages essentially asking for information that was late, reporting that people were saying they had been trying to get hold of the Claimant or obtain information from her and had not got it. Ms Sinclair was requiring it to be done promptly. The Tribunal found that this reflected clear concerns that Ms Sinclair had about the Claimant's performance. The messages were identifying a series of shortcomings with the Claimant's performance of her role. Again, while Ms Sinclair was at pains to say to the Tribunal that this was not about the Claimant's performance, it was about problems with the system, that simply was not the tone of the messages. The messages do not express understanding that there is a system problem and make requests for input in that context. They are in fairly blunt terms, saying words to the effect: I need this and I need that.
17. The next key document was the report of 16 December 2024, written by the external HR adviser. By this time, Ms Sinclair had met with that advisor, including on that day. The report started by saying that the Respondent intended to outsource its finance and administration. That is not what RANCO had authorised. The report also said, essentially, that the consequence of this was that the role would be made redundant: "The company intends to outsource its finance and administrative functions making the current role redundant."
18. This represented a shift from restructuring the role to making the role redundant, by which was obviously understood: making the Claimant redundant. Within the report, a number of options was identified, but for each of them the only outcome contemplated was termination of the Claimant's role. The report was about managing the risks of getting there. Front and centre of the document were, first, a history of performance issues. There were three bullet points on the first page, the second of which was a "history of performance issues." Some of the options discussed whether the Respondent should "manage the performance issues first." It is absolutely clear that Ms Sinclair must have reported performance issues to the HR advisor, for this to be referenced repeatedly in the report, and equally clear that this was because Ms Sinclair had performance concerns about the Claimant at this time.
19. The second thing that was front and centre of report was a belief that the Claimant had less than two years' service with the Respondent (which was correct at that point) and a theme of ensuring that her employment was terminated before she had been employed by the Respondent for more than two years. It is obvious that the HR advisor had identified that employees cannot bring a complaint of ordinary unfair dismissal until they have two years' qualifying service and that this had led to a shift from a planned restructure of the role within the business plan process, to a settled intention to remove the Claimant on redundancy grounds before her two years' qualifying service had accrued.
20. The Tribunal was shown documents from early 2025, which were Ms Sinclair's business cases for restructuring the finance and administration role. She did a basic cost analysis and assessed that if the Claimant's finance role were

outsourced it would save the business £32,000. She identified some options, including not outsourcing or having a part-time administrative role and she rejected those. She did not analyse what the Claimant's role was, what her other tasks were, or what time she spent on them over a three year cycle.

21. The Tribunal was not persuaded by Ms Sinclair's evidence about what happened with these documents. This was the point at which she initially gave evidence that they were sent to the trustees in a confidential email and that the email was not in the Tribunal file of documents. The Tribunal asked her to find what was obviously a relevant email overnight. The next day she gave evidence there was no email evidencing this business case being sent to the trustees. She had recalled that she had a phone call with the chair of the trustees, who had approved her course of action. She said that she had been nervous giving her evidence the previous day and that it was "a silly thing to say." The recollection of the call had come back to her overnight. This was an example of unreliable evidence and a tendency, throughout her evidence, of Ms Sinclair saying what she thought needed to be said, rather than what was necessarily accurate.
22. There were no notes or records of the business case going to the trustees, and there were no notes of a call with the chair of the trustees or anyone else. In terms of governance, there was therefore a decision of RANCO in November and nothing in writing to suggest that that mandate had been altered.
23. The evidence before the Tribunal made sense if a decision had been made in December to progress the Claimant through a redundancy process before she had accrued two years' service. It did not make sense if what Ms Sinclair was doing was outworking a mandate to progress a restructure through the business plan process, part of which involved retaining an executive administrative function.
24. The Tribunal also noted what Ms Sinclair said about the financial imperative of making cost savings. We found that that was brought in as a justification for removing the Claimant's role, and perhaps as an explanation for the haste that followed. Absolutely no financial evidence was provided to the Tribunal to show that there was a financial imperative at that point to make cost savings. Ms Sinclair did refer in her evidence to a graph showing a dip into "concern" level in September 2025. She gave evidence that this was a forecast. It was only in answer to a question the following day from one of the Non-Legal Members that she gave evidence that this was not a forecast nor was it in front of her when she was making plans in late 2024 or early 2025; it was a document that she had produced for the Tribunal after the event. That, again, undermined her credibility. In any event, while there was a dip in the September figures, there was a bounce right back up again in the October, November and December 2025, no doubt when grant funding came in.
25. Moreover, at the same time as the business case for making the Claimant redundant was being progressed, the emerging business plan that the RANCO had mandated was forecasting very substantial surpluses in the next two years, more than £400,000 in 2025. It involved an organisational structure that retained a Head of Finance and Administration and proposed three new roles: fundraising manager, head of audiences, and creative producer, with an aspiration that the first role would be in place in June of 2025. We found Ms Sinclair's evidence about these roles inconsistent and muddled, at times she said that they were the roles to provide the executive administrative support envisaged by RANCO; at

times she said they were highly specialist roles, one for the TV outside broadcast, one for fundraising; and at other times she said that they were still in development and not defined at all.

26. The business case for redundancy did not refer to a financial imperative to make savings or a risk of going into concern.
27. The Tribunal did not accept that there was a financial imperative to make the savings that were brought about by outsourcing the finance role and making the Claimant redundant, still less that the financial position was so dire that it justified the need for speed that followed. We did not accept Ms Sinclair's evidence. The Tribunal had no hesitation in concluding that the fear that the Claimant was about to accrue two years' service was a fundamental driver in the way the process ran. We see that running through the events that followed.
28. Just summarising those briefly, the Claimant was put at risk of redundancy in person and then by letter on 24 February 2025. Ms Sinclair gave evidence that there was a Board meeting that day to review the business plan, but no evidence of that was put before the Tribunal. The Claimant had her first consultation meeting the next day. The rationale for making her redundant was presented primarily as being about bringing in expertise for finance, not about any sort of cost saving imperative. When the Claimant referred to the breadth of her role and what she did, she was asked to provide a written overview by 10am the next day. She did that. She provided some sensible comments and proposals for discussion, along with detailed lists about what she did and what she could do from other people's roles.
29. On 28 February 2025, the Claimant sent an email expressing her trust that she would be allowed a reasonable time to review anything that came back. She was told that the next meeting was likely to be on the following Monday, 3 March 2025, and an outcome on 5 March 2025. She let the HR advisor know that she was waiting to speak to her trade union advisor and asked for the meeting to be moved to 7 March 2025. Ms Sinclair replied and told her that it would remain on the Monday. The Claimant emailed, copying in her trade union advisor. She said that she was feeling unwell. She had been talking to her GP. She had been diagnosed with a mental health condition. She pointed out that she had proposed an alternative within five working days. She did not get a response. At 11pm on Sunday, 2 March 2025, the Claimant emailed to say that her mental health had deteriorated. She had seen a GP, she was now at A&E, she was extremely unwell and she needed some sick days. Ms Sinclair forwarded that to the HR advisor. Her email in response was superficially sympathetic, but its tone was consistent of the decision having been made and it was strikingly lacking in any contemplation that this process might in any way be slowed down or delayed. This was in response to an employee with, at least as far as the Respondent was concerned, suspected bipolar disorder who had messaged from A&E with a mental health crisis describing herself as extremely unwell.
30. The meeting was cancelled by Ms Sinclair on the Monday and she attached a letter with some proposals for how matters would be taken forward. She required the Claimant to respond to say whether or not she agreed with those proposals by 5pm that day, i.e. within less than four hours. She did not even know if the Claimant was still in hospital at that stage or what the state of her health was, still less whether she was fit to think about this and make a decision within four hours.

31. The Claimant's trade union representative became involved. He pointed out that the Claimant had said that she was having a mental health crisis. He referred to the Respondent's own code of conduct and suggested an occupational health referral. He said that the Claimant was not in a frame of mind to participate effectively. The Tribunal was shown a risk analysis document that was then produced by the HR advisor about whether an occupational health report should be sought. Again the thing that is absolutely central in that document was the two year qualifying period for unfair dismissal, e.g. "However, this risks delaying the process allowing the employee to reach the two year service record which grants them unfair dismissal rights." The analysis contained no consideration of whether this potentially disabled employee was fit to participate in a redundancy consultation process.
32. That led, on 5 March 2025, to the refusal of an occupational health referral. The consultation meeting was moved to Friday 7 March 2025, and the Claimant was told a decision would be made on Monday 10 March 2025.
33. The Claimant asked for the meeting time to be changed, so that her trade union representative could take part. She did not ask for any other changes or adjustments, but, given the events of the weekend, the Respondent did not know whether she was fit to be thinking about this or making decisions about it.
34. The second consultation meeting took place on 7 March 2025. Ms Sinclair had reviewed the Claimant's lists of tasks she did, and she had identified each of them as being in one or other category of being low importance, low priority, small, done by someone else, complete and so on. It seemed to the Tribunal clear that this was an exercise in justifying why there was no need to retain the Claimant in an administrative role, rather than considering with an open mind whether there was an opportunity to retain her administrative role, so as to satisfy an employer's obligation to identify possible suitable alternative employment for a potentially redundant employee.
35. One of the Claimant's proposals was to recruit to the new roles proposed in the draft business plan on a part-time basis, take the administrative parts out of those roles and give those to her to absorb within her role. She was asked to provide further thoughts by 5pm on 10 March 2025 and she did so. There was some further correspondence on 11 March 2025, and a third consultation meeting. The Tribunal noted at that stage that the Claimant was still, during the day, at what was referred to as a "safe house" designed to keep her safe in relation to her mental health.
36. The Claimant was given three months' pay in lieu of notice and her employment was terminated on 12 March 2025.
37. The Claimant did appeal against her dismissal, but the Tribunal did not hear any evidence from the person who dealt with the appeal. We noted that it was the person who had signed off the decision not to refer the Claimant to occupational health.
38. The Tribunal also made findings of fact about the things the Claimant said arose in consequence of her disability, for the purposes of her complaint under s 15 Equality Act 2010. The Claimant says that poor performance arose in consequence of her disability of bipolar disorder. The Tribunal took into account what she said in her witness statement at paragraphs 46, 48 and 176. She gave evidence that during competition years her mental health deteriorated; she had

difficulty managing workload pressures; in August 2024 it was impacting her work; she experienced anxiety, overwhelm, and difficulty completing tasks within expected timeframes, which contributed to these performance issues. The Claimant also referred to those sorts of things in her disability impact statement, which was cross-referred to in her witness statement. She was not cross-examined about any of that evidence. The Tribunal was satisfied on the evidence before us that difficulty completing tasks in expected timeframes was something arising in consequence of the Claimant's disability of bipolar disorder. That was not something the Claimant was saying at the time. For some of the events, as we have mentioned, she was giving other explanations. But that is not the test the Tribunal has to apply.

Conclusions

39. That is a brief outline of the key points in the Tribunal's detailed findings of fact. The Tribunal applied the well-established legal principles in relation to redundancy dismissals and disability discrimination complaints. We give our conclusions by reference to the complaints in the list of issues.

Unfair dismissal

40. The Tribunal was satisfied that the reason for dismissal was redundancy. There was a reduction in the Respondent's need for work of a particular kind (finance work) to be carried out and that was the reason why the Claimant was dismissed. As we explain below, we find that it was not reasonable in the circumstances to have done so, but the reduction in need for finance work was the reason for the Claimant's dismissal. It was what was operating on Ms Sinclair's mind when she decided to dismiss the Claimant. It may well be that it presented an opportunity that Ms Sinclair was keen to grasp, but it was the underlying basis for the dismissal.
41. However, the Tribunal found the Respondent did not act reasonably in all the circumstances in treating that as a sufficient reason to dismiss the Claimant. In reaching that view, we took into account its size and administrative resources, and the importance of not substituting our own view, but applying the range of reasonable responses. The Tribunal found that the whole process was driven by trying to avoid the Claimant acquiring the right to complain of unfair dismissal, rather than carrying out a fair and reasonable procedure. A proper process could have been carried out by the Respondent, taking into account its size and administrative resources. The Respondent had HR advice. As I have indicated we found that essentially there was a settled intention by 16 December 2024 that the Claimant would have her employment terminated, and that what followed was an exercise in achieving that outside of the business plan process, rather than reviewing her role within the business plan process. The redundancy consultation process was obviously rushed, as outlined in the brief findings above. Most strikingly, the employee was known or suspected to have bipolar disorder and was telling her employer that she was in A&E because of a mental health crisis, but she was required to provide a response within a matter of hours. No referral to occupational health was undertaken and it appears that no thought was given to whether the employee was actually able to participate effectively in any way.
42. The second, third and fourth parts of the list of issues and why the Claimant says the dismissal was unreasonable are really all about consideration of alternatives

to dismissal. The Tribunal's conclusion was these alternatives were not properly considered. Ms Sinclair had a closed mind. She carried out an exercise in justifying termination of the Claimant's employment, not an exercise in seeking to identify whether there was a suitable alternative. The Tribunal emphasises that it has not reached a conclusion that there necessarily was a suitable alternative role - we will no doubt hear submissions about that when it comes to remedy and consideration of the chance that the Claimant would have been fairly dismissed if a fair process had been followed - but we were not satisfied that proper consideration was given to this.

43. The Tribunal concluded that no reasonable employer could have dismissed the Claimant on the date that it did in those circumstances.

Disability discrimination

44. As explained, the Tribunal found that it was on 2 December 2024 that the Respondent had constructive knowledge that the Claimant was a disabled person.
45. The Tribunal did not deal with time limits because we found on the facts that the direct discrimination complaints that were potentially out of time did not succeed.
46. The Tribunal started with the list of direct discrimination complaints in section 8 of the list of issues.
47. The first set of complaints was essentially a list of meetings or calls that the Claimant says she was excluded from, and an allied complaint about being isolated physically within the building. There were undoubtedly meetings that took place that the Claimant was not included in, or categories of meeting that were held with some people and not with her. A number of those precede the Respondent knowing that the Claimant had a disability. In broad terms the Tribunal accepted Ms Sinclair's explanations for why the Claimant was not in the later meetings: partly, they were meetings to discuss her potential redundancy and partly they were meetings focusing on the business planning process with the relevant individuals. However, the context is again the decision in December that the Claimant's employment would be brought to an end. Fundamentally, Ms Sinclair knew that the Claimant was on a trajectory to being exited from the organisation and that is why she was not involved in the business planning process for the next three-year cycle. She was being dealt with separately in a redundancy process that, until 24 February 2025, she did not know about. The Tribunal could well understand why she may have felt excluded. She might well have been included in those meetings in a different situation. But the Tribunal was satisfied that this was not because of her disability; it was because of the ongoing redundancy process. Someone in the Claimant's situation who was not disabled would equally have been excluded from those meetings.
48. Ms Sinclair did fail to progress the Claimant's development plan, but, as outlined above, the Tribunal found that failure started from the first trustee meeting in 2023 following which it should have been progressed. This was not something that changed when the Respondent came to know about the Claimant's disability. We concluded that it was a shortcoming, but it was not one done because of the Claimant's disability.
49. As far as sick pay is concerned, the Tribunal did not have clear evidence about the payment of Statutory Sick Pay from 3 to 11 March 2025. Both parties

presented the case on the basis that the Claimant was paid Statutory Sick Pay in that period and we accept that she was.

50. The Tribunal heard evidence that essentially the Respondent's approach to sickness absence was very informal. People seem to have been paid if they were absent on sick leave, but expected to make up the hours on a different occasion. This operated in that very informal way and no record was kept whether people had made up their hours or anything of that kind. Ms Sinclair's explanation for why people identified by the Claimant as comparators were not paid Statutory Sick Pay is that none of them had reached the threshold for Statutory Sick Pay. The Tribunal concluded that, really, a variation on that is the explanation for why the Claimant was paid Statutory Sick Pay in March 2025 and nobody else had been. Essentially, it was because this was the first long absence that the Respondent had had to grapple with. That no doubt made it question its informal process of simply paying people when they were off sick and expecting them to make the time up. Allied to that, the Respondent now had an external HR advisor on board. She was no doubt advising about the rights and obligations in relation to sickness absence, reporting and sick pay. The Tribunal found that those were the reasons the Claimant was paid Statutory Sick Pay. It was not because of her disability. Anybody in the same situation who had a period of longer term sickness absence would have been paid Statutory Sick Pay rather than being paid their full wages and expected to make the time up.
51. The Tribunal turned next to the complaint under s 15 Equality Act 2010. That is the complaint that the reason the Claimant was dismissed was because of something arising in consequence of her disability. As outlined above, the Tribunal did find that difficulty meeting deadlines, and the poor performance that flowed from that, was something arising in consequence of the Claimant's disability. We were satisfied that the Respondent did dismiss the Claimant because of that. The test for the Tribunal is whether the "something arising in consequence" of the Claimant's disability had a material influence on the decision to dismiss her. The Tribunal had no doubt that it did have a material influence on that decision. We refer again to (1) the email on 9 December 2024, in which Ms Sinclair was identifying precisely those sorts of concerns: delays, failure to meet deadlines, failure to produce what was required and (2) within a week of that, the document written by the HR advisor with performance concerns and how those might be managed front and centre. It is wholly implausible that performance was not a part of the decision-making process. It quite clearly was.
52. That leads to the question whether the Claimant's dismissal was a proportionate means of achieving a legitimate aim. We considered the three aims that the Respondent identified. The first two were: ensuring the financial sustainability of the charity, and reducing fixed staffing costs in light of reduced reserves and funding uncertainty. The Tribunal were simply not satisfied that those were the Respondent's aims at the time, nor that it did need, with hindsight, to take action to ensure its financial sustainability or reduce its fixed staffing costs. The Tribunal was not provided with any financial evidence that would enable us to accept that that was one of the Respondent's aims; it was not in the RANCO decision in November 2024; and it was not in the business case or the business plan.
53. The third aim was said to be securing appropriate specialist financial expertise through outsourcing. The Tribunal was satisfied that this was an aim and that it was a legitimate one.

54. The fourth aim was ensuring effective governance, financial oversight and regulatory compliance. Ensuring financial oversight was linked with the third aim, and the Tribunal was satisfied that it was part of a legitimate aim. The Tribunal was not provided with any evidence that the Claimant's dismissal was reasonably necessary to ensure effective governance and regulatory compliance and we found that this was not one of its aims that justified the Claimant's dismissal.
55. The Tribunal therefore found that the Respondent essentially had one legitimate aim: securing appropriate specialist financial expertise and financial oversight. We turned to the question whether dismissing the Claimant was an appropriate and reasonably necessary way to achieve that aim, whether something less discriminatory could have been done instead, and how the needs of the two should be balanced. The Respondent simply did not present evidence to the Tribunal to show that this was reasonably necessary. This is linked to our conclusions about the unfair dismissal and the failure to give proper, open-minded consideration to whether there was a role that could be created and offered to the Claimant as part of the business planning process, in which three potential new roles were being identified. The RANCO had given a mandate to restructure the Claimant's role, retaining executive administrative support for the core team. We found that this simply was not looked at with an open mind. There was just a rush to dismiss the Claimant before she acquired the right to complain of unfair dismissal. Therefore, the Tribunal were not satisfied that the Claimant's dismissal was a proportionate means of achieving the legitimate aim.
56. As outlined above, the Tribunal found that the Respondent had constructive knowledge of the Claimant's disability from 2 December 2024. That was long before her dismissal.
57. Having found that the Claimant's dismissal was discriminatory contrary to s 15 Equality Act 2010, the Respondent considered the direct disability discrimination complaint in relation to dismissal. There were some questions to be asked about sequence and timings: the Claimant's disclosure of her condition or suspected condition on 2 December 2024, the email on 9 December 2024 raising performance concerns and not really asking questions about the bipolar disorder; and the 16 December 2024 HR document. That does give rise to a question and might shift the burden of proof into consideration of why it was that the Claimant was dismissed. It is for the Respondent to prove that this was not because of her disability. However, again, the Tribunal found that the right lens to view it through was the lens of the performance concerns. To the extent that her disability was an operative cause in her dismissal, it was not because she told Ms Sinclair about her bipolar disorder, it was because of shortcomings in her performance that arose in consequence of that disorder. So, the Tribunal rejected the direct discrimination complaint about the dismissal but upheld the section 15 complaint about the dismissal.

**Regional Employment Judge Davies
9 June 2026**

Reasons sent to the parties on:

For the tribunal office

Notes

Written full reasons will not be provided unless requested by any party by a written request received by the Tribunal within 14 days of the sending of the written summary reasons.

All judgments (apart from judgments under Rule 51) and any written full reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found here: www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/