



EMPLOYMENT TRIBUNALS

Claimant: Mr DC Morris
Respondent: Leicestershire County Council
Congerstone Primary School

Heard at: Leicester Hearing Centre, 5a New Walk, Leicester, LE1 6TE
By video link

On: 18 March 2022

Before: Employment Judge Adkinson sitting alone

Appearances

For the claimant: No attendance

For the respondent: Mr T Perry, Counsel

JUDGMENT

1. On 18 March 2022 the Tribunal considered the claimant's claim and in particular the issues of
 - 1.1. whether the claimant was disabled under the **Equality Act 2010** because of stress, anxiety, depression and/or agoraphobia,
 - 1.2. if so
 - 1.2.1. whether the claims had a reasonable prospect of success and should therefore be struck out, or
 - 1.2.2. had little reasonable prospect of success such that the Tribunal ought to order payment of a deposit.
2. The claimant did not attend but Employment Judge Heap and Employment Judge Butler had the previous day directed the hearing proceed. On the day of the hearing the claimant emailed the Tribunal to say he would not be attending and indicated to proceed in his absence.
3. The Tribunal considered the contents of the Tribunal's file, and in particular the documents the claimant had sent to the Tribunal as medical evidence, his disability impact statement and his statement sent to the Tribunal on 4 November 2021.
4. The Tribunal concluded that the claimant had failed to prove on balance of probabilities that at the times relevant to the alleged discrimination he had

one or more physical or mental impairment that caused a more than minor or trivial impact on his normal day to day activities that was long-term (as defined by the **Equality Act 2010**). Therefore he was not disabled for the purposes of this claim.

5. Although in response to the order of Employment Judge Victoria Butler made on 24 June 2021, the claimant had completed a schedule of allegations under the heading "Victimisation", the detail he provided does not amount to a victimisation claim, no such claim had been identified at the hearing before her and there is no such claim advanced in the Claimant's original claim. He has not applied for permission to amend his claim to bring a complaint of victimisation.

Therefore IT IS ORDERED THAT

1. All claims for disability discrimination are dismissed;
2. All claims for harassment related to disability are dismissed;
3. Because there are no outstanding claims before the Tribunal to be heard and determined, all future hearings are cancelled.

Employment Judge Adkinson

Date: 18 March 2022

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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