



EMPLOYMENT TRIBUNALS

Claimant: Ms D Horton

Respondent: Park Avenue Healthcare Ltd

Heard at: London South

On: 13th, 14th, 15th, 16th, 17th,
20th, 21st, 22nd 23rd & 24th
July 2026

Before: Employment Judge MJ Reed, Mr M Cann and Ms H Carter

Representation

Claimant: Mr Hussain, Litigation Consultant

Respondent: Mr Brown, Counsel

JUDGMENT

1. The complaint of failure to make reasonable adjustments for disability is well-founded and succeeds. Specifically, the respondent failed to take steps to provide the claimant with an auxiliary aid, in the form of a suitable orthopaedic chair.
 - a. The Tribunal concluded that the failure to make a reasonable adjustment occurred on 14th December 2021. Pursuant to section 123 (4)(b) this was the expiry of the period in which the respondent might reasonably have been expected to make take such steps. The complaint was therefore brought outside the statutory time limit, but the Tribunal concluded that it was just and equitable to extend time in relation to this complaint.
 - b. Although the respondent did seek to provide a suitable chair, the chairs provided in November and December 2021 were not suitable.
 - c. A further chair was provided on 16th March 2022. In the period immediately following 16th March 2022, the respondent was not in breach of their duty to make reasonable adjustments. This is because they reasonably believed that they had provided a suitable chair and therefore could not reasonably be expected to know that the claimant was likely to be placed at a substantial disadvantage compared with persons who were not disabled.
 - d. By 1st April 2022, however, the claimant had reported to her line

manager that the chair was unsuitable. At that point the respondent once again could reasonably have been expected to know that the Claimant was likely to be placed at the relevant disadvantage.

2. The complaints of direct race discrimination were not well-founded and are dismissed.
3. The complaints of direct disability discrimination were not well-founded and are dismissed.
4. The complaints of harassment related to race were not well-founded and are dismissed. In respect of one complaint, that the claimant was subjected to remarks related to a stereotype that black people were athletic, the Tribunal concluded that the remarks did amount to harassment related to race. But the complaint had been brought outside the statutory time-limit. The Tribunal concluded it was not just and equitable to extend time in relation to this complaint.
5. The complaints of harassment related to disability were not well founded and are dismissed.
6. The complaint in respect of holiday pay is not well-founded and is dismissed.

Approved by:

Employment Judge MJ Reed

31st July 2026

Notes

Summary reasons were given orally at the hearing. Written summary reasons will not be provided unless requested by any party at the hearing, or by a written request received by the Tribunal within 14 days of the sending of the written record of the decision.

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

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/