



EMPLOYMENT TRIBUNALS

Claimant: Mrs A Keane

Respondent: Dodderhill Parish Council

FINAL HEARING

Heard at: Birmingham

On: 7 to 11 September 2026

Before: Employment Judge Camp

Representation

For the Claimant: in person

For the Respondent: Miss A Doble, counsel

SUMMARY REASONS

Introduction & background

1. At the end of the final hearing, on 11 September 2026, summary reasons were given orally for the decision that the Claimant's entire claim failed. Written reasons were requested by the Respondent on the day. These are written summary reasons.
2. Summary reasons are reasons which provide a brief explanation of why the Tribunal has reached its decision in respect of each issue. These reasons go further than that and are fairly close to being full reasons. This should provide both sides with a comprehensive understanding of the decision without anyone needing to ask for written full reasons.
3. The Claimant was (and is) an elected Parish Councillor with the Respondent, which I shall also refer to as the "Council". She had kidney disease, had both kidneys removed in June 2023, stopped attending Council meetings from around November 2023, and had a kidney transplant in late December 2023. She was at all relevant times a disabled person under the Equality Act 2010 ("EQA") and the Respondent agrees that she was. On 24 April 2024, she presented her Tribunal claim form, alleging disability discrimination.
4. On 20 May 2024, the Claimant attended a Council meeting, but she attended no further meetings in the subsequent six months. She says this was in the interests of her health and safety, as she was immunocompromised at the

time as a result of her kidney transplant. There is a 'six-month rule' in section 85 of the Local Government Act 1972 ("LGA") under which local councillors lose their council seats if they fail to attend any council meetings for six months, *"unless the failure was due to some reason approved by the [council] before the expiry of that [six-month] period"*. Because of that rule, the Claimant lost her seat as a Parish Councillor on 20 November 2024.

5. It is common ground between the Claimant and Respondent that for the purposes of the six-month rule:
 - 5.1 *"attendance"* at meetings means physical attendance and remote / online attendance does not count. For example, a councillor present at a meeting remotely / online is not allowed vote;
 - 5.2 a *"reason"* for a *"failure"* to attend a meeting can only be *"approved"* if there is a vote to that effect at a formal and quorate Council meeting.

Issues

6. There was a case management preliminary hearing before Employment Judge Broughton in August 2025. He produced a list of issues as part of his formal written record of that hearing, to which I refer – the "List of Issues". At the start of this final hearing, both sides confirmed that that List of Issues was accurate and complete; and, subject to one or two things I shall come on to in a moment, the complaints and issues to be dealt with at this hearing are those set out in the List of Issues, no more and no less.
7. Part of the way through Respondent's counsel's closing submissions, it was realised that the List of Issues was not entirely accurate and complete.
8. The List of Issues identifies two types of claim the Claimant is bringing: an 'auxiliary aids' reasonable adjustments claim; and a disability-related harassment claim. The former claim purely concerns lack of online access to full Parish Council and to Council committee meetings and/or not making and providing recordings of those meetings.
9. However, the part of the List of Issues relating to that claim where the alleged *"substantial disadvantage"* (EQA section 20(5)) is detailed includes this: *"her [the Claimant's] absences were treated as unapproved; leading to the '6 month rule' being invoked for her non attendance and being removed from the council in November 2024; with attendant publicity of that fact"*. Also, in a paragraph in the List of Issues that would not be relevant to an auxiliary aids claim (paragraph 4.4), one of the *"steps"* that it is suggested *"could have been taken to avoid the disadvantage"* is *"Marking her [the Claimant's] absences as approved"*.
10. As the claim form was presented in April 2024, it obviously could not have contained an allegation about something that happened after then. The Tribunal did not before the final hearing make an order giving the Claimant permission to amend her claim form. It followed that unless she was given permission to amend, the Claimant would not be entitled to pursue a complaint about absences from Council meetings between May 2024 and

November 2024 being “*treated as unapproved*” and/or about her losing her Council seat in November 2024.

11. This potential problem was sensibly resolved by consent. To cut a long story short, the Respondent accepted, through counsel, that the Claimant had made the necessary application to amend at the preliminary hearing in August 2025 and that Employment Judge Broughton would have given permission to amend had he and the parties realised this was necessary.
12. Similarly, it also became clear during counsel’s closing submissions that a reasonable adjustments claim about the six-month rule and the Claimant ceasing to be a councillor in November 2024 did not ‘work’ as an auxiliary aids claim, but only as one based on a “*provision, criterion or practice*” (EQA section 20(3) – “PCP”). Again, this potential problem was resolved by consent.
13. What was agreed as the way forward was to the following effect:
 - 13.1 the Claimant would be deemed to have been given permission to amend to add a reasonable adjustments complaint (which I shall refer to as the “new RA complaint”) based on the Respondent having a PCP along these lines –

a practice of deeming councillors to have lost their seats if they fail physically to attend council meetings for a continuous period of six months, unless the failure was due to some reason approved by the council before the expiry of that period in accordance with section 85(1) of the Local Government Act 1972;
 - 13.2 the Respondent conceded that that PCP put the Claimant at a substantial disadvantage in comparison with persons who are not disabled between 21 May 2024 and 19 November 2024, in that the Claimant was immunocompromised and that made it unreasonably risky for her physically to attend Council meetings between those dates, in particular the meetings that took place on 17 June 2024 and 23 September 2024, meaning she was liable to have the six-month rule applied to her and to lose her Council seat;
 - 13.3 the “*step*” the Respondent could have taken “*to avoid the disadvantage*” (EQA section 20(3)), i.e. the [allegedly] reasonable adjustment the Claimant was saying should have been made, was for the Council to have voted before 20 November 2024 to approve the Claimant’s absence from the Council meeting on 17 June 2024 and/or that on 23 September 2024;
 - 13.4 in relation to the new RA complaint, knowledge of disability was not in dispute and neither, I understood, was knowledge of substantial disadvantage;

13.5 the issues to be decided in relation to the new RA complaint were therefore –

13.5.1 whether the step referred to in paragraph 13.3 above was a reasonable step for the Respondent to have to take at any relevant time, i.e. on or before 19 November 2024 / before the six-month rule came into effect;

13.5.2 time limits. To add the new RA complaint required a substantial amendment to the claim and this means that time limits apply to the new RA complaint as if it were contained in a claim form presented to the Tribunal when the relevant application to amend was made (or is deemed to have been made). Come what may, that was more than 3 months after 19 November 2024. One issue to be decided is therefore whether it would be “*just and equitable*” to extend time under EQA section 123.

14. As to when the application to amend to add the new RA complaint was made or deemed to have been made, I have decided that this was not until 28 August 2025, the date of the case management preliminary hearing before Employment Judge Broughton. This is because it was not raised as a potential new complaint before then.

14.1 If it had been mentioned at the previous case management preliminary hearing, which was in March 2025, it would have been referred to in the formal written record of that hearing, and it wasn't.

14.2 Although some of the facts giving rise to it were mentioned in further information the Claimant provided on 20 May 2025, this was in the remedy section of a draft list of issues, in the following way, “*The respondent failed to approve the reason for absence which resulted in the loss of my position as a councillor*”, and that is a very long way away from doing anything akin to making an amendment application. At best for the Claimant, it perhaps could be said that someone reading that part of her further information would think she might well want to make an application to amend in the future, but that is the extent of it.

15. I shall now go through the issues in the List of Issues with the above corrections and additions, starting with the disability-related harassment claim.

Harassment

16. The Claimant's case in practice relating to harassment is not her case on paper.

17. Her case on paper is that the Respondent did various things for reasons in some unspecified way connected with or “*related to*” her disability.

18. Her case in practice has been put slightly differently at different times during this hearing. In her oral evidence, the first thing she said about it – using as far as I can her exact words – was that the things she is complaining about

as harassment were, “*sanctions because of their distrust of me*”. (“*their*” meaning other councillors.) When it was pointed out to her that if that was the reason why she was treated as she was, it wouldn’t be unwanted conduct “*related to*” the protected characteristic of disability, she changed tack and insisted that the treatment was indeed related to disability; but, as it subsequently became clear, this was on the basis that, again to quote as precisely as I can from her oral evidence, “*They took advantage of me being off sick to put things in place that I saw as sanctions because I could not be there to say I can do this or I can do that.*” It was unclear why she thought this meant it was related to disability.

19. I took pains towards the start of the hearing to explain to the Claimant her duty to put her case, what putting a case consisted of, and how she might go about putting hers. Later, when she was cross-examining the Respondent’s witnesses, I spent a considerable amount of time trying to get her to put it and in particular to put the factual basis of her allegation that the particular instances of unwanted conduct she was making her harassment claim about were related to disability. I appreciate putting a case is something litigants in person often find very difficult to do and after a few failed attempts, I would, in the normal run of things, have put it for her. Unfortunately, as I explained at the time, I could not do that because I was unsure what her case was.
20. In relation to witnesses other than Mr Leah, the closest the Claimant got to setting out her case on why things were related to disability was her suggestion, which I did in the end put to those witnesses, to the effect that they were taking advantage of her absence to do things to her detriment ‘behind her back’ (my phrase; not hers). However, even if she were right about that as a matter of fact, and my finding below is that she is not, that would not be conduct “*related to*” disability.
21. I have considered the possibility of this part of her claim being looked at not as a harassment claim but as one of unfavourable treatment because of something arising in consequence of disability under EQA section 15. I have done so even though this is not how the Claimant has ever put her case, and that if it had been part of her case, the contents of the List of Issues and the evidence put forward on the Respondent’s behalf would have been different. My considered view is that it would not ‘work’ as that type of claim either. My reasoning is that what the Claimant seems to be saying is no more than that if she hadn’t gone into hospital and had the kidney transplant the things she is making a claim about would not have happened; and she is not saying that the unfavourable treatment happened because she was in hospital.
22. In any event, the Claimant being in hospital, or anything in any way related to disability, was as a matter of fact no part of the reason why the unwanted conduct occurred.
23. Harassment issue 5.1.1 is: “*On 7 January 2024, Councillor Leah by group email telling the claimant to leave the council*”.

24. In relation to this, the Claimant made an additional allegation in her oral evidence, which was that Mr Leah sent the email in question intending to hurt her psychologically and knowing she was very unwell and in hospital. I reject that allegation without hesitation. If the Claimant were right, this would be wilfully cruel behaviour on Mr Leah's part, bordering on the sociopathic. Having heard him give evidence, it would take considerably more than the Claimant telling me she believes this was so to persuade me that Mr Leah is or was actually like that. Further, Mr Leah did not know she was in hospital. The Claimant is a very private person and not a lot of people knew. She didn't tell Mr Leah. It is inherently implausible, and unsupported by any evidence, that one of the very few people who did know would have told him in the very short time period there was for them to tell him before he sent his email on 7 January 2024, particularly given that Mr Leah and the Claimant were not, and were known not to be, on friendly terms.
25. The reason why he sent the email – the only reason – was that he was responding to an email from her in terms that reflected the fact that he did not think much of the Claimant herself or of her email. Him sending it was part and parcel of what was evidently a long-standing poor relationship between him and the Claimant.
26. Harassment issue 5.1.2 is: "*Councillor Turberville agreeing with [Mr Leah's email]*". For present purposes, I shall assume that Mr Turberville did send an email to the effect that he agreed with Mr Leah's email of 7 January 2024. Based on her oral evidence at this hearing, not even the Claimant really thinks this was anything to do with disability. Amongst other things, she said in her oral evidence that he was probably not aware she was in hospital, that he sent his email to stay in favour with parts of the community, and that he felt he just had to say something. There is no evidence whatsoever that in so far as Mr Turberville did send an email agreeing with Mr Leah's email of 7 January 2024, him doing so had anything to do with the Claimant being in hospital or anything to do with disability.
27. The Claimant is, realistically, no longer alleging that what is set out in paragraphs 5.1.3 and 5.1.4 of the List of Issues was disability-related harassment.
28. Harassment issue 5.1.5 is: "*On 23 January 2024, removing her [the Claimant's] defibrillator responsibility*". That is a potentially misleading description of events.
29. To be harassment in accordance with EQA section 26, the "*unwanted conduct*" the complaint is about has to have had a particular "*purpose*" or "*effect*". What actually occurred was objectively innocuous and did not come close to having that effect. Given how innocuous it was, it is implausible it had that purpose either; and the Claimant did not put to any of the Respondent's relevant witnesses that it did.
30. All that happened was that a decision was taken – a sensible and reasonable decision – that the Council, through its Clerk, rather than one individual councillor (the Claimant), should hold the login for the account with The

Circuit (the national defibrillator network, where details of publicly available defibrillators are recorded) for the defibrillators that belonged to the parish. Either the existing account in the Claimant's name was transferred into a different name or a new parish account was set up and this had the effect of cancelling the account in the Claimant's name. The circumstances in which this decision was taken included that, for reasons best known to herself, the Claimant had refused to let anyone else know what her personal login details were. Contrary to what she has suggested, what was done did not in any way prevent her or her husband from continuing to do what they had apparently done for some years to help with the defibrillators, such as replacing pads.

31. The reasons for the Council's actions did not include anything to do with the protected characteristic of disability or with the Claimant being or having been in hospital. Those actions were because the defibrillators were community assets rather than assets belonging to the Claimant and it was genuinely and reasonably felt that, as such, responsibility for them should be held by the Council on behalf of the community rather than by one private individual. These actions were, moreover, not detrimental as a matter of law, in that if she believed they were a detriment to her, this was not a reasonable belief.
32. The final harassment complaint – issue 5.1.6 – is: “*Removing her [the Claimant's] access to [S]cribe finance in [or] around late January 2024*”.
33. The Respondent did do this. It was done for exactly the reasons the Respondent has given (and not for any reason related to disability), and the contemporary documents are entirely consistent with the Respondent's case.
 - 33.1 Other councillors had genuine concerns about the Claimant's financial probity, particularly in relation to two direct debits.
 - 33.2 They believed she had more than read-only access to Scribe.
 - 33.3 As what one witness candidly described as a “*knee-jerk*” reaction, which, with the benefit of hindsight, could be seen as a disproportionate over-reaction, they sought to protect the Respondent's finances by blocking the Claimant's access to Scribe altogether.
34. Whether they acted reasonably or fairly and whether there were substantial grounds for them to have the concerns they had about the Claimant is not the issue. The issue is whether this was done wholly or partly for a reason related to disability. There is no real evidence that it was; and I find that it wasn't.
35. In conclusion on harassment, the Claimant's allegations of disability-related harassment are unfounded. In fairness to the individuals she has directly or indirectly accused, or appeared to be accusing, of disability-related harassment, including Mr James Leah, Mr Turberville, Dr Sue Howarth, Mrs Lorna Joynes, Mr Adam Joynes, Mrs Gill Lungley, and Miss Jo Harrigan, I

should make clear that they are unequivocally cleared of those accusations. All complaints of disability-related harassment fail and are dismissed.

New RA complaint

36. I shall now move on to the reasonable adjustments complaints, starting with the new RA complaint.
37. My decision is that formally approving the Claimant's absences from meetings between 21 May 2024 and 19 November 2024 was not a reasonable step for the Respondent to have to take at any relevant time (i.e. on or before 19 November 2024) in accordance with EQA section 20(3). My main reasons for reaching this decision are set out immediately below.
38. The Claimant's position is not comparable to that of a typical worker suing their employer. Analogies are rarely if ever exact and can lead a Tribunal into error, but nevertheless I do note that if I had to compare her position to anything, it would be to someone who is a director of a company suing that company. In particular, she was in part legally responsible for the Respondent. Moreover, she was a councillor and had particular duties and responsibilities different from those that an employee of the Respondent would have.
39. Although her being a councillor with those duties and responsibilities obviously does not mean she has any less of a right to have reasonable adjustments made for her than an employee of the Respondent would have, it is part of the relevant circumstances to be taken into account when deciding what reasonable adjustments had to be made and when. In particular, it was incumbent on her to take a share of responsibility for ensuring that the Respondent acted lawfully in this respect and to take reasonable steps to facilitate the Respondent acting lawfully in this respect.
40. The Claimant initially requested that the six-month rule be dispensed with early in 2024. That would be highly relevant were it not for the fact that she attended the meeting on 20 May 2024, thus resetting the six-month clock and meaning she suffered no relevant substantial disadvantage by the operation of the six-month rule in the period up to 20 May 2024. (There is anyway no claim before the Tribunal about the six-month rule in relation to that period.) In addition, the Respondent was entitled to assume that that early request for a dispensation of the six-month rule had lapsed, because it appeared that the Claimant was able physically to attend at least some meetings. Further, the advice the Respondent had been given in early 2024 – which seems to me to have been reasonable advice to give at the time – was that the Respondent should not worry about the six-month rule and potentially approving the Claimant's reasons for non-attendance until near the expiry of the six-month period.
41. The Claimant told the Respondent she was not well enough to attend the Council meetings on 23 and 28 May 2024, in June 2024 and in September 2024. After performing a proportionate search of the voluminous bundle of documents, including looking at the potentially relevant documents in the

Claimant's "*Proposed key document list*", the first request from the Claimant after 20 May 2024 for her non-attendance to be 'approved' in some way seems to have been on 25 October 2024. Before then, she simply put forward her apologies and, for example (on 20 September 2024) asked Mrs Lungley to "*register*" them.

42. In so far as she did ask for her non-attendance to be 'approved', what she would in all likelihood have meant – and, in any event, what the Respondent would reasonably have taken her to have meant – was for the Respondent to follow a practice it had, rightly or justifiably, abandoned earlier in the year, on Mrs Lungley's advice. That was a practice of informally recording in the minutes of full Council meetings that someone's non-attendance at that meeting was "*approved*" without taking a formal vote in accordance with LGA section 85 (see paragraphs 4 and 5 above).
43. In any event, on the evidence the Claimant did not mention the six-month rule between 21 May 2024 and 25 October 2024, let alone request a formal vote. It would therefore not have been a reasonable step for the Respondent to have to take formally to approve her non-attendance at either the June 2024 or September 2024 meetings themselves – even the Claimant was not asking for this at the time and, as already mentioned (see paragraph 40 above), the request she made in early 2024 for a dispensation had, the Respondent reasonably thought, been superseded by her attending the meeting on 20 May 2024.
44. It was the Claimant's responsibility, and not anyone else's, to monitor her own attendance and when the six-month rule might come into effect for her. It was also, in my view, her responsibility, and not anyone else's, to request that a formal vote be taken at a meeting well in advance of it, if that is what she wanted – i.e. to request that such a vote be added to the agenda. In circumstances where the Claimant knew from September 2024 that there was not going to be a meeting in October 2024 and that the meeting in November 2024 was not due to take place until after the six-month anniversary of the last meeting she had attended, it was – again – for her, and not for anyone else, to request an Extraordinary Meeting if she wanted the six-month rule not to take effect in relation to her. The way I would have expected her to do that would have been by her contacting the Chair, Dr Howarth – who had the power to call such meetings – in good time, explaining why she needed such a meeting, the time frames and so on, and chasing it up if she got no response.
45. Instead, all the Claimant did was to send her email of 25 October 2024. She did not send it to anyone who had the power to call an Extraordinary Meeting. She did not say an Extraordinary Meeting needed to be called for a formal vote to be taken, or ask for one to be called, or ask for a formal vote to be taken. She did not emphasise the tight timescales. She did not say it was urgent. The relevant part of the email simply said: "*I would like to request an exemption to the 6 month attendance rule given the medical situation I find myself in.*" She did not even chase the email up between 25 October 2024 and 19 November 2024.

46. I accept Mrs Lungley's evidence that she did not pick the Claimant's email up until after 19 November 2024, by which time it was too late for her to take any step that could have prevented the six-month rule from coming into effect and the Claimant losing her Council seat. I also accept that that delay in picking up the Claimant's email and acting on it was a reasonable one and that the Claimant ought not to have assumed (in so far as she did assume) that Mrs Lungley would pick it up and be able to act on it in time to do any good, given that: Mrs Lungley was a contractor, assisting the Respondent on a part time basis and had many other things that would reasonably have seemed to her to be more urgent to deal with; the Claimant did not mark the email urgent or otherwise indicate that there was any urgency and did not chase it up.
47. In those very particular circumstances, the new RA complaint fails because it was not a reasonable step for the Respondent to have to take between 21 May 2024 and 19 November 2024 for the Claimant's fellow councillors at a council meeting to pass a formal vote approving the Claimant's absence from one or more of the meetings that took place during that period.
48. If the new RA complaint had not failed on its merits, it would have failed because of time limits. For reasons including in particular her failure to put forward any remotely adequate explanation for why she did not even hint at a potential claim about the six-month rule before the preliminary hearing in March 2025 and did not seek to add such a claim until August 2025, the Claimant has failed to satisfy me that it would be just and equitable to extend time in accordance with EQA section 123.

Auxiliary aids claim

49. Lastly, I turn to the auxiliary aids reasonable adjustments claim.
50. When thinking about my decision on this claim, I have found it instructive and helpful to look at how the Claimant put it in writing.
51. In the claim form, she wrote: *"I requested reasonable adjustments to allow continued participation in my role as a parish councillor. The reasonable adjustments were to join all meetings via video link and have recordings sent to me of each meeting, which was refused."*
52. When the Claimant provided further details of this claim in May 2025, further to an order made at the March 2025 preliminary hearing pursuant to which she was supposed to be clarifying her case, she put things a little differently: *"I requested reasonable adjustments to allow continued participation as my role as a parish councillor at meetings. The reasonable adjustments were to join all meetings via video link which was refused."* What I particularly note about that is *"participation ... at meetings"* and the lack of any mention of recordings.
53. That emphasis on attending and participating in meetings, and lack of mention of recordings, is replicated elsewhere in the further information the Claimant provided in May 2025, for example: *"I could still carry out my functions as a parish councillor by not being present as I can speak to*

parishioners over the phone or over video link the respondent prevented me from doing this”.

54. It is noteworthy that the relevant “*substantial disadvantage*” here is – broadly – an alleged adverse effect on the Claimant’s ability to participate in meetings and perform her duties as a councillor. She does not, for example, suggest that even though, without recordings, she could still do her job as a councillor perfectly well despite not being in meetings, what she couldn’t do was tell if during meetings disparaging things were being said about her that were not mentioned in the minutes. (I would add that if that was the alleged relevant substantial disadvantage, I am entirely satisfied that it was something the Respondent did not know about and could not reasonably have been expected to know about.)
55. What I have said so far about the auxiliary aids claim is relevant to at least three things:
- 55.1 was substantial (i.e. more than minor or trivial) disadvantage caused to the Claimant by not having recordings of meetings and/or not having remote access to meetings?
- 55.2 if it was, would it be reasonable for the Respondent to have to provide the Claimant with recordings and/or remote access to meetings, given the extent of that disadvantage, the extent of the benefit the Claimant would likely derive from having them, and how easy or difficult it would in practice be to provide them in a way that was genuinely useful? If the disadvantage and the corresponding benefit from, respectively, having and not having these things are small and it would be difficult to provide them, it will be less likely to be reasonable for the Respondent to have to provide them than if the opposite was the case;
- 55.3 whether the Respondent knew or could reasonably have been expected to know that the Claimant was likely to be placed at the disadvantage.
56. With all of that in mind, I turn to the Claimant’s case on substantial disadvantage, as set out in the List of Issues (the contents of which, as explained above, the Claimant agreed was accurate and complete).
57. The first alleged disadvantage (issue 4.2.1) is: “*she was unable to attend meetings in person*”. As discussed during the hearing, the Claimant’s true case on the facts is that her disability and the treatment for it led to her being intermittently immunocompromised and this in turn meant she could not from time to time attend Council meetings in person without running an unacceptable risk to her health and safety. The Respondent has no objections to her case being reframed in this way and also accepts that it is a factually accurate case. In other words, it was true that the Claimant’s disability caused her substantial disadvantage in comparison with persons who are not disabled, in that her disability and the treatment for it led to her being intermittently immunocompromised and this in turn meant she could not from time to time attend Council meetings in person without running an unacceptable risk to her health and safety.

58. However, that truth does not help this part of the Claimant's case, because this is an auxiliary aids reasonable adjustments claim and for such a claim to succeed, the Claimant has to show that it was the lack of the auxiliary aid ("*but for the provision of an auxiliary aid ...*") that caused the substantial disadvantage, not the disability. It was, obviously, not a failure to provide recordings or to make provision for remote attendance at meetings that meant she was "*unable to attend meetings in person*"; nor, adopting the reframed case, was it this failure that meant she could not from time to time attend Council meetings in person without running an unacceptable risk to her health and safety.
59. The second alleged disadvantage is a restriction on the Claimant's participation in meetings and on her ability to represent her electorate. The question for the Tribunal is, then, did the failure to provide her with recordings of meetings after they had taken place, or to make provision for remote attendance at Council meetings, cause the Claimant a more than minor or trivial disadvantage in comparison with persons who are not disabled, in terms of restricting her ability to participate in meetings and/or to represent her electorate?
60. Looking first at the provision of recordings, providing them would self-evidently have done nothing to help the Claimant participate in meetings. The position is not quite so clear-cut in connection with her ability to represent her electorate, but my decision is that providing the Claimant with recordings would not in practice have made a more than minor or trivial difference to this either.
61. When trying to explain during this hearing how having recordings of meetings would have helped her represent her electorate in practice, the Claimant made two suggestions.
62. One suggestion was to the effect that:
- 62.1 if she was sent a recording of a meeting very shortly after it had finished, she could listen to it before the meeting minutes were completed and published;
- 62.2 when she listened to it she might discover that at the meeting a decision had been made that was ill-advised;
- 62.3 although she wouldn't be able to change the ill-advised decision, she would be able to write to the Chair and/or the Clerk and persuade them to include in the minutes a comment or side-note from the Claimant about it.
63. I do not accept any of this.
- 63.1 I do not accept that the Claimant was at all likely ever to have done this at any relevant time.

- 63.2 I do not accept that the Chair and/or the Clerk would at any relevant time be at all likely to have been persuaded to include such a comment or side-note in the minutes.
- 63.3 I do not accept that it would have been appropriate for them to include in a document that is supposed accurately to reflect what happened at a Council meeting a comment made after the meeting about something that happened during it, by someone who was not even at the meeting.
- 63.4 I do not accept that, even if this happened in practice, it would make a more than minor or trivial contribution to the representation provided by the Claimant to her electorate.
64. The Claimant's other suggestion for a way in which providing her with recordings might well have assisted her better to represent her electorate in practice was along these lines:
- 64.1 meeting minutes would only show what decisions had been taken at a Council meeting, not why those decisions had been taken;
- 64.2 someone in her electoral Ward might ask her why a particular decision was taken at a meeting at which she had not been present and if she had a recording she could listen to it and give them an answer.
65. Once again, I don't find this at all convincing. It seems most unlikely that the scenario put forward by the Claimant would have happened in practice at any relevant time. Without in any way wishing to denigrate the importance of Parish Councils, the unfortunate fact of the matter is that the great majority of people take next to no interest in their activities. Where individuals are interested in something that a Parish Council does, it is almost always something that has a substantial effect on them personally, such as a planning decision; and where this is the case, they will attend the relevant Council meeting themselves.
66. It is somewhat fanciful to suggest that there was any quantity of people amongst the Claimant's comparatively tiny electorate who were sufficiently interested in something the Parish Council was doing to want to know not just what decision was made about something but also why that decision was made, and who nevertheless couldn't be bothered to attend the meeting where the decision was made. Further, even if such people existed, the difference in quality of representation provided to them by the Claimant in terms of answering their questions about why a decision was made were she to be able to find the answer by listening to a recording of the discussions around the decision, versus the Claimant finding out simply by asking one of her fellow councillors who was at the meeting, would have been minimal.
67. It is not how she has put her case, but if she were to argue along these lines – that the substantial disadvantage caused by the lack of recordings, if it was not a real adverse effect on her ability to represent her electorate, was (something like) that it made her *fee/* like she could not properly represent them, I would not accept that that was a more than minor or trivial disadvantage. Anyway, the Respondent did not know and could not

reasonably have been expect to know that the Claimant was put to any such disadvantage.

68. If these alleged disadvantages were more than minor or trivial – and, as above, I don't think they were – they were, on any reasonable view, only marginally so. This makes the benefit to the Claimant of having recordings correspondingly small. There were also practical difficulties and issues around providing useable recordings, including: the lack of recording equipment that could reliably capture everything everyone said at what was a meeting open to the public, so any recording would likely be of poor quality; the fact that someone would have to operate whatever recording equipment there was and be responsible for getting the recordings to the Claimant, and there was no obvious candidate. The Clerk, for example, had other things to do; and there was, evidently, no one who was willing and able to attend meetings and who the Claimant trusted accurately to tell her in detail what had happened.
69. Taking all of the above into account, making and providing recordings of meetings would not have been a reasonable step for the Respondent to have to take; this is even if more than minor or trivial disadvantage was caused by the lack of them.
70. That brings me to the possibility of providing online access to meetings as an auxiliary aid for the Claimant.
71. My preliminary view near the start of this hearing, after reading into this case but before any witnesses gave oral evidence, was that it really ought to have been feasible to provide online access to the Claimant and that, although this would not cure the difficulties caused to her by not being physically present at Council meetings, it would significantly alleviate them. I now think that that preliminary view was simplistic and, in the final analysis, wrong. The two things I had not thought enough about were: how would this actually have worked in practice?; given how it would have worked in practice, would not having it in fact have caused more than minor or trivial disadvantage to the Claimant?
72. The Respondent had one functioning laptop that could practicably have been used to provide online access to Council meetings to the Claimant. That laptop was also used by the Clerk throughout meetings to make notes and, from time to time, as a device to project documents onto a separate large screen so that they could be seen by everyone present at a meeting. It would be a significant and potentially onerous additional responsibility for the Clerk to have to set up and monitor the Claimant's online access. Also, because the Clerk was working on the laptop and therefore had it facing towards her, what the Claimant would be able to see would be the Clerk and, possibly, part of whoever was sitting immediately to her left and right, but not anyone else. Conversely, only the Clerk and those to her immediate left and right would be able to see the Claimant. The Claimant's ability to hear and be heard would be similarly restricted.

73. The Claimant seems to have envisaged that she would actively participate in meetings – that although she wouldn't officially be attending them because she was not physically present and wouldn't be allowed to vote, the Respondent could potentially, as part of complying with its duty to make reasonable adjustments, permit her to speak as if she were physically in attendance. Even if that were permissible in principle – as to which, see below – I struggle (just as the Respondent did) to see that working in practice, given the limitations on what the Claimant could see and hear and on what could be seen and heard of her. For example, to speak at all she would have to be called on to speak by the Chair and the Chair would not know that the Claimant wanted to speak, unless the Chair sat next to the Clerk and spent an amount of her time she likely could not afford to spend staring at the laptop screen, monitoring what the Claimant was doing on camera (in what would probably be a little box in the corner of the screen).
74. The practical difficulties there would have been are easy to underestimate, but no doubt there could have been technological solutions to them even so. However, on the evidence before me, I think a satisfactory technological solution would have been disproportionately expensive and not something it was reasonable for the Respondent to have to adopt. But most importantly – more important than pure practicalities – are the legalities of the Claimant's active participation in Council meetings at which she was not physically present.
75. To be clear: although I refer to "*the legalities*", I am not here making or trying to make a definitive decision about the extent to which a councillor who is not physically present can lawfully, under the LGA, participate in a Council meeting. If the position were clear-cut, that would be one thing, but I think it isn't and this is most definitely not a suitable case to use to set a precedent. Neither the Claimant nor (without meaning any disrespect for her undoubted expertise in employment law) counsel for the Respondent has made detailed submissions on local government law or is able to do so; nor would I have expected them to. Moreover, the question I am trying to answer is not: what are the legal limits on a councillor's ability to participate remotely in a council meeting? Instead, it is something like this: given the legal uncertainties and the practical difficulties, what level of participation in Council meetings would it have been reasonable for the Respondent to have to have permitted the Claimant if she attended them remotely?
76. What I know of the legal situation comes from two decisions of the Administrative Court in the same case, to one of which I was referred both by the Claimant and by Respondent's counsel: **Hertfordshire County Council & Ors v Secretary of State for Housing, Communities and Local Government** [2021] EWHC 1093 (Admin); **Hertfordshire County Council & Ors v Secretary of State for Housing, Communities and Local Government** [2021] EWHC 1145 (Admin). They were the cases that established that remote attendance at a Council meeting does not 'count' as attendance under the LGA 1972 and that a Council meeting is only in public if the public can physically attend. Part of the Court's reasoning was that it could be seen from the specific legislation that had been passed in Scotland and in Wales in this area that there were lots of decisions that had to be

taken in relation to remote attendance and participation in terms of what was and was not to be permitted; and that people could reasonably and legitimately hold different views as to what decisions should be taken. The Courts could not and should not just assume that one particular set of views should prevail and there needed to be legislation to choose between them.

77. The Administrative Court suggested that the questions that might need to be answered by legislation before remote and physical attendance at meetings might be deemed equivalent included: who is to decide whether to allow remote meetings and what are the procedural requirements for such decisions?; what are the minimum conditions subject to which remote meetings are permitted?; how should the existing requirements for matters such as notice and public access be modified in their application to remote meetings?; which meetings of which authorities should be permitted to take place remotely?
78. Applying the reasoning behind these two decisions of the Administrative Court to the question of to what extent a councillor attending a Council meeting remotely was entitled to participate in Council meetings, pursuant to the duty to make reasonable adjustments for disability in EQA sections 20 and 21, I think the short answer is: not at all; they could at best be a passive and silent observer. The moment they became anything more, issues would arise around (e.g.): the limits of what they should be permitted to do; the extent to which they needed to be visible and audible to everyone in the meeting room; whether they were to be treated as if they were a councillor physically present in the meeting room, or as a member of the public physically present in the meeting room, or something else; and so on. There are different ways in which those issues could reasonably be addressed in legislation; and it is not for a Court or Tribunal, still less for an individual employer, to take over the role of legislators and make a decision on the basis of what seems reasonable to them.
79. Even if I am wrong about the position as a matter of local government law, it was, given the legal uncertainty, manifestly not reasonable for the Respondent to have had to have permitted the Claimant to participate in Council meetings she was attending remotely as more than a merely passive and silent observer, as to do otherwise would mean running a substantial risk of acting unlawfully.
80. Accordingly:
 - 80.1 the limit of what it might have been reasonable for the Respondent to have to do in terms of remote attendance at meetings was to permit the Claimant to attend remotely as a passive and silent observer;
 - 80.2 if she were just a passive and silent observer, she would be in much the same position, in terms of practical impact on her ability to participate in meetings and represent her electorate, as if she had no remote access to meetings at all, but had recordings of the meetings sent to her afterwards. This is particularly so given, as above, the restrictions on what she could see and hear and on what could be seen

and heard of her without the Respondent investing in expensive hardware (and perhaps software too);

- 80.3 I have already explained why failing to provide recordings of meetings did not breach the duty to make reasonable adjustments in connection with participation in those meetings and with representing the Claimant's electorate. The same logic applies to remote attendance at meetings, in light of what is set out in paragraph 80.2 immediately above;
- 80.4 it follows that failing to provide remote access to meetings would not breach the duty to make reasonable adjustments in connection with those things either.
81. The next two ways in which the Claimant was supposedly put to a substantial disadvantage by not having recordings and/or remote access to meetings – issues 4.2.3 and 4.2.4 – are that the Claimant: *“was not involved in decisions”* and *“was unable to defend herself against allegations”*.
82. As to the first of these, it will be seen from what I have already decided that having recordings and/or remote access would have done nothing to improve the Claimant's ability to be involved in decisions. With or without them:
- 82.1 she would be able to ask for things to be put on the agenda and to comment on things on the agenda before meetings, and to comment on things in the minutes afterwards;
- 82.2 she would not be involved in decision-making at meetings at all.
83. As to being unable to defend herself against allegations, the Claimant is presumably referring to allegations against her that she thinks were or may have been made and/or discussed at Council meetings where they were not on the agenda or in the minutes. (If they were, the Claimant would have been able to defend herself against them prospectively or retrospectively.)
- 83.1 I have already explained that the Claimant would not in any event have been able to participate in meetings remotely, and would therefore not be able to defend herself against any allegations during meetings she attended remotely either. That is clearly what the Claimant wanted to be able to do.
- 83.2 I can see that, in theory, if the Claimant had remote access to and/or recordings of meetings at which she was not present, this would help her to find out if allegations about her had been raised where this did not appear in the minutes (in so far as she had not found out about this by other means) and she could then address those allegations by, for example, emailing other councillors. In practice, however:
- 83.2.1 as just mentioned, this was not something I think the Claimant actually wanted (and therefore it was not something that would have avoided anything that was a real disadvantage from the

Claimant's point of view and/or it would not have been reasonable for the Respondent to have to have facilitated something the Claimant did not want);

83.2.2 there is a dearth of evidence of people at Council meetings that the Claimant might, were she not immunocompromised, have attended making allegations against her at any relevant time. The one meeting where allegations against her clearly were made and discussed was a finance committee meeting in or around January 2024. She was not on the finance committee and would never have been attending that meeting come what may. It follows that being unable to defend herself against allegations made at that meeting, prospectively, contemporaneously, or retrospectively, had nothing to do with her disability;

83.2.3 to repeat what is said in paragraph 54 above: if this is the alleged disadvantage, the Respondent did not know about and could not reasonably have been expected to know about it.

84. The other alleged disadvantages set out in the List of Issues are relevant only to the new RA claim and were addressed above.

Summary & conclusion

85. The Respondent did not breach its duty to make reasonable adjustments for the Claimant's disability, or harass the Claimant in a way related to her disability, and the whole claim fails and is dismissed.

Employment Judge Camp
Approved on 4 October 2026

Notes:

1. *Written full reasons will not be provided unless requested by any party by a written request received by the Tribunal within 14 days of the sending of these written summary reasons.*
2. *These written summary reasons are not being published, but if written full reasons are requested, they will be published in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy is sent to the claimant and respondent.*