



EMPLOYMENT TRIBUNALS

Claimant: Mrs P Lal

Respondent: Coalo Limited

Heard at: Reading **On:** 16, 17, 18, and 19 June 2026

Before: Employment Judge Gumbiti-Zimuto
Mrs A Crosby and Ms H T Edwards

Representation

Claimant: Mr R Lal (lay representative and claimant's husband)

Respondent: Mr R Wayman, counsel

RESERVED JUDGMENT

The claimant's complaints are not well founded and are dismissed.

REASONS

1. In a claim form presented on the 5 January 2024 the claimant made a complaint of direct disability discrimination, failure to make reasonable adjustments, victimisation and automatic unfair dismissal for making a protected disclosure. The respondent defends the claim and says that the claimant was dismissed for redundancy.
2. The claimant gave evidence in support of her own case and also relied on the witness statement made by Ms Safina Shaikh and Ms Samantha Barrios. The respondent relied on evidence from Mr Stuart Moodie, Mr Ian Downer, and Mrs Claire Clifford. All the witnesses provided written statements which were taken as their evidence in chief.

Background

3. The respondent is a provider of services to the London Borough of Hounslow and is part of the Lampton Group. The claimant was employed by the respondent as a Senior HR Advisor, from 31 January 2022 until 8 September 2023.
4. The claimant has epilepsy and had prepared an Epilepsy Emergency Protocol (p73), which was kept on her HR file and at her workstation (Downer WS §14; Shaikh WS §6). Safina Shaikh (Health and Safety Advisor and a trained first aider) was familiar with the protocol.

Events of 20 July 2023

5. At approximately 9:30am, the claimant experienced an epileptic seizure at Ashmead Depot (Claimant WS §12). Ashleigh Duncan (Senior H R Business partner and the claimant's line manager) informed Safina Shaikh that the claimant was having a seizure (Shaikh WS §7). Safina Shaikh attended and remained with the claimant during the recovery period (Shaikh WS §§7–9).
6. The claimant states that during her recovery, Ms Duncan entered the room, asked her questions, and raised her voice (Claimant WS §§14–15). Ms Shaikh describes Ms Duncan's behaviour as "rude" and "erratic" (Shaikh WS §10). In her interview with Ian Downer Ms Shaikh reported Ms Duncan repeatedly entering the room until asked not to (Downer WS §16).
7. Ms Duncan telephoned emergency services (Shaikh WS §11). Ms Duncan telephoned the claimant's husband (Claimant WS §16; Downer WS §17). The emergency protocol states that "*In Emergency, please use the contact methods below to inform relatives I have seizure.*" There are then set out telephone numbers of the claimant's husband and her sister. There was dispute in the evidence between the claimant and the respondent as to whether the claimant was telephoned first or the emergency services were telephoned first. Asheleigh Duncan informed Mr Downer that she had called the claimant's husband first. The claimant's statement is not explicit but it does state that "*The ambulance was called, and Ashleigh entered the room again stating that she had called my husband immediately.*" The call to the emergency services is placed first, this was the order in which we understood the claimant to be saying that the call was made. In the course of questioning the claimant stated that she did not know who was called first the emergency services or her husband.
8. The claimant, in her oral evidence, abandoned the allegation in 4.7.2 of the list issues (p65) in which it was stated that Ms Duncan "*Did not ask the respondent's first aiders for help and advice*". She accepted that this was not correct and that Ms Shaikh, a first aider, did attend to her.
9. The claimant contrasts the first aiders with Ms Duncan. She says that Ms Duncan behaved in an inappropriate manner by shouting and continuing to question her despite her impaired state causing distress and exacerbating her anxiety. The task that Ms Duncan was performing at this time was making contact with the claimant's husband and the emergency services. The questions Ms Duncan was asking the claimant were asked because Ms Duncan was being asked to provide this information by the emergency services, the claimant criticises Ms Duncan and states that she should have obtained the information sought by emergency services from the respondent's HR files. Ms Duncan was coming into the room where the claimant was recovering and then leaving the room eventually the claimant asked that Ms Duncan stay out of the room where the claimant was recovering.

10. We note that Ms Duncan had been working with the claimant just over a week, and further that this seizure was the second one in two weeks and much worse than the seizures that the claimant had previously experienced at work. Ms Duncan was described as rude, insensitive and distressing.

11. Ms Shaikh states that Ms Duncan “forcibly took” the claimant’s laptop and told her she would need to stay home until she recovered (Shaikh WS §12). The claimant later alleged to Mr Downer that Ms Duncan “snatched” her laptop (Downer WS §17).

12. It is not in dispute between the parties that the claimant was not permitted to leave work with her laptop. The claimant’s account is that the laptop was forcibly snatched from her by Ms Duncan. Ms Shaikh states that “*The manager approached Pooja... in a rude manner and forcibly took Pooja Lal’s laptop away...*”

13. Kim Dobson, one of the claimant’s colleagues, who was present during incident was asked about the removal of the laptop by Mr Downer.

I.D – Were you present during the equipment handover?

K.B – It was all quite rushed – When Pooja was leaving Ashleigh told Pooja not to take her equipment with her.

I.D – In your words what was Ashleigh doing in that situation?

K.B – I think Ashleigh was thinking outside of the box, wanting Pooja to go home for her wellbeing and rest and not take any work home.

Kim Dobson’s account does not support the snatching of the laptop from the claimant by Ms Duncan.

14. The conclusion of the Tribunal is that the laptop was removed from the claimant and in the context of this incident when Ms Duncan was described variously as panicking, rude, loud, erratic, unprofessional, inappropriate, shaken up we are satisfied that in making sure that the claimant was not to do any work from home the Ms Duncan may have come across to the claimant as snatching her laptop however we do not consider that this was anything other than an attempt to prevent the claimant from doing work from home.

15. The claimant says that Ms Duncan told her to stay at home and required her to get a consultant’s report before she could return to work. The claimant states that she told Ms Duncan that she would be “*fine in an hour or so*”. The claimant told Mr Downer during the grievance investigation that she was told by the para medics that she was “*fine to continue working*”. However, Ms Duncan asked her to leave work and to remain at home until she provided a consultant report. The claimant states that in saying this Ms Duncan was rude.

16. During his grievance investigation Mr Downer was able to confirm that Ms Duncan required the claimant to get medical clearance before return. In

her grievance investigation meeting with Mr Downer, Ms Duncan states that the claimant lied to the para medics who arrived by saying that she had not had any recent seizures. The claimant agrees that it was not correct to say that she had not had any recent seizures. Ms Duncan, who had been working with the claimant just over a week, was aware that this was the second seizure in the time Ms Duncan had been working with the claimant. This episode was however much more serious than the previous one that Ms Duncan was aware of. There is also a clash between what the claimant and Ms Duncan say was the advice that was given by the para medics. The claimant told Mr Downer that the para medics said she was fine to continue working. In contrast Ms Duncan states that the para medics told the claimant to go home and seek medical advice.

17. The claimant's WhatsApp message of 20 July sent to Mr Moodie, the claimant stated

Ashleigh was concerned she said I am unable to attend work or work from home until I get a GP assessment This may mean the neurologist may not be available immediately and I may be off sick for some time. I understand what she is saying and I shall update you on my GP or Neuro's assessment.

18. The Tribunal note that consideration of the documents shows that the claimant is the one who made specific reference to a neurologist not Ms Duncan. While it is clear that Ms Duncan required the claimant to seek medical advice this was expected to come from the GP and was referencing to the claimant getting medical clearance before returning to work. The reference to a neurologist comes from the claimant. We note that Ms Shaikh in her statement refers to the claimant being told she could not return to work until she got a consultant report we consider that this is likely to be a faulty recollection of events. The account that is given to Mr Downer by Ms Duncan makes very clear why she said and did what she did:

As this incident did seem more serious than the last, I was not sure what was causing the attacks and if it was linked to Pooja's epilepsy. As a manager I thought it best that Pooja gains medical advice before she returned back to work.

19. The claimant states that she asked Ms Duncan if she could speak to Mr Moodie, but Ms Duncan refused.
20. Mr Moodie was not present on 20 July 2023 he was working from home. Mr Moodie became aware of the incident following being informed about the incident in an email and then being copied into emails passing between the claimant and Ms Duncan.
21. Ms Duncan was asked by Mr Downer, during the grievance interview, why she called the claimant's husband first. Her response was that she called the claimant's husband first to let him know the intention of calling the

emergency services for the claimant, so that he was informed of the situation. Ms Duncan was asked what the claimant's husband said, and she stated that he told her not to call an ambulance, "she doesn't need it". Ms Duncan then asked if he could come to collect the claimant and "he said no and was very dismissive" "he did not seem too bothered or alarmed". In the course of asking questions and in the course of closing submissions for the claimant Mr Lal, who worked in sales role at the time, explained that he was with a client when Ms Duncan called him.

Events of 21 July 2023 – 31 July 2023

22. The list of issues states that on 21 July 2023 in a telephone wellbeing meeting with Stuart Moodie, the claimant said she had a GP certificate confirming her fitness to work and asked whether she could return to work and attend a restructure information meeting on 24 July 2023. Stuart Moodie said she should remain at home and obtain another medical certificate which said she was stress free. He said that she was not able to attend the restructure information meeting on 24 July 2023.
23. The claim form makes no mention of this incident. In her witness statement the claimant makes no mention of this meeting.
24. The evidence in the Trial Bundle shows that on 21 July 2023 the claimant sent a further WhatsApp message to Mr Moodie.

*...after yesterday's stress and chaos I do not believe in
being led by Ashleigh.
Professional advice and legal advice has been obtained,
and I know she will not be taking this on.*

25. Mr Moodie was unable to recall whether a telephone call took place with the claimant on 21 July 2023. She states she told him she felt fine, was able to return to work, and did not need a consultant report. The claimant states that Mr Moodie told her she could return to work, did not need a consultant report, and apologised for how she had been treated.
26. What the evidence does show is that on 21 July 2023 there were emails that passed between the claimant and Ms Duncan, and the also between the claimant and Mr Moodie. The claimant sent an email to Ms Duncan stating that she was fit to return to work and copying a copy of the fit note from her GP (email at 2.44pm see p101). The claimant also mentioned that she would "*meet all on Monday directly at Chiswick Town hall at 10.30am.*" The reference to Chiswick Town Hall is a reference to the first group meeting for the HR re-organisation to inform all impacted HR employees of the structural change proposals.
27. Mr Moodie then sent the claimant an email (at 3.48pm see p100) in which he states that

I am glad to hear that you are feeling better, I have been made aware that you have declared in a 121 with Ashleigh that you are currently stressed at work. Your fitness Note does not refer to this and given the nature of our role as Senior HR Advisor I am concerned to prioritise your well-being.

To that end, I would like to recommend you remain off work in the short term as I would like to refer you to occupational health, in order for us to be professionally advised on any possible reasonable adjustments we could make for both your epilepsy and work related stress.

We can ensure a full risk assessment is advised to best support you.

28. The claimant's response was to say that she will wait for the call from OH.
29. As the claimant was not at work Mr Moodie arranged a Teams meeting with the claimant on 24 July 2023, to update her on the meeting that had taken place and answer any questions she had. He also sent the full Employee Consultation Pack to her on 24 July 2023. Also on 24 July 2023, at the same time as her HR colleagues, Mr Moodie sent the claimant the draft job descriptions for roles in the new structure. The claimant was initially unable to open the job descriptions and so Mr Moodie sent the job descriptions requested by the claimant to her by email on the following day.
30. The claimant attended an Occupational Health assessment on 26 July 2023. The OH report dated 27 July stated the claimant was fit to return to work. Mr Moodie states he accepted the OH advice, told the claimant she could return to work, and confirmed she did not need a consultant report.
31. The assessment recommended that the claimant should not work alone and that a stress risk assessment should be carried out. The assessment also stated that the claimant had been informed by her GP that she was to be referred for an urgent appointment to her neurologist. The assessment also recorded the assessor's discussions with the claimant about how her epilepsy was managed at work. The claimant was reported as saying *"There are trained first aiders at work who can give her the required help should she have seizure at work"*. The claimant was also reported as saying *"she works in a supportive team, her colleagues are also aware of her underlying health condition"*. Mr Moodie emailed the claimant on 27 July 2023 and arranged a return to work meeting with her for 31 July 2023. The claimant's response was *"Thank you Stuart, I can't wait to return."*
32. At the return to work meeting she stated that she did not consider that she should have been logged as absence through sickness. It was explained to the claimant that the respondent followed its MOA policy and signed her

off as medical suspension whilst further clinical advice was requested, and that *'During the period of any medical suspension, the employee will receive their full contractual pay.'*

Grievance and Subsequent Matters

33. The claimant submitted a grievance on 21 July 2023. Mr Downer investigated the grievance. The claimant's grievance centred around the conduct of Ms Duncan on the 20 July 2023.
34. Mr Downer met the claimant on 10 August 2023 to explore her concerns. The claimant confirmed her grievance related solely to Ms Duncan and that she had not addressed matters directly with her due to feeling intimidated. The grievance centred on Ms Duncan's response to the seizure, including calling an ambulance, requesting personal details, advising the claimant to go home, and contacting her husband. The claimant considered these actions unnecessary, insufficiently empathetic, and unduly forceful. She also raised concerns about being required to work from home, feeling removed from the workplace, and the manner in which her husband had been contacted. Subsequent allegations included inappropriate discussion of her personal information, conduct involving her laptop, and a failure to follow proper first aid procedures.
35. Mr Downer conducted investigation meetings on 6 September 2023 with Ms Duncan and three colleagues present or involved in the incident. Ms Duncan stated that, unlike a prior incident where no emergency services were called, she had acted on colleagues' requests to contact both the claimant's husband and emergency services. She explained that she had been concerned and "panicky", and that paramedics advised the claimant to go home and seek medical attention. Ms Duncan stated that her actions, including advising the claimant not to return to work immediately, were said to have been taken in conjunction with the Head of HR.
36. Ms Shaikh confirmed that the claimant was unresponsive for a period and that Ms Duncan appeared panicked. She initially suggested that an ambulance might not have been necessary but accepted that the emergency protocol supported such action if the seizure exceeded five minutes. She described Ms Duncan's tone as assertive rather than rude, noted that paramedics advised GP follow-up, and stated that Ms Duncan checked on the claimant repeatedly. Ms Shaikh also referred to workplace stress affecting the claimant. Kim Dobson, who was present, stated that she had asked Ms Duncan to call paramedics and considered Ms Duncan's conduct appropriate, motivated by concern, and consistent with what she herself would have done.
37. Mr Downer issued an outcome letter on 8 September 2023. He did not uphold the allegations of unfair treatment or discrimination but recommended a review of first aid procedures. He also ensured that Ms Duncan would have no involvement in any redundancy selection process affecting the claimant. Mr Downer's conclusion was that Ms Duncan had

acted in the claimant's best interests, albeit with scope for a softer tone, and that there was no evidence of discriminatory conduct.

Redundancy

38. Claire Clifford, at the material time Group Head of People and Culture, joined the respondent in May 2023. She initiated an organisational redesign of the HR function with the aim of optimising processes, improving efficiency, and enhancing the value delivered by the HR team. In June 2023, the Executive Team approved the proposed changes. On 12 July 2023, the HR team was invited to a meeting scheduled for 24 July 2023, at which "structural change proposals" were to be presented.
39. Consultation with the HR team commenced on 24 July 2023. A period of 14 days was allowed to obtain feedback from affected employees, including the claimant, on the proposed changes.
40. The claimant did not attend the consultation meeting on 24 July 2023.
41. Employees placed at risk, including the claimant, were invited to apply for roles in the revised structure. A defined selection process and timetable were applied. The claimant was notified of the restructure, informed that she was at risk of redundancy, and provided with job descriptions for available roles via her work and personal email addresses.
42. On 7 August 2023, the claimant applied for the roles of Senior People Business Partner and People Advisor. She was interviewed on 17 August 2023 by Ms Clifford and Mr Downer, who interviewed all candidates.
43. The selection process was conducted in two stages against prescribed criteria. Stage 1 assessed values and behaviours and operated as a gateway to Stage 2. Progression required that a candidate did not score zero on any assessed criterion. Of six candidates, four progressed. The claimant did not progress, having received a number of zero scores. Her responses were assessed as weak and insufficiently developed. Following the outcome, she was placed at risk and subsequently dismissed by reason of redundancy on 8 September 2023.
44. Mr Downer states that his prior involvement in the grievance process did not influence his assessment. He considered his participation appropriate, having regard to his experience. He further states that the claimant raised no objection to his involvement at any stage. Ms Clifford had received the claimant's grievance email on 21 July 2023 but had no further involvement in that process.
45. Ms Clifford and Mr Downer did not consider their involvement in the interviews to give rise to any conflict of interest. The claimant did not raise any concern, either before or during the interview process.
46. The claimant appealed both the grievance outcome and the redundancy decision. Those matters do not fall for determination in these proceedings.

Parties' submissions

47. The parties have provided the respondent with written submissions, where we consider necessary we refer to the written submissions in setting out our conclusions on the various issues we have to decide.
48. The claimant filed a written submission. The claimant's husband, acting as her lay representative, also made oral submissions.
49. During the first 30 minutes, his submissions did not appear to the Tribunal to address the issues in the case. The Tribunal drew this to the attention of the claimant's representative. He then spent a further 25 minutes in which he purported to address the list of issues. However, when considered against that list, the Tribunal found that many of the points advanced were elusive.
50. We briefly address the following general points arising from the claimant's written submissions.
- a. The claimant raises two preliminary issues which, it is submitted, go to the fairness and integrity of the hearing.
 - b. First, the claimant's epilepsy is associated with documented cognitive effects, including short-term memory impairment, as confirmed in the Occupational Health report.
 - c. The claimant prepared structured written notes to assist her in giving evidence, which she was not permitted to use during questioning by the respondent. She contends that these notes constituted a reasonable adjustment necessitated by her disability. The claimant submits that the Tribunal's observations of hesitation, difficulty in answering questions, and apparent inconsistency are consistent with the recognised symptoms of her condition under pressure, rather than indicative of dishonesty.
 - d. Secondly, the claimant identifies a fundamental asymmetry in the evidential process. Ms Duncan was not called as a witness by the respondent. She provided no statement and was not available for cross-examination. The only account of Ms Duncan's conduct derives from internal investigation materials, which were neither independently tested nor subjected to forensic scrutiny. The claimant submits that this imbalance creates structural unfairness. In these circumstances, the Tribunal is invited to approach Ms Duncan's untested account with caution.
51. We have taken into account the points advanced by the claimant and make clear that we did not consider her to be a dishonest witness. However, we did not find it possible to accept certain aspects of her account as credible or likely. In one specific instance, the matters advanced during her evidence were, in our view, properly and fairly capable of being described as preposterous. This was not the result of any dishonesty on the part of the claimant but reflected an element of irrationality in her perception of events. Consequently, where her

assertions of discrimination were unsupported by evidence, we approached them with caution.

52. The claimant refers to “ASSIMILATION, SELECTION AND PROCEDURAL UNFAIRNESS”. The Tribunal however points out that the claimant’s unfair dismissal claim is based on section 103A Employment Rights Act 1996 and not section 98 and 94.

Law

53. The list of issues in this case shows that the claimant is making complaints of direct disability discrimination; failure to make reasonable adjustments (the claimant is to provide further information to clarify this claim); victimisation; and automatic unfair dismissal for making a protected disclosure.

Direct discrimination

54. Section 13 Equality Act 2010 (EA) provides that an employer must not discriminate against an employee by dismissing her or subjecting her to any other detriment. An employer discriminates against an employee if because of her disability he treats the employee less favourably than he treats or would treat others.

55. In this case it is agreed that the claimant is a disabled person within the meaning of section 6 EA 2010.

56. Where the employee seeks to compare her treatment with that of another employee there must be no material difference between the circumstances relating to each case.

57. Section 136 EA 2010 provides that if there are facts from which the employment tribunal could decide, in the absence of any other explanation that the employer contravened the provision concerned the employment tribunal must hold that the contravention occurred. However, this does not apply if the employer shows that it did not contravene the provision.

Reasonable adjustments

58. Section 20 EA 2010 provides that the duty to make reasonable adjustments comprises three requirements. The first requirement, which is relevant here, arises where a provision, criterion or practice applied by or on behalf of A places a disabled person at a substantial disadvantage, in relation to a relevant matter, compared with persons who are not disabled. In such circumstances, A must take such steps as it is reasonable to have to take to avoid that disadvantage.

59. It is necessary to establish that there is a relevant provision, criterion or practice applied by or on behalf of the employer, to identify an appropriate non-disabled comparator (where required), and to define the nature of the substantial disadvantage suffered by the claimant. The assessment of disadvantage may require consideration of the cumulative effect of the

provision, criterion or practice. It is therefore necessary to stand back and consider the overall picture.¹

60. As to whether a “provision, criterion or practice ” (“PCP”) can be identified, the EHRC code at paragraph 6.10 says the phrase is not defined by EA but, “should be construed widely so as to include, for example, a formal or informal policy, rules, practices, arrangements or qualifications including one-off decisions and actions”. It is inherent in the concept of a PCP that it either was or would be applied more widely than simply to an individual complainant. It is conceivable that there could be a PCP that is only applied on one occasion to one person, but if so it must still be the case that it “would be” applied to others if the same circumstances arose. An individual decision or action could amount to a PCP where a “one-off” decision is the start of the practice that would be repeated if the same circumstances arose again.

61. Ishola v Transport for London [2020] EWCA Civ 112, provides further guidance on what is a PCP where it was stated that:

37. In my judgment, however widely and purposively the concept of a PCP is to be interpreted, it does not apply to every act of unfair treatment of a particular employee. That is not the mischief which the concept of indirect discrimination and the duty to make reasonable adjustments are intended to address. If an employer unfairly treats an employee by an act or decision and neither direct discrimination nor disability related discrimination is made out because the act or decision was not done/made by reason of disability or other relevant ground, it is artificial and wrong to seek to convert them by a process of abstraction into the application of a discriminatory PCP.

38. In context, and having regard to the function and purpose of the PCP in the Equality Act 2010, 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 if it occurred again. It seems to me that “practice” here connotes some form of continuum in the sense that it is the way in which things generally are or will be done. That does not mean it is necessary for the PCP or “practice” to have been applied to anyone else in fact. Something may be a practice or done “in practice” if it carries with it an indication that it will or would be done again in future if a hypothetical similar case arises. Like Kerr J, I consider that although a one-off decision or act can be a practice, it is not necessarily one.

¹ The Environment Agency v Rowan [2007] UKEAT 0060/07

Victimisation

62. In section 27 EA it is provided that A person (A) victimises another person (B) if A subjects B to a detriment because (a) B does a protected act, or (b) A believes that B has done, or may do, a protected act. A protected act for these purposes includes making an allegation (whether or not express) that A or another person has contravened the Act.

Unfair dismissal because of a protected disclosure.

63. Section 103A Employment Rights Act 1996 (ERA) provides that an employee who is dismissed shall be regarded as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that the employee made a protected disclosure.

64. Section 43A ERA provides that a protected disclosure means a qualifying disclosure which is made in accordance with any of sections 43C to 43H. Section 43B provides that a qualifying disclosure means any disclosure of information which in the reasonable belief of the worker making the disclosure is made in the public interest and tends to show one or more of the matters set out in section 43B(1), which include that a person has failed, is failing or is likely to fail to comply with any legal obligation to which she is subject.

Conclusions

65. The respondent accepts that the claimant's epilepsy was a disability as defined in section 6 of the Equality Act 2010 at the time of the events the claim is about.
66. The list of issues at section 3.1 set out things that the claimant says occurred and were direct disability discrimination.
67. The claimant states that Ms Duncan spoke to her in an inappropriate/very loud voice, addressing the claimant's disability in front of colleagues, Kim Dobson and Safina Shaikh. What the claimant describes are the actions of Ms Duncan when the claimant was recovering from her seizure and Ms Duncan was variously engaging with the claimant and the emergency services. Ms Duncan described her own state as 'panicky' but the Tribunal considers that Ms Duncan was at all times acting in what she considered to be the best interests of the claimant. While she did speak to the claimant's husband and to the emergency services, she took a back seat to dealing with the claimant in her recovery, that was left to other colleagues between suited to deal with the claimant including Ms Shaikh who was a first aider.
68. The claimant complains that Ms Duncan snatched her laptop. The conclusion of the Tribunal is that the laptop was removed from the claimant and in the context of this incident when Ms Duncan because she was wanting to make sure that the claimant was not to do any work from home and in doing so Ms Duncan came across to the claimant as snatching her laptop however we do not consider that this was anything other than an attempt to prevent the claimant from doing work from home.

69. The claimant states that in a phone call to the claimant's husband in front of colleagues Kim Dobson and Safina Shaikh, Ms Duncan asked the claimant's husband to come in and collect the claimant. That when she had to wait for 30 minutes Ms Duncan replied (to the claimant's husband), "I do not care, you need to come and collect her". She called the claimant's husband twice more and threatened to send the claimant to hospital if the claimant's husband did not come and collect her, even though the claimant said she did not want to go to hospital.
70. The evidence we heard suggests that the gist of the claimant's account is accurate but fairly considered what this shown was Ms Duncan being firm with the claimant's husband in her wish for the claimant to be taken home and away from the work place. Ms Duncan's concern was for the claimant's welfare, the seizure that the claimant had had was more serious than others recently experienced by the claimant at work. The claimant's husband was more sanguine about the claimant's condition than Ms Duncan who had not previously experienced the claimant having a seizure of this type.
71. The claimant's husband appeared less concerned than Ms Duncan. The claimant's husband had said she should not to call an ambulance, "she doesn't need it" and when asked if he could come to collect the claimant "he said no and was very dismissive" "he did not seem too bothered or alarmed". The claimant's husband's attitude was not born of lack of concern for his wife but a better understanding of what the claimant requires and the way she recovers from a fit. Ms Duncan's actions at all times appear to the Tribunal to reflect someone who is concerned for the welfare of the claimant.
72. The claimant says that Ms Duncan informed the claimant to stay at home and said that she could not come back to work unless she obtained a consultant's report stating that she was stress free. The Tribunal are not sure that Ms Duncan made reference to a consultant at the point she was sending the claimant home. Ms Duncan was clear that the claimant was not to return to work before she received medical clearance and she was clearly expecting the claimant to go to see her GP. The documents show the first reference to a neurologist coming from the claimant. While Ms Shaikh in her statement refers to the claimant being told she could not return to work we do not consider that this is likely to be an accurate recollection of the events, neither Ms Shaikh or Ms Duncan attend to give live evidence before us. The account that is given to Mr Downer by Ms Duncan makes very clear why she said and did what she did was to ensure that the claimant gets medical advice before she returned back to work.
73. The claimant says that Ms Duncan told her that she could not talk to Mr Moodie and that she had to go home. It is clear that the claimant did tell the claimant to go home. It is not clear that the claimant was told that she could not speak to Mr Moodie. There would have been no purpose served at all by such an instruction. We note in any event that the claimant and Mr Moodie were in contact by WhatsApp. On balance we consider that it is more likely than not that Ms Duncan never gave the claimant an instruction to not contact Mr Moodie.

74. The claimant contends that on 21 July 2023 in a telephone well being meeting with Mr Moodie, she said she had a GP certificate confirming her fitness to work and asked whether she could return to work and attend restructure information meeting on 24 July 2023. Mr Moodie said she should remain at home and obtain another medical certificate which said she was stress free. She says he said that she was not able to attend the restructure information meeting on 24 July 2023.
75. The Tribunal is not sure that Mr Moodie would have needed to give the claimant an instruction not to attend the meeting on the 24 July 2023. The claimant was signed off sick and when he considered her sick note Mr Moodie considered that it did not address a relevant matter namely claimant's stress at work which was, according to the claimant, cause by excessive workload and not mental health. The explanation for taking this stance was once more a clear and unambiguous concern for the claimant's welfare. We note that this period of absence from work was later framed as a medical suspension, this is because the claimant's continued absence from work was because it was at the recommendation from the managers who wanted further medical and occupational health advice about the claimant's return to work.
76. The claimant states that she was not given information about what jobs were available or how to apply for jobs because she was not allowed to attend the restore information meeting on 24 July 2023 and she could not access the job descriptions in a pack sent to her on 24 July 2023 because they were linked to a company intranet site to which she did not have access. This complaint is not made out the claimant was given information about jobs she was interested in, when the claimant stated that she did not have the job descriptions Mr Moodie sent the claimant the job descriptions in an email. During her evidence the claimant appeared to withdraw this allegation.
77. The claimant says that on 27 July 2023 in a telephone call to Mr Moodie the claimant said she had another certificate. Mr Moodie said the claimant could not return to wok on 28 July 2023 and that Monday 31 July would be a better date because the respondent would be referring the claimant to occupational health.
78. The claimant had an OH assessment on 26 July 2023 and the report was issued on 27 July 2023. The report stated that the claimant was fit to return to work and no consultant report was required. There were no medical restrictions that prevented her from working she could return immediately. The reason for the delay in the claimant's return to work, by one working day, was so that consideration could be given to the OH report and any adjustments or advice given in the OH report could be considered so that they are actioned.
79. The claimant also says that the respondent failed to convene an assimilation panel to review the claimant's role against the new roles under the restructure. In respect of this allegation it was put to the claimant that an assimilation exercise did take place, the claimant's

response was to say that she did not believe that the assimilation exercise took place. However the evidence of Mrs Clifford was as follows:

“The Group’s Organisational Change Policy (OCP) (pages 240 to 253) was taken into account in the proposed HR team changes and during the consultation and, where possible, redeployment process. The OCP included reference to “Assimilation” in respect of the consideration of redeployment into available roles. Whilst no formal Assimilation Panel was established for the purpose of the HR changes there was consideration pre consultation discussion on the proposals with key stakeholders as set out above.”

80. Mrs Clifford was questioned about this passage in her statement she responded that assimilation process took place for everyone impacted at the beginning of the exercise. Mrs Clifford spoke of formal assimilation being a process where an independent professional process where more than one person looks at roles and tasks. Mrs Clifford stated that assimilation process did take place. All roles in the new structure were matched with existing roles where there was an 80% match the employee in the role was slotted into the new structure; where there was less than 80% then other action took place and the employee in role considered for redeployment in a suitable alternative roles or if none found, redundancy may have followed.
81. The claimant complains that in August 2023 she was told that she has not been successful in being appointed to a role in the new structure. This is agreed by the parties. However, the respondent states that the claimant applied for two roles, Senior People Business Partner and People Advisor. The claimant was interviewed for both roles by Mr Downer and Mrs Clifford.
82. The claimant complains that Mr Downer carried out the grievance investigation and Mrs Clifford received the original grievance and assigned it to Mr Downer to investigate. The claimant says that this involvement in the grievance meant that they should not have dealt with her in the redundancy process and should not have been involved in the claimant’s interviews. The claimant points to the fact that she received the grievance outcome and the notification that she was unsuccessful in securing a post in the redundancy process at the same time as evidence of the redundancy infecting the claimant’s attempt to secure a role in the new structure.
83. Mr Downer says that he was able to interview the claimant without being affected by the grievance and Mrs Clifford states that apart from assigning Mr Downer to consider the grievance she was not involved in anything to do with the investigation of the grievance.
84. The respondent’s position is that the claimant, in the same way as everyone else at risk of redundancy, was interviewed for roles that they applied for in the process and were scored in respect of set interview questions. The interview process was a two-stage process. It was not possible to proceed from the second stage if in the interview process a candidate employee scored a zero in respect of any of the criteria in the

scoring matrix. The claimant did not proceed to the second stage because she scored a zero in respect of 4 of the criteria.

85. The claimant criticises the marking of her interview. The issue that she raised concerned a failure to use the template form to record the claimant's answers and instead recording the claimant's answers on a blank sheet of paper. We are satisfied that the claimant's scoring was carried out using the same methods as was used for the other employee candidates.
86. On 8 September 2023 the claimant was dismissed, respondent states that the reason for the claimant's dismissal was redundancy.
87. To the extent that the matters we set out in section 3.1 occurred the claimant states that she was subjected to less favourable treatment.
88. The claimant's complaints against the actions of Mrs Duncan in our view were not less favourable treatment. There is no evidence of treatment of a non-disabled comparator in like circumstances, and the basis for suggesting a hypothetical comparator would have been treated differently has not been explained. The evidence in our view shows that the claimant was treated the way she was by Ms Duncan because she had had the seizure which meant that she needed immediate care and medical assistance. There is no evidence from which we could conclude that there was any animus towards the claimant, or any other reason that might impugn Ms Duncan's actions, which were motivated by concern for the claimant's health and safety.
89. While the claimant's seizure was caused by the disability, the fact that the claimant had the disability is not a factor that was determining how the respondent reacted, it was a concern for the claimant's health and safety that dictated the actions of Ms Duncan.
90. The telephone wellbeing contact on 21 July 2023 by Mr Moodie with the claimant was not less favourable treatment. There is no evidence of the treatment of a non-disabled comparator in like circumstances. There is no evidential basis for concluding that a hypothetical comparator would have been treated any differently to the claimant. Further, there is no evidence that Mr Moodie's actions were for any reason other than that which he advanced, namely that the claimant had referred to stress in a 1:1 meeting with her manager, whereas in her fit note there was no reference to stress.
91. On 27 July 2023 there was a further telephone contact between the claimant and Mr Moodie. In our view, asking the claimant on a Thursday to attend work on the Monday, rather than the Friday, so that the occupational health report could be considered does not amount to less favourable treatment. The claimant's position in respect of this incident highlights the weakness in her case.
92. The claimant's position is that the failure to refer her to occupational health prior to the seizure amounted to discrimination on the grounds of her disability. The claimant then contends that her referral to occupational

health after the seizure on 20 July 2023 also amounted to discrimination on the grounds of her disability.

93. The claimant's failure to secure a new role under the revised structure did not amount to less favourable treatment; it arose because she failed the assessment process. A non-disabled person who failed the assessment would have been treated in exactly the same way. Alternatively, the clear reason for the claimant's treatment was not her disability, but her failure to pass the assessment process.

94. The reason for the claimant's dismissal was redundancy it was not because of the claimant's disability.

95. The claimant's complaints of direct discrimination on the grounds of disability are not well founded and are dismissed. The claimant has not made a complaint under section 15 of the Equality Act 2010, nor has she made any application to amend her claim. In any event, for the reasons set out above, any claim brought under section 15 in respect of the same alleged incidents would have been dismissed.

96. The claimant also makes a complaint about failing to make reasonable adjustments. The claimant was required to provide further information specifying what is the PCP which disadvantaged her as a disabled person and what was the disadvantage. Such an order was necessary because the alleged PCP was not explained by the claimant.

97. In an email dated 14 November 2026 (p49) the claimant purported to address this shortcoming in the presentation of her case. The document provided further information which appears to set out a number of potential PCP's we understand the email to contain the following matters which might be said to be PCP's. The claimant stated that she was raising concerns regarding the respondent's failure to provide adequate reasonable adjustments to accommodate her epilepsy. The possible PCP's appear to be that

- a. The respondent did not take sufficient steps to prepare her immediate line manager for handling emergency situations.
- b. The respondent did not adequately train or support Ms Duncan in understanding and effectively implementing the necessary emergency procedures.
- c. The respondent failed to follow "Agreed Emergency Process".
- d. The claimant also appears to make a complaint about the operation of the respondent's Organisational Change Policy which was inconsistent creating confusion as to when they were implemented and communicated to staff.
- e. The claimant also states that she "Missed Redundancy Process Due to Sick Leave".

In her written submissions the claimant states that that the “PCP is the Respondent's practice of appointing line managers to manage the Claimant without briefing them on the Emergency Plan.”

98. The conclusion of the Tribunal is that the matter set out in the email of 14 November do not amount to PCP's within the meaning of section 20. They are in our view a distillation of acts of alleged unfair treatment to the claimant. The claimant has fallen into doing that which is cautioned against in *Ishola* “it is artificial and wrong to seek to convert them by a process of abstraction into the application of a discriminatory PCP.” The actions complained of do not connote a form of continuum and are not setting out the way in which things are generally done by the respondent. In fact the claimant's case appears to us to be that these things were directed at her and were not in any real sense a PCP or a practice.
99. The substantial disadvantage advanced by the claimant is that the claimant was managed during seizures by persons who did not know how to respond to her disability. She contends that a non-disabled employee's manager would not have needed this briefing. The claimant's manager did. Without it, the claimant was at a substantial disadvantage compared to non-disabled colleagues whenever she had a seizure at work.
100. The claimant's claim about reasonable adjustments also fails on the basis that the claimant has not been able to establish that Ms Duncan failed to follow the emergency plan. Ms Duncan clearly did follow the emergency plan, she called the claimant's husband and emergency services. The claimant was assisted by colleagues who were first aiders and she made no complaint about them. The criticism of Ms Duncan is around her performance in asking the claimant questions to provide information to the emergency services and her alleged panicked response. The fact that the claimant did not take the advice of the claimant's husband and required him to attend to collect the claimant is not in our view a breach of the protocol or a matter which results in substantial disadvantage to the claimant
101. The conclusion of the Tribunal is that the claimant's complaint of disability discrimination because of breach of the duty to make reasonable adjustments is not well founded and is dismissed.
102. The claimant's grievance of 21 July 2023 makes a complaint of discrimination because of disability and specifically references the Equality Act. A protected act includes making an allegation a person has contravened the Equality Act. We are satisfied that the claimant's grievance is a protected act within the meaning of section 27(2) EA 2010.
103. In respect of the matters set out in the list of issues at 5.2.1 our conclusions are set out above at paragraphs 74 and 90. The actions of Mr Moodie were not a detriment, the claimant was being asked to seek medical advice in respect of an issue that she had raised with her employer, namely stress. This was a reasonable action, in fact the failure to do this before the seizure was something that the claimant complained of as a discriminatory act. It is not converted to a detriment simply because the claimant now seeks to complain about it.

104. In respect of the matters set out in the list of issues at paragraph 5.2.2, our conclusions are set out above at paragraphs 75 and 76. It is not clear to the Tribunal that the claimant was directed not to attend the meeting on 24 July 2023. There was a period of approximately 24 hours during which the claimant was unable to access the details of the jobs she wished to apply for. Following this, Mr Moodie responded to the claimant's notification of her difficulty accessing the jobs and provided her with the details of the roles she wished to be considered for. The claimant was therefore given the information she required. In these circumstances, there was no detriment as alleged by the claimant.
105. In respect of the matters set out in the list of issues at 5.2.3 our conclusions are set out above at paragraphs 77, 78 and 91. On a Thursday the claimant was asked to attend work on the Monday, rather than the Friday, the purpose of this was so that the occupational health report obtained from a consultation the previous day (26 October) could be considered, this would include reviewing any recommendations of adjustment suggested. This was not a detriment.
106. In respect of the matters set out in the list of issues at 5.2.4 our conclusions are set out above in paragraphs 79. The claimant's complaint about the assimilation panel is simply wrong there was an assimilation panel in respect of her post. There was no such detriment as alleged.
107. In respect of the matters set out in the list of issues at 5.2.5 and 5.2.6 our conclusions are set out above in paragraphs 93 and 94. The claimant was not successful in the interview because of her performance and the claimant was dismissed because she was not successful in securing a role in the new structure. This was not because of the claimant having made a protected act. The claimant points to Mr Downer and his involvement in her grievance but has shown no evidence beyond a mere assertion that he was affected by the fact that the claimant had raised a grievance against Ms Duncan in his consideration of her application for the roles he considered her for in the interview process.
108. The claimant's complaint of victimisation is not well founded and is dismissed.
109. The claimant states that the email of 21 July 2023 was a protected disclosure within the meaning of section 43A of the ERA 1996. The claimant then goes on to contend that her dismissal was unfair pursuant to section 103A ERA 1996 - the main or principal reason for her dismissal was because she made a protected disclosure.
110. The respondent states that the claimant's grievance contains no more than a subjective, bare assertion that she 'felt' discriminated against because of her disability. The grievance conveys no information at all about discrimination, it was not made in the public interest.
111. The claimant states that the grievance names five specific incidents, names the Equality Act 2010, identifies the legal obligation breached, and

describes the impact. It has sufficient factual content and specificity to tend to show a breach of a legal obligation under s.43B: Kilraine v London Borough of Wandsworth [2018] ICR 1850. The Claimant's professional background as a CIPD-qualified HR Advisor makes her belief that reporting a breach of the Equality Act in a publicly-owned company is in the public interest both genuine and reasonable: Chesterton Global Ltd v Nurmohammed [2017] IRLR 837 CA.

112. The email that the claimant relies on states as follows:

"I am writing to formally raise a serious concern about an incident that occurred yesterday, 20th July 2023, whilst at Ashmead Depot, where I experienced an epilepsy seizure during work hours around 9.30am. I am deeply disappointed with the handling of the situation and feel compelled to bring this matter to your attention for urgent resolution.

The issues I would like to address are as follows:

1. Inability to Deal with Emergency: Despite being aware of my medical condition and the possibility of seizures, there was a complete lack of preparedness to handle the emergency situation. The immediate response to provide necessary medical assistance was lacking, and the lack of a proper emergency protocol was evident during the incident.

2. Discrimination Towards Disability under Equality Act: I felt discriminated against based on my disability, which is protected under the Equality Act 2010. The treatment I received during the incident has left me feeling marginalized and invalidated as an employee with a disability. I was crying for 2 hours with my colleagues Safina and Kim Dobson.

3. Forced Sickness and Removal from the Premises: Ashleigh, without proper understanding of my medical condition, insisted that I should not be at work until I get a doctor's appointment and an assessment. I believe this decision was made without consideration of my capabilities or consulting with a medical professional. Additionally, I was forcibly removed from the premises, even when I asserted my willingness and ability to continue working after the seizure incident.

4. Pressurizing My Husband and Ignoring My Wishes: I am deeply disturbed by the fact that Ashleigh pressured my husband to collect me from work, insisting on taking me to the hospital against my wishes. Despite my husband's calm and rational explanation that I needed time to recover and that this situation had been handled with dignity in the past, Ashleigh did not consider my viewpoint and disregarded my feelings.

5. Refusal for Welfare Meeting with Ashleigh: As a result of the aforementioned incident and her subsequent actions, I feel uncomfortable and unsafe discussing my welfare with Ashleigh. Therefore, I request to have the

welfare meeting scheduled with a neutral third party or someone else from the HR team to ensure objectivity and fairness.

I am deeply committed to my work, and my health condition does not hinder my ability to contribute effectively. It is disheartening that I had to go through this ordeal, particularly when I have had successful experiences dealing with similar incidents at work in the past.

I hope I can receive support from you to help look into this matter to rectify the situation and prevent such incidents from recurring.”

113. In order for a disclosure to be a qualifying disclosure under section 43A of the Employment Rights Act 1996, the worker must disclose information they reasonably believe tends to show one of the matters listed section 43B ERA 1996. In this case the claimant appears to rely on the legal obligation in Equality Act 2010. The worker must reasonably believe that the disclosure is in the public interest.
114. The claimant states that she “experienced an epilepsy seizure during work hours around 9.30am” and that “there was a complete lack of preparedness to handle the emergency situation.” She further alleges that she was “forcibly removed from the premises” and that “Ashleigh pressured my husband to collect me... against my wishes.” We understand these to be the matters on which the claimant relies as constituting the disclosure.
115. However, it is clear that the matters raised are specific to the claimant's own experience on 20 July 2023. The reference to a lack of a proper emergency protocol appears to relate to the claimant's own individual emergency plan, which she alleges was not followed. The complaint does not relate to any wider or systemic failure in the management of medical emergencies or disability discrimination. It would not be reasonable to extrapolate from the facts of this single incident that there was a broader failure affecting other employees.
116. To the extent that the email contains information, it does not meet the public-interest requirement. The claimant did not complain about the treatment she received from the first aiders; rather, her complaint was directed at her line manager, who deferred to the first aiders in providing assistance. In our view, the claimant could not reasonably have believed that the matters raised were in the public interest. Accordingly, the email does not amount to a qualifying disclosure within the meaning of section 43A ERA 1996.
117. Even if we are wrong in that conclusion, the reason for the claimant's dismissal was that her role was removed in the new structure and she did not assimilate into the revised

organisation. The claimant was placed in the redeployment pool and was not successful in securing either of the two roles for which she interviewed. The fact that the claimant had raised a grievance was not the reason for her dismissal. The claim for unfair dismissal is therefore not well-founded and is dismissed.

Approved by:
Employment Judge Gumbiti-Zimuto

20 July 2026

JUDGMENT SENT TO THE PARTIES ON

29 July 2026

FOR THE TRIBUNAL OFFICE

Notes

All judgments (apart from judgments under Rule 51) and any full written 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/