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Monday Morning Dispatch

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MONDAY MORNING DISPATCH
BY Chadwick Lawrence

YOUR WEEKLY EMPLOYMENT LAW NEWSLETTER FROM CHADWICK LAWRENCE LLP

Coming up this week...

This week on the Legal Alternative Sam gives us a quick update regarding the reforms to right to work checks from 1st October 2026...

This weeks article focuses on personal liability when failing to make reasonable adjustments.

The mock tribunal, our biggest event is back! Tickets are available now...

The Legal Alternative Podcast

This week on the Legal Alternative Sam gives us a quick update regarding the reforms to right to work checks from 1st October 2026, which will see the liability across labour supply chains shift for many businesses



If you have a topic you would like to discuss or fancy a spot on the pod please reach out to emilyshepherd@chadlaw.co.uk

In the News

Update on Liability for Failure to Make Reasonable Adjustments





A recent decision of the Employment Appeal Tribunal (EAT) in **Merriman v 1st Staff Ltd and others** has significantly widened the potential scope for personal liability for failures to make reasonable adjustments. The judgment confirms that managers, HR professionals and others involved in the decision-making process may themselves be held accountable under the Equality Act 2010.

Background:

In sum, under the Equality Act 2010, employers must taken reasonable steps to remove or reduce disadvantages experienced by disabled employees where:

- a provision, criterion or practice (PCP);

- a physical feature; or

- the absence of an auxiliary aid

places that employees at a substantial disadvantage compared with non-disabled colleagues.

Reasonable adjustments can include changes to working arrangements, equipment, hours, duties or the way in which services are provided. A failure to make reasonable adjustments is a *standalone* form of disability discrimination, and both employers and employees can be liable where reasonable steps could have been taken but were not.

The Facts of Marriman:

Ms Marriman, the Claimant, was engaged through an agency arrangement involving 1st Staff to tutor a learner with special needs. The Claimant later developed a disability that made in-person attendance at the student's premises difficult and requested to move her tutoring sessions online.

Her requests were not implemented. She not only brought claims against the company, but also against four *individual* respondents involved in the decision-making process.

The Employment Tribunal initially struck out her claims against the four individuals, holding that the duty to make reasonable adjustments rests solely with the employer. Ms Merriman appealed this point to the Employment Appeal Tribunal (EAT).

The EAT's Decision:

The EAT overturned the Tribunal's decision, finding it was incorrect to dismiss the claims against the four individuals at such an early stage. Specifically, the EAT held that:

- Section 109 Equality Act 2010: employers are vicariously liable for discriminatory acts carried out by employees or agents in the course of employment.

- Section 110 Equality Act 2010: employees and agents can themselves be liable for unlawful acts that are treated as having been carried out by the employer under section 109.

When examining these two statutory provisions, the EAT emphasised that while the duty to make reasonable adjustments rests on the employer, a business can only act through their employees and agents. As a result, if the failure to make reasonable adjustments results from decisions taken by individuals, those individuals may also face personal liability.

Another note of this case was that the EAT rejected the Tribunal's finding that the claims against the four individuals should be struck out because they lacked sufficient detail. This was because the Tribunal had not identified any meaningful distinction between the case against the company and the case against the four individuals, making a strike-out inappropriate.

The case has now been remitted to the Tribunal, with the claims against the four individuals reinstated. Further steps will be taken to clarify the allegations against each individual respondent.

Key takeaways:

The EAT's decision serves as a clear reminder that the duty to make reasonable adjustments is not an abstract organisational obligation but a practical, day-to-day responsibility carried out by real people whose actions can attract personal liability.

Therefore, anyone involved in considering, delaying or refusing a reasonable adjustment, whether a line manager, HR professional or senior decision maker, should assume that there conduct may be scrutinised alongside that of the organisation.

For employers, this judgement reinforces the importance of equipping managers with proper training as the prompt, thoughtful and well-evidenced handling of reasonable adjustment requests is now more critical than ever.

Upcoming Seminars & Events







Mental Health Awareness Sessions

We're partnering with Tailored Learning Solutions to offer two day, in person, accredited Mental Health First Aid courses at our Wakefield office.

Accredited by MHFA England® and the Royal Society for Public Health, MHFAiders will improve knowledge and develop skills to support someone who may struggling and what to do with crisis support.

MHFA 2 day (all day events) - £300 +VAT pp.

29/30 APR	1/2 JUL	30/1 SEPT/OCT

(Includes 3 year membership to the Associate for MFAiders, 3 years access to the MHFA Support App, Immediate wellbeing support via SHOUT charity, Quarterly Webinars and optional Level 3 OfQual Examination accredited with the Royal Society for Public Health)

More info on MHFA and ND courses can be found here:
https://www.tailoredlearningsolutions.co.uk/mental-health-first-aid

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