

## **Gavin Moore v Xcell Partners Ltd & Diane Roberts**

Disability discrimination case which settled in the County Court on 28 May 2015.

### **Summary**

The Plaintiff was a 30 year old graduate who had started a successful business selling fine food and gifts. He has Bipolar Disorder.

In October 2013 he achieved a place on the Propel Programme. This was a high potential 'growth accelerator' programme designed for companies that had global potential. Places on the programme were highly competitive with significantly more applicants applying for places than were available. The programme was a staged programme that offered candidates phased financial support ;a series of 12 high quality training workshops; individual monitoring and support from experienced international entrepreneurs; help with drafting an investor-ready business plan; a shared workspace; support to make overseas market visits and networking opportunities.

The programme was run by the First named Defendant and the Managing Partner was the Second named Defendant.

During the second phase of the programme, the Plaintiff decided to advise the Second named Defendant of his disability. He hoped that this would lead to some reasonable adjustments in respect of working arrangements. However the Plaintiff alleged that rather than receiving additional support, he considered that the Second named Defendant began treat him less favourably compared with other candidates. The Plaintiff also alleged that the Defendants failed to make reasonable adjustments to accommodate his disability. For example the Plaintiff alleged that he believed that he was being more closely monitored than others and that he was subjected to more criticism. The Plaintiff alleged that on several occasions he was given warnings and told he would be put off the programme for "non-compliance" yet he believed the matters complained of were small matters of administration which he believed could easily have been dealt with by offering him flexibility and support. The Plaintiff alleged that this caused him a lot of anxiety and it was difficult to work under what he perceived to be constant threats. The Plaintiffs alleged that he was perceived as being less able because of his disability. The Plaintiff alleged that the Second named Defendant said "you can't cope with the stress and meet the standards if you are mentally ill" and "you are unstable and argumentative and far too sensitive and shouldn't be here". The Plaintiff was referred for medical assessment which confirmed that he was fit for the programme.

Despite the alleged difficulties the Plaintiff made it through phase 1 and 2 of the Programme to the final stage 3 comprising of 26 participants. He continued on until July 2014 but felt unable to continue after this time.

The Plaintiff accepted that it was a challenging environment. However, the Plaintiff alleged that if he had been supported more by way of reasonable adjustment and criticised less he would have been able to complete the programme which ended in November 2014.

In settling the case the both Defendants agreed to pay the Plaintiff £6,000 without admission of liability.