SHERIFF APPEAL COURT

[2026] SAC (Civ) 74
EDI-SM14-26

Sheriff Principal N A Ross

OPINION OF THE COURT

delivered by SHERIFF PRINCIPAL N A ROSS

in appeal in the cause

BARBARA ANN GRIGOR

Claimant and Appellant

against

SCOTTISH NATIONAL PARTY

Respondent

9 November 2026

[1] This simple procedure claim was based on a claimed failure to make reasonable adjustments under the Equality Act 2010. The claimant has a hearing disability which she describes as preventing conversation in a noisy environment or on video call or telephone, and which means she cannot attend group meetings. It is not assisted by a hearing loop.

[2] The present claim arose from a meeting of the Coatbridge and Chryston branch of the respondent, of which the appellant is a member, on 20 June 2025. She was not in attendance, but following the meeting she emailed the branch secretary to ask for more details about an entry in the minutes. There was an exchange of emails thereafter, which the

sheriff later described as showing that the branch secretary did not fully grasp what the appellant was asking for. The appellant requested further details on the details of certain topics discussed. The branch secretary responded by setting out who was present, explaining that they had given an overview of certain events, and that the minutes were not a verbatim record. The appellant responded that this was not an acceptable response, because she wanted information as to the detail of what had been discussed. The secretary offered to put her in contact with a councillor to provide a fuller update. The appellant reminded the secretary of her hearing disability, and intimated that she would proceed to institute a formal complaint of discrimination arising from disability and the respondent's failure to make a reasonable adjustment by providing full written details of the meeting.

[3] The appellant lodged a formal complaint with the respondent's administration. After some correspondence, she received a response from the respondent's National Secretary, who sought clarification as to whether she sought that fuller minutes be kept. The appellant responded to say that she had made a formal complaint, and she required resolution. After some delay the appellant followed up the request and asked for a response. The respondent's administration replied assuring her that steps were being taken to consider what adjustments could be made to meet her requirements. Approximately one month later, no further response having been received, the appellant intimated the raising of the present action. She also made subject access requests.

[4] The court hearing was conducted by written submission as an adjustment to accommodate the appellant's participation in proceedings. Having considered the evidence the sheriff found that: the appellant was disabled within the meaning of the Equality Act 2010; she was unable, as a result, to attend and participate in meetings of her local branch of the respondent; under the 2010 Act the respondent had a duty to make reasonable

adjustments to allow the appellant to participate; that the requests for information had been reasonable; the respondent had not explained why the information was not provided; that on the balance of probabilities the respondent failed in its duty to make reasonable adjustments; and that the respondent had therefore discriminated against the appellant. Providing the appellant with a written summary of the discussion would have constituted a reasonable adjustment. The respondent's discrimination had not been wilful or malicious.

[5] The sheriff found that the initial failure was attributable to a failure to understand the issue, rather than being obstructive. Only upon reference to the National Secretary was the issue addressed, but he found that by then the appellant's patience had run out. In considering the reasonableness of the parties' approach he also took into account the appellant's withdrawal from the process before it could be resolved by agreeing what information would satisfy her request. When the National Secretary contacted the appellant to clarify what remedy she sought, the appellant declined to engage with him. The sheriff concluded that the respondent's culpability was at the lower end of the scale due to the limited opportunity it had been given by the appellant to meet her requirements. The appellant had moved quickly to formal court action. The sheriff also found that there had been no victimisation. He concluded that, had she engaged with the National Secretary the issue could have been resolved without court action. The sheriff requested, as part of submissions, an explanation as to why the appellant considered the alternative crave was properly quantified at £5,000. The appellant did not provide reasoning or case law supporting that figure. The sheriff considered comparator sums and identified that £750 was a reasonable award, taking into account that the respondent had not deliberately discriminated and that a more accommodating approach by the appellant might have led to successful resolution between the parties.

[6] The appellant appealed, founding on the sheriff's treatment of written evidence she had lodged.

Submissions for the appellant

[7] The appellant's submissions, in outline summary, were that the sheriff had misunderstood or overlooked the written evidence lodged in relation to the process. She had provided evidence of a systematic failure to respond to her, and that the course of conduct had been intentional and not an oversight. Secondly, the sheriff had failed to identify that there had been material setting out the valuation of £5,000, and that sum ought to have been awarded. Thirdly, the sheriff had misunderstood the withdrawal of cooperation by her. Correctly regarded, the evidence showed that she had not withdrawn cooperation. The sheriff had erred in limiting the award because there was no contributory unreasonableness in her own actings.

Submissions for the respondent

[8] The respondent submitted that, notwithstanding that the sheriff had changed his view on the basis of new information, there had been no victimisation. The sheriff in the appeal report stated an altered view on the basis that the appellant had explained what had been an ambiguity in her submitted evidence. Even given that new explanation, there was still no material showing that the respondent's omission was caused by or in response to her allegation. Separately, the sheriff was correct to recognise no support had been provided for the figure of £5,000, but in any event it was a matter for the court to assess. The appellant's position, that the sheriff had erred in assessing that the appellant had dismissed efforts to

help her, was simply a disagreement as to the findings of the sheriff, and not a demonstrable error.

Decision

[9] The appeal founded on three grounds of appeal, namely that the sheriff misdirected himself as to the content of the appellant's evidence; that the sheriff had reached an unsupportable conclusion that the appellant had failed to justify an award of a higher sum; and that he had erred in finding that the appellant had withdrawn co-operation at an earlier stage than was justified.

[10] In relation to the first point, it is not accurately described as identifying an error of law but rather is a dispute as to fact. In the ordinary case, an appeal court cannot substitute its own findings in fact unless the sheriff has made a finding which is plainly wrong.

[11] In considering whether the sheriff reached a conclusion on the evidence which was clearly wrong, it is of note that the alleged error founded upon appears in an email dated 13 August 2025, lodged by the appellant. It was written by her. It was the letter of intimation that she intended to take legal action. At the bottom it bore the phrase "NO FURTHER RESPONSES". The sheriff assumed this to have appeared on the original email (and it is somewhat consistent with a previous email dated 14 July in which the appellant instructed the respondents: "Please refrain from any further "make it possible for you to attend" comments") and that it was a statement by the appellant that she would not further correspond with them.

[12] The appellant explained on appeal that this phrase did not appear on the original email. It had been subsequently added by her. The sheriff, reaching the opposite conclusion, stated that he would have reached a different view had he known that.

[13] This confusion was entirely of the appellant's making. She lodged the email in an altered condition. The sheriff did not act irrationally. He was lured into an error by the appellant's treatment of her own evidence. This ground of appeal fall to be rejected, on the basis the sheriff did not make a decision which was plainly wrong, and with which an appeal court can interfere. The sheriff reached a logical conclusion on the clear basis of the appellant's evidence. The sheriff's decision was not plainly wrong and he did not misdirect himself. He was misdirected by the appellant. No remedy is available at appeal.

[14] Even if that were wrong, and the matter could be reconsidered, as the sheriff did in his appeal report, this ground was only of potential assistance to the appellant in assessing the question of victimisation. I address this below.

[15] The second ground was that the sheriff erred in law by misdirecting himself that the claimant had failed to justify the alternative sum of £5,000 sued for. This ground invoked and then misapplied a number of legal issues. The appellant referred to the procedural framework of simple procedure Form 3A, but that does not specify or regulate any remedy, and does not assist. She referred to her own written submissions at page 7 as providing an explanation. On reading these, however, they do no more than ask for the maximum award allowed. In fact, as the sheriff explained in the appeal report, he did not ask for or need an explanation. His request was for any case law or other legal precedent which might support the sum sued for. The sheriff still required to carry out the task of assessing the level of damages which was commensurate with the requirements of the 2010 Act. He did not require, but might have been assisted by, any material the appellant chose to submit. He carried out that task and explained his reasoning in the appeal report. The appellant did not identify any error in that assessment, and an award of £750 was both reasoned and within an available range of awards that the sheriff could make. This ground is not supportable.

There is no reason to regard the sum of £750 as inadequate, or the sheriff's reasoning as plainly wrong.

[16] The third ground was related to the first ground, in that it challenged the sheriff's findings that the appellant had withdrawn co-operation. It claimed that the sheriff overlooked evidence, by which she meant her own submissions and the emails that she lodged. It led to the sheriff to "artificially depress" the respondent's culpability to the lower end of the scale.

[17] As discussed above, central to this exercise was the induced misunderstanding caused by the altered email, which never contained the words "NO FURTHER RESPONSES". In view of the appellant's status as a party litigant, I am prepared to examine further the consequences of this misled finding.

[18] The sheriff did attempt that exercise. He stated in the appeal report that, had he known otherwise, he would have found the appellant to have been victimised and, by implication, that a higher award might have been merited. His view was that the respondent's position, that subject access requests had been answered, were not enough to avoid that conclusion. He viewed the failure to respond to the complaint as a detriment. He noted the test for victimisation under the 2010 Act as depending on him finding that the appellant was subject to detriment because of the allegation of discrimination. He found no direct evidence that the lack of response was attributed to the allegation. He opined, however, that section 136 required him to conclude, in the absence of exculpatory explanation, that victimisation had occurred. The respondent had not explained why the complaint was not answered.

[19] Addressing this hypothetical situation, being raised only after the claim was decided, it does not show that victimisation was made out. Section 136 of the 2010 Act requires facts

from which the court could decide that the respondent contravened the provision concerned. The sheriff, in addressing this question in the appeal report, did not recognise that it was not enough for the appellant to establish by evidence that she had been ignored (which he was prepared to accept). To satisfy section 136 she also required to establish a causal link, namely that the evidence showed the respondent's omission or failure to progress her complaint was caused by the allegation. That link was not proved in evidence. To the contrary, the respondent's correspondence showed various attempts to meet her complaint. The appellant did not identify any element within the respondent's correspondence which would justify a finding in fact that the respondent victimised the appellant, within the meaning of section 27 of the 2010 Act. None suggests itself. Accordingly, even on the hypothesis of fact which was presented on appeal, the appellant would not have succeeded in demonstrating victimisation. That was not merely a technicality – the appellant's email of 13 August stated: "I have no alternative but to proceed with action against the SNP and will do so utilising Simple Procedure", and the most likely explanation for further inaction was that the respondent, quite reasonably, understood the appellant to have given up on them and to be proceeding to court.

[20] The appellant sought an award of £5,000, not £750. The existence of a maximum sum does not prove, as the appellant submitted, that the maximum sum was the starting point. For the reasons set out above, the sheriff did not misdirect himself on the facts, but was actively misled by the altered email lodged by the appellant. That would by itself prohibit an appeal court from intervening in a case where the facts found supported an award which was not otherwise plainly wrong. That is the case here. The appellant's submission about quantum proceeded on the basis that the decision was "corrected", which was not open to the appellant.

[21] Even if the corrected view could be taken of the evidence it would still not lead to a finding of victimisation, for the reasons discussed above. No causal link was proved. Accordingly, there would still not be a basis upon which to revisit the award of damages. Further, even if the email was accepted as not including the words "NO FURTHER RESPONSES", the email nonetheless stated she was taking court action. It was quite reasonably understood to be a termination of correspondence. The sheriff found that the appellant subsequently made two subject access requests, then raised court proceedings. That was all consistent with her perceived withdrawal from correspondence. In these circumstances she was not victimised, but instead the respondent ceased correspondence because she was taking it to court.

[22] In relation to quantum, the appellant referred to the Vento bands (*Vento* v *Chief Constable of West Yorkshire Police* [2002] EWCA Civ 1871), a scale used by Employment Tribunals in the UK for assessing such awards. The lowest band ("less serious cases") for 2026 had a range of £1,200 to £12,100. She submitted that the award required at least to reach the lower figure. However, the bands take into account only positive elements such as the seriousness of the conduct, the impact on the claimant and the duration of the discrimination. They do not take into account any mitigatory factor or other limiting factor. The sheriff was not bound to follow the scale although he could use it as a guide. In arriving at an award for breach of the 2010 Act, he took into account that the appellant's conduct had limited the ability of the respondent to make good their earlier failure. That position was explained and supported by the evidence. It was not plainly wrong, and an appeal court lacks a justification for interfering. This ground of appeal must also be refused.

[23] It can be noted that the sheriff considered reasonable adjustments but his conclusions were not the subject of appeal.

Disposal

[24] The appeal is refused. Parties did not make submissions on expenses. If either party wishes to make submissions, they should contact the clerk in writing within the next 14 days. In the absence of submission the matter will be disposed of with no liability to or by either party.