



EMPLOYMENT TRIBUNALS

Claimant: Ms L Tait
Respondent: Holiday Extras Ltd
Heard at: Croydon
On: 8-12 June 2026
Before: Employment Judge Liz Ord
Tribunal Member William Dixon
Tribunal Member Julian Hutchings

Representation:

Claimant: In person
Respondent: Ms H Compton (counsel)

RESERVED JUDGMENT

The unanimous judgment of the panel is:

1. The respondent failed to provide the following reasonable adjustments:
 - 1.1 A higher proportion of chat/email shifts
From August 2023.
 - 1.2 The ability to switch to chat/email if struggling on voice
From August 2023.
 - 1.3 A compressed working week of four longer shifts
From 18 September 2024.
 - 1.4 A regular rota
From 18 September 2024.
 - 1.5 Flexible start and finish times
From 12 April 2024.
 - 1.6 Additional help when policy/procedure/scripting changes are made
From August 2023.
 - 1.7 Time at the beginning of the working day to catch up on emails

relating to changes in policy or scripting
From August 2023.

1.8 Ability to join meetings with camera off
From 24 August 2023.

1.9 To have a single point of contact
From August 2023.

2. The complaints regarding the failures set out in paragraph 1 were all brought in time.
3. All other allegations of failures to provide reasonable adjustments are dismissed.

REASONS

The Complaints and Issues

1. The claimant complains of:
 - 1.1. Failure to provide reasonable adjustments.
2. The issues for the tribunal are set out in the attached Annex.

Evidence

3. The tribunal had before it the following documentary evidence: a documents bundle (242 pages), a supplementary bundle (46 pages), sundry additional documents, respondent's opening note, cast list and chronology, witness statements, written closing submissions from both parties.
4. On behalf of the claimant the tribunal heard evidence on oath from:
 - 4.1. Laura Tait; Jasper Weyland.
5. On behalf of the respondent the tribunal heard evidence on oath from:
 - 5.1. Simon Hickie; Daniel Channing; Nicola Neale.
6. Number references in brackets [01] are to the documents bundle and the supplementary bundle [SB 01]. References to additional documents are shown [additional document].
7. Only findings of fact relevant to the issues, and those necessary for the tribunal to determine, have been referred to in this judgment. It has not been necessary, and neither would it be proportionate, to determine each and every fact in dispute. The tribunal has not referred to every document it read and/or was taken to in the findings below, but that does not mean it was not considered if the tribunal was taken to the document in evidence or as part of a reading list. The tribunal notified the parties at the outset of the hearing that

they would only read documents that they were specifically referred to and would only read documents referred to in witness statements insofar as they were identified as being relevant to an issue in the case.

The Law

Reasonable Adjustments

8. Sections 20 and 21 of the Equality Act 2010 – duty to make adjustments

Where a provision, criterion or practice of the respondent or a physical feature puts a disabled person at a substantial disadvantage in comparison with persons who are not disabled, the respondent has a duty to take such steps as it is reasonable to have to take to avoid the disadvantage.

Where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in comparison with persons who are not disabled, the respondent has a duty to take such steps as it is reasonable to have to take to provide the auxiliary aid.

A failure to comply with a duty to make reasonable adjustments for a disabled person amounts to discrimination against that person.

Time Limits

9. Section 123 Equality Act 2010 provides:

- (1) Subject to section 140B proceedings on a complaint within section 120 may not be brought after the end of—
 - (a) the period of 3 months starting with the date of the act to which the complaint relates, or
 - (b) such other period as the employment tribunal thinks just and equitable....
- (3) For the purposes of this section—
 - (a) conduct extending over a period is to be treated as done at the end of the period;
 - (b) failure to do something is to be treated as occurring when the person in question decided on it.
- (4) In the absence of evidence to the contrary, a person (P) is to be taken to decide on failure to do something—
 - (a) when P does an act inconsistent with doing it, or
 - (b) if P does no inconsistent act, on the expiry of the period in which P might reasonably have been expected to do it.

Section 123 is subject to the extension for ACAS early conciliation.

Other law

10. All other law/caselaw as raised by the parties was considered.

Findings of Fact

11. The claimant started work full time with the respondent on 29 June 2021 in their call centre. At all material times her role was a Travel Consultant selling insurance policies. She worked from home. She is still employed by the respondent in this role.
12. Full time Travel Consultants worked 37.5 hours per week over 5 shifts, which varied in start and finish times according to a roster. Days off also varied according to an employee's roster in any particular week. Employees' rosters were sent out 8 weeks in advance.
13. About 55 Travel Consultants were employed by the respondent during the relevant period and the average number on shift at any time was around 30. There were 3 elements (channels) to their role, namely, voice calls, live chat, and emails, and they were expected to work across all three channels. Sometimes employees had to switch from chat/email to voice when voice calls were high.
14. Voice was the core role and that was where the respondent made most of its sales. The evidence shows that in 2023 and 2024 between about 69% and 78% of customer interactions were via voice calls, about 14% to 20% were chat, and about 5% to 12% were emails [240-41].
15. The respondent would put employees on the various channels according to demand. Whilst this usually resulted in 2 or 3 people on chat at any one time, there would be occasions when nobody was on chat/emails.
16. The claimant was initially trained on voice calls, followed by live chat in April 2022, and then emails in November 2022.
17. On 27 April 2022 the claimant emailed her then line manager, Daisy Brazier, [additional document] telling her she was enjoying chats and her energy levels had improved vastly, compared to her previous reduced ability to deal with stress, causing absences related to her anxiety. She asked for as many chat shifts as possible as she was better suited to them, and potentially emails once she was trained on them. Ms Brazier responded that Planning would schedule chats/emails between everyone to make it fair.
18. On 21 September 2022 the claimant received a form from the respondent entitled "Chats and Emails – How are you feeling?", which asked what she liked doing most and least [additional document]. She replied that she preferred chats as she had more time to gather her thoughts before responding, it better suited her personality, and it was better for her mental health. She wrote that she found voice calls mentally draining, talking for 8 hours, 5 days a week.
19. The claimant developed gastro-intestinal problems, which were thought to be Irritable Bowel Syndrome (IBS) and she started to take time off work. She

told her line manager, Ms Brazier, about the IBS. From about November 2022 her absences increased.

20. On 3 March 2023 the claimant emailed her then line manager, Nola-Ann Mills, explaining how the IBS impacted her and requested longer and more frequent comfort breaks [90-91]. These adjustments were agreed informally. The claimant also said in the email that she had anxiety.
21. Over the following months, the claimant made several requests to adjust her hours and working patterns and some adjustments were put in place.
22. On the work chat system she messaged Ms Mills [92 date cut off] saying she was thinking as a temporary measure of "3x 8.5 shifts and a 7.5 hour shift, which would take it to 33 hours/week across 4 days." Ms Mills replied on 6 and 8 April 2023 offering a zoom call to discuss [92].
23. On 12 April 2023 the claimant messaged Ms Mills saying she felt burnt out and asked for emergency time off, which was granted for 2 days [93].
24. On 25 April 2023 Dan Spain (People Team) emailed Tracey Hucksted (Planning Manager) saying he was thinking about reducing the claimant's hours to 30 or 33 so she could have more time at home and seek some help with mental health. Ms Hucksted made clear that this was for a temporary period of about 4 weeks and not a trial, as a trial suggests they could run with it, if it worked [95-96]. The claimant's hours were reduced to 30 from 15 May to 11 June 2023 with one day out as unpaid leave [97-98].
25. On 1 June 2023 the claimant messaged Ms Mills telling her she had a counselling session on 6 June. Her hours were adjusted that day so she could get to the appointment on time [99].
26. On 2 June 2023 the claimant had a People Team Meeting to discuss the possibility of compressed hours or an extension of reduced hours to give her more down time between shifts. In an email to Mr Spain of 8 June, Ms Hucksted refused compressed hours saying it would be too much of a stretch for the claimant, and working longer days would increase the amount of comfort breaks required.
27. Ms Hucksted suggested a temporary measure of full time working over 5 days but on split shifts with a break in between [100-102]. In a response to a query from Ms Mills, Ms Hucksted agreed to slightly shorter days of 7 hours over 5 days, which she thought would help with comfort breaks [103].
28. The claimant declined split shifts saying it wouldn't work and asked for 8 hour shifts over 4 days with a shorter 5th day to top up to 35 hours [103]. On 19 June 2023 Ms Hucksted refused saying all days would be 7 hours [104].
29. The claimant was signed off sick with stress and anxiety on 26 June 2023. On 28 June, following further discussion, the claimant's hours were reduced to 30 hours per week from 3 July as a trial for 2 months [105].
30. The claimant came into work on 3 July 2023, although she only worked part of the shift. She left early due to feeling overwhelmed on voice calls and

because she was refused a switch from voice to chat or email. She was off sick for 5 weeks until 3 August.

31. On 6 July 2023 the claimant went on chat with her new line manager, Sophie Burton, and told her that the only thing that would help her out would be going onto chat/email [additional document]. On 11 July Ms Burton told her that Dan Channing (Insurance Lead) had said she could not be scheduled more chats and emails than average due to fairness and workloads. However, they would absolutely try and put her on chats/emails every week where possible [106].
32. On 2 August the claimant emailed Mr Channing saying she had been off for approximately 5 weeks as a result of pretty bad anxiety, yet she had heard nothing about accommodations that could be made or a phased return to work. She stated that not knowing was causing further anxiety. She said that the thing that would support her above all else was to have 2 or 3 days on chats and emails as well as 2 or 3 days on voice once her schedule went back to the normal 37.5 hours [107-108].
33. Mr Channing emailed back on 2 August 2023 with a plan for the following day. This included the first half hour to catch up on emails with more time scheduled during the day if needed, a welfare meeting to discuss the claimant's email, and a phased return to work plan if she felt that would help her return [109].
34. Also on 2 August, Mr Channing in a chat with Dannielle Brett (People Team), said that they would need to have a conversation around the claimant wanting to do more chats, but that half time chat and half time voice calls was not sustainable as 80% of contact was through the phones [114].
35. On 3 August 2023 the claimant had a meeting with Ms Brett, Mr Channing and Ms Burton. The notes [118-120] record the claimant being signed off work for 4-5 weeks with anxiety and that she was diagnosed with anxiety many years ago and takes daily medication. She had tummy issues exacerbated by anxiety. She was seeing a therapist with experience of ADHD whilst pursuing a diagnosis. It was agreed that she would have a phased return to work starting with 4 hour shifts and building up, with a balance between chat and voice and flexibility to move to chat if she was having a bad day.
36. The claimant's phased return to work provided for training, listening to calls with a buddy, regular breaks, and regular check ins with her manager [128-142]. The claimant returned to work on 7 August 2023. There were a lot a changes that had been made whilst she had been off work. Mistakenly, she was put on voice calls by the shift manager and was unable to cope, so left work early due to anxiety [120]. The mix up was resolved by her manager, Ms Burton, who ensured that the phased plan was adhered to going forward.
37. There was a further meeting on 9 August 2023 between the claimant, Mr Channing and Ms Burton [152] to discuss the phased return to work. During the meeting additional adjustments were agreed such as having only one chat open at a time, and putting in place a single point of contact. The claimant again asked for more chats and emails and said she was often overwhelmed on voice calls. However, it was said that this was not possible long term

because her core job was voice calls, 80% of contact was voice, and so many of the team were now chat and email trained.

38. On 14 August 2023 Mr Channing received an email written by the claimant's counsellor, saying the claimant had been having weekly sessions with her since 6 June 2023. This was due to increased anxiety and difficulties with mental wellbeing, and support for symptoms of ADHD, for which an ADHD assessment was awaited. She set out reasonable adjustments that could support the claimant's wellbeing, which included having only one chat open at any one time, more time on chats and email, a single point of contact in HR, and a pre-planned procedure in place for when she had physical or emotional difficulties [145]. Apart from the increase in chat and emails, these adjustments had been agreed as part of the phased return to work.
39. On 17 August 2023 the claimant was due to take inbound voice calls in the afternoon, but that did not happen as she went off sick. On 21 August 2023 the claimant was told that she could not have any guaranteed chat or email shifts going forward and that these shifts would be distributed fairly. She was distraught and took the day off. The claimant was due to go on voice on 23 August 2023 but said she was not ready, so her plan was adjusted.
40. On 24 August 2023 the claimant was doing a remote training session by video and asked to have her camera off as she felt "super anxious". She was asked to start with it on and to see how she went. However, she was not able to cope and so she was told that was fine and to log off [149].
41. The claimant took annual leave from 25 August 2023 and returned to work on 4 September 2023. She buddied for 2 days and was then scheduled to take voice calls on 6 September. However, on 5 September her line manager, Ms Burton agreed that she could continue buddying for longer [153]. On 6 September, her previous line manager, Ms Brazier, contacted her to confirm that she was ready to take voice calls again [154-158]. The claimant was upset by the interaction due to the tone of the conversation and because it went against her agreement with Ms Burton. However, the matter was resolved and the claimant continued buddying.
42. The claimant had full time shifts scheduled for 7, 8, 11 and 12 September 2023 with her days off in between. She was told to do voice for these shifts and felt this was too much too soon. She had conversations with Ms Burton to express her concerns, but she was told she had to do inbound voice as there were no emails and she was not needed on chat. The claimant managed to take some calls whilst taking long breaks in between. She asked Ms Burton again later in the day if there was an alternative to voice as she could not mentally deal with another inbound call. She was told no. She ended the day early due to feeling depleted and overwhelmed [160-168].
43. On the 8 September 2023 the claimant had another full shift of inbound calls. She managed some calls but again needed to leave early because she could no longer cope and needed to sleep.
44. On 11 September 2023 the claimant met with Ms Brett and Mr Channing and it was agreed that the phased return would be extended for 2 weeks and she would be referred to Occupational Health (OH). The claimant worked for another 4 days and then took compassionate leave from 17 September due to

a bereavement, and annual leave from 25 September to 2 October and 9 to 15 October.

45. On 24 September 2023 the claimant submitted a grievance to Jarrod Wisneiwski (Associate Director of Operations) relating to her requests for adjustments and discrimination, harassment and bullying. It was not dealt with until April 2024 as there was a mix up over sending correspondence to the claimant's personal email address and the claimant was off sick.
46. The claimant had her OH consultation on 3 October and a report was produced on 4 October 2023 [170-2]. The assessing doctor opined that the claimant had significant depression that had not been successfully treated with antidepressants. She had told him that she wanted more chat and email shifts, if possible, as she found them easier to deliver. He noted that she was under the care of her GP and was self-funding counselling, and he advised her to see a hospital-based mental health team. He noted that she was awaiting an ADHD assessment and that depression could be associated with ADHD. He supported the adjustments that the respondent had made of reduced hours, more breaks, and supportive calls/mentoring. He noted that the claimant was doing all she could to help herself and suggested she might benefit from more chat and email shifts, albeit that was a business decision.
47. The claimant was signed off sick on 15 October 2023 with work related stress and anxiety and has not returned to work since then.
48. On 14 December 2023 the claimant sent an email to Emma Gill (a manager) informing her that she had a confirmation of ADHD and was awaiting a referral for medication [173]. Her psychiatrist had also advised that she should seek an assessment for ASD (autism).
49. The claimant had a conversation with Ms Brett and Ms Burton in February 2024 about returning to work. The claimant confirmed that the reason stated on her continuing FIT notes for being absent was still "stress and anxiety at work" which she blamed on her requested accommodations not being granted. She asked for 2/3 of her shifts to be chats/emails
50. There was another meeting with Ms Brett and Mr Channing on 14 March 2024 when adjustments were discussed. The claimant was offered a transition period between chats/emails and voice, which she agreed to. Mr Channing also told her that whilst chat/email shifts could not be guaranteed, he would make sure she had some chat/email shifts each month, which she accepted. Additionally, he agreed to 1 set day off per week.
51. Another meeting was arranged for 12 April 2024. That day the claimant sent an email to Ms Burton setting out what accommodations she felt she needed in order to return to work [178-180]. She referred to having a prolonged state of burn out from her needs being ignored, and said she was trying to balance her complex stimulation and energy levels.
52. She stated that the biggest change she requested was a change in hours to 20 hours per week across a maximum of 4 days. Other adjustments were: 1 set day off per week; 6 shifts per month of chat/email assuming 4 shifts per week; a transition period of an hour when going back onto voice calls from chat/emails; the first 15 minutes of her shift to go through emails/have

conversations about changes/prepare for transition to work; 5-10 minutes to clarify script changes; a Bluetooth headset; having camera off in meetings and 15 minutes afterwards to process information; flexibility regarding sickness/minor timekeeping issues.

53. She went on to say that her neurodiversity, anti-depressants, and potential sleep issues meant she struggled with sleep and she'd prefer shifts to start between 10am and 12.00pm. She'd also like time in-between calls to process information.
54. The claimant met with Simon Hickie (People Director) and Ms Brett on 12 April. There is a dispute over what was said at the meeting. There are no notes of the meeting.
55. The claimant's evidence is that Mr Hickie told her that her adjustments could not be implemented and they were going to try to discuss parting amicably. When she asked which accommodations could not be implemented, he said none of them. She then asked about any alternative jobs in the company and Mr Hickie said that they were not hiring. She was then given the terms of a settlement agreement to consider and told by Mr Hicke that the alternative would be a capability procedure.
56. Mr Hickie's evidence is that the purpose of the meeting was to consider the claimant's requested adjustments and what could reasonably be accommodated. She was also offered a settlement agreement, as it was not possible to fully accommodate all the requested adjustments and not all on a permanent basis. He told her that if she was unable to fulfil her responsibilities without all requests being agreed to, it might be necessary to consider the wider question of capability.
57. The claimant has been consistent about what happened at the meeting, and the grievance she subsequently submitted 7 days later (see paragraph 61 below) supports her version of events. Whilst Mr Hickie implied that some of the requested adjustments could be accommodated and some on a permanent basis, he did not provide any specifics. Furthermore, there is no follow-up document recording what adjustments the respondent could provide either temporarily or permanently. For these reasons we accept the claimant's evidence.
58. There were no further discussions about adjustments after the 12 April meeting, although they were addressed in the grievance outcomes.
59. The claimant enquired about alternative roles in the company and found 2 roles for internal hire that were put up on 18 and 19 April, which she believed would have been appropriate for her with adjustments. Mr Hickie's evidence was that they were both office-based, whereas the claimant worked from home. He also said that one of them required a significant proportion of customer-facing voice calls. Therefore, they were unsuitable.
60. The claimant declined the settlement agreement on 19 April 2024.
61. On 19 April 2024 the claimant raised a grievance about how she had been discriminated against with respect to her requests for reasonable adjustments [181-189]. The grievance included an account of what happened at the 12

April meeting, which reflects her evidence in paragraph 55 above. It was considered by Ms Brett, who found, amongst other things, that reasonable adjustments had been put in place, and dismissed the grievance on 13 May 2024 [190-197]. The claimant appealed on 27 May 2024 [198-218] and the appeal was dismissed on 26 June 2024 by Mr Wisniewski [219-223].

62. The claimant raised another grievance on 12 September 2024 about the denial of reasonable accommodations and how it impacted her health. In this grievance she mentioned all of her health conditions including autism and sleep apnoea and the impact of stress [224-225].
63. In an email of 18 September 2024 the claimant set out and clarified the adjustments she requested [226]. She said the main one was more shifts on chats and emails, as due to factors relating to ASD and ADHD, she found it easier and less stressful to process dialogue in writing. This would have reduced stress and anxiety. She had requested a set day off each week and a four day week to give her more down time to allow her to recharge.
64. What she called other more minor adjustments were also listed, namely, a flexible start and finish time (maximum 15-20 mins); a regular rota; grace given regarding sickness; use of a Bluetooth headset; additional support when changes to policy/scripts/procedures; a few minutes each morning to read emails and settle into changes; joining meetings with camera off if needed.
65. The claimant stated that no permanent accommodations had been agreed. There were temporary accommodations offered during her phased return to work but some were neglected despite being agreed. She pointed out that her disabilities were not temporary.
66. From the evidence before us, we find that the adjustments made were on a temporary basis and no permanent adjustments were offered or trialled.
67. The grievance was considered by Elizabeth Hogg (Chief Operating Officer), who dismissed it on 4 October 2024 and found that every effort had been made to support the claimant's return to work and accommodate reasonable adjustments where possible [228-231]. The reasonable adjustments that had been made since March 2023 were set out in chronological order [228].
68. Ms Hogg replied to each requested adjustment as set out in the claimant's 18 September email [230]. She offered the following adjustments: one set day-off per week, a Bluetooth headset and camera off in meetings. She said they were happy to explore feasible options for chat and email shifts within the constraints of their operational needs, but pointed out that the average full time person spent about 16% of their time on chat and email and 80% of customer contact was voice.
69. The claimant appealed on 14 October 2024 [232-236] and the appeal was dismissed by Simon Hagger (Deputy CEO and Chief Operating Officer) on 1 November 2024 [237-239].

Discussion and Conclusions

Knowledge of disability

70. There is no evidence that the respondent was ever told of the claimant's fibromyalgia. Accordingly, we find that they did not know and ought not reasonably to have known that she was disabled because of it.
71. The respondent was aware of the claimant's suspected gastrointestinal problems and suspected Irritable Bowel Syndrome (IBS) from November 2022 when she started to take more time off work. However, it was not until the claimant's email of 3 March 2023 that they knew how it impacted her. Consequently, it was from March 2023 that the respondent knew or ought to have known that the claimant was disabled by this condition.
72. The claimant referred to her anxiety in her email to her line manager of 27 April 2022 and so the respondent was aware of the condition from then onwards. She mentioned it again in the email to her line manager on 3 March 2023 and she spoke of burnout in the 12 April 2023 email to her line manager. On 25 April 2023 the respondent considered reducing the claimant's hours to seek help with her mental health. We find that the respondent knew or ought to have known that the claimant was disabled by anxiety/depression from 12 April 2023.
73. In the meeting of 3 August 2023 the claimant disclosed that she was seeing a therapist in relation to ADHD whilst pursuing a diagnosis. This was the first time the respondent was made aware of the ADHD and is the date they knew or ought to have known that she was disabled by this condition.
74. In the claimant's email of 14 December 2023 she told a manager that her psychiatrist had advised that she should seek an assessment for ASD (autism). However, it was not until the claimant sent in her grievance of 12 September 2024 that she set out the impact of this condition on her. This is the date the respondent knew or ought to have known that she was disabled by this condition.
75. The first time the claimant mentioned sleep apnoea to the respondent was in her grievance of 12 September 2024, which is the date the respondent knew or ought to have known that she was disabled by this condition.

Provisions, criteria, practices (PCPs)

76. The claimant cited six PCPs. The respondent agrees that the following were PCPs:
- 76.1. The requirement to undertake mostly voice (telephone shifts): PCP 1.
- 76.2. The requirement to work five shifts per week on a rota: PCP 2.
- 76.3. The practice of regularly changing policy terms and instructions for staff on how to interact with clients: PCP 3.
- 76.4. The requirement to join meetings or training sessions with camera on: PCP 5.
- 76.5. The requirement to follow instructions of any manager: PCP 6.

77. We accordingly find that the above 5 were all PCPs.

78. The respondent does not accept that it had a requirement to conduct calls whilst seated at a desk: PCP 4. There is no evidence that this was a requirement and accordingly we find that it was not a PCP.

Substantial disadvantages

79. The respondent accepts that the claimant was put to the substantial disadvantages set out in the list of issues.

Knowledge of substantial disadvantages

80. With regards to knowledge of the disadvantages the respondent submits the following:

80.1. "Masking" (disadvantage 3.3.1; flowing from PCP1) with respect to ADHD: from August 2023.

- Finding: As this was the date of knowledge of this disability we accept the respondent's submission.

80.2. Struggling with transitions (disadvantage 3.3.2; flowing from PCP2): from March/April 2024 when the claimant specifically raised it as an issue.

- Finding: The disadvantage was first specifically raised in a meeting on 14 March 2024 and we find this was the date of knowledge.

80.3. Struggling with rotating shifts and starting work before 10.00am (disadvantage 3.3.3; flowing from PCP2): the respondent was not aware of this until 2024.

- Finding: The first time the claimant clearly raised it was in her email of 18 September 2024. We find that this was the date of knowledge.

80.4. Time blindness meant the claimant struggled to start work on time (disadvantage 3.3.4; Flowing from PCP2): the claimant never raised this with the respondent.

- Finding: We can see no evidence of this being discussed. Consequently, we find that the respondent did not have knowledge of it.

80.5. The claimant's conditions meant that it took longer to assimilate changes, and changes cause anxiety as she wants to do things right (disadvantage 3.3.5; flowing from PCP3): the respondent knew from August 2023 that the claimant experienced difficulties with change.

- Finding: There were meetings in August 2023 when certain adjustments and disadvantages were discussed for the first time.

We accept that this disadvantage was one of them and this was the date of knowledge.

80.6. The claimant's ADHD meant that when under-stimulated, she found it hard to concentrate (disadvantage 3.3.6; flowing from PCP4): the respondent says they knew about this from August 2023.

- Finding: As this was the date of knowledge of this disability we accept the respondent's submission.

80.7. Joining meetings with video on could cause overwhelm (disadvantage 3.3.7; flowing from PCP5): the respondent was aware of this from 24 August 2023.

- Finding: The 24 August meeting was the first time the issue was raised. Therefore, we accept this was the date of knowledge.

80.8. The claimant's conditions meant she found inconsistent instructions, or instructions from multiple places, challenging (disadvantage 3.3.8; flowing from PCP6): the respondent was aware of this from August 2023.

- Finding: We accept that this was raised for the first time during the August meetings and therefore is the date of knowledge.

Reasonable adjustments to avoid the disadvantages

81. Whilst the respondent put some adjustments in place for the claimant, they were temporary and mostly connected with her phased return to work. The claimant sought permanent reasonable adjustments so that she could be confident of being able to successfully do her job going forward. We take the view that the temporary measures put in place by the respondent were inadequate and they should have considered permanent solutions, given the claimant's ongoing disabilities.

82. We address below each potential adjustment, as set out in the list of issues.

A higher proportion of chat/email shifts

(adjustment 3.5.1; addressing disadvantage 3.3.1; flowing from PCP1)

83. The respondent argues that more chat/email shifts would not have removed the disadvantage and that when the claimant was exclusively on voice her sickness absences were low and her performance good. She had "meltdowns" during her phased returns to work despite being on chat/email shifts.

84. After being trained on chat, the claimant made it clear in her email of 27 April 2022 that her energy levels had vastly improved on chat compared to her prior reduced ability to cope with stress and her anxiety related absences.

85. Although she did not successfully return to voice shifts during her phased return to work, the battles she was having trying to convince the respondent to put permanent adjustments in place would have increased her anxiety at

that time, together with certain stressful interactions with managers, which contributed to her “meltdowns”.

86. We take the view that more chat/email shifts would be likely to remove the disadvantage of masking.
87. Whilst most of the workload was voice, there was still a significant proportion that was chat/emails. With around 30 employees on shift at any one time, there was sufficient scope to provide the claimant with additional chat/email shifts, whilst maintaining cover on voice.
88. Although the respondent says that flexibility is essential and there was sometimes a need to shift an employee from chat/email to voice, this would not prevent the claimant being rostered more chat/emails whilst remaining flexible.
89. We do not accept the respondent’s argument that allocating the claimant more chat/email shifts would de-skill other employees in chat/emails as the impact spread across 50 plus other Travel Consultants would be minimal. As the claimant would still be taking a significant volume of voice calls, we reject the respondent’s argument that her proficiency in voice would reduce, or that her experience may not remain current.
90. Our conclusion is that a higher proportion of chat/email shifts was a reasonable adjustment to make from August 2023.

The ability to switch to chat/email if struggling with voice

(adjustment 3.5.2; addressing disadvantage 3.3.1; flowing from PCP1)

91. This was implemented as a temporary measure as part of the phased return to work. Whilst the claimant was unable to manage a full day of voice on 7 September with this adjustment in place, this was because a full day of voice was too much too soon in the circumstances she was in. This does not mean that the adjustment, in combination with more chat/email work, would not remove the disadvantage. On the evidence before us, we take the view that it would.
92. The respondent now says that such an adjustment could cause serious practical difficulties and disruption to client service. We have not been taken to any evidence of this from the time the adjustment was in place temporarily.
93. In conclusion we find that the ability to switch to chat/email if struggling with voice was a reasonable adjustment to make from August 2023.

A transition period of 1 hour if being moved from chats/emails to voice calls

(adjustment 3.5.3; addressing disadvantage 3.3.1; flowing from PCP1)

94. We agree with the respondent that a transition period of one hour would have significantly impacted business operations. We find that one hour’s transition is excessive and therefore there was no failure to make a reasonable adjustment in this regard.

A compressed working week of four longer shifts

(adjustment 3.5.4; addressing disadvantages 3.3.2, 3.3.3; flowing from PCP2)

95. The respondent argues that the claimant was seeking to work part-time and the requirement to work 5 shifts per week only applied to full-time staff. Therefore, it did not apply to the claimant. However, the claimant's request for part time working was as a result of reasonable adjustments not being put in place permanently and the stress and anxiety the claimant was feeling in trying to persuade the respondent to grant requested adjustments. With the right adjustments in place, the claimant wanted to work full-time.
96. The claimant needed more downtime to recuperate. Whilst she required longer comfort breaks due to her IBS, it is not clear why this should prevent her doing compressed hours, as indicated by the respondent. The respondent never agreed to try compressed hours and so there is insufficient evidence to say it would have been too much for the claimant. The claimant knew her own capabilities best. We do not accept that this adjustment would not avoid the disadvantages of struggling with transitions and rotating shifts.
97. The respondent did not know about these disadvantages until the 18 September 2024 email to Ms Hogg, when the claimant was on sick leave. They cite the case of NCH Scotland v McHugh UKEATS/0010/06 as authority for the proposition that it may not be reasonable for an employer to make an adjustment until an employee is in a position to benefit from it. They say that, as the claimant was not fit to return to work, she was not in a position to benefit from the adjustment.
98. However, not having reasonable adjustments in place prevented the claimant from returning to work, and this was an adjustment, which would have assisted her in returning. Therefore, we find that she would have benefited from it and it was a reasonable adjustment to make from 18 September 2024.

Set days off - two together

(adjustment 3.5.5; addressing disadvantage 3.3.2, 3.3.3; flowing from PCP2)

99. Whilst the claimant requested one set day off per week in her email of 18 September 2024 to Ms Hogg, we have not been taken to any evidence of her requesting 2 set days off together.
100. The respondent agreed to one set day off when the claimant requested it. It would not be reasonable to expect them to make an adjustment of 2 set days off when they did not know (or should not have known) that this was something that would benefit the claimant.
101. Consequently, we find that there was no failure to make a reasonable adjustment in this regard.

A regular rota

(adjustment 3.5.6; addressing disadvantage 3.3.3; flowing from PCP2)

102. The respondent makes the same submission about part-time working as above (paragraph 95). For the same reasons given above, we reject that argument.

103. Whilst the rotas were provided two months in advance, this is not the same as a regular rota. The claimant was seeking set days off and more consistency in her rota, as opposed to the high level of flexibility demanded of Travel Consultants. This would have avoided her struggles with rotating shifts.
104. Although the respondent submits that rotas were provided based on operational needs, which were dynamic, they do not specifically explain how and to what extent reducing the flexibility demands on a disabled employee would impact them. Given the numbers of other Travel Consultants working at any one time, we take the view that operational impact would be limited.
105. To conclude, we find that providing a regular rota was a reasonable adjustment to make from the date of knowledge of the disadvantage, which was 18 September 2024.

Flexible start and finish times

(adjustment 3.5.7; addressing disadvantages 3.3.2; 3.3.3; flowing from PCP2)

106. Some modest flexibility in start and finish times of 15-20 minutes, as requested by the claimant, would assist her with transition difficulties and rotating shifts.
107. We do not accept the respondent's argument that such flexibility would impede the respondent's planning and coverage, given the numbers of Travel Consultants on shift at any one time and the modest adjustment requested. We find that it would have limited impact on the business.
108. The claimant first raised the adjustment on 12 April 2024, and the respondent knew of her struggles with transitions from 14 March 2024. We therefore, conclude that this was a reasonable adjustment to make from 12 April 2024 and the respondent failed to implement it.

Additional help when policy/procedure/scripting changes are made

(adjustment 3.5.8; addressing disadvantage 3.3.5; flowing from PCP3)

109. The respondent submits that from the outset of her employment, the claimant could ask for 1:1 time with a manager, support from trainers or time with a mentor. They also ran Buzz sessions where employees could ask questions. The claimant was offered buddying and extended breaks.
110. However, the buddying and extended breaks were part of the phased return to work and not permanent. The other provisions were available generally. The claimant needed more than this so that she could properly assimilate changes. The respondent was aware of these needs by August 2023.
111. We find that providing additional help was a reasonable adjustment to put in place from August 2023.

Time at the beginning of the day to catch up on any changes

(adjustment 3.5.9; addressing disadvantage 3.3.5; flowing from PCP3)

112. The respondent argues that the claimant was given time at the beginning of the working day to catch up on emails relating to changes and this did not remove the disadvantage. They also offered flexible and extended breaks which she could use to catch up.
113. The problem with this argument is that the adjustment was not permanent. It did not resolve the claimant's disadvantage at the time because there were other factors impacting on her, particularly her failing efforts to seek a permanent solution from the respondent, which caused her anxiety. We take the view that it would have resolved the disadvantage if a reasonable permanent solution had been offered.
114. We conclude that a modest amount of time at the start of the day to catch up on any documents relating to changes, was a reasonable adjustment to make from August 2023 when the respondent knew of the disadvantage.

A Bluetooth headset to enable the claimant to move around

(adjustment 3.5.10; addressing disadvantage 3.3.6; flowing from alleged PCP4)

115. As we found that there was no requirement to conduct calls from a desk and therefore no PCP4, there cannot be a reasonable adjustment to it.
116. However, we note that when the claimant requested a Bluetooth headset, it was provided.
117. There was no failure on behalf of the respondent in this regard.

Ability to join meetings with camera off

(adjustment 3.5.11; addressing disadvantage 3.3.7; flowing from PCP5)

118. The respondent did not allow the requested adjustment on 24 August 2023, when they were first made aware of the claimant being overwhelmed. However, they did not require her to come on camera thereafter and Ms Hogg formally agreed to the adjustment on 4 October 2024.
119. Nonetheless, we take the view that the adjustment was reasonable and should have been put in place from 24 August 2023.

Single point of contact

(adjustment 3.5.12; addressing disadvantage 3.5.8; flowing from PCP6)

120. It was agreed in August 2023 that the claimant would have a single point of contact in place as part of her phased return to work, subject to staff rotation and absences. Consequently, this was not a permanent adjustment.
121. We find that this was a reasonable adjustment to implement on a permanent basis from August 2023, but this was not done.
122. **Redeployment to another role**
(adjustment 3.5.13)

123. The claimant has not specified a substantial disadvantage that this adjustment would address, nor a PCP from which any disadvantage flowed. Consequently, there can be no reasonable adjustment.

Overall conclusion

124. The respondent failed to make a number of reasonable adjustments and accordingly the claimant, as a disabled person, was left with substantial disadvantages in the workplace, which resulted in her having significant sickness absences.

Time limits

125. As a starting point, taking account of ACAS conciliation, failures to make reasonable adjustments prior to 14 April 2024, may be out of time.
126. The respondent accepts that the broad nature of the claimant's concerns and requests were similar from August 2023. On the evidence before us, we find that there was a continuing act from August 2023. This continuous act ran past 14 April 2024 and, therefore, no failures from August 2023 are out of time.
127. As we have found that the first failures to make reasonable adjustments occurred in August 2023, all successful claims are within time.

Employment Judge Liz Ord

Date 13 June 2026

Notes

Public access to employment tribunal decisions

Judgements and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

ANNEX

LIST OF ISSUES

Time limits

1.1 Given the date the claim form was presented and the dates of early conciliation, any complaint about something that happened before 12 April 2024 may not have been brought in time.

1.2 Were the discrimination complaints made within the time limit in section 123 of the Equality Act 2010? The Tribunal will decide:

1.2.1 Was the claim made to the Tribunal within three months (plus early conciliation extension) of the act to which the complaint relates?

1.2.2 If not, was there conduct extending over a period?

1.2.3 If so, was the claim made to the Tribunal within three months (plus early conciliation extension) of the end of that period?

1.2.4 If not, were the claims made within a further period that the Tribunal thinks is just and equitable? The Tribunal will decide:

1.2.4.1 Why were the complaints not made to the Tribunal in time?

1.2.4.2 In any event, is it just and equitable in all the circumstances to extend time?

2. Disability

2.1 It is common ground that claimant had a disability within the meaning of section 6 of the Equality Act 2010 at all relevant times, by reason of ADHD, severe Sleep Apnoea, Fibromyalgia, IBS, Anxiety and Depression, and (undiagnosed) Autism.

3. Reasonable Adjustments (Equality Act 2010 sections 20 & 21)

3.1 Did the respondent know or could it reasonably have been expected to know that the claimant had the disability? From what date?

3.2 A "PCP" is a provision, criterion or practice. Did the respondent have the following PCPs:

3.2.1 The requirement to undertake mostly "voice" (telephone) shifts (PCP 1)

3.2.2 The requirement to work five shifts per week on a rota (PCP 2)

3.2.3 The practice of regularly changing policy terms and instructions for staff on how to interact with clients (PCP 3)

3.2.4 The requirement to conduct calls from seated at a desk (PCP 4)

3.2.5 The requirement to join meetings or training session with camera on (specifically a training session on 24 August 2023) (PCP 5)

3.2.6 The requirement to follow instructions of any manager (PCP 6)

3.3 Did the PCPs put the claimant at a substantial disadvantage compared to someone without the claimant's disability, in that:

3.3.1 The effort of "masking" the claimant's ADHD and autism symptoms caused fatigue and cognitive issues. (PCP 1)

3.3.2 The claimant's conditions mean she struggles with transitions, for examples at the start of the working day (PCP 2)

3.3.3 The claimant struggles with rotating shifts and starting before 10am due to fatigue as a result of her conditions (PCP 2)

3.3.4 The claimant's time-blindness meant that she struggled to start work on time (PCP 2)

3.3.5 The claimant's conditions mean that it takes longer to assimilate those sorts of changes, and changes cause anxiety as the claimant wants to make sure she is doing everything right (PCP 3)

3.3.6 The claimant's ADHD means that when under-stimulated, for example on a lengthy call, she finds it hard to concentrate (PCP 4)

3.3.7 Joining meetings with video on can cause overwhelm (PCP 5)

3.3.8 The claimant's conditions mean that she finds inconsistent instructions or instructions coming from multiple places particularly challenging (PCP 6)

3.4 Did the respondent know or could it reasonably have been expected to know that the claimant was likely to be placed at the disadvantage?

3.5 What steps could have been taken to avoid the disadvantage? The claimant suggests:

3.5.1 A higher proportion of chat/email shifts (PCP 1).

3.5.2 To be able to switch to chat or email on shift if struggling with a voice shift (PCP 1).

3.5.3 A transition period of one hour to adjust if being moved from chats/emails to calls (PCP 1)

3.5.4 A compressed working week of four longer shifts (PCP 2)

3.5.5 Set days off (two together) (PCP 2)

3.5.6 A regular rota (PCP 2)

3.5.7 Flexible start and finish times (PCP 2)

3.5.8 Additional help when policy/procedure/scripting changes are made (PCP 3)

3.5.9 Time at the beginning of the working day to catch up on emails relating to changes in policy or scripting (PCP 3)

3.5.10 A Bluetooth headset, to allow the claimant to move around (PCP 4)

3.5.11 To be able to join meetings with camera off (PCP 5)

3.5.12 The claimant to have a single point of contact – the claimant's case is that she was given a point of contact during her return to work from absence, but that she was then given instructions by another manager, Daisy Brazier (PCP 6)

3.5.13 Redeployment to another role. The claimant's case was that there were roles available to which she could have been redeployed.

3.6 Was it reasonable for the respondent to have to take those steps and when?

3.7 Did the respondent fail to take those steps?