

PRINCIPAL CLAIM 6: DISABILITY DISCRIMINATION

Claimant's Summary: Disability discrimination, including direct discrimination, discrimination arising from disability, and failure to make reasonable adjustments, contrary to sections 13, 15, and 20–21 of the Equality Act 2010, the disability being her neurodivergence, namely ADHD and Asperger's.

This issue is recorded in the Employment Tribunals document titled *Record of a Preliminary Hearing*, in the case of *Ms H Bannerman v The Land Restoration Trust*, Case Numbers **3306483/2024** and **3311035/2024**. The hearing took place on **14 May 2025** before **Employment Judge KJ Palmer**, with the written record dated **19 May 2025**.

The relevant sections appear under '**List of Issues**':

- '**Direct Disability Discrimination**' at paragraphs (32)-(33),
- '**Failure to Make Reasonable Adjustments**' at paragraphs (34)-(40), and
- '**Harassment Related to Disability**' at paragraphs (41)-(44).

This is the Claimant's summary of what the Tribunal will consider:

Under '**Direct Disability Discrimination**'

1. Whether the Claimant was a disabled person by reason of ADHD and Asperger's at the material times.
2. Whether the Respondent treated the Claimant less favourably because of disability, in relation to the following:
 - (i) A failure by [REDACTED] to act on a verbal report made on 2 February 2024 by [REDACTED] at Hill Marshall, stating that the Claimant could no longer do her job because of her ADHD and Asperger's. The Claimant relies upon Mr [REDACTED]'s failure to support her following that report as an act of direct disability discrimination.
 - (ii) The Claimant's dismissal, which she relies upon as an act of direct disability discrimination.
 - (iii) The conduct of the disciplinary proceedings, which the Claimant also relies upon as an act of direct disability discrimination.
3. Whether a hypothetical comparator without the Claimant's disabilities would have been treated more favourably.

Under '**Failure to Make Reasonable Adjustments**':

1. Whether the Respondent knew, or ought reasonably to have known, that the Claimant was a disabled person at the material time, by reason of ADHD and Asperger's.
2. Whether the Respondent operated any of the following provisions, criteria or practices (PCPs):

- That the Claimant's job at the Community Centre involved individuals and colleagues having face-to-face access to her, including contractors working on site, which caused the Claimant often to be misunderstood because of her disabilities.
- 3. Whether that PCP placed the Claimant at a substantial disadvantage when compared with non-disabled employees, in that non-disabled employees would not have been similarly misunderstood.
- 4. If so, whether it would have been reasonable for the Respondent to make any of the following adjustments identified by the Tribunal:
 - (i) To train colleagues and individuals at the Claimant's workplace on how better to interact with and support people with ADHD and Asperger's.
 - (ii) To provide clearer explanations to those individuals regarding the nature of the Claimant's job so they understood her role better.
 - (iii) To assist the Claimant by making her aware that she could apply for support from Access to Work at the Department for Work and Pensions.
 - (iv) To provide the Claimant with the recommended package of measures funded by the DWP to support her in carrying out her job.
 - (v) To purchase helpful IT equipment for the Claimant, including a tablet and Grammarly software.
 - (vi) To provide the Claimant with a purchasing card so she did not have to use her own funds for work-related purchases.
 - (vii) To assist and support the Claimant when she sought to make her own adjustments, such as wearing a lanyard explaining that she has autism and adding a disability explanation to her email signature.
- 5. Whether the Respondent failed to make any of these adjustments, and if so, whether that failure amounted to a breach of its duties under sections 20–21 of the Equality Act 2010.

Under 'Harassment Related to Disability':

- 1. Whether the Respondent subjected the Claimant to the following treatment:
 - (i) Her unlawful suspension on 19 February 2024;
 - (ii) On 22, 26 and 27 February 2024, asking the Claimant to consider a proposal to conduct a risk assessment in respect of her role;
 - (i) The Respondent's email of 5 March 2024.
- 2. If so, whether the treatment amounted to unwanted conduct.
- 3. Whether the unwanted conduct was related to the Claimant's disability.
- 4. Whether the unwanted conduct had the purpose or effect of either:
 - violating the Claimant's dignity, or

- creating an intimidating, hostile, degrading, humiliating, or offensive environment for the Claimant.
5. In determining whether the conduct had that effect, whether the Tribunal should take into account:
- the Claimant's perception,
 - the other circumstances of the case, and
 - whether it was reasonable for the conduct to have had that effect.