EMPLOYMENT TRIBUNALS

Claimant: Vicky Lee Taylor

Respondent: P3 Charity

Heard at: Nottingham **On:** 26 -27January 2026

Before: Employment Judge L Brown

REPRESENTATION:

Claimant: Did not attend.
Respondent: Mr Dunne, Counsel.

JUDGMENT having been sent to the parties on **23 February 2026** and written reasons having been requested in accordance with Rule 60(4) of the Employment Tribunals Rules of Procedure 2024, the following reasons are provided:

REASONS

1. The Claimant did not attend the hearing.

Non-Attendance at the Hearing

2. On the 19 January 2026 the Claimant advised the Tribunal as follows:

> *Dear Sir/Madam,*
> *Re: Case No. 6000045/2024 – Taylor v People Potential Possibilities*
> *I write in response to the Tribunal's email requesting confirmation of readiness for the hearing listed from 26 January 2026.*
> *1. Compliance with Case Management Orders*
> *I confirm that, to the best of my knowledge, I have complied with all case management orders.*

I have disclosed my documents, served my witness statement, and agreed the hearing bundle.
2. Readiness to Proceed
As previously notified to the Tribunal, I regret that I am unable to attend the hearing due to unavoidable work and financial constraints arising from recently commenced employment. If the Tribunal proceeds with the hearing as listed, I confirm that I rely on my written evidence already filed and served.
3. Hearing Bundle
I understand that the hearing bundle has been agreed between the parties and will be provided to the Tribunal in accordance with directions.
4. Outstanding Procedural or Administrative Issues
There are no further applications from me at this stage beyond those already submitted and determined. My non-attendance has been notified in advance and is not due to a lack of engagement with the proceedings.
For clarity, my position is that I respectfully request the Tribunal to determine the claim on the basis
of:
* *My ET1*
* *My witness statement*
* *My disclosed documentary evidence*
* *The agreed hearing bundle*

I remain fully engaged with the process notwithstanding my inability to attend in person.
Yours faithfully,
Vicky Lee Taylor

3. I had regard to Rule 47 which says as follows: -

47. Non-attendance

If a party fails to attend or to be represented at a hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it must consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.

4. The reason for the Claimants non-attendance was already known. I therefore considered whether I should proceed in her absence. Counsel for Respondent said the claim should be dismissed in her absence without any evidence being heard due to her failure to attend.

5. I then had regard to her stated desire to rely on 'written submissions' which I took to include her reference to her ET1, and her witness statement. There is no legal authority I am aware of that defines what 'written submissions' are though the natural meaning of the word tends to suggest a summary document setting out

why she thinks evidence should be construed in her favour leading to a successful claim. Case law establishes that it may be possible for a party to win their claim even if they do not attend the hearing as established in the case of ***Justice Pitchford in Duffy v George 2013 ICR 1229, CA***, where the reason for the Claimant's non-attendance was that she feared being cross-examined by the man whom she had accused of sexual harassment.

6. In another case ***Tesco Stores Ltd v Patel EAT 253/85*:** P was dismissed for taking rancid butter from the store. He contended that he had permission to do so but the employer wholly denied this. Although unfair dismissal was conceded on procedural grounds, the conflict over the question of permission became relevant when assessing the degree, if any, of P's contribution to his dismissal. The parties opted to rely on written representations and the tribunal decided that it could not justify a finding of contributory fault on the basis of the written representations alone. On the employer's appeal, the EAT held that the tribunal had erred. It was open to it to say that written representations carried less weight than oral evidence, or to draw an inference that the absence of oral evidence revealed that one or other of the parties had something to hide. it was said in that case where both parties relied on written representations that the tribunal could say that written representations carried less weight than oral evidence. It was said in that case that: -

   '*In the EAT's view, it was doubtful that the provision for written representations was ever intended to be a substitute for evidence where there is a direct dispute of fact. The tribunal ought to have drawn the parties' attention to this difficulty so that they could have a chance to deal with it.*'

7. I therefore concluded as this case involves disputed facts that I would proceed on the basis that the witness statement of the Claimant and her ET1 amounted to written submissions, but I highlighted that I may decide to attach little or no weight to the written submissions depending on the evidence before me.

8. I noted that Judge Welch had rejected the postponement application by the Claimant prior to the start of the hearing, and that when the Claimant applied for reconsideration of that decision Judge Welch refused to vary her decision not to postpone. I gave my oral decision that the hearing would proceed in her absence, and I would reach my decision on the evidence before me in her absence. Whilst I was concerned that the Claimant may not understand that I may attach very little weight or no weight to her evidence Counsel drew my attention to her emails where she specifically asked the tribunal not to draw an adverse inference from her non-attendance thus evidencing he said her understanding that not turning up would or could adversely affect her claim. On balance I decided not to adjourn the hearing until the next day, in order to warn her I may attach no or little weight to her written submissions, as I had suggested to Counsel ,as I was persuaded by the reference to those emails that she did understand the risk of not attending the hearing.

9. I had before me witness statements from the following witnesses for the Respondent:

9.1 Witness statement from Wendy Hope – Operations Manager.
9.2 Witness statement from Jacqui Harris – Accounting Service Manager.
9.3 Witness statement from Hannah Kavanagh – Managing Director.
9.4 Witness statement from Amy Winter – Director of Support and Community.
9.5 Witness statement from Jo Skelton – People Change and Implementation Partner.
9.6 Witness statement from Esther Barrett – Director of Young People and Family Services.

10. I had before me a 4-page witness statement from the Claimant.

11. I had before me a 424-page bundle.

<u>The Issues</u>

12. The Respondent conceded that the Claimant was disabled by reason of Dyslexia.

13. I adopted the List of Issues produced by the Respondent and as set out below in my conclusions. Whilst the Claimant referred to direct discrimination and victimisation in her claim there had been no application to amend the Case Management Order of Judge Butler which had identified claims of discrimination arising from disability [s.15 of Equality Act 2010], a failure to make adjustments [s.20 and s.21 of the Equality Act 2010] and harassment [s.26 of the Equality Act 2010]. There were references in her claim to a disability of obsessive-compulsive disorder (‘OCD’) and Perimenopause symptoms but there was no reference to these in the Case Management Order and List of Issues.

14. I noted that the Respondent statements referred however to OCD, but Counsel could not tell me why this was referred to in the statements albeit I find that there was in fact a reference to OCD by the Claimant in her meeting with Wendy Hope, and concluded that this was the reason for reference to OCD.

15. The Claimant was not here to explain this reference to OCD and absent an application to amend her claim to include a disability of OCD then I heard these claims on the basis of an asserted disability of Dyslexia but not that of OCD, or for the avoidance of doubt, the Perimenopause.

16. I asked Counsel why, despite the evidence pointing towards the Claimant wanting an adjustment for text to be in blue, and not in red and not on black backgrounds, there was no reference to this PCP in the List of Issues. He told me that the only adjustment canvassed before Judge Butler, albeit he did not attend that hearing, was an adjustment of not working at Arbury Lodge and instead working at the

Mews address where the Claimant asserted she found it easier to concentrate. I therefore proceeded on the basis of the List of issues produced by Counsel for Respondent which had not been agreed as far as I knew but the Claimant was not here to tell me if it was incorrect, and so I concluded these stated disabilities of OCD and Peri-menopause, did not form part of this claim.

17. There were references by the Claimant to appendices to her witness statement, but none were before me, and Counsel could not tell me where these appendices were in the bundle produced for the hearing.

Background Findings of Fact

18. I attached very little weight to the Claimants submissions but did attach some weight to them.

19. On the 4th of January 2023 the Claimant commenced employment as a service manager.

20. On the 29th of March 2023 the Claimant had a probation review after three months which she successfully passed at that stage.

21. On the 31st of March 2023 the Claimants line manager, at the time Mr Ben Vaughan, left the employment of the Respondent and on the 1st of May 2023 Wendy Hope became the Claimants line manager.

22. On the 29th of June 2023 the Claimant was told that her probation was going to be extended.

23. As to the disability of dyslexia the Claimant said she disclosed her dyslexia to her then line manager, according to her witness statement, in February 2023. She asserted that adjustments were agreed which were written responses in blue rather than red, her base at Hadley Mews rather than Arbury Lodge, as the working environment she said made it difficult for her to concentrate at Arbury Lodge, including reporting tasks, and that these adjustments were recorded in her supervision notes. The supervision notes were at page 231- 237 and also page 215 to 218. In relation to the three-month probation review dated the 6th of February 2023, there were notes of her supervision, and that meeting, and were signed by the Claimant on the 15th of February 2023.

24. There was a reference to *'Vicky has received invites for other training'* and I found that this included 'neurodiversity' training as well as in customer services, professional boundaries and ACAS investigation training. I accepted that this was training in neurodiversity for assisting others and it was not to assist the Claimant in the performance of her duties.

25. The Respondent did not call Ben Vaughan as a witness, as he no longer worked for them. In the bundle was a letter [p.284] from Ben Vaughan saying she did tell

him about dyslexia. However, as he was not here as a witness I attached no weight to this statement. In handover notes he referred to *'background in mental health'* [p.224] but there was no reference to Claimant's dyslexia/neurodiversity when he handed over to Amy Winter. I found that the reference *'background in mental health'* meant she had worked in the fields of mental health, and I found this as it also referred to a background in employment offending and housing. I could see no reference to her disability in these handover notes. I did not find that she disclosed her disability in February 2023 and find that she did not disclose it at the outset of her employment either.

26. In Ms Winters statement she referred to the handover to her of the management of the Claimant [para 9 -p.220-225]. She stated that the only information provided about the Claimant was that she was making good progress and that she had passed her 3-month probation. She admitted that the handover was not as detailed as it needed to be [para 14 WS] but that she intended to gain a better insight of the services and managers through her own meetings with the team. She also said during a meeting on the 17 March 2023 to discuss staffing with Mr Vaughan and Jo Skelton the Claimants name didn't come up [para 15 and 16 WS.] as Managers were not discussed. She went on to say that Mr Vaughan did not tell her of any issues with Claimant and that the Claimant had a diagnosis of dyslexia. She also said no mention was made to her when she saw Mr Vaughan on the 28 March 2023 when she went to Arbury Lodge [Para 18 WS]. She gave evidence that she noticed that the Claimant made some mistakes with payroll [Para 22 WS] and that she supported Claimant with this. I accepted her evidence.

27. Wendy Hope then took over as Claimant's line manager on the 1 May 2023. There was a further meeting prior to probation expiring on the 4 July 2023 and Ms Amy Winters was asked to attend as a notetaker with the meeting between Claimant and Wendy Hope. The areas of quality of work, volume of work, and job knowledge were discussed and areas for improvement were identified along with many other areas. The Claimant was told her probation was in fact being extended. It was recorded that Claimant seemed unable to accept that Wendy Hope would continue to monitor her performance. I found that it became a contentious meeting and Wendy Hope denied that she was shouting at the Claimant about her dyslexia as she didn't know of it. I found that she didn't know of it.

28. A subsequent meeting was then arranged for the 4 July 2023 and during that meeting the Claimant did disclose her disability. [P.251] Ms Hope said she hadn't been aware of this by way of explanation to the Claimant. The meeting concluded and the Claimant's probation was then extended to 26 September 2023. I found that during the meeting the Respondent asked her what support they could offer her.

29. I found the date of knowledge of the Claimants disability was the 4 July 2023 and so the duty to make adjustments cannot have arisen before the date of knowledge. I found a further supervision meeting took place on the 26 July 2023 with Ms Hope. I found at this point no adjustments had been identified for the Claimant. [P.266-p.273.] I find that the Claimant did say in that meeting that red

text on a black background was difficult for her to read. Ms Hope gave feedback on a document that had red over white background. I found that the Claimant had said it was red over black that was difficult to read, and not red text over a white background. In any event any stated PCP of red text over a black background in the List of Issues was not identified as an issue in this case.

30. A further meeting took place on the 10 August 2023 between the Claimant and Ms Hope [page 253-254] and the subject of the meeting was entitled *'Conversation Regarding Any Extra Support Necessary for Disclosed Dyslexia'.* I found Ms Hope asked her what adjustments she needed. She stated that the Claimant had said she could change fonts, so she didn't see that the Claimant needed an adjustment in this area. I found this made out by the Respondent so do not find that the Claimant needed adjustments with fonts. Ms Hope said the only adjustment sought was no red text on black background and I found that this adjustment was accommodated in any event.

31. I found that Ms Hope did not micromanage the Claimant nor pick on her.

32. The Claimant brought claims for discrimination arising from disability in that she said on the 7 September 2023 that Ms Hope said to the Claimant *' ..ffs can't you spell and there are loads of information missing.'* The Respondents conceded the Claimant was disabled by reason of Dyslexia at the material time. The difficulty in spelling clearly arose from her disability and on the face of it if the comment was made it would have been because of something arising from the Claimants disability. I find on balance of probabilities this was not said based on the evidence before me and attaching more weight to Ms Hopes statement than to that of the Claimant. I deal with this in more detail in my concluding findings below.

33. The Claimant was invited to a probation review meeting [page 278] and Ms Hope stated that she was going to advise her that she had passed her probation meeting. However, the Claimant then resigned after being told she had passed her probation and stated that she had found other employment.

34. On the 5 November 2023 after the last day of her employment on the 10 October 2023 the Claimant raised a grievance against Ms Hope. Ms Hope left her employment and was not interviewed as a result about the Claimants grievance.

35. The Respondent investigated the Claimants grievance, and I found that it was a thorough investigation.

The Law

15 Discrimination arising from disability

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

(a) A treats B unfavourably because of something arising in consequence of B's disability, and

(b) A cannot show that the treatment is a proportionate means of achieving a legitimate aim.

(2) Subsection (1) does not apply if A shows that A did not know, and could not reasonably have been expected to know, that B had the disability.

36. In ***Pnaiser v NHS England and another [2016] IRLR 170,*** the EAT summarised the proper approach to claims for discrimination arising from disability as follows:

36.1The tribunal must identify whether the claimant was treated unfavourably and by whom.

36.2 It then has to determine what caused that treatment, focusing on the reason in the mind of the alleged discriminator, possibly requiring examination of the conscious or unconscious thought processes of that person, but keeping in mind that the motive of the alleged discriminator in acting as he or she did is irrelevant,

36.3The tribunal must then determine whether the reason was "something arising in consequence of [the claimant's] disability", which could describe a range of causal links. That stage of the causation test involves an objective question and does not depend on the thought processes of the alleged discriminator. The knowledge required is of the disability; not knowledge that the "something" leading to the unfavourable treatment was a consequence of the disability.

20 Duty to make adjustments

(1) Where this Act imposes a duty to make reasonable adjustments on a person, this section, sections 21 and 22 and the applicable Schedule apply; and for those purposes, a person on whom the duty is imposed is referred to as A.

(2) The duty comprises the following three requirements.

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

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

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

(6) Where the first or third requirement relates to the provision of information, the steps which it is reasonable for A to have to take include steps for ensuring that in the circumstances concerned the information is provided in an accessible format.

(7) A person (A) who is subject to a duty to make reasonable adjustments is not (subject to express provision to the contrary) entitled to require a disabled person, in relation to whom A is required to comply with the duty, to pay to any extent A's costs of complying with the duty.

…………………………………………………….

21 Failure to comply with duty

(1) A failure to comply with the first, second or third requirement is a failure to comply with a duty to make reasonable adjustments.

(2) A discriminates against a disabled person if A fails to comply with that duty in relation to that person.

(3) A provision of an applicable Schedule which imposes a duty to comply with the first, second or third requirement applies only for the purpose of establishing whether A has contravened this Act by virtue of subsection (2); a failure to comply is, accordingly, not actionable by virtue of another provision of this Act or otherwise.

37. The reasonable adjustments duty is contained in Section 20 of the EqA and is further amplified in Schedule 8. In short, the duty comprises of three requirements. If any of the three requirements applies, they impose a duty to make reasonable adjustments.

38. Section 21 provides that a failure to comply with one of the three requirements is a failure to comply with the duty to make reasonable adjustments by A (A being the employer or other responsible person) and amounts to discrimination, Section 21(1) and (2).

39. The approach that a Tribunal should take was set out in the judgment of HHJ Serota QC in ***Environment Agency v Rowan [2008] IRLR 20.*** We are required to identify:

(a) the relevant arrangements (PCP) made by the employer,

(b) the identity of non-disabled comparators (where appropriate), and

(c) the nature and extent of the substantial disadvantage suffered by the Claimant (as a result of the arrangements).

40. After determining the above, we then must consider whether any proposed adjustment is reasonable; in particular, to determine what adjustments were

reasonable to prevent the PCP placing the Claimant at a substantial disadvantage.

41. A substantial disadvantage is one that is more than minor or trivial. Whether or not such a disadvantage exists in a particular case is a question of fact. It is the PCP that must place the claimant at the disadvantage ***Nottingham City Transport Ltd v Harvey UKEAT/0032/12,*** and the 2011 Code paragraph 16. Using a comparator may help with this exercise as the purpose of the comparator is to establish whether it is because of disability that a particular PCP disadvantages the disabled person in question, as set out in paragraph 6.16 of the 2011 Code of Practice on Employment.

42. The substantial disadvantage should be identified by considering what it is about the disability which gives rise to the problems and effects which put the claimant at the substantial disadvantage identified, ***Chief Constable of West Midlands Police v Gardner UKEAT/0174/11.***

43. In ***Griffiths v Secretary of State for Work and Pensions [2014] UKEAT/0372/13,*** a case concerning the management of sickness absence, it was also explained that the fact that the disabled and non-disabled were treated equally and may both be subject to the same disadvantage when absent in the same period of time does not eliminate the disadvantage if the PCP bites harder on the disabled or category of them than it does on the able-bodied.

44. What amounts to a PCP is not further defined within the EqA, though the expression is to be construed broadly, avoiding an overly technical approach. The EHCR's Employment Code extends to any formal or informal policies, rules, practices, arrangements, criteria, conditions, prerequisites, qualifications, or provisions. The existence or otherwise of a PCP is to be assessed objectively.

45. In ***Carerras v United First Partners Research Ltd. EAT 0266/15*** the term 'requirement' was said to be capable of incorporating an 'expectation' or assumption', which might be sufficient to establish the existence of a practice.

46. The case of ***Ishola v Transport for London (TfL) [2020] EWCA Civ 112*** established that in a reasonable adjustment context, the function of a PCP was to establish what it was about the employer's treatment of the employee that caused substantial disadvantage to the employee (para. 36). Having regard to the operation of a PCP in the EqA, 'all three words carry the connotation of a state of affairs (whether framed positively or negatively and however informal) indicating how similar cases are generally treated or how a similar case would be treated it if occurred again'. A 'practice' connoted 'some form of continuum in the sense that it is the way in which things generally or will be done' (para. 38). The

ET, therefore, was entitled to conclude that the employer's failure to investigate CI's grievance was not a practice of requiring him to return to work without a proper and fair investigation into his grievances as in this case it was a 'one-off act'.

26 Harassment

(1) A person (A) harasses another (B) if:

(a) A engages in unwanted conduct related to a relevant protected characteristic, and

(b) the conduct has the purpose or effect of:

(i) violating B's dignity, or

(ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

(2) A also harasses B if—

(a) A engages in unwanted conduct of a sexual nature, and

(b) the conduct has the purpose or effect referred to in subsection (1)(b).

(3) A also harasses B if—

(a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,

(b) the conduct has the purpose or effect referred to in subsection (1)(b), and

(c) because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.

(4) In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account—

(a) the perception of B;

(b) the other circumstances of the case;

(c) whether it is reasonable for the conduct to have that effect.

(5) The relevant protected characteristics are—

age;

disability;

gender reassignment;

race;

religion or belief;

sex;

sexual orientation.

47. In ***Richmond Pharmacology Ltd v Dhaliwal [2009] IRLR 336*****,** Underhill J set out at paragraph 10 (A/122) the elements of a claim of harassment related to a protected characteristic:

"(1) …Did the respondent engage in unwanted conduct?

(2) …Did the conduct in question either:

(a) have the purpose or

(b) have the effect of either (i) violating the claimant's dignity or (ii) creating an adverse environment for her? ..

(3) Was that conduct [related to] 1 the claimant's [relevant protected characteristic]?"

48. As for "purpose or effect", the requisite threshold is high – intending to or causing upset or offence is insufficient – the language used (e.g., "violating" and "degrading") points to purposes/effects which are serious and marked **(*Betsi Cadwaladr University Health Board v Hughes* EAT 0179/13** and ***Land Registry v Grant*** **[2011] ICR 1390).**

List of Issues and Further Findings of Fact

Disability & Knowledge of Disability

3. *The material time for the Claimant's disability discrimination claims is from 4th January 2023 to 10th October 2023.*

4. *It is agreed that at all material times, the Claimant was a disabled person by virtue of dyslexia.*

5. *At the material time, did the Respondent know, or ought to have known, that the Claimant was a disabled person?*

49. The Respondent conceded the Claimant was disabled by reason of Dyslexia at the material time but asserted they had no knowledge of her disability until the 4 July 2023. The Claimant asserted that she told Mr Vaughan in February 2023 when she commenced her role. He was her line manager, and she said adjustments were agreed that written responses to her would be in blue rather than red and her base would be at Hadley Mews rather than Arbury Lodge due to the working environment in Arbury Lodge making concentration difficult. Mr Vaughan no longer worked for Respondent but in the bundle, there was an email from him in the style of a witness statement corroborating what she said. Counsel for Respondent said they doubted the veracity of that document, and I should give it no weight. While I did attach some weight to Claimants' statement I decided to attach no weight to this document. The Claimant was not here to answer questions about how she obtained that document. I also noted no reference in any of the other documents – i.e. supervision notes with Mr Vaughan [page 215-218] – for these alleged agreed adjustments. I therefore found that she did not tell Mr Vaughan of her disability on that date. I also noted that she hadn't disclosed it in the application for employment with the Respondent either and found it unlikely she would not disclose it then but then immediately thereafter then disclose it to Mr Vaughan. I found at this time the Respondent had no knowledge of her disability and that she did not disclose it at this time.

50. On the 4 July 2023 in a meeting between the Claimant and Ms Hope the following is recorded: -

‘Vicky stated that she wanted to let me know the following.
That she is dyslexic - I asked if Vicky had raised this before and she said no.’

51. Counsel for Respondent pointed out that the Claimant said, ‘*I am a brick wall I don’t disclose things to people’* but because of issues at home i.e. a child on the spectrum she then raised it at this point. I noted that at this point she also disclosed she has OCD, but I have had no application to amend so this is not relevant to this claim [p.251].

52. I therefore found the date of knowledge was the 4 July 2023.

Discrimination Arising Out of Disability (Section 15 EQA 2010)

6 Did the following acts/omissions occur?

6.1 On 7th September 2023, Mrs Wendy Hope saying to the Claimant ‘for fucks sake can’t you spell and there are loads of information missing’

7. Do they constitute ‘unfavourable treatment’?

8. Is the following something arising out of the Claimant’s disability? The Claimant relies upon:

8.1 Difficulty spelling;

9. Did the Respondent subject the Claimant to the alleged unfavourable treatment, because of the alleged something(s) arising out of disability?

10. If so, did the Respondent have a legitimate aim for the treatment? The Respondent relies upon the following:

10.1 Effective management of performance in line with the Respondent’s business and objectives;

11. If so, did the Respondent act proportionately to the legitimate aim(s)?

Harassment Related to Disability (s.26 EQA 2010)

12. Did the following acts or omissions occur?

12.1 On 7th September 2023, Mrs Wendy Hope saying to the Claimant 'for fucks sake can't you spell and there are loads of information missing'

13. *Were they unwanted conduct?*

14. *Were they related to disability?*

15. *Did the conduct have the purpose of violating the Claimant's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the Claimant?*

16. *If it did not have that purpose, did it have the effect of violating the Claimant's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the Claimant? The Tribunal will take into account the Claimant's perception, the other circumstances of the case and whether it is reasonable for the conduct to have that effect.*

53. I preferred Ms Hopes evidence to that of the Claimant and attached more weight to it and limited weight to the Claimants evidence and found this was not said.

54. In so doing I took into account Respondents submissions who said, and I found, as follows: -

54.1 Ms Hope has attended, and her unchallenged evidence is that it was not said.

54.2 The Claimant in her witness statement referred to this being said on the 8 September 2023 which contrasts with the date in the list of issues of the 7 September 2023.

54.3 It was also submitted that the Claimant gives a slightly different comment now where she says at the top of page 2 of her witness statement *'Vicky can't you f spell'* rather than the *'ffs'* phrase which is a different comment. I accepted and found that there was inconsistency here in her witness evidence and that Ms Hopes evidence more plausible and consistent.

54.4 There was no evidence given of the context of the comment made, i.e. any named witnesses to the comment and that it was unlikely she would not give it context.

54.5 I accepted that the Claimant was not afraid of raising issues or complaints when they come to light and that the Claimant makes no contemporaneous reference at all to this allegation at the time of it happening. I found the Claimant would have raised a grievance immediately had this happened on the 7 or the 8 September 2023.

54.6 I accepted the submission that when the Claimant then resigned, she said nothing about this allegation. I also accepted the submission that her witness statement referred to many allegations not defined in the ET1 and case management orders such as publicly raising her probation status in front of staff. The incident about being sworn at over spelling I did not find was made out. I did not find either that she was pressured to sign supervision records that were inaccurate and threatening her with the loss of her job if she did not sign the records. As to the allegations about breach of GDPR these were not a defined issue in the claim, but I found this was a mistake when another person was given access to the Claimant records in error and it was not intentional.

54.7 In the grievance submitted on the 5 November 2023 I accepted the submission that this was very comprehensive and which contained complaints about Ms Hope, yet this alleged comment is not raised whereas other detailed allegations are made. I accepted these submissions and found that if the Claimant had had that said to her by Ms Hope, then she would have put it in her grievance, yet she did not.

55. Having found that the comment was never made then the claims for unfavourable treatment arising from disability and harassment must fail.

Failure to Make Reasonable Adjustments (s.20(3) EQA 2010)

17. Did the Respondent apply to the Claimant the following provisions, criteria or practices (PCPs):

17.1 A practice of requiring its employees to work from its Arbury Lodge Office;

18. If so, when was that PCP applied to the Claimant?

19. Did this PCP put the Claimant at a substantial disadvantage compared to persons who were not disabled? The Claimant says that the substantial disadvantage was:

19.1 The Claimant found it difficult to concentrate and focus in that Office, because of her disability;

20. At the material time, did the Respondent know, or ought reasonably have been expected to know, that the Claimant was likely to be placed at the substantial disadvantage above?

21. Did the Respondent take such steps as it was reasonable to have to take to avoid the substantial disadvantage? The Claimant avers that the Respondent should have:

21.1 Permitted the Claimant to be based at its Hadley Mews Office;

22. When should the alleged reasonable adjustments have been made by the Respondent? The Claimant contends that they should have been made from January 2023;

56. In the note of the meeting [p 253] this document only set out that the Claimant said [p.254] that *'Vicky stated the area she struggles with is red writing over a black background.'* I took from that the Claimant wanted this as an adjustment. However, there was no PCP before me about this. On the only pleaded PCP and reasonable adjustment in this claim I found there was no reference to working at Arbury Lodge and wishing to work at Hadley Mews in this note of the meeting.

57. I therefore found that there was no request for an adjustment to the asserted PCP of being required to work at Arbury Lodge, and that she needed to work at Hadley Mews. It was clear to me had that need been identified it would be in the meeting notes produced by Ms Hope and it was not. I therefore found that the PCP and the requested adjustment to the PCP imposed on her was not made out. In any event I found the Respondents evidence made out i.e. that she could work from any of the three bases and did not have to work at Hadley Mews in any event.

58. I therefore found that the PCP was not made out. I found that in any event she never requested the adjustment. I also found that there was no disadvantage to her as she didn't have to work there in any event. I did not find that she had to go to Arbury Lodge for certain tasks that could not be done elsewhere and that she was made to go there and so I found this PCP was not made out and was not applied to the Claimant.

59. In the alternative even if the stated PCP of working at Arbury Lodge was applied to her, I did not find the substantial disadvantage made out. It simply said the working environment made it difficult to concentrate and I concluded that this

was not enough to establish disadvantage in any event, attaching little weight to her witness statement.

60. In any event I do not find the Respondent knew or ought to reasonably have been expected to know of the asserted substantial disadvantage I found therefore Respondent had no knowledge in any event of the asserted substantial disadvantage.

61. This claim for a failure to make reasonable adjustments therefore fails.

62. For completeness and despite my findings above I now deal with the issue of limitation.

Time Limits / Jurisdiction

1. It is agreed that, given the dates of ACAS Early Conciliation and the ET1 Claim Form, any claim based on acts or omissions pre-dating 6th August 2023 is prima facie out of time.

2. Were the Claimant's complaint(s) of Disability Discrimination made within the time limit in Section 123 of the Equality Act 2010? The Tribunal will decide, for each complaint:

2.1 Was the complaint made to the Tribunal within 3 months (plus early conciliation extension) of the act/omission to which the complaint relates?

2.2 If not, does the complaint form part of a continuing act or course of conduct, so as to have been brought in time?

2.3 If not, was the claim made within a further period that the Tribunal thinks is just and equitable?

63. The Claimant contends that reasonable adjustments should have been made from January 2023. In discussion with Counsel, it was agreed that if the date of knowledge was 4 July 2023, then a reasonable time to carry out the request would be two weeks later i.e. the 18 July 2023.

64. Despite my findings that the request was never made and she could work where she chose to in any event, I asked in the alternative even if the claim had

succeeded then on my findings of fact the adjustment was not required to be made until the 18 July 2023 this being a reasonable time from when she disclosed it to them.

65. The stated duty cannot have arisen before the 18 July 2023, and this would be the relevant date for a stated failure to make an adjustment. The Claimant would have had to contact ACAS about a failure on that date by the 17 October 2023 i.e. on the last day of the limitation period. She did not do so. She contacted ACAS on the 5 November 2023 and so does not obtain the benefit of an extension of time from ACAS conciliation. She presented her claim on the 7 January 2024 which by this time her claim was presented 2.5 months outside the limitation period.

66. Where the complaint is a failure to make an adjustment limitation starts to run on the date the failure occurred in accordance with well-established law. I found that it did not form part of a continuing act or course of conduct.

67. Even had the claim succeeded on the facts I did not consider the claim was made within a further period that is just and equitable. I had no evidence before me whatsoever to make that finding as the Claimants witness statement did not address why she did not issue the proceedings sooner than she did and within the limitation period i.e. by the 17 October 2023 instead of waiting until January 2024 to issue the claim. The claim in any event was presented out of time in relation to the failure to make reasonable adjustments and so this claim was not made in time and as such this Tribunal had no jurisdiction to hear this claim.

Approved by:

Employment Judge Brown

10 April 2026

Judgment sent to the parties on:

26/062026

For the Tribunal:

J. Woolley

<u>Notes</u>

Judgments (apart from judgments under rule 51) 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.

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