



EMPLOYMENT TRIBUNALS

Claimant: Mrs S Sadler

Respondent: Arthouse Unlimited

Heard at: Reading **On: 25, 26, 27 and 28 August 2026**

Before: Employment Judge Gumbiti-Zimuto

Appearances

For the Claimant: In person

For the Respondent: Miss Z Hussain, litigation consultant

RESERVED JUDGMENT

The claimant's complaints of direct disability discrimination, direct religion or belief discrimination, failure to make reason adjustments, victimisation and disability related discrimination are not well founded and are dismissed.

REASONS

Application to amend the claim

1. A preliminary hearing took place on 29 August 2025. During that hearing, the parties discussed with the Employment Judge the issues to be determined in the case, which are recorded in the Record of Preliminary Hearing (p.68). The possibility of amending the claim was also discussed. The Employment Judge therefore ordered that any application to amend should be made formally by the claimant by 4.00 pm on 26 September 2025.
2. The claimant submitted her application to amend on 17 September 2025.
3. The order further required the respondent to confirm in writing to both the Tribunal and the claimant whether it consented to the proposed amendments. In the event of any objection, the respondent was directed to identify the amendments opposed, the grounds of objection, and to address the balance of hardship and injustice, including the practical consequences of permitting or refusing the amendments.

4. The order provided that the Tribunal file would thereafter be referred to an Employment Judge for determination of any issues arising from the application.
5. The respondent did not strictly comply with that order. Rather than setting out its position on the application, it filed an amended response which addressed the claimant's case as though the application to amend had already been granted.
6. At the commencement of the hearing before me, the claimant raised the fact that the amendment application remained outstanding. I agreed that no determination had yet been made and that it was therefore necessary to deal with the application before proceeding further. The claimant made her application. The respondent opposed it, notwithstanding that it had already filed an amended response addressing the claims as reformulated and had prepared for the hearing on that basis.
7. Having heard submissions from both parties, I was satisfied that the amendments should be permitted. Applying the principles in *Selkent Bus Co Ltd v Moore* [1996] ICR 836, I considered the nature of the amendments, the timing and manner of the application, and the balance of hardship and injustice.
8. The amendments were not advanced at the last moment. The possibility of amendment had been identified at the preliminary hearing and the application was made within the timetable directed by the Tribunal. Although the amendments introduced additional causes of action, they arose from substantially the same factual background that was already in issue between the parties.
9. I further noted that the respondent had filed an amended response dealing with the proposed amended claims as though permission had already been granted. The respondent did not identify any specific prejudice that would arise from allowing the amendments, nor any additional evidential burden, adjournment, or other practical difficulty. By contrast, refusal of the amendments would have prevented the claimant from advancing claims arising from matters already known to the respondent and already addressed in its pleaded case.
10. In those circumstances, I concluded that the balance of hardship and injustice favoured permitting the amendments.
11. The amendments permitted the claimant to pursue complaints of direct disability discrimination, discrimination arising from disability, and victimisation in relation to the decision to dismiss her. The amendments also permitted the claimant to reformulate the provision, criterion or practice relied upon in support of the reasonable adjustments claim.

List of issues

12. Time Limits and Disability Status

12.1 The issues to be determined include whether the claimant's claims were presented within the applicable time limits.

12.2 It is accepted that, at the material time, the claimant was a disabled person by reason of cancer and PTSD and that the respondent had knowledge of those disabilities.

12.3 The respondent now accepts that the claimant is also a disabled person by reason of ASD and ADHD. However, it disputes that it had knowledge of those conditions at the material time. The claimant contends that the respondent was aware that she had ASD and ADHD from 12 June 2024.

13. Direct Disability Discrimination

13.1 The claimant alleges direct disability discrimination in that the respondent:

13.1.1 In February 2024, refused to permit the claimant to work from home or undertake a phased or staggered return to work following a period of absence due to gall bladder surgery.

13.1.2 In February 2024, placed pressure upon the claimant to return to work before she was fit to do so.

13.1.3 On 26 February 2024, Gaynor Evans accused the claimant of blackmail when the claimant raised concerns regarding her disability rights.

13.1.4 On 26 February 2024, Gaynor Evans stated that the claimant was speaking in an intimidating manner when the claimant raised concerns regarding her disability rights.

13.1.5 Dismissed the claimant (pursuant to the amendment application).

14. Direct Religion or Belief Discrimination

14.1 The claimant alleges direct religion or belief discrimination in that, in or around December 2023, the respondent refused a request for annual leave connected with the claimant's attendance at the 2000 Trees Festival during the summer of 2024.

15. Failure to Make Reasonable Adjustments

15.1 The claimant alleges that the respondent failed to comply with its duty to make reasonable adjustments. The claimant contends that the respondent applied the following provision, criterion or practice ("PCP"):

15.1.1 Office attendance was the default working arrangement, although management had discretion to permit exceptions.

15.1.2 The claimant no longer relies upon the alleged PCP that all staff were required to work all of their hours from the office and accepts that this was not a PCP applied to her.

15.1.3 The claimant contends that the PCP placed her at a substantial disadvantage because:

15.1.3.1 Following surgery, she required a phased return to work and/or a period of homeworking due to low blood pressure.

15.1.3.2 As a consequence of her post-cancer bowel condition, she required immediate and private access to toilet facilities, which could have been more effectively accommodated when working from home.

15.1.3.3 The respondent disputes that the PCP placed the claimant at any substantial disadvantage. It also disputes knowledge of any such disadvantage. Alternatively, it contends that it complied with its duty to make reasonable adjustments and took reasonable steps in response to the claimant's circumstances.

15.2 Did a physical feature, namely having only one toilet available for staff which was in close proximity to the working environment, put the claimant at a substantial disadvantage compared to someone without the claimant's disability, in that the claimant required immediate and private access to toilet facilities?

16. Harassment Related to Disability

16.1 The claimant alleges harassment related to disability, namely that the respondent:

16.1.1 In February 2024, refused to permit a phased return to work, including a period of homeworking.

16.1.2 From June 2023 onwards, refused to permit flexible working arrangements, including periods of homeworking, to enable the claimant to manage her bowel condition effectively.

16.1.3 On 26 February 2024, Gaynor Evans accused the claimant of blackmail when the claimant raised concerns regarding her disability rights.

16.1.4 On 26 February 2024, Gaynor Evans stated that the claimant was speaking in an intimidating tone.

16.1.5 On 12 March 2024, Gaynor Evans stated that she would not discuss the claimant's disability-related concerns. This allegation was initially and incorrectly attributed to "Becky".

17. Discrimination arising from disability

17.1 Did the respondent treat the claimant unfavourably by dismissing him?

17.2 Did the following things arise in consequence of the claimant's disability: -worsening PTSD symptoms, prolonged sickness absence as a whole- difficulty attending meetings-reduced capacity to engage in particular ways- need to communicate in writing- return to work difficulties- need for adjustments.

17.3 Was the unfavourable treatment (the dismissal) because of any of those things?

17.4 Was the treatment a proportionate means of achieving a legitimate aim?

18. Victimisation

18.1 Did the claimant do a protected act as follows in sending the email of 23 February 2024.

18.2 The respondent dismissed the claimant; by doing so, did it subject the claimant to detriment?

18.3 If so, was it because the claimant did a protected act?

Background

19. The claimant gave evidence in support of her own case. The respondent relied on the evidence of Ms Rebbecca Jane Sheridah and Mrs Camilla Capel. All the witnesses provided written statements which were taken as their evidence in chief. The parties also produced a Trial Bundle containing 488 pages of documents. From these sources I made the following findings of fact

20. The respondent is a charity supporting adults with disabilities to create artwork which is developed into commercial products for sale.

21. The claimant's employment with the respondent commenced on 26 June 2023 and continued until 20 June 2024. The claimant was employed as a Marketing Executive.

22. The respondent did not know, and could not reasonably have been expected to know, that the claimant had ASD and ADHD during her employment.

23. The claimant refers at paragraph 32 of her witness statement to an autism assessment undertaken on 12 June 2024. The evidence shows that the claimant did not inform the respondent that she had been told she met the diagnostic criteria for ASD. Rather, the information communicated to the

respondent was limited to the fact that she had undergone an assessment for ASD. There is no evidence that the respondent was informed of any diagnosis or provisional diagnosis of ASD or ADHD.

24. The claimant states that she holds a genuine belief in the importance of community, mutual support, authenticity, inclusion and shared responsibility. She believes that people flourish when they can participate in communities that value cooperation, creativity, equality and acceptance of difference.
25. The claimant actively seeks out communities that reflect those values. Music and arts festivals are one means by which those beliefs find expression, but they are not the beliefs themselves. The claimant's attendance at the same annual festival over many years represents a significant and continuing manifestation of those beliefs in practice.
26. The claimant and her family's attendance at the 2000 Trees Festival was therefore an expression of those beliefs and values.
27. On 15 December 2023, the claimant made a request for leave including the dates 9-12 July 2024 (p173). The response from Camilla Capel states that the claimant's holiday requests were treated differently that year because she had recently started employment and already had leave booked. However, the usual practice was that staff could not take multiple extended periods of leave during July and August because of the need to maintain adequate cover within a small team. Ms Capel noted that the claimant's proposed pattern of leave involved several lengthy absences in close succession and indicated that this would need to be discussed to ensure operational cover. Ms Capel also explained that other team members, including herself, needed to take annual leave and that holiday arrangements had to work for the team as a whole. (p172)
28. In January 2024 the claimant underwent surgery and was off work from early January until 5 February 2024.
29. Ms Capel accepted that the claimant had raised the possibility of working from home during her recovery. However, she explained that, when she stated in her witness statement that she was unaware of any requests regarding a return to work, she was referring to the period following the claimant's return on 5 February 2024. She maintained that, before that date, there was no expectation that the claimant would work while signed off sick.
30. The claimant referred to an exchange on or about 31 January 2024. Ms Capel recalled discussing her return to work on 5 February 2024 but did not recall any request for a phased return, reduced hours, or agreed home-working arrangements. She stated that no such arrangements were agreed with her and that discussions concerning return-to-work arrangements may have taken place with Ms Evans in her HR capacity.

31. Ms Capel agreed that a message sent on 31 January 2024 referred to the claimant taking additional time to recover before returning to work on the following Monday.
32. In relation to a fit note issued on 8 February 2024, after the claimant had returned to work on 5 February 2024, Ms Capel accepted that she was aware that a fit note had been provided and understood that Ms Evans had informed her of its existence. Although she recalled being told about the fit note, she did not recall the specific details of any recommendations concerning a phased return or altered hours. She stated that the claimant did not discuss such requirements with her directly and that she was never asked to implement a formal phased return plan.
33. Ms Capel accepted that individual requests made by the claimant to work from home were sometimes made and were all approved, including a request made following an MRI appointment in February 2024. However, she maintained that there was no pre-agreed pattern of home working, no formal reasonable adjustment plan relating to home working, and no agreed phased return arrangement. She stated that there were informal discussions with Ms Evans about how the claimant was coping following her return and that her understanding at the time was that she had returned successfully to her role and she had not informed her that she was experiencing difficulties.
34. Turning to the claimant's September 2023 colonoscopy, Ms Capel stated that she understood that the procedure formed part of her ongoing monitoring following bowel cancer. She said that the claimant had informed her that regular colonoscopies were required and had explained the preparation and recovery involved. Ms Capel accepted that she understood that the procedure and its preparation could be physically demanding and that the claimant had requested an additional day off because she had not recovered as quickly as anticipated. She explained that she described this as an "extra day" because it had not originally been anticipated, although she emphasised that the additional absence was approved and fully supported. Ms Capel also confirmed that, at the time of the colonoscopy, she was not aware that the claimant had PTSD, as that disclosure was not made until November 2023.
35. The fit note dated 8 February 2024, stated that the claimant may be fit to work on phased return and altered hours. The fit note also stated: *"not fully recovered post-operatively because she developed a viral flu like illness which she is still affected by. For reduced hours and to work from home as much as possible on a phased return to work."*
36. The claimant and respondent are in dispute about whether the claimant asked for a phased return to work or altered hours.
37. The claimant contends that she requested a phased return to work, but that Ms Evans informed her this was not possible because the respondent required "bums on seats" in the office. The respondent denies that the claimant requested a phased return. It maintains that, whenever the claimant sought permission to work from home, that request was accommodated.

38. Having considered the evidence, I am not satisfied, on the balance of probabilities, that the claimant specifically requested a phased return to work.
39. The claimant's own evidence on this issue was not consistently clear. In some parts of her evidence, she appeared to be reflecting, with the benefit of hindsight, on her current understanding of the ability to request reasonable adjustments and contending that, upon her return to work, the respondent ought to have considered adjustments such as a phased return and home working.
40. An answer given by the claimant to a question from the respondent's litigation consultant tends to support that interpretation. The claimant stated: "There was never a conversation about the actual reasonable adjustments that I required, the working from home in terms of reasonable adjustments. There was never a conversation." This was consistent with the evidence of Mrs Capel.
41. This evidence is consistent with other parts of the claimant's account in which she stated that she expected the respondent to initiate a discussion with her about possible adjustments. Taken as a whole, her evidence does not clearly establish that she herself made a request for a phased return to work or for home working as a reasonable adjustment.
42. The parties agree that the claimant wanted to return to work in early February 2024 because her sick pay had been exhausted and she was under financial pressure. The respondent's position is that the claimant was not under any pressure to return to work from the respondent, rather the respondent was telling the claimant that she was not to return to work before she was ready.
43. The respondent's evidence was that the claimant had a meeting with Ms Evans, who wished to ascertain whether the claimant wanted to return to work. According to the respondent, the claimant was offered the option of returning on reduced hours and was also given the opportunity to work from home. The respondent's position was that it was willing to do whatever it reasonably could to support the claimant. However, it contends that the claimant chose to return to work on a full-time basis because of her financial circumstances.
44. The respondent states that it sought to accommodate the claimant and provided such financial support as it was able, but could not provide any additional financial assistance. In her evidence, Ms Sheraidah stated: "But we could obviously do a phased return, if it was affordable to [the claimant]. But [the claimant] chose ... wanted to come back full time, because of financial reasons, and we had to support [the claimant] with that." The respondent's position was that it did not have the financial resources to continue funding a prolonged period of sickness absence.
45. The documentary evidence does not support the contention that the claimant requested a phased return to work. Nor does it show that any request by the

claimant to work from home was refused. On the contrary, the contemporaneous documents indicate that, on each occasion the claimant sought permission to work from home, that request was approved by the respondent.

46. In those circumstances, the documentary evidence is consistent with the respondent's case that it accommodated the claimant's requests for home working when they were made and does not support the assertion that it refused either a phased return or home working.

47. The claimant sent an email to her managers in it she stated that

"It is with deep regret that if you cannot allow me 3 days – 10th/11th/12th July with 7 months notice, that I will have to start the process of seeking employment elsewhere." To deny a leave request for a festival as referred to in the correspondence could be considered to be indirect discrimination and prejudicial. The festival is an annual gathering which is of deep cultural significance to me. (Equality Act 2010)

"I would ask that you reconsider my request for these three days. My preference is to continue to work hard in my role and to deliver the web project for the betterment of the charity and to continue my journey at such a brilliant charity and with such a brilliant team. I am compromising and 'acting up' from my job description and pay-band. I am genuinely surprised that art house unlimited doesn't value my role enough to be flexible in this leave request."

48. On receiving this e-mail Ms Evans wrote to Tara John, a HR consultant, asking for assistance relating to "a HR issue" she wrote:

"I have attached a chain of emails relating to a holiday request which has been turned down. To give you some background Sarah started with us on 26 June 23-I have attached her contract and our holiday policy. Part of the reason we employed Sarah was that she is experienced with setting up websites and we are currently in the process of changing our own website totally and she is key to this. I feel that she may think that she is indispensable to us and that is why she has decided to go this route. Just another point to note-That has no bearing on annual leave-I have attached an e-mail relating to sick leave in January. We have tried to be as accommodating as possible but are beginning to find her demands rather excessive. Can we accept her resignation from this letter (or is it not a resignation) and request her to work her notice of six weeks?"

49. There then followed a meeting on 26 February 2024 at which the claimant met with Ms Evans and Mrs Capel.
50. The claimant's account of the meeting is set out in her document p177-178. In the document she states that Ms Evans stated abruptly that the claimant was "blackmailing" the respondent. She said that she would ignore the claimant's "festival insinuation and accusation" and the allegations of differential treatment, maintaining that she had not treated the claimant any differently from anyone else. Ms Evans stated that, if the claimant took the three disputed days of annual leave, she would face disciplinary action. She said that the respondent was a small team and that the refusal of the claimant's leave request was justified. Ms Evans also stated that she was "intimidated by the tone" of the claimant's email.
51. Ms Evans made a note of the meeting and set it out in an email on 27 February 2024. Ms Evans begins by asking the claimant if the email was a resignation and the response from the claimant is that it was not.
52. Ms Evans stated that approving the requested leave dates would leave insufficient marketing cover for an extended period and adversely affect a small team. She maintained that the respondent's decision would not be changed and rejected any suggestion that it should do so. She confirmed that some leave dates had been approved and others refused. She stated that any absence on the refused dates would be treated as unauthorised unpaid leave and could result in disciplinary action. Ms Evans further stated that all staff were treated equally and in accordance with the respondent's policies, and that the refusal of leave was unrelated to the claimant's intention to attend a festival. She also criticised the tone of the claimant's email, describing it as unpleasant and unacceptable towards her manager.
53. Following the meeting on 26 February 2024 the claimant raised a grievance. The claimant's grievance raised a number of concerns relating to her treatment following her sickness absence and her wider employment.
54. The claimant contended that the respondent failed to make reasonable adjustments in connection with her disability and return to work following sickness absence. She maintained that she returned to work one week earlier than intended and that her GP had recommended a staggered return. The claimant alleged that Ms Evans considered it preferable for her to return fully and to work from the office.
55. The claimant stated that she felt under financial pressure because company sick pay had ceased, which she said influenced her decision to return to work.
56. The claimant further alleged a failure to make reasonable adjustments in relation to communications concerning her disability. She expressed concern that members of the wider team were aware that there was an ongoing situation involving her.

57. The claimant alleged discrimination, asserting that she had been accused of "blackmail" and spoken to inappropriately when she raised concerns. She maintained that her concerns about discrimination were dismissed.
58. The claimant also alleged victimisation. She contended that she had been singled out and treated unfairly and that the respondent had made it clear that she could not raise concerns informally.
59. The claimant complained that she had been required to undertake work outside the scope of her job description, referring in particular to a website project. She stated that there had been an intention to promote her to the role of Marketing Manager.
60. Finally, the claimant stated that she was seeking alternative employment. The claimant stated that her "desired outcome" was to continue to work and deliver the Website Project and that "At times I may need to work from home or leave early." The claimant requested a review of the respondent's decision refusing three days' annual leave in July pointing out that "it is for an annual festival of significant cultural importance to myself and my family."
61. A grievance meeting took place on 12 March 2024. The grievance meeting was conducted by Rebecca Sheridah accompanied by Laura Toft, an HR Consultant.
62. The claimant opened her account at the grievance meeting by stating that it "centres on absence for being unwell alongside a request for holiday that I was told couldn't be taken", and that the only explanation she was given for the refusal was that it was a small team.
63. The claimant stated that she felt discriminated against and victimised. The claimant stated that the issues underlying her grievance began following emergency surgery and resulted in sickness absence beyond the company's sick pay entitlement. Although she did not feel medically fit to return and provided a fit note, she said that financial pressures, coupled with an expectation that she return full-time, led her to resume work earlier than she believed was appropriate. She maintained that she requested a phased or flexible return due to ongoing symptoms and a flare-up of a pre-existing condition but was told she was required to return on a full-time basis.
64. The claimant said that prior to her return to work she discussed with Ms Evans when she would return to work not what it would look like.
65. The claimant stated that she did not feel well enough to return to work following her surgery and raised concerns with Ms Evans about her low blood pressure, ongoing symptoms, and the need for flexibility, including occasional home working or leaving early. She was told that she was needed in the office and felt that the possibility of reasonable adjustments was not adequately considered.

66. The claimant explained that financial pressures and her desire to return to the project were the main reasons for her return to work, and that otherwise she would have remained absent for a further two weeks.
67. The claimant reported feeling alienated after raising her grievance. She described a perceived change in colleagues' behaviour, including exclusion from discussions, reduced social interaction, and a general deterioration in workplace relationships.
68. The claimant raised concerns about the effect of the situation on her recovery from surgery, her mental health, PTSD, and a pre-existing medical condition. She contended that the employer had not adequately considered reasonable adjustments, particularly in relation to flexibility around attendance and working arrangements.
69. A central issue remained the refusal of annual leave to attend a festival of particular personal and spiritual significance. The claimant questioned whether the decision, and comments made in relation to it, amounted to discrimination and maintained that she had not been given an adequate explanation beyond staffing concerns.
70. The claimant alleged that she had not been treated in the same way as other employees, citing examples of other staff receiving time off or flexibility and referring to previous periods of unpaid leave that had been approved for her.
71. The claimant sought acknowledgement of her concerns, particularly regarding the leave request and the manner in which it had been handled. She expressed uncertainty about her long-term future with the organisation but hoped the grievance process would lead to a constructive resolution and improved support for her health conditions.
72. In her grievance outcome, Ms Sheraidah found that the claimant had been absent from work for most of January and had returned before she had fully recovered, primarily because of financial concerns and because Ms Evans had told her that she was needed back at work on a full-time basis. Ms Evans stated that she considered the claimant capable of working in the office, but that if the claimant did not feel well enough to do so, she should inform either Ms Evans or Mrs Capel.
73. Ms Sheraidah also found that, when the claimant requested adjustments such as finishing work early or working from home, those requests had been accommodated. She noted that the claimant's role was not ordinarily a home-working position, but that adjustments had been made where required. The respondent remained willing to consider reducing the claimant's hours if her workload became unmanageable.
74. In respect of the claimant's feeling that she was under financial pressure to return to work, Ms Sheraidah found that the respondent had acted reasonably by providing financial support beyond the claimant's contractual entitlement to sick pay. She concluded that the respondent had acted reasonably.

75. As regards the claimant's allegation of a failure to make reasonable adjustments regarding her disability and communication, Ms Sheraidah concluded that there was no evidence to support that either Ms Evans or Mrs Capel acted outside of what would be reasonable in this situation.
76. Ms Sheraidah rejected the claimant's complaint that her concerns had been improperly handled following her informal challenge to the refusal of annual leave. Having reviewed the email correspondence and spoken to Ms Evans and Ms Capel, she found that the claimant had requested a substantial amount of leave during a peak holiday period, that part of the request had been approved and part refused for operational reasons, and that the refusal was unrelated to the cultural significance of the festival she wished to attend.
77. Ms Sheraidah accepted that the reference to the organisation not being "blackmailed" was unfortunate language, but concluded that it was not an accusation of criminal conduct and was instead a response to what management perceived as an indication that the claimant might resign if the leave was not approved. She further found no evidence of victimisation or discrimination, accepted Mrs Capel's explanation that her more formal communication style reflected her upset at the complaint rather than any retaliatory motive, and concluded that the claimant had generally been supported by the respondent. She nevertheless recommended a further meeting with HR to discuss any ongoing support required in relation to the claimant's disability and PTSD and to formalise any necessary adjustments.
78. On 20 March 2024, the claimant left work early due to ill health. She was subsequently signed off sick and did not return to work before the termination of her employment.
79. On 23 March 2024 the claimant exercised her right to appeal. The appeal was to be considered by Dr Colin Stokes MBE.
80. An issue arose relating to an overpayment of wages to the claimant in March 2024
81. On 26 March 2024 the claimant was invited to a meeting on 28 March 2024. The claimant was written to on two further occasions by Dr Stokes inviting her to attend an appeal hearing. The claimant however made it clear that she did not wish to attend an appeal meeting in person. On 24 May 2026 the claimant sent her written observations on the appeal to Dr Stokes. In an email dated 29 May 2024 Dr Stokes wrote to the claimant setting out his conclusions on the appeal.
82. In his appeal decision, Dr Stokes concluded that there was no evidence of bullying or harassment. In relation to the alleged failure to make reasonable adjustments, he found that the claimant had been given opportunities to discuss any adjustments she required and that adjustments had, in fact, been implemented throughout the relevant period.

83. Dr Stokes further found that the claimant had been treated fairly during the grievance process. He rejected allegations that she had been isolated from workplace communications or that there had been a lack of support for her wellbeing, health and safety. He found no evidence that communications with the claimant had been delayed unnecessarily or unreasonably.
84. Dr Stokes also concluded that, during the claimant's sickness absence, it was reasonable for other members of the organisation to assume responsibility for aspects of her work in order to ensure the continued operation of the charity. Accordingly, he found insufficient grounds to uphold the grievance and dismissed the appeal.
85. Dr Stokes stated that he would like to meet with the claimant to "discuss a resolution so that your return [to] work can happen as soon possible." The claimant was also told that the respondent would be advertising a "marketing managerial position" for which the claimant could apply.
86. On 6 June 2024 Ms Sheraidah wrote to the claimant to propose that they meet to discuss the best way forward and support her with a return to work as the grievance process had completed.
87. On 10 June 2024 the claimant wrote to Ms Sheraidah in the following terms:
- "On a personal and professional level, the events surrounding the grievance have been utterly regrettable. I tolerated what I considered to be unfavourable treatment for quite a while leading up to the grievance. But I tolerated it as I was fully engaged with steering and supporting the charity to its Shopify phase and improving the marketing and digital set up. I was told that the marketing manager position was going to be mine and I was committed to achieving this goal knowing that I was working well out of my job description and pay bracket, for the betterment of the charity as well as the perceived career goal. The trust and mutual respect has completely broken down which makes a return seem out of reach at this stage. Please see my further comments at the bottom of this e-mail."
88. The claimant then set out her observations on the appeal outcome provided by Dr Stokes. The observations that the claimant set out included that she was "not at this stage prepared to meet to discuss any of these points without representation", thereby refusing to meet face to face with Dr Stokes.
89. The claimant was invited to a meeting on 13 June 2024 to discuss concerns regarding the future of her employment. In a letter dated 11 June 2024, the respondent referred to the claimant's recent statement that "the trust and mutual respect has completely broken down which makes a return seem out of reach at this stage".

90. The letter explained that the purpose of the meeting was to discuss those concerns and to explore whether the employment relationship could be repaired sufficiently to enable the claimant to return to work. The respondent stated that it hoped a way forward could be found. However, it warned that, if the claimant maintained that the relationship had irretrievably broken down and a return to work was not feasible, her employment might be terminated for some other substantial reason ("SOSR") on the basis of the breakdown in the employment relationship.
91. In responding to the email from Ms Sheraidah the claimant included the following:

"At this stage my preference is a fair financial settlement in light of the damage that has been caused by art house unlimited; professional damages, reputational damages, discrimination, victimisation, libel, the exploitative nature of working out of my contracted job description and the repercussions of this. You are challenging my honesty and my character which is extremely hurtful. As I have already stated it is going to be difficult to rebuild the trust. But let's see if we can make progress. How do you suggest that we rectify the situation and the damage that has been caused?"

The claimant's response also included the following:

"My active symptoms of ASD and ADHD have been non-problematic for many years and it is as a result of this grievance process that the disorder reached the need for a formal medical diagnosis."

92. At 9:32 on 13 June 2024, Ms Sheraidah sent an email to the claimant stating that the respondent would not be offering the claimant any financial settlement; that they were not going to revisit the grievance process; and that, if the claimant wanted to move forward in the role and continue the working relationship, the meeting will be only about how they could move forward and plan for the claimant's return to work.
93. The claimant did not attend the meeting scheduled on 13 June 2024.
94. At 17:27 on 13 June 2024, Ms Evans wrote to the claimant noting that she had declined to attend a meeting on health grounds and had instead requested that the issues be addressed in writing. Ms Evans stated that the respondent had since provided its views on the situation and had considered the claimant's own comments. She further noted that, in her most recent email, the claimant had indicated that she intended to pursue her concerns through the Employment Tribunal and had not identified any further means by which a return to work could be discussed.
95. Ms Evans continued that, in light of the claimant's repeated assertions that the employment relationship had broken down beyond repair, and her

unwillingness or inability to attend a meeting to explore a way forward, the respondent was left with no alternative but to proceed as outlined in its earlier correspondence. The claimant was informed that her employment was being terminated, with notice, on the basis of an irretrievable breakdown in the employment relationship.

Relevant Law

96. Section 13 Equality Act 2010 provides that a person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others. Disability is a protected characteristic for the purposes of the Act. Religion or belief is also a protected characteristic. The Tribunal must determine whether the claimant received less favourable treatment and, if so, whether that treatment was because of the claimant's disability or alternatively because of her religion or belief.
97. The question is what the reason for the treatment complained of was. The claimant must establish that the protected characteristic had a significant influence on the treatment and was an effective cause of it. The Tribunal must determine the conscious or subconscious reason operating on the mind of the decision-maker at the material time.
98. A claimant alleging direct discrimination will ordinarily need to identify an actual or hypothetical comparator whose circumstances are not materially different from those of the claimant save for the protected characteristic.
99. Section 15 Equality Act 2010 provides that a person (A) discriminates against a disabled person (B) if A treats B unfavourably because of something arising in consequence of B's disability, and A cannot show that the treatment is a proportionate means of achieving a legitimate aim.
100. A respondent will not contravene section 15 if it did not know, and could not reasonably have been expected to know, that the claimant had the disability.
101. The Tribunal must therefore consider whether the claimant was treated unfavourably. Whether that treatment was because of something arising in consequence of the claimant's disability. Whether the respondent knew, or could reasonably have been expected to know, of the disability. If so, whether the treatment was a proportionate means of achieving a legitimate aim.
102. Sections 20 and 21 Equality Act 2010 impose a duty on employers to make reasonable adjustments for disabled persons. Where a provision, criterion or practice applied by an employer places a disabled person at a substantial disadvantage in comparison with persons who are not disabled, the employer is under a duty to take such steps as are reasonable to avoid that disadvantage.
103. The Tribunal must identify the relevant provision, criterion or practice ("PCP"). The substantial disadvantage caused to the claimant by the PCP. Whether the respondent knew, or ought reasonably to have known, of the claimant's

disability and the substantial disadvantage. Whether there were reasonable steps which could have been taken to avoid the disadvantage. Whether the respondent failed to take those steps. A substantial disadvantage is one which is more than minor or trivial.

104. Section 27 Equality Act 2010 provides that a person (A) victimises another person (B) if A subjects B to a detriment because B has done, or A believes that B has done, a protected act. Protected acts include bringing proceedings under the Equality Act 2010 also making an allegation that a person has contravened the Act.
105. The Tribunal must determine whether the claimant carried out a protected act. Whether the claimant suffered a detriment. Whether the protected act materially influenced the respondent's treatment of the claimant. The protected act need not be the sole or principal reason for the treatment complained of, but it must have had a significant influence on the respondent's conduct.
106. Section 136 Equality Act 2010 provides that if there are facts from which the Tribunal could decide, in the absence of any other explanation, that the respondent has contravened the Act, the Tribunal must hold the contravention occurred unless the respondent shows that it did not commit the discriminatory act.
107. The burden of proof therefore operates in two stages. First, the claimant must prove facts from which the Tribunal could conclude, in the absence of an adequate explanation, that discrimination has occurred. Mere assertion or speculation is insufficient. The Tribunal must consider all the evidence before deciding whether a prima facie case of discrimination has been established.
108. Secondly, if such facts are established, the burden shifts to the respondent to prove, on the balance of probabilities, that the treatment complained of was in no sense whatsoever because of the protected characteristic.
109. The guidance in case law makes clear that tribunals should consider all the evidence before deciding whether the burden of proof has shifted. In many cases it is unnecessary to analyse the burden of proof in separate stages if, having heard all of the evidence, the Tribunal is able to make findings as to the reason for the treatment.
110. Direct evidence of discrimination is uncommon. A Tribunal may draw appropriate inferences from the surrounding facts, including the treatment of comparators, departures from normal procedures, inconsistent explanations, or other evidence from which discriminatory motivation may reasonably be inferred.
111. However, unreasonable treatment, unfair treatment, or poor management does not of itself establish discrimination. The Tribunal must be satisfied that the treatment occurred because of the protected characteristic and not for some other reason.

Section 10 Equality Act 2010

112. The claimant states that she holds a genuine belief in the importance of community, mutual support, authenticity, inclusion and shared responsibility. She believes that people flourish when they can participate in communities that value cooperation, creativity, equality and acceptance of difference.
113. The claimant actively seeks out communities that reflect those values. Music and arts festivals are one means by which those beliefs find expression, but they are not the beliefs themselves. The claimant's attendance at the same annual festival over many years represents a significant and continuing manifestation of those beliefs in practice.
114. The claimant and her family's attendance at the 2000 Trees Festival was therefore an expression of those beliefs and values.
115. The Equality Act 2010 at section 4 provides that religion or belief is a protected characteristic. Section 10 (2) provides that belief means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief.
116. In Grainger Plc v Nicholson [2010] ICR 360, Burton J stated at paragraph 24 "I do not doubt at all that there must be some limit placed upon the definition of *"philosophical belief"* for the purpose of the Regulations, ..., I shall endeavour to set out the limitations, or criteria, which are to be implied or introduced by reference to the jurisprudence set out above: (i) The belief must be genuinely held. (ii) It must be a belief and not, as in *McClintock*, an opinion or viewpoint based on the present state of information available. (iii) It must be a belief as to a weighty and substantial aspect of human life and behaviour. (iv) It must attain a certain level of cogency, seriousness, cohesion and importance. (v) It must be worthy of respect in a democratic society, be not incompatible with human dignity and not conflict with the fundamental rights of others ..." Burton J went on to state that it is not a bar to a *philosophical belief* being protected by the Regulations if it is a one-off belief and not shared by others. The philosophical belief in question does not need to constitute or *"allude to a fully-fledged system of thought"*, provided that it otherwise satisfies the limitations set out above.
117. Considering the evidence before me, I am satisfied that the belief was genuinely held. The claimant explains that the belief has guided her life for many years, pre-dates her employment with the respondent, influences her family life, and was reinforced by her experience of cancer.
118. The expressed belief must be a belief not merely an opinion or viewpoint based on the present state of information available. The claimant seeks to advance a belief about human flourishing, namely that people flourish through participation in enduring communities characterised by inclusion, reciprocity, creativity and mutual responsibility. The claimant presents this proposition as

a guiding principle by which the claimant seeks to live rather than as a mere opinion.

119. However, the evidence relied upon to demonstrate that belief centres almost entirely upon attendance at a festival and participation in a particular social community. The evidence demonstrates that the claimant values, and repeatedly participates in, that community and the activities associated with it. That, without more, does not necessarily establish the existence of a protected philosophical belief. In my view, the evidence does not sufficiently identify a belief independent of the claimant's participation in that community. Rather, it describes a lifestyle choice and a strong attachment to a particular community.
120. The evidence provides little explanation of how the concepts of community, inclusion, reciprocity, creativity and mutual responsibility are said to relate to one another, what obligations arise from them, or the philosophical basis on which they are connected.
121. The belief must concern a weighty and substantial aspect of human life and behaviour. As expressed, the asserted belief concerns community, belonging, mutual support, identity, acceptance and human flourishing. These matters relate to substantial aspects of human life and behaviour.
122. The belief must attain a certain level of cogency, seriousness, cohesion and importance. The claimant's asserted belief refers to community, inclusion, mutual support, reciprocity, shared responsibility and human flourishing through enduring social bonds.
123. In my judgment, the belief, as articulated by the claimant, lacks the necessary degree of cogency and cohesion. The evidence centres principally upon attendance at a particular festival and the maintenance of social relationships within that setting. Whilst those matters may demonstrate a commitment to a community, they do not in themselves explain the underlying belief or provide it with a coherent philosophical structure.
124. I note the claimant's contention that attendance at the 2000 Trees Festival is not itself the belief but rather a manifestation of it. However, attendance at that festival remained the primary matter relied upon when the claimant was asked to describe the nature and content of the asserted belief. The evidence therefore appears to describe an attachment to a particular community and way of life, rather than a belief possessing the requisite degree of cogency and cohesion for the purposes of Grainger.
125. The values identified by the claimant are inclusion, acceptance, equality, creativity, community and mutual support: these matters are compatible with democratic values and the rights of others.
126. For the reasons set out above, I am not satisfied that the claimant has established the existence of a protected philosophical belief distinct from her participation in, and attachment to, a particular community. Accordingly, the

claim fails under the second Grainger criterion. In any event, if I am wrong about that conclusion, I would also find that the asserted belief lacks the requisite degree of cogency and cohesion and therefore fails to satisfy the fourth Grainger criterion.

Conclusions

127. The claimant's disabilities of cancer and PTSD were known to Ms Evans, Mrs Capel and Ms Sheraidah at the relevant time. The claimant's evidence was that she informed the respondent on 12 June 2024 that she had undergone an assessment for ASD. I am not satisfied that this conveyed a diagnosis of ASD or ADHD, nor that it gave the respondent actual or constructive knowledge of either condition. She also stated that she herself was not informed of her ADHD diagnosis until after her employment with the respondent had ended.
128. It is a moot point whether the respondent knew of the claimant's ASD on 12 June 2024 because, when her evidence was tested, the claimant's position amounted to: "I informed the respondent that I had been assessed for ASD and ADHD", rather than the suggestion contained in paragraph 32 of her witness statement that she had informed the respondent that she had been told that she "met the diagnostic criteria for Autistic Spectrum Disorder". The claimant accepted that paragraph 32 should not be read as indicating that she informed the respondent of a diagnosis. Rather, her evidence was that she informed the respondent that she had been assessed for ASD and ADHD and was awaiting the diagnostic report.
129. In respect of the claimant's cancer and PTSD, the evidence does not provide a clear or agreed account of what the respondent knew about any substantial disadvantage arising from those disabilities.

Direct disability discrimination

130. The claimant's GP provided her with a fit note stating: "You may be fit for work taking account of the following advice." The fit note indicated that the claimant would benefit from a phased return to work and altered hours. It also contained the following further comments: "Sarah has not fully recovered post-operatively because she developed a viral flu-like illness, from which she is still suffering. Reduced hours and working from home as much as possible are recommended as part of a phased return to work." The fit note was dated 8 February 2024 and was therefore obtained after the claimant had returned to work on 5 February 2024.
131. At paragraph 52 of her witness statement, the claimant states: "As discussions about my return to work continued, a return-to-work date was agreed." The statement does not identify with whom those discussions took place or describe their content.
132. The claimant's witness statement then refers to conversations between the claimant and Ms Evans in which the claimant requested permission to work

from home, but says that this was refused by Ms Evans, who stated that the respondent needed "bums on seats" in the office. Paragraphs 53 and 54 of the claimant's witness statement appear, on their face, to describe a request being made and refused.

133. However, paragraph 61 presents the situation in a different light. There, the claimant acknowledges that the respondent did permit her to work from home and states: "My complaint is not that I was never permitted to work from home under any circumstances, but that when I requested temporary home working as a medically supported adjustment following surgery, together with a phased return, that request was not meaningfully considered." The claimant concludes the paragraph by stating that she does not recall any meeting at which the GP's recommendations were discussed or how those recommendations could be implemented in practice.
134. For the reasons explained during the hearing, Ms Evans did not give evidence. The response she provided to the claimant's grievance was produced and it was not specifically challenged by the claimant, although it is inconsistent with the claimant's account.
135. Ms Evans, who primarily dealt with the claimant in relation to her return to work, responded to the claimant's grievance. In her response, she stated that she had, in fact, advised the claimant to do what she thought best and that the respondent would work with whatever decision she made. She also stated that the claimant might benefit from being at work. Ms Evans denied pressuring the claimant to work when she was unwell.
136. The claimant accepted in her evidence that, on each occasion when she specifically requested permission to work from home, that request was granted. WhatsApp messages exchanged between the claimant and her managers indicate that they were supportive and did not place any pressure on her to return to work. The claimant also accepted in her oral evidence that she was under financial pressure and that this was a significant factor in her decision to return to work.
137. Taking account of all the evidence, and in particular noting that the claimant's managers were supportive of her, did not press her to return to work when she was unwell, and granted every specific request that she made to work from home, and bearing in mind the claimant's evidence that there was no meeting to discuss the GP's recommendations, I am not satisfied that the claimant has established, on the balance of probabilities, that the respondent refused to allow her to work from home or to have a staggered return to work.
138. I am satisfied that a number of factors contributed to the circumstances that developed in February 2024. The claimant was under financial pressure, which meant that she needed to return to work. The claimant also wished to return to work as soon as she was able, arising from a sense of loyalty and collegiality. The respondent considered that the claimant needed primarily to be in the workplace in order to fulfil her role, but it nevertheless permitted her to work from home from time to time when she requested to do so.

139. Taking all of these factors into account, I am not satisfied that Ms Evans specifically, or the respondent more generally, refused to allow the claimant to work from home or to have a staggered return to work in February 2024. My conclusion is that the claimant's criticism of the respondent is, at least in part, informed by hindsight. I note in particular that the claimant now relies upon the failure to make a referral to Occupational Health, notwithstanding that there was no request for such a referral and no suggestion at the material time that a referral to Occupational Health should be made.
140. I also note that the tenor of the claimant's evidence appeared to place responsibility upon the respondent to make its own enquiries into the claimant's health beyond the information that the claimant herself was providing to the respondent.
141. The evidence does not support the conclusion that the respondent placed pressure on the claimant to return to work before she was fit and well. The WhatsApp messages exchanged between Mrs Capel and the claimant do not demonstrate any pressure being placed upon the claimant to return to work. Rather, they suggest the opposite.
142. In her witness statement, the claimant states that she perceived an expectation that she would soon be well enough to return to work. She describes a growing sense of urgency, "although nobody expressly told me that I had to return immediately". The claimant also refers to her feeling that she was expected to return before she had fully recovered. She explains that she was "keen to return to work as soon as I was medically fit". She further states: "My decision to return was therefore not simply because I considered myself fit to do so, but because I felt under increasing pressure, both financially and professionally, to resume work." Nowhere in chapter 5 of her witness statement does the claimant state that the respondent, or any of its managers, placed pressure upon her to return to work.
143. At the meeting on 26 February 2024, Ms Evans accused the claimant of blackmail. The context for that allegation was the claimant's email of 23 February 2024. In that email, referring to the respondent's refusal of her request for leave between 10 and 12 July 2024, the claimant stated that she would "have to start the process of seeking employment elsewhere" if the respondent could not accommodate her request for three days' leave. The allegation of blackmail was not made in response to any reference by the claimant to disability rights. Rather, it arose from the contents of the claimant's email concerning her leave request.
144. The claimant alleges that on 26 February 2024, Ms Evans stated that the claimant was speaking in an intimidating manner when the claimant raised concerns regarding disability rights.
145. The claimant in her witness statement at paragraph 95-96 includes the following passages: "95. During that discussion, I also understood that Gaynor Evans considered the way I was speaking to be intimidating. Looking back

following my autism diagnosis, I came to understand that differences in my communication style may have contributed to that misunderstanding. 96. I also believe that a person whose communication style did not arise from disability would have been less likely to have their attempts to explain themselves interrupted as confrontational manipulative. At the time I did not understand that autism contributed to my communication style, but following my diagnosis I came to believe that this formed part of what had occurred.”

146. The reference to communication style comes from the claimant and appears to surround the claimant's understanding of the impact of ASD and or ADHD on the claimant's communication style. There is no evidence that respondent was aware of the claimant's ASD or ADHD at the relevant time. The claimant made no mention of disability rights at all at the time and only first mentioned ASD and ADHD on 12 June 2024, the day before her employment was terminated.
147. The claimant made notes about the meeting on 26 February 2024. The notes show that the claimant says that Ms Evans referred to the tone of the claimant's email of 23 February 2024 as intimidating. In the grievance raised by the claimant the day after the meeting on 26 February 2024 the claimant again appears to be speaking about the 23 February email although there is also reference to the claimant's "attitude towards your manager".
148. In Ms Evans notes of the 26 February 2024 meeting there is reference to "Tone of the email and attitude towards your manager is not pleasant and will not be tolerated".
149. In all references to the meeting on 26 February 2024 there is no reference to disability rights in the meeting. The 23 February 2024 email makes reference to the Equality Act 2010 however the context of that is not disability rights but the "deep cultural significance" of the festival taking place on 10-12 July 2024 to the claimant.
150. For the reasons set out above, the matters referred to in issues 3.1.1 to 3.1.4 of the List of Issues have not been established by the claimant. Issue 3.1.2, in particular, is not established in any respect.
151. That said, save in relation to issue 3.1.2, there are aspects of the matters identified under issue 3.1 that could be said to have occurred. The respondent was aware of the claimant's fit note and did not put in place a phased return to work or a formal home-working arrangement. Ms Evans referred to "blackmail" during the meeting on 26 February 2024, and the claimant's email and its tone were discussed at that meeting.
152. There is no evidence that the matters alleged, in the original guise or as recast, were less favourable treatment. There is no comparator evidence, and the claimant has not set out any basis for concluding that if she was not a disabled person in circumstances that were not materially different, she would have been treated any differently.

153. To the extent that the claimant relies on ASD or ADHD as disability I am satisfied that this was not a relevant factor for the claimant or the respondent at the relevant time.
154. In so far as the claimant relies on cancer or PTSD they were not the reason, conscious or subconscious for the way that the claimant was treated. The claimant was keen to return to work and did not specifically ask for a phased return or a formalised agreement to work from home. It was the claimant who was driving the decision for her to return to work. The reference to blackmail was nothing to do with disability it was the issue of the claimant's leave request that had been refused that was in issue. The reference to the tone of the claimant's email was not in any sense to do with the claimant's disability.
155. In allowing the claimant to return to work as they did the respondent did not subject the claimant to a detriment as it was the claimant who was driving the return to work not the respondent. Reference to the claimant as blackmailing the respondent or the tone of her emails in my view could have been considered detriments.
156. The claimant's complaints of direct disability discrimination are not well founded and are dismissed. The claimant's complaints about direct disability discrimination in respect of the decision to dismiss the claimant from employment is dealt with below.

Direct discrimination on the grounds of philosophical belief

157. For the reasons set out above I am not satisfied that the claimant has shown a philosophical belief for the purposes of section 10 Equality Act 2010.
158. In any event, the claimant's claim, as originally advanced, is misconceived and bound to fail. The claimant requested leave, which was refused for the organisational and practical reasons explained to her by the respondent. The refusal had nothing to do with the claimant's philosophical belief. At the time the request was refused, in December 2023, the claimant had not asserted any such belief.
159. In any event, the complaint would be out of time, and I do not consider it just and equitable to extend time.
160. During the hearing, the claimant sought to recast her complaint as being concerned with the respondent's failure to reconsider her request for annual leave after she had asserted that the festival she wished to attend was "an annual gathering of deep cultural significance". In my view, that complaint also fails.
161. The evidence appears to show that the respondent sought to resolve the impasse by inviting the claimant to consider relinquishing other periods of annual leave that she had already booked, in order to determine whether her request could then be accommodated. That amounted to a reconsideration of

the position. A reconsideration does not cease to be a reconsideration merely because it does not result in a change to the original decision.

162. The fact that the claimant was seeking leave in order to attend the festival was not a relevant factor in the respondent's decision-making. The difficulty identified by the respondent was an operational one and had nothing to do with the nature of the reason for which the leave was sought. The discrimination claim, as recast by the claimant, would also fail in any event.

Reasonable Adjustments

163. The claimant has conceded that the original PCP relied upon, namely that "all staff must work all of their hours in the office", is unsustainable because she was, on occasion, permitted to work from home when she requested to do so. The PCP now relied upon is that "office attendance was the default working arrangement, although management had discretion to permit exceptions".
164. The function of a PCP in the reasonable adjustments context is to identify the feature of the employer's arrangements or way of working that causes a substantial disadvantage to the disabled employee: *Ishola v Transport for London* [2020] ICR 1204.
165. In my judgment, the PCP as formulated by the claimant does not identify a working arrangement that placed her at a substantial disadvantage. The claimant accepted in her evidence that the respondent allowed her to work from home whenever she specifically requested to do so. Her complaint was not that home working was prohibited, but rather that an ad hoc arrangement was insufficient to address the disadvantages arising from her disabilities.
166. I am not satisfied that the claimant has clearly identified the substantial disadvantage said to arise from the PCP relied upon. The evidence establishes that the claimant provided the respondent with a fit note recommending possible adjustments. However, the evidence is unclear as to the extent to which the claimant sought the implementation of those recommendations or communicated any continuing disadvantage arising from the working arrangements that were in place.
167. The evidence shows that the respondent did permit the claimant to work from home. The possibility of reduced hours had also been discussed in about November 2023 after the claimant raised concerns about stress and disclosed her PTSD to Mrs Capel. On that occasion, the claimant declined an offer to reduce her working week to four days.
168. I also take into account that, when the claimant returned to work in February 2024, she was under financial pressure and did not request reduced hours. To the extent that the claimant was placed at a substantial disadvantage upon her return to work, she did not communicate that disadvantage to the respondent in sufficiently clear terms. In those circumstances, I am not satisfied that the respondent knew, or could reasonably have been expected

to know, that the claimant was being placed at a substantial disadvantage by returning to work.

169. Further, when the claimant did request permission to work from home, that request was granted.
170. For those reasons, I am not satisfied that the claimant has established a failure to make reasonable adjustments arising from the PCP relied upon. That complaint is therefore dismissed.
171. The claimant also complains that a physical feature placed her at a substantial disadvantage when compared with a person who did not have her disability. The claimant accepts that she did not raise this issue with the respondent because of the intimate nature of the matters concerned. Whilst the claimant's position is understandable, there is, in my view, a forensic difficulty for her. To succeed in this aspect of her claim, she must show that the respondent knew, or could reasonably have been expected to know, of the relevant disadvantage, notwithstanding her failure to raise the matter.
172. The circumstances of this case were not such that the disadvantage would have been obvious to the respondent. Accordingly, some specific disclosure or communication was required to put the respondent on notice of it. In circumstances where the claimant did not inform the respondent that she required any particular adjustment or facility, this complaint cannot succeed.

Harassment related to disability

173. The claimant complains that: (1) in February 2024, the respondent refused to allow her a staggered return to work, including a period of working from home; (2) from June 2023 onwards, the respondent refused to allow her to work flexibly, including working from home, in order to manage her bowel condition effectively; (3) on 26 February 2024, Ms Evans accused her of blackmail when she raised concerns connected with her disability; (4) on 26 February 2024, Ms Evans stated that the claimant spoke in an intimidating tone; and (5) on 12 March 2024, Ms Evans stated that she would not discuss the claimant's disability or related concerns.
174. The claimant alleges that these matters amounted to unwanted conduct which had the purpose or effect of violating her dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for her.
175. As set out above, I am not satisfied, on the balance of probabilities, that the respondent refused in February 2024 to allow the claimant a staggered return to work, including a period of working from home. Nor am I satisfied that the respondent refused to allow the claimant to work flexibly from June 2023 onwards. In her own evidence, the claimant accepted that the respondent did permit her to work from home on occasions when she requested to do so. Further, the claimant's evidence confirmed that she did not specifically raise her bowel condition when making those requests. It is common ground that Ms Evans accused the claimant of blackmail. The context in which that

allegation was made is set out above. Likewise, the reference made by Ms Evans on 26 February 2024 to the claimant's intimidating tone related to the claimant's email of 23 February 2024.

176. As to the complaint that, on 12 March 2024, Ms Evans stated that she would not discuss the claimant's disability-related concerns, the evidence does not support the allegation as pleaded. The claimant's case appears, in fact, to relate to the meeting of 26 February 2024, during which she contends that Ms Evans stated that she would not discuss disability-related concerns.
177. The claimant's witness statement is silent on this matter. Her oral evidence was also unclear as to precisely what was said, when it was said, and the context in which it was said.
178. The meeting on 26 February 2024 was attended not only by Ms Evans and the claimant but also by Mrs Capel. Mrs Capel's evidence does not support a finding that the claimant attempted to raise disability-related concerns and was prevented from doing so by Ms Evans.
179. The claimant raised a grievance on 27 February 2024. That grievance contains the following statement: "My concerns over discrimination were shut down verbally yesterday and GE did not wish to discuss this." This statement appears in the section of the grievance addressing the allegation that Ms Evans had accused the claimant of blackmail. Read in context, the reference to "discrimination" does not appear to relate to disability-related concerns. Nor do the contemporaneous notes of the meeting support such an interpretation.
180. If the claimant intended to raise disability-related issues during the meeting but was prevented from doing so, that is not clearly conveyed by the terms in which the grievance was expressed. Taking the evidence as a whole, I am not satisfied, on the balance of probabilities, that Ms Evans refused to discuss disability-related concerns in the manner alleged by the claimant.
181. The claimant's complaints of harassment related to disability are not well founded and are dismissed. I am not satisfied that the claimant has established that the respondent was responsible for the conduct identified in paragraph 6.1 of the List of Issues. Further, to the extent that any of the matters alleged in paragraph 6.1 have been proved, I am not satisfied that the conduct in question had the purpose or effect of violating the claimant's dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for her.
182. Accordingly, the claim of harassment related to disability fails.

Dismissal

183. The claimant alleges that her dismissal was direct disability discrimination, discrimination arising from disability, or victimisation.

184. Following the conclusion of the grievance process, the respondent sought to facilitate the claimant's return to work. Dr Stokes invited the claimant to meet to discuss a resolution and advised that a marketing manager position would be advertised for which she could apply. Ms Sheraidah subsequently proposed a meeting to discuss the best way forward and support the claimant's return.
185. In response, the claimant expressed the view that trust and mutual respect had completely broken down, making a return to work appear unrealistic. She criticised the grievance outcome, stated that she was unwilling to discuss matters with Dr Stokes without representation, and indicated that her preferred outcome was a financial settlement. She also asserted that the grievance process had contributed to the need for a formal diagnosis of ASD and ADHD.
186. The respondent then invited the claimant to a meeting on 13 June 2024 to explore whether the employment relationship could be repaired. It warned that, if the claimant maintained that the relationship had irretrievably broken down and a return to work was not feasible, termination for some other substantial reason ("SOSR") might follow.
187. The claimant had raised the possibility of a financial settlement, the respondent made clear that it would not offer a financial settlement or revisit the grievance process and that the proposed meeting would focus solely on a return to work. The claimant did not attend the meeting. The respondent concluded that the claimant had repeatedly asserted that the employment relationship had broken down beyond repair and had not identified any viable means of returning to work. Accordingly, on 13 June 2024, the respondent terminated her employment on notice on the ground of an irretrievable breakdown in the employment relationship.
188. The claimant also complains about discrimination arising from disability. I am satisfied that the respondent treated the claimant unfavourably in dismissing her.
189. The claimant contends that the following matters arose in consequence of her disability: worsening PTSD symptoms, prolonged sickness absence, difficulty attending meetings, a reduced capacity to engage in certain forms of communication, a need to communicate in writing, difficulties returning to work, and a need for adjustments.
190. The question is whether the reason for the dismissal was because of any of those matters. In my judgment, it was not. At the heart of the matter was the claimant's dissatisfaction with the outcome of the grievance process. That dissatisfaction led the claimant to express the view that the employment relationship had broken down. It also explains her unwillingness to meet with the respondent to discuss a return to work and her suggestion that the matter might instead be resolved by way of a financial settlement.

191. The claimant continued to decline opportunities to engage with the respondent and refused to meet with the Chief Executive Officer and the Chair to discuss a return to work and the future of the employment relationship. In those circumstances, the respondent was entitled to conclude that the relationship had broken down irretrievably and to dismiss the claimant for some other substantial reason.
192. I find that the reason for the claimant's dismissal was the respondent's genuine belief that the employment relationship had broken down irretrievably. It follows that the claimant's complaints of direct disability discrimination and victimisation in relation to her dismissal are not well founded and are dismissed.
193. I am not satisfied that the claimant's dismissal was because of anything arising in consequence of her disability. Accordingly, her claims of direct disability discrimination, discrimination arising from disability, and victimisation in relation to her dismissal are not well founded and are dismissed.
194. For the reasons set out above, all of the claimant's claims fail and are dismissed.

Approved by:
Employment Judge Gumbiti-Zimuto
Date: 1 September 2026

Sent to the parties on: 11 September 2026

For the Tribunals Office

Note

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