



# EMPLOYMENT TRIBUNALS

**Claimant: Ms E. Odogwu**

**Respondent: Surrey County Council**

## PUBLIC PRELIMINARY HEARING

**Heard at: Reading by Cloud Video Platform**

**On:7 June 2023**

**Before:** Employment Judge Chudleigh (sitting alone)

### Appearances

For the claimant: In person

For the respondent: Mr P. Doughty (counsel)

## JUDGMENT

At all times material to this claim the claimant was disabled person within the meaning of s 6 of the Equality Act 2010 by reason of:

- 1) Idiopathic Intracranial Hypertension;
- 2) Partially sighted;
- 3) Long Covid;
- 4) Anaemia; and
- 5) Dyslexia.

## REASONS

1. The claimant worked as a social worker for the respondent from 6 April 2020 to 13 August 2021. This matter is listed for hearing in January 2024.
2. The issue for me at this hearing was whether at the material times, the claimant was disabled by reason of anaemia and dyslexia within the meaning of s. 6 Equality Act 2010 ("EqA"), the respondent having conceded that the other conditions were disabilities from which the claimant suffered at all material times.

3. I heard evidence from the claimant who swore that the contents of her Disability Impact Statement and her email to the Tribunal dated 6 June 2023 were true. She was cross examined by Mr Doughty. Both parties made short oral submissions.
4. I found the claimant to be a reliable witness and I accepted what she said in her statement about her ability to carry out normal day-to-day activities under the headings “dyslexia” and “anaemia”. I also accepted that the anaemia had the effects detailed below.
5. Under s. 6 of the EqA:

*(1)A person (P) has a disability if—*

*(a)P has a physical or mental impairment, and*

*(b)the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.*

6. There was no dispute that the claimant suffered at all material times from anaemia and dyslexia and that these were respectively physical and mental impairments. The issue for me was whether those impairments had a substantial and long-term adverse effect on the claimant's ability to carry out normal day-to-day activities.
7. The Guidance on Matters to be taken into account in determining questions relating to the definition of disability provides at B6:

*A person may have more than one impairment, any one of which alone would not have a substantial effect. In such a case, account should be taken of whether the impairments together have a substantial effect overall on the person's ability to carry out normal day-to-day activities. For example, a minor impairment which affects physical co-ordination and an irreversible but minor injury to a leg which affects mobility, when taken together, might have a substantial effect on the person's ability to carry out certain normal day-to-day activities.*

### **Anaemia**

8. Having heard the claimant's oral evidence in cross-examination, Mr Doughty said he did “not push the point” regarding the anaemia not being a disability. The claimant said in her evidence that when she menstruated in the period leading up to and during her employment she experienced heart palpitations as a result of the anaemia and to prevent a situation occurring where she might faint, she employed a coping mechanism whereby she tried not leave the house for up to two to three days and was unable, for example, to go shopping at Tesco.
9. She was also unable to drive or walk long distances as she needed to stop regularly to visit a toilet to avoid leakages.

10. The claimant contracted covid in June 2021 and has subsequently suffered with long covid. I agree with the respondent that since that time there has been an overlap between the symptoms of long covid and anaemia, but the anaemia was present previously (having been diagnosed in 2019) and on its own, in my judgment it had a substantial effect on the claimant's ability to carry out normal day-to-day activities.

### **Dyslexia**

11. I was shown a medical report compiled by Mrs F. Firth an independent Consulting Educational Psychologist following an assessment of the claimant on 15 March 2009 for the purpose of her university education.

12. The report indicates that the claimant has processing difficulties and difficulty drawing inferences from text unless allowed to read the text several times.

13. I find that the claimant did at all material times need more time to read and re-read documents and this impacted on her ability to concentrate and it itself had a substantial effect on her ability to carry out normal day-to-day activities.

14. Mr Doughty argued that the claimant's concentration was not impaired by her dyslexia as her working memory was within a normal range, but this overlooked the impairments found to be present such as the processing issues I have mentioned.

15. Furthermore, clearly there has been an interplay between the dyslexia and the claimant's visual impairment and when the dyslexia is considered together with the visual impairment, clearly the claimant's ability to carry out normal day to day activities was substantially impaired at all material times.

16. Accordingly, I find that the anaemia was a stand-alone disability, and the dyslexia was also a disability, especially when considered alongside the claimant's visual impairment.

**Employment Judge Chudleigh**

**Date: 7 June 2023**

Sent to the parties on:  
30 June 2023

For the Tribunal: