



EMPLOYMENT TRIBUNALS

Claimant: Mr Nader Kassem

Respondents: (1) Amazon UK Services Ltd
(2) Eugene Van Jaarsveldt
(3) Trevor White

Heard at: London Central (in public;CVP) **On:**15 November 2023

Before: Employment Judge Peer

Representation:

Claimant: In person
Respondents: Ms B. Davies of Counsel

PRELIMINARY HEARING IN PUBLIC JUDGMENT

The judgment of the Tribunal is as follows:

- (1) The claimant is a disabled person as defined by section 6 Equality Act 2010 in respect of the impairments of anxiety disorder, depressive disorder and post traumatic stress disorder from October 2021 and in respect of the impairment of panic attacks from October 2022.
- (2) The claim of race discrimination against the second respondent is struck out under Employment Tribunal Rule 37(1)(a) because it has no reasonable prospect of success.
- (3) The claim of race discrimination against the third respondent is struck out under Employment Tribunal Rule 37(1)(a) because it has no reasonable prospect of success.
- (4) The claimant has permission to amend their claim to bring a claim of constructive unfair dismissal.

REASONS

Introduction

1. The claimant is Mr Nader Kassem. The claimant was employed by the first respondent, Amazon UK Services Ltd, a UK subsidiary of a global online commerce business that sells a range of goods and services to consumers, enterprise and content creators, as an ER Intake Advisor until his resignation on 4 September 2023. The second and third respondents are employed by the first respondent. ACAS Early conciliation commenced on 24 May 2023 against each respondent and concluded on 26 May 2023. The claimant presented his claim form to the Tribunal on 12 June 2023. The claimant brings complaints of disability and race discrimination. The respondent denies the claims.
2. A preliminary hearing took place on 4 October 2023 before Employment Judge Cansick. A further preliminary hearing was listed. Rule 56 of the **Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, Schedule 1** ("Tribunal Procedure Rules") provides that preliminary hearings shall be conducted in private, except where the hearing concerns a determination under Rule 53(1)(b) of a 'preliminary issue' being any substantive issue which may determine liability. As the preliminary hearing before me was to determine preliminary issues, the hearing was listed to be and was heard in public. The purpose of the preliminary hearing was set out in the case management orders of EJ Cansick dated 10 October 2023 and the Notice of Preliminary Hearing dated 13 October 2023 and is to determine the following issues:
 - a. whether the claimant is disabled according to the definition found at section 6 Equality Act 2010 by any or all of the conditions he says he has;
 - b. whether the claims against the second and third should be struck out as having no reasonable prospects of success or deposit orders made;
 - c. set a date for the final hearing;
 - d. set any issues remaining in the case which will be heard at the final hearing;
 - e. consider with the parties if there will be any applications for amendments; and
 - f. provide case management directions to manage the case to final hearing.
3. The hearing took place by video. The respondent was represented by Ms B. Davies of Counsel. The claimant did not have legal representation at the preliminary hearing. As the claimant did not have legal representation, at various points I explained points of procedure and law and made reasonable interjections to support the claimant to remain focused on the issues for determination.
4. The claimant was accompanied by his wife for part of the hearing. The claimant had agreed adjustments in place which were: an appreciation that the claimant has anxiety disorder and panic attacks; a five-minute break to be taken every 30 minutes; the appellant be allowed to use his anxiety whistle; and be accompanied by his wife for support if she is also able to attend. At the start of the hearing, it was discussed that the Tribunal would break every 30 minutes but that the claimant could request a break at any point if he required a break.

The claimant was regularly offered breaks and the Tribunal took short breaks as appropriate.

5. The Tribunal had a bundle indexed to 260 pages available to it for the preliminary hearing which included the pleadings, communications from the Tribunal including the case management orders dated 10 October 2023, the second and third respondent's application for strike out dated 17 October 2023, the claimant's disability impact statement and medical disclosure dated 24 and 25 October 2023, documents labelled 'evidence statements' from the claimant dated 30 October 2023 in respect of the second respondent, the third respondent and in relation to constructive unfair dismissal, the respondent's letter setting out its position on disability dated 7 November 2023, parties case management agendas and the claimant's schedule of loss. The Tribunal also had available to it an email from the respondent dated 14 November 2023 updating as to the respondent's position on disability in respect of the impairment of panic attacks.
6. I first heard submissions from the respondent regarding their position on disability and then heard from the claimant. I next heard the second and third respondent's applications for strike out and the claimant's submissions in reply. Finally, the claimant's application to amend his existing claim to add a claim for constructive unfair dismissal was discussed. The respondent opposed that application. I retired to make decisions on the issues before me. I gave my decisions and reasons for my decisions orally. In accordance with Tribunal Procedure Rule 62(3), I announced that written reasons will not be provided unless requested at the hearing or within 14 days of the sending of the written record of the decision. The claimant requested written reasons at the hearing and written reasons are therefore provided.

Disability – decision and reasons

7. The claimant refers to suffering mixed anxiety and depressive disorder in his claim form. At the preliminary hearing on 4 October 2023, the claimant said the disabilities were anxiety disorder and panic attacks. The claimant was ordered to provide information about each impairment including information about the effects of the impairment on the claimant's ability to do day-to-day activities whilst employed at the respondent and dates as to when the effects started and/or stopped if appropriate and what the effects of the impairment would have been without any treatment or other measures. The claimant was also ordered to provide relevant GP and medical records and any other evidence relied upon as to whether he had the disabilities at the relevant time. The claimant provided a statement and medical evidence.
8. The respondent reviewed the claimant's statement and medical evidence. In a letter dated 7 November 2023, the respondent set out its position in respect of four impairments in light of the statement and evidence provided. The respondent accepts that in respect of mixed anxiety, depressive disorder and post-traumatic stress disorder the appellant had those conditions and the respondent knew the claimant had those conditions from October 2021. The respondent also accepts that the claimant is disabled according to the definition found at section 6 Equality Act 2010 by way of those conditions from October

2021 but asserts that it did not have knowledge of the conditions as disability until January 2023.

9. The respondent updated and confirmed its position in respect of the impairment of panic attacks by way of an email dated 14 November 2023. The respondent's position is that the claimant suffered from panic attacks from October 2021 and the respondent had knowledge of panic attacks from October 2021. The respondent says that the impairment of panic attacks does not amount to disability until January 2023.
10. In light of the respondent's position and concessions, the remaining issue the Tribunal had to decide in respect of disability was: whether the claimant is disabled within the meaning of section 6 of the Equality Act 2010 in respect of the impairment of panic attacks at the relevant time being during his employment with the respondent until his claim was presented on 12 June 2023 and in particular, given the respondent's position, prior to January 2023.
11. The claimant's statement does not set out any evidence or information that panic attacks had a substantial adverse effect on his ability to do day-to-day activities. The respondent submitted that the GP records did not provide evidence of panic attacks of a frequency from which it might be inferred they were having a substantial adverse effect until January 2023 and there were few relevant entries prior to October 2022. The GP records were given close consideration at the hearing.
12. The claimant cited information from the NHS website at the hearing. I was content to refer to this and the website address or link was confirmed and shared between the parties and the definition of 'Panic disorder' considered. The information under the heading of 'Panic disorder' on the NHS website is that *'Panic disorder is an anxiety disorder where you regularly have sudden attacks of panic or fear. Everyone experiences feelings of anxiety and panic at certain times. It's a natural response to stressful or dangerous situations. But someone with panic disorder has feelings of anxiety, stress and panic regularly at any time, often for no apparent reason.'* The site then has a heading of 'Symptoms of panic disorder' followed by two sections headed respectively 'anxiety' and 'panic attacks'. The information in respect of anxiety is that *'Anxiety is a feeling of unease. It can range from mild to severe and can include feelings of worry and fear. Panic is the most severe form of anxiety. You may start to avoid certain situations because you fear they'll trigger another attack. This can create a cycle of living "in fear of fear". It can add to your sense of panic and may cause you to have more attacks.'* The information in respect of panic attacks is that *'During a panic attack you get a rush of intense mental and physical symptoms. It can come on quickly and for no apparent reason. A panic attack can be very frightening and distressing.'* There is list of symptoms. Then the information *'Most panic attacks last between 5 and 20 minutes. Some have been reported to last up to an hour. The number of attacks you have will depend on how severe your condition is. Some people have attacks once or twice a month, while others have them several times a week. Although panic attacks are frightening, they're not dangerous. An attack will not cause you any physical harm, and its unlikely you'll be admitted to hospital if you have one. Be aware that most of these symptoms can also be symptoms of other conditions or problems, so you may not always be experiencing a panic attack.'*

13. I was mindful that the claimant was a litigant in person and struggled with mental health issues and he told the Tribunal at times that he wasn't clear what he was being asked as he considered he had provided full information with his statements. The claimant's information was somewhat unclear and in particular as to the frequency of panic attacks during particular time periods. The claimant explained about how his circumstances progressed and developed to panic attack disorder. The claimant referred to changes of medication between sertraline and venlafaxine and referred to that medication as respectively addressing SSRI and SSRN and different regulators or receptors in the brain. The claimant explained that from September 2021 he was having nightmares and he did not know at that time but came to understand that he was having panic attacks. The claimant clarified that nightmares were in the night and upon waking at 7am he was not able to breathe for several minutes. The claimant's own explanations during the hearing also related to difficulties with a change of line manager from August 2022 and that when his mental health deteriorated, around December 2022, he couldn't control it. The claimant said he was placed on the highest medication for panic attacks which was zopiclone and diazepam.
14. The GP records contain an entry for 18 January 2023 which records 'he describes as having these panic attacks for around 1 year that usually come on around same time on Wednesday morning.' The entry refers to tapering sertraline to replace with venlafaxine and to provide further zopiclone and diazepam. An entry for 13 February 2023 records the claimant as informing that he 'wakes up panicked once or twice a week and this stays with him for a while' and that 'he acknowledged a reduction in panic attacks since introduction of venlafaxine'. The bundle contains a record of a consultation with occupational health (OH) on 23 March 2023 which records the claimant's account to OH that he 'started to develop regular panic attacks and these increased in frequency from October 2022'.
15. I gave consideration to the cumulative effect of related impairments. I was mindful that the adverse effect of an impairment is to be considered as if there were no treatment or medication. I noted that the respondent accepts the claimant is disabled in relation to his anxiety disorder from October 2021. I noted the respondent's submission that adverse effect might be inferred from panic attacks of sufficient frequency. The respondent accepts that from January 2023 panic attacks experienced were to be considered as having a substantial adverse impact due to their frequency. I reminded myself that my decision had to be based on the evidence available to me. I listened carefully and took full account of what the claimant explained about the development of his panic attacks and that there was a consistent thread between that and his medication and the medical records. The evidence available suggests that prior to around October 2022 panic attacks were occurring at most weekly. There is limited to no detail before me in evidence as to whether any panic attacks in isolation were having a substantial adverse effect on the claimant's ability to do day-to-day activities.
16. Taking account of the evidence available to me, I decided that in respect of the impairment of panic attacks these did not amount to a disability within the meaning of section 6 of the Equality Act 2010 until October 2022.

Applications for strike out – decision and reasons

17. Rule 37(1)(a) of the Tribunal's Procedure Rules provides that a Tribunal may strike out all or part of a claim on the ground that it has no reasonable prospect of success.
18. The second and third respondents applied for allegations of race discrimination against them to be struck out on the basis that they had no reasonable prospects of success. The respondent submitted that there were no legal claims pleaded against the second and third respondents and that even if amendment were permitted in so far as allegations could be identified from the information presented by the claimant in the form of statements filed on 30 October 2023, there were still no reasonable prospects of success for any such allegations. The claims were also out of time and there were, it was submitted, no reasonable prospects of time being extended. The respondent submitted that in the alternative deposit orders be made.
19. I explained the procedure and consequences of strike out orders and deposit orders.
20. The claimant referred me to statements filed on 30 October 2023 in respect of the second and third respondents. The claimant told me that he had explained every single thing that showed how actions were based on race and discriminatory. In relation to the protected characteristic of race, the claimant relied on his dark skin colour and said by culture and background he was Arab and Muslim. In relation to the second respondent this related to badge visibility and checking. The claimant had understood further to the ACAS conciliation that his claim form was to set out an overview of his case and so that was his initial step and that he could add further information at a later stage and he had now provided comprehensive information with the statements. The claimant reminded me that he was not a lawyer and that he was someone who was struggling with his mental health. He also said that the reason he had not been in a position to bring the race discrimination claims earlier was because of his mental health.
21. I made reasonable enquiries into the claimant's means and he told me that since he resigned from his employment with the respondent on 4 September 2023, he had not been able to find other employment and he and his wife were having difficulties meeting their expenses with the income from her employment. He did not think he could afford any amount for any deposit order. He was waiting for benefits payments and would have to use that.
22. I reminded myself that the discretion to strike out claims should be used sparingly particularly in relation to discrimination claims where strike out should be rare and that strike out is a draconian step. In appropriate cases, strike outs can minimise the anxiety, expense and time inherent in taking claims to trial, **Abertawe Bro Morgannwg University Health Board v Ferguson 2013 ICR 1108, EAT**. I was also mindful that the claimant was a litigant in person and as such not familiar as legal representatives are taken to be with how to formally present his claims. To consider whether to strike out attempt must be made to identify the claims and the claim taken at its highest before considering whether there are no reasonable prospects of success.

23. An examination of the claimant's ET1 claim form and grounds of claim does not enable the allegations of race discrimination against the second and third respondents to be discerned. Other than naming the second respondent as a respondent on the claim form, the second respondent's name does not appear anywhere else within the grounds of claim. At the case management preliminary hearing on 4 October 2023, the claimant gave some explanation of what he was complaining about and this is recorded at paragraphs 4 and 5 of the record of that preliminary hearing. Paragraph 4 records that the claimant complains of acts of race discrimination by the second respondent in December 2022 by fabricating stories about him and breaching his confidentiality. Paragraph 5 records that the claimant complains about acts of race discrimination by the third respondent in September 2021 by encouraging employees to raise grievances against him, forcing him to leave the site and commenting about the claimant having different blood.
24. Respondent's Counsel properly explored the extent to which what was explained at the previous preliminary hearing correlated to the existing grounds of claim. In relation to the second respondent, there was nothing about breach of confidentiality as to resignation in the grounds of claim. Paragraph 2 of the grounds of claim does not mention the second respondent's name (nor is it mentioned anywhere in the grounds of claim) but does refer to December 2022 and 'a grievance was raised against me built on false accusations'. The grounds of claim do not set out any legal claim and there is no reference in paragraph 2 linking the factual reference to race, no reference to less favourable treatment or any comparator and no reference to any facts from which it might be inferred any treatment had anything to do with race.
25. The respondent referred to the document headed 'statement' the claimant had presented in relation to the second respondent and submitted that the status of the document was unclear but that to bring a claim of race discrimination against the second respondent the claimant would need to make an application to amend. Any amendment on the basis of the case management order had no reasonable prospects of success as it consisted of bare assertion. Analysis of the statement does not provide any basis to discern a race discrimination claim. The second respondent was interviewed in relation to an incident with security and the statement refers to 12 December 2022 as the date. The claimant asserts that when he first met the second respondent in October 2022, he was the 'only non-English, non-European and only dark skin and Muslim person between over 30 team members' but they had no direct interaction on that occasion. The statement does not set out how there was different treatment linked to race or treatment that was less favourable and there is no reference to comparators. If the statement is considered as an application to amend, it was made on 30 October 2023.
26. Paragraph 3 of the grounds of claim does name the third respondent as it sets out that on 21 September 2021, the claimant 'raised a grievance against an Operation Manager namely Trevor White due to discrimination of race' but whilst race discrimination by the third respondent is implicit there is no information or detail about what it is alleged the third respondent did. The details at paragraph 5 of the case management order are not reflected in the

grounds of claim. The existing claim does not raise a legal claim against the third respondent.

27. The respondent submitted that the claims were out of time in respect of incidents in September 2021 and December 2022 as ACAS was approached on 26 May 2023. The respondent submitted that the statements in respect of the second and third respondents if deemed an application to amend is made 30 October 2023 and any such claim is hopelessly out of time in relation to an incident in September 2021 and over 10 months out of time in relation to an incident in December 2022 and there were no reasonable prospects of time being extended on a just and equitable basis.
28. I concluded that the existing claim as currently pleaded does not disclose legal claims against the second and third respondent of race discrimination. The Tribunal has the overriding objective to deal with cases fairly and justly at rule 2 of the Tribunal Procedure Rules and that includes avoiding unnecessary formality and seeking flexibility. The claimant is a litigant in person and was given considerable latitude during the hearing and I have carefully considered the information available to me without undue formality and flexibly. Neither what is recorded in the previous case management orders nor in the statements filed by the claimant enable legal claims of race discrimination against the second and third respondents to be discerned.
29. Taking the information available to me, I first attempt to identify the claims being made and then consider their prospects of success taking those claims at their highest. The claimant is claiming race discrimination against the second and third respondent. In respect of the second respondent, the claimant alleges an act of race discrimination on 12 December 2022 by the second respondent providing evidence to a grievance investigation into an incident that occurred in October 2022 regarding badge visibility. In respect of the third respondent, the claimant alleges race discrimination on 21 September 2021 due to the third respondent's behaviours about which the claimant raised a grievance.
30. These claims are not properly pleaded in the grounds of claim and thus an amendment is required. There was no document formally presented as an application to amend before me. Taking the documents presented as 'statements' as containing details of the claims made having regard to the claimant as a litigant in person, I considered the claims at their highest.
31. A claim for race discrimination needs to set out what the act complained of was, when it occurred, who the perpetrator was, why the act was treatment which was different from that which would be given to a comparator, details of the comparator whether actual or hypothetical and why the treatment was less favourable and that it was so because of race. These necessary components are not contained in the claim as currently pleaded and they are not fully discernible from the statements.
32. There has to be more than mere assertion to succeed with a race discrimination claim. A person who does no more than assert status (race) and assert difference of treatment cannot succeed with a race discrimination claim. In relation to the claimant's claim the only basis on which difference of treatment can be discerned at all is implicitly or by inference based on information

available in the statements. If there are no facts from which any different and less favourable treatment can be inferred to have been meted out because of race, a claim for race discrimination cannot succeed. Accordingly, as pleaded and even adopting an approach of formulating a claim for the claimant from the statements provided and deeming an amendment made on 30 October 2023, the claims will not succeed because they cannot succeed where there are no facts from which inferences can be drawn that the incidents complained of are to do with race.

33. The claim form was presented on 9 June 2023 and ACAS was approached on 24 May 2023. Construing the claim as made by way of an application to amend on 30 October 2022, the claims are made on 30 October 2023. The claims relating to acts in September 2021 and December 2022 are therefore clearly presented outside the primary three month statutory time limit and out of time. There was no argument, submission or suggestion before me of any continuing act. The claimant said the reason he did not file his claims before he did was because of the struggles he had with his mental health. I have every sympathy for the claimant and the difficulties he faces. The claimant clearly had sick leave from 18 January 2023 until 27 February 2023 and would appear to have returned briefly and then a phased return started on 28 March 2023. The claimant said he had no sick leave in 2021 and 2022. I reflected carefully with regard to the timing of the allegation against the second respondent based on the December 2022 incident. However, I have to have regard to the time limits laid down by statute and I note that the nature of claims brought in this jurisdiction and before the Tribunal are such that claims are often brought by persons with mental health issues including disability discrimination claims and the ordinary expectation is that claims are brought within 3 months. The Tribunal can exercise discretion to extend time for the bringing of discrimination claims on a just and equitable basis and this is a wide discretion. The exercise of discretion is based on consideration of a range of factors including the length and reasons for any delay and the prejudice to each party by the decision. The merits of the claim can be a factor for consideration when considering whether to extend time. The Tribunal has to be persuaded that it is just and equitable to extend time by approximately 10 months in respect of the second respondent and two years in respect of the third respondent.

34. I have taken full account of the fact that the claimant is a litigant in person and approached matters flexibly and I have taken full account of the draconian nature of strike out and all the circumstances. There are no discernible claims properly pleaded against either the second or third respondent on the existing claim. To the extent claims of race discrimination can be made out from the statements filed requiring the existing claim be amended, the claims remain incompletely pleaded and difficult to discern. The claimant does little more than assert race discrimination in relation to incidents without even clear accompanying assertions as to difference of treatment. There is nothing to demonstrate a prima facie case of discrimination might be made out taking what is set out at its highest and accordingly, I concluded that there were no reasonable prospects of the claims against the second and third respondents succeeding and they should be struck out under rule 37(1)(a) as having no reasonable prospects of success.

Application to amend to bring claim of constructive unfair dismissal

35. The claimant resigned from his employment on 4 September 2023. The claimant wishes to claim constructive unfair dismissal against the respondent.
36. At the preliminary hearing, it was discussed what the claimant's claim for constructive unfair dismissal was, where it was set down and when any application to amend the existing claim was made. The claimant's stated understanding was that he didn't need to apply to amend to bring the claim of constructive unfair dismissal as this had already been done. The claimant said he had included it on his agenda for the previous preliminary hearing and indicated that he understood from Tribunal communications including the letter acknowledging his claim and the Notice of Hearing for the preliminary hearing on 10 October 2023 and information hyperlinked from that correspondence that he could include anything he wished before that hearing. The claimant accepted that there was nothing to suggest that he already had permission to amend the existing claim presented on 12 June 2023 to include the claim for constructive unfair dismissal arising from his resignation on 4 September 2023.
37. On 30 October 2023, the claimant provided a document labelled 'statement' in relation to his alleged constructive unfair dismissal.
38. I kept the overriding objective at the forefront of my mind in deciding whether to permit the claimant to amend the existing claim to include a claim for constructive unfair dismissal. Rule 2 (Overriding objective) of the Tribunal's Procedure Rules provides:

The overriding objective of these Rules is to enable Employment Tribunals to deal with cases fairly and justly. Dealing with a case fairly and justly includes, so far as practicable-

- (a) ensuring that the parties are on an equal footing;*
- (b) dealing with cases in ways which are proportionate to the complexity and importance of the issues;*
- (c) avoiding unnecessary formality and seeking flexibility in the proceedings;*
- (d) avoiding delay, so far as compatible with proper consideration of the issues;*
and
- (e) saving expense.*

A Tribunal shall seek to give effect to the overriding objective in interpreting, or exercising any power given to it by, these Rules. The parties and their representatives shall assist the Tribunal to further to overriding objective and in particular shall co-operate generally with each other and with the Tribunal.

39. The respondent opposes the application to amend the claim and submitted that it was unclear what the claim was or where it was set out. The parties worked together to explore what the claim for constructive unfair dismissal was. The claimant explained that he resigned because of actions taken by the respondent. This breached his contract of employment. The breach was of the implied term of trust and confidence. Respondent's Counsel identified that the statement filed on 30 October 2023 contained a summary list of what the claimant was complaining at page 236 of the bundle. The parties discussed and agreed that this list set out in summary what the claimant says the

respondent did which is alleged to amount to breach of the implied term of trust and confidence entitling him to resign on 4 September 2023. The respondent's position was that even if the claim for constructive unfair dismissal is formulated in this way, further information and particulars were still required. The amendment sought went beyond relabelling. The actions listed as (1) to (4) could be regarded as contained within the existing factual pleadings but without real details but the actions listed as (5) to (8) were new factual allegations. The claimant sought to introduce a wholly new claim.

40. I had regard to the applicable tests and case law as to whether to permit an application to amend the existing claim, **Selkent Bus Co Ltd v Moore 1996 ICR 836, EAT**. I considered all the circumstances including the timing and manner of the application, the balance of hardship and injustice and whether there was any delay in bringing the application to amend.
41. The claimant seeks to introduce a wholly new claim to his existing claim form. The claimant's resignation on 4 September 2023 post-dates the presentation of his claim form on 12 June 2023 and as such the claim form clearly does not include any claim for unfair dismissal constructive or otherwise. I am mindful that the claimant is a litigant in person and he referred to a claim for constructive unfair dismissal in his agenda for the previous preliminary hearing on 4 October 2023. I do not consider the claimant can be regarded as having delayed in seeking to amend his claim. There are significant formal difficulties as to what the legal and factual claim the claimant is seeking to bring is due to how it has come before the Tribunal. The claim for constructive unfair dismissal is wholly new although there is some factual overlap with the factual matrix of the existing claim.
42. If the existing claim is amended, this will impact on case preparation including as to the evidence and witnesses needed and the length of the final hearing. There are therefore time and cost implications for the respondent. The claim is in time and as such the claimant could file a new ET1 to bring his claim of constructive unfair dismissal in time. There is a reasonable likelihood that any such separate claim would be joined with this claim not least given the factual overlap to be heard together at trial. In all the circumstances, including having due regard to the overriding objective and acting in a proportionate manner, I decided to permit the claimant to amend the existing claim form to include the constructive unfair dismissal claim. That claim would be as discussed and recorded.
43. In conclusion therefore my decisions on the applications before me are as follows:
 - a. The claimant is a disabled person as defined by section 6 Equality Act 2010 in respect of the impairments of anxiety disorder, depressive disorder and post-traumatic stress disorder from October 2021 and in respect of the impairment of panic attacks from October 2022.
 - b. The claims of race discrimination against the second and third respondent are struck out as having no reasonable prospects of success.
 - c. The claimant has permission to amend their claim to bring a claim of constructive unfair dismissal.

Employment Judge Peer

Date 17 November 2023

JUDGMENT SENT TO THE PARTIES ON

20/11/2023

FOR THE TRIBUNAL OFFICE

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