



# EMPLOYMENT TRIBUNALS

**Claimants:** (1) Ms. I. Nikopoulou  
(2) Mr. I. Okorodudu

**Respondent:** Institute of Physics

**Heard at:** London Central by CVP

**On:** 2 May 2023

**Before:** EJ Isaacson

## Representation

Claimants: Brian Moore, friend of the claimants

Respondent: Andrew Watson, counsel

# JUDGMENT

The first claimant was a disabled person as defined under the Equality Act 2010 (EqA) at the time of the events the claim is about. The first claimant has Relapsing, Remitting Multiple Sclerosis (MS).

# REASONS

1. Schedule 1 para 6 of the EqA provides that Cancer, HIV infection and multiple sclerosis are each a disability. The Guidance states that this means that the person is protected by the Act effectively from the point of diagnosis. It was agreed between the parties that MS was a deemed disability.
2. The relevant point in time to be looked at by the Tribunal when evaluating whether the claimant is disabled under s. 6 is not the date of the hearing, but the time of the alleged discriminatory act.
3. The respondent did not feel able to make an admission that the claimant was disabled at the relevant time based on the evidence provided by the first claimant because the respondent felt it was not clear when the first claimant was diagnosed with MS.
4. The first claimant gave evidence under oath to explain to the Tribunal the two medical letters dated 31 August 2022 and 15 March 2023. Both letters are from Professor Ciccarelli, a consultant neurologist at UCLH. In the first letter the professor states the claimant's diagnosis as "*Relapsing Remitting Multiple Sclerosis Nov 2021: Symptoms onset Feb 2020 (spinal cord presentation)*".

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5. The letter goes on to record relapses in February 202, January 2021 and May 2021 with a MRI scan in February 2021 showing “1 new lesion in juxtacortical left parietal region.” The letter went on to say: “ I also discussed with her that her Feb 2021 scan showed a new lesion compared to her 2020 scan which suggests ongoing disease activity and that her disease is not under control.”
6. The first claimant explained that she first started having symptoms in February 2020 when she experienced numbness and then heaviness and hot and cold symptoms. In August 2020 she was diagnosed with Clinically Isolated Syndrome (CIS) and told that this could lead to MS if she suffered any further symptoms. CIS is only where there is one isolated incident.
7. In January 2021 she experienced partial blindness in one eye and a further MRI showed the new lesion, referred to in the report. In May 2021 the first claimant had an accident in front of a car as she was unable to move her legs and, in the summer of 2021, experienced not being able to move her legs to get out of her bed.
8. The first claimant could not record when she was officially told she had MS. She realised it was likely once she experienced a relapse in January 2021 with the partial blindness. The doctors had said it was likely to be MS when she first experienced the numbness and had a scan.
9. The letter from the professor says diagnosis was from November 2021 with symptoms onset from February 2020. The second letter states: ‘*This is to confirm that Ms Ines NIKOLOPOULOU has given a final and conclusive diagnosis of multiple sclerosis (MS). Onset of this disease was in 2020 when she presented with symptoms isolated in time (i.e., which are defined as clinically isolated syndrome). She has subsequent symptoms and signs consistent with MS (January 2021 and May 2021) and brain and spinal cord MRI scans which show lesions consistent with MS.*’
10. The first claimant alleges the relevant time she was discriminated against was when she was alerted to the post of digital programme manager in November 2021 to her dismissal in July 2022.
11. From the medical letters I conclude that the claimant has MS and was diagnosed around January/May 2021 and certainly by November 2021. The onset of the disease was from early 2020. The letters from the professor are clear and the claimant explained the context of the relapses and diagnosis set out in the letters.

Employment Judge Isaacson

2 May 2023

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Date

JUDGMENT & REASONS SENT TO THE PARTIES ON

04/05/2023

FOR THE TRIBUNAL OFFICE