



EMPLOYMENT TRIBUNALS

Claimant: Mr C Woolcock

Respondent: CitySprint (UK) Ltd

Heard at: Midland West, by CVP

On: 5 and 6 November 2024

Before: Employment Judge Hindmarch

Appearances

For the Claimant: In person

For the Respondent: Mr C Adjei - Counsel

RESERVED JUDGMENT ON A PUBLIC PRELIMINARY HEARING

JUDGMENT

At the relevant time the Claimant was not a disabled person as defined by Section 6 Equality Act 2010 because of a mental health condition, dyslexia and/or a neck/back issue.

REASONS

Background to the Hearing.

1. This two day Public Preliminary Hearing came before me by CVP on the 5 and 6 November 2024. The Claimant represented himself and the Respondent was represented by Counsel, Mr Adjei. The Notice of Hearing dated 20 August 2024 stated the purpose of the Hearing was to “determine disability status”.
2. By an ET1 filed on 14 January 2023, and following a period of ACAS early conciliation from 22 December 2022 to 13 January 2023, the Claimant brought complaints of disability and race discrimination and for monies owed. In a rider

to the ET1 the Claimant stated “From November 2021 to December 2022, covering the CAZ work add undesirable routes which impacted the neck/back issues & exploiting the Claimant’s disability... The back and neck problem is being managed after stopping driving but flares up in cold/damp conditions”.

3. The Respondent filed a response indicating its intention to defend the claims.
4. On 16 March 2023 Legal Officer Singh ordered the Claimant to provide medical records and a disability impact statement by 11 May 2023 and the Respondent to confirm whether disability remained in dispute, and if so, why, by 25 May 2023.
5. The Claimant complied with this order on 11 May 2023. In his disability impact statement, he referred to three disabilities; “a decline in my mental health, which is in the process of a diagnosis, a learning disability and musculoskeletal issues in specific parts of my neck and back”.
6. On 25 May 2023 the Respondent’s representative wrote to the Tribunal stating that the Claimant had only referred to neck and back pain in the ET1 and that it was not accepted that this condition amounted to a disability.
7. There was a first Case Management Preliminary Hearing on 20 November 2023 before Employment Judge Kelly. She listed two Public Preliminary Hearings; one to take place on 14 and 15 February 2024 to determine whether the Tribunal had jurisdiction to hear the claims given the Respondent’s contention that the Claimant was self-employed and, if the claim survived, one to take place on 30 and 31 May 2024 to decide “did the Claimant have a disability under the Equality Act 2010 at the relevant time by reason of any of the following medical conditions; mental health condition, dyslexia, neck/back issues”.
8. In her Case Management Summary Employment Judge Kelly recorded the following:

“50. The Claimant explained that the claim for disability discrimination was in relation to:

50.1. The neck/back issue was to do with the driving requirement of the job.

50.2. The dyslexia was to do with comments made to him about “can’t read” and “slow”.

51. We struggle to understand how the alleged mental health condition related to the claim, but this can be explored further if relevant at a later Preliminary Hearing.”
9. In a section headed “Application to amend” she stated “The Claimant should ensure they are prepared to make arguments to the Tribunal at the May Preliminary Hearing if he wishes to amend his claim.”
10. Employment Judge Kelly ordered the Claimant to provide GP records for the period 2009 to October 2023 and “any other medical evidence relating to the

medical conditions, how long they have lasted and their impact on his ability to undertake day to day activities.” She gave him leave to file an amended impact statement.

11. On 31 January 2024 the Claimant provided a second/amended disability impact statement and some further supporting documents.
12. The hearing listed to take place on 14 and 15 February 2024 (to deal with employment status) was postponed by the Tribunal on 13 February 2024 due to a lack of judicial resource. Instead, a further Case Management Preliminary Hearing was listed for 4 March 2024.
13. The Case Management Preliminary Hearing on 4 March 2024 took place before Employment Judge Dean. Unfortunately, she became unwell thereafter and her written Case Management Summary/Orders have not been produced. One outcome however appears to be that a Stage 2 Judicial Mediation Hearing before Acting Regional Employment Judge Jones was listed for 21 May 2024. That hearing took place and the Case Management Orders state that the employment status hearing needed to be re-listed for 4 days and she required the parties to send in dates to avoid. No mention was made of the disability hearing listed on 30 and 31 May 2024 which must have been postponed.
14. This Public Preliminary Hearing was then listed not to consider employment status for 4 days as envisaged by then Acting Regional Employment Judge Jones, but to deal with the disability issue. A Final Hearing for 5 days from 30 June to 4 July 2025 was also listed.
15. I discussed with the parties at the start of the hearing before me whether they were content that we deal with the disability issue. Both parties agreed they were.

THE HEARING

16. I had a bundle of documents from the Respondent running to 318 pages. My clerk had forwarded an email to me that had been sent by the Claimant on the morning of the first day of the hearing complaining about the compilation of the bundle. The Claimant said he had prepared his own bundle and had sent this to the Tribunal on or around 31 October 2024. We adjourned for my clerk to locate and send me the Claimant’s bundle which ran to 453 pages. When I considered the Claimant’s bundle it contained many of the same documents as were in the Respondent’s bundle; pleadings, party and party correspondence, medical records etc., but it also had a section of documents that really went to liability. I explained to the Claimant that I was dealing only with the issue of whether he met the definition of disability at the material time. Whilst I understood that he was aggrieved about conduct he says he suffered whilst working for the Respondent, I was not going to deal with those matters. I explained to the Claimant my view was that the Respondent’s bundle seemed to contain all the relevant material for the matters I had to decide, but if he felt that something was missing he could direct me to it. Page references in this Judgment are references to the Respondent’s bundle. I also had a Skeleton Argument from the Claimant.

17. On day one we heard the Claimant's evidence. On day two we heard submissions. I had noted at the outset that in the ET1 the Claimant had in answer to a question about assistance required, stated "time to process information and clear explanations". On day two and by agreement Mr Adjei made his submissions first and did so slowly and carefully, pausing at the Claimant's request to allow the Claimant time to make notes and digest matters. We took a lengthy break of about 2 hours for the Claimant to gather his thoughts and take his lunch before his submissions.
18. In Mr Adjei's submissions he relied on an extract from the IDS Handbook on Disability Discrimination which was shared with the Claimant and myself before the submissions were made.
19. I decided to reserve my Judgment given time constraints. We concluded submissions and then had a discussion about the future of the case. We finished at 3pm on 6 November 2024. There would have been insufficient time to deliberate and hand down a decision.
20. The parties are in agreement that the Claimant was engaged by the Respondent from 28 October 2021 and that engagement ended on 13 October 2022. He worked as a delivery driver using a van to deliver letters and goods throughout the UK.
21. In his first Disability Impact Statement, filed with the Tribunal on 11 May 2023 (pages 72-78), the Claimant stated under the heading mental health that he was advised by a work coach to see his GP in February 2023. This was approximately 4 months after his engagement with the Respondent had ended. He says in April 2023 he saw his GP who issued a fit note and that an appointment with a counsellor was arranged. He says in May 2023, when he filed the Disability Impact Statement, there was no diagnosis but that he did not feel safe around people and that he had daily flashback of the "constant cycle of abuse" from the colleagues he had worked with at the Respondent. He sent the Tribunal a letter from NHS Black Country Healthcare dated 20 April 2023 (pages 67-68) stating that he had been referred to them for talking therapy and another letter dated 26 April 2023 offering a Healthy Minds assessment, (pages 69-70).
22. The fit note was dated 20 April 2023 and referred to a "stress related problem" (page 87). I have noted above that Employment Judge Kelly at the Case Management Preliminary Hearing on 20 November 2023 ordered the Claimant to disclose his GP records and gave leave for him to file an Amended Disability Impact Statement. The GP records were at pages 308-316 of the bundle. There was an entry dated 19 September 2021 (page 313) where a "stress related problem" is recorded in the GP notes. The entry prior to this is dated 6 January 2010, so the Claimant had not visited his GP for some 11 years or so prior to this. The 19 September 2021 entry refers to it being a face to face consultation with the Claimant explaining that he was a teacher by profession, that there had been an issue at work that he disputed and "the case is going to a tribunal" and "wants sick note for 1/12". A fit note was issued for the period 19 September 2021 to 24 October 2021. The Claimant began his engagement with the Respondent 4 days after this fit note expired on 28 October 2021.

23. The Claimant accepted in evidence that he did not visit his GP about any mental health issue during his engagement with the Respondent.
24. I have already noted above that the Claimant went to see his GP on 20 April 2023. This time he referred to taking the Respondent to tribunal. The Claimant said at this time he was on universal credit and was disgusted and upset by documents he had received from the Respondent in response to a data subject access request. This had caused him to visit his GP.
25. The GP notes reveal that the Healthy Minds team assessed the Claimant in May 2023 as having a depressive episode. The Healthy Minds report to the GP is at pages 91-98. It confirms that the Claimant was assessed on 22 May 2023. In evidence the Claimant said the assessment was done over the telephone and took about 20 minutes. In the section "impact on lifestyle" it is noted "struggles to trust anyone". In the section "Behaviours" it states "lack of motivation, used to go running regularly on a weekly basis but has not been doing this".
26. In his second Disability Impact Statement (pages 164-172) the Claimant referred to the claim for universal credit that he made on form UC50. He accepted in evidence that he did not set out in the Disability Impact Statement the effect on his ability to carry out day to day activities but said that was set out in the UC50. The extract from this was at pages 174-182 and dated 8 August 2023. In this document the Claimant talks of having no motivation and having poor personal hygiene.
27. At pages 317-318 was a letter dated 22 May 2023 from NHS Black Country Healthcare confirming the Claimant had been referred for counselling.
28. In cross-examination the Claimant was taken to a statement of fact he gave to a courier motor insurance provider for insurance from 19 October 2021 to 18 October 2022. In answer to the question "Have you ever been diagnosed with any physical or mental infirmity?" the Claimant had stated "no". He said he had not mentioned any mental health issue as it was embarrassing.
29. The second condition relied on by the Claimant was dyslexia. In his first Disability Impact Statement the Claimant said he had first been diagnosed with dyslexia in 2009/10 when he was at university. He said in cross-examination he had received a letter confirming this diagnosis but had lost it and was unable to obtain a copy. His recollection was the letter was a single page running to a couple of sentences or a paragraph.
30. The Claimant had provided some supporting evidence. At page 79 were some emails arranging a "dyslexia screening" appointment in September 2009 and at page 84 confirmation from Student Finance England confirming that agreement had been given for the Claimant to attend a Student Needs Assessment on or around March 2010. There was also a receipt for a computer which the Claimant says he sent on to his speech and language therapist in April 2020. The Claimant qualified as a teacher in 2012. He told the Tribunal he had three degrees but had needed one to one assistance when studying and a computer

to help with lengthy writing pieces. There was evidence in the bundle of him being able to hand-write shorter pieces.

31. It was put to the Claimant in cross-examination that when he visited his GP on 19 September 2021, the first visit in 11 years, his GP had made a note of his medical history yet there had been no mention made of dyslexia. The Claimant said that he had not needed to talk about it and had the GP asked him specifically about it he would have mentioned it.
32. The third condition relied on is back and neck pain. The Claimant said this had started about a month after his engagement with the Respondent commenced. He accepted he did not see his GP about this during his engagement with the Respondent. His engagement with the Respondent ended on 13 October 2022 and the GP records reveal he first consulted in GP the following day on 14 October 2022. The notes (pages 311-312) stated the problem as "neck pain" and go on "1/12 of neck pain, stiff muscles, smiling makes his sx better, work as delivery driver sitting in one position for long time could contribute to his Sx, his private Chiropractor is going to do the assessment and will tell him the plan, no swelling/erythema, hasn't tried any pain killer trying to avoid it as not keen to take meds". On examination "discomfort with C spine flexion and R lateral rotation". On Plan "refused to try analgesia and wants to wait for chiropractor report, advised to contact us if sx worse and keen to try meds". I have no idea what "smiling" is but "sx" appears to be symptoms.
33. In cross-examination it was put to the Claimant that "1/12" meant he had told the GP the symptoms had lasted one month (one-twelfth) as at 14 October 2023. That was the same short hand the GP had used in the 19 September 2021 entry when issuing a fit note for that period. The Claimant said this was "rubbish and it was probably a mistake by the GP". He said the issues started in November 2021 so a year or so earlier. He accepted he had not taken any pain killers but instead had tried to adjust his driving position. He said he had gone to his GP on 14 October 2021 as he had "had enough" of people treating him badly. When asked why he had not gone earlier he said he did have some non-working days whilst engaged by the Respondent but had used those to go to Court to deal with traffic fines or jury service or to deal with his earlier Tribunal claim.
34. He said the back and neck pain had been caused by prolonged driving hours and by having to sleep in his van in a foetal position on occasion. He said this had affected his ability to go running, he suffered circulation issues and on one occasion he thought he was having a stroke. He described having to lie down whilst taking a speed awareness course.
35. The Claimant saw a chiropractor on 16 October 2022. At page 88 was a letter from the chiropractor to the Claimant's GP. It states the Claimant to be "suffering from moderate, chronic cervico-thoracic functional pain with the likelihood of age appropriate, spinal wear and tear in this region. This should be highly amenable to the course of physical and manual therapy proposed and I would expect to see in excess of 90% resolution of the presenting complaint by the end of the initial treatment course".

36. The Claimant, who paid privately for this examination and report, was asked in cross-examination to agree that the report said little about any effect of range of movement, problems with running or the other symptoms he had mentioned. The Claimant said he was disappointed in the report and expected those things to be present.
37. On 2 November 2022 the Claimant returned to his GP. The notes record that he was unable to pay for treatment and requested a referral to a physiotherapist (page 311). He remained “not keen for pain killers”.
38. In November 2022 the Claimant applied for a role as a prison custody officer. He said in his evidence he had to walk four miles to the interview and agreed the role was a physical one. He said he had joined a gym in October 2022 to focus on his neck and back problems.
39. The Claimant saw his GP on 6 January 2023 where it was noted “a vast improvement since being on a self-management period” (page 318).
40. The GP records note on 15 February 2023 the Claimant did not attend a NHS Connect Physiotherapy hospital appointments and there is no other entry concerning his back or neck.

SUBMISSIONS

41. Mr Adjei asked me first to consider what exactly was the alleged disability in this claim. He pointed out that in the ET1 the Claimant had only mentioned neck and back issues and the Claimant had never made any application to amend to add a mental health condition and/or dyslexia. Mr Adjei accepted that by the time of the first Case Management Hearing the Claimant had filed his first Disability Impact Statement referencing these additional conditions and that Employment Judge Kelly had referred to them in her Case Management Summary. He invited me to make a determination that there was only one condition relied on but, even if I was with him, in the alternative to decide whether all conditions relied on did amount to disabilities for the purposes of the Equality Act 2010 definition.
42. Mr Adjei submitted that the material time is the agreed dates of the Claimant’s engagement with the Respondent.
43. As regards the mental health condition he contended that the Claimant had not demonstrated that he had this condition during his engagement with the Respondent. He pointed out the condition had no consistent diagnosis, stress being referred to in the GP notes on 19 September 2021 and 20 April 2023, Healthy Minds referring to a depressive episode in May 2023 and the Claimant referring to PTSD in his second Disability Impact Statement (at page 164). He asserted that the Claimant had not seen any medical practitioner in the relevant period. He acknowledged the Claimant had seen his GP prior to his engagement with the Respondent commencing, and noted that appeared to be a stress reaction in an employment dispute/Tribunal case as at that time. He did not see his GP again in relation to mental health until April 2023 and again this appeared to be a reaction to a stressful event, the Claimant stating in

evidence it concerned his receipt of the Respondent's reply to his Data Subject Access Request.

44. Mr Adjei submitted that even if the Claimant had the mental health condition at the relevant time, there was no evidence of any substantial adverse effect on his ability to carry out day to day activities. He said the UC50 form and Healthy Minds assessment were well after the relevant period.
45. Turning to dyslexia, Mr Adjei accepted this was a mental impairment and referred me to the following extract from the IDS Handbook:

"There is no definition of "mental impairment" in the EqA but Appendix 1 to the EHRC Employment Code states "The term "mental impairment" is intended to cover a wide range of impairments relating to mental functioning, including what are often known as learning disabilities" – para 6"

46. He then referred me to the following section on dyslexia:

"Dyslexia

According to the British Dyslexia Association, dyslexia is often referred to as a "specific learning difficulty" and can affect reading, spelling, writing, memory and concentration, and sometimes maths, music, foreign languages and self-organisation. The Association estimates that round four per cent of the population are severely dyslexic and a further six per cent have mild to moderate problems. The accepted clinical view is that dyslexia is not a sign of low intelligence.

What an employer may perceive as poor written skills, slowness, forgetfulness, lack of concentration, or poor organisational or time management skills may in fact be the result of dyslexia. In Jackson v Lidle Great Britain Ltd ET Case No. 2302259/19, the employment judge, when holding that the claimant was disabled by reason of dyslexia, correctly observed that "it is often difficult to state at what point the condition of dyslexia, which is shared by many people, crosses the line to be classed as a disability." Simply because a claimant suffers from dyslexia does not mean that he or she is automatically to be regarded as being disabled. All depends on whether the impairment is substantial and has a long-term adverse effect on the individual's ability to carry out normal day-to-day activities."

47. Mr Adjei submitted that even having a formal diagnosis of dyslexia does not mean the Claimant could establish this had a substantial and adverse effect on his ability to carry out day-to-day activities. He accepted there was evidence of a diagnosis of dyslexia in 2009 but there was limited medical evidence pertaining to that period and we had no expert evidence. He referred me to a further extract of the IDS Handbook as follows:

"Appendix 1 to the EHRC Employment Code makes it clear that the term "mental impairment" is intended to cover learning disabilities (see para 6). In Dunham v Ashford Windows 2005 ICR 1584, EAT, the EAT gave guidance on how tribunals should deal with mental impairment cases where the impairment

is a learning difficulty – such as dyslexia – rather than a mental illness. D, who had difficulties reading and writing, was employed by AW as a fork-lift truck driver and yardman. Following his dismissal, he brought a complaint alleging that his employer had discriminated against him on the ground of disability by dismissing him and by failing to make reasonable adjustments to accommodate his difficulties. A preliminary issue arose as to whether D was disabled within the meaning of the DDA. The evidence before the tribunal consisted of a report compiled by C, a senior psychologist, that stated that D suffered from “generalised borderline moderate learning difficulties”. Having considered the report the tribunal accepted that D had obvious problems coping with matters of numeracy, literacy and memory. It concluded, however, that he failed to establish that he suffered from a mental impairment within the terms of the DDA. Part of the tribunal’s reasoning was that C was a psychologist and not a medical practitioner. In overturning the decision, the EAT accepted that a claimant is unlikely to establish a mental impairment solely on the basis of “difficulties at school” or because he or she “is not very bright”. Expert evidence as to the nature and degree of the impairment is required, although in a case involving learning difficulties, evidence from a doctor is not essential. Medical evidence is not required in every case, especially where there is appropriate expert evidence as to the type and nature of impairment.”

48. Mr Adjei then turned to the back and neck issues. He accepted the Claimant had a condition but not that he had it at the material time. The GP notes recorded a consultation about this condition after the engagement with the Respondent ended. The records noted the Claimant had been suffering with the condition for a month at that time and that by 20 April 2023 there had been a complete recovery.
49. He accepted the chiropractor report noted “moderate chronic pain” but submitted that was after the material period. The Healthy Minds assessment which took place on 22 May 2023 recorded (page 94) there were no long-term physical health conditions. The back and neck issues did not prevent the Claimant driving for long periods of time or making deliveries as part of that role. He was interviewed for a prison role in November 2022 and started working as a prison officer soon thereafter.
50. I then heard submissions from the Claimant. The Claimant asked me to note the Job Centre in 2021 had advised him to obtain a fit note and so he attended his GP in September 2021. He said in early 2022, after obtaining the response to his Data Subject Access Request from the Respondent, he went downhill and was referred by his GP to Healthy Minds. He referred to having suicidal ideations and being hypervigilant.
51. As to dyslexia the Claimant said he was diagnosed by assessment with an educational psychologist and speech and language therapist. He said it was exacerbated by the long hours he worked during his time with the Respondent. He accepted he did not tell the GP about the dyslexia in 2021, his first visit after 11 years, but said the nurse at his GP practice had asked set questions only. He said the caselaw cited by Mr Adjei had little relevance to his condition, particularly as he asserted he was employed by the Respondent under an illegal contract where there was no evidence the Claimant in the cases cited

were similarly engaged. He said he had been the victim of a fraud that he did not discover until January 2024.

52. Turning to his back and neck issue the Claimant said he had undertaken intense physical training in the gym and that explained why this condition was much improved by the time of his assessment with Healthy Minds. He said that whilst engaged by the Respondent he covered routes across the UK which required him to sleep in his van. He started his role as a prison officer on 16 January 2023.

THE LAW

53. The definition of disability is set out in section 6 Equality Act 2010 as follows:

“(l) 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”

54. The burden of showing he has a disability or disabilities lies on the Claimant (*Kapadia v London Borough of Lambeth [2000] IRLR 699 (CA)*). It is for the Tribunal to determine the matter on the balance of probabilities.

55. The Claimant must show he has a "physical or mental impairment". In the case of *McNicol v Balfour Beatty [2002] IRLR 711*, the Court of Appeal held that "impairment" in this context bears "its ordinary and natural meaning... It is left to the good sense of the tribunal to make a decision in each case on whether the evidence available establishes that the applicant has a physical or mental impairment with the stated effects" The Claimant is not required to show he has a medically diagnosed cause for the impairment relied on. It is the effect of an impairment that must be considered and not its cause. Where there is a long-term substantial adverse effect, it will, in most cases, follow that the Claimant is suffering from an impairment which has produced that effect. The impairment will only amount to a disability if it causes a substantial adverse effect on the Claimant's ability to carry out "normal day-to-day activities".

56. The Guidance on matters to be taken into account in determining questions relating to the definition of disability states:

"In general, day-to-day activities are things people do on a regular or daily basis, and examples include shopping, reading and writing, having a conversation or using the telephone, watching television, getting washed and dressed, preparing and eating food, carrying out household tasks, walking and travelling by various forms of transport, and taking part in social activities." (*Paragraph D3*). Work of a particular kind might not be a "normal" activity for most people, tribunals are entitled in appropriate circumstances to take into

account the effect on an employee of circumstances which only arise at work (Law Hospital Trust v Rush [2001] IRLR 611; Cruickshank v VAW Motorcast [2002] IRLR 24).”

57. The Tribunal must decide if an impairment has an adverse effect and that will usually be straightforward. The more difficult question is whether or not the adverse effect is "substantial". "Substantial" means "more than minor or trivial", which is a relatively low bar. The Tribunal should focus on what the Claimant cannot do as a result of their impairment as opposed to what they can do despite it.

58. The effect of an impairment will be long- term only if:

- It has lasted at least 12 months;
- The period for which it lasts is likely to be 12 months; or
- It is likely to last for the rest of the life of the person affected.

59. In Tesco Stores Ltd v Tennant UKEAT/01617/19, the Employment Appeal Tribunal stated that an impairment must have the required long-term effect at the time that the alleged acts of discrimination are committed. If the Claimant's condition has not lasted at least 12 months at the time of the alleged discriminatory act (or, if there is more than one act, at the time of each act), the claimant will not meet the definition of disability unless they can instead show that, at the time of the alleged discriminatory act (or acts), their condition was likely to last 12 months or for the rest of their life.

CONCLUSIONS

60. The Claimant should set out in their claim form the impairment or impairments on which they are seeking to rely, and should ideally show how it is alleged that the elements of the section 6 definition of disability are satisfied. If it is necessary to add further impairments or change the nature of the impairment relied on, the claimant may need to apply to amend the claim. It is my conclusion that the only condition mentioned in the ET1 was neck and back issues and that no application to amend has ever been made to add the additional conditions of a mental health condition and/or dyslexia.

Nevertheless, I set out below my conclusions as to whether all three conditions amount to disabilities for the purposes of the Equality Act 2010 definition.

61. I agree that the relevant time was the time of the Claimant's engagement and thus I have to decide if he had a disability in the period 28 October 2021 to 13 October 2022. I remind myself the Claimant has the burden of proof.

62. As to the mental health condition, I accept the Claimant visited his GP to obtain a sick note for one month prior to commencing his engagement with the Respondent and that the GP records appear to confirm this was a time limited stress reaction to the ending of a previous role and a Tribunal case.

63. The Claimant did not see his GP again in relation to his mental health until April 2023 and he told me in evidence this was because of his receipt of the Respondent's response to his Data Subject Access Request. It is my finding

that the Claimant did not have any mental health condition at the relevant time. He sought no medical assistance and declared to the Respondent's insurers that he was fit and well.

64. On dyslexia I accept the Claimant was diagnosed with this in 2009/2010 and needed assistance when writing long pieces for his master's degree. After this he was able to work as a teacher. He did not mention this condition when he saw his GP for the first time in eleven years in 2021. There was no medical evidence after 2009/2010 and no expert evidence. I accept dyslexia is a mental impairment but I had no evidence that it was causing the Claimant a substantial and adverse effect on his ability to carry out day to day activities at the relevant time.
65. Turning to the back and neck issues the Claimant said in evidence these began soon after his engagement with the Respondent commenced however he did not visit his GP until after that engagement ended. If the symptoms were as severe as he described I would have expected him to seek medical attention.
66. When he did see his GP he reported symptoms for "1/12" which is clearly the GP referring to one month, as evidenced by the provision of the sick note in September 2021. The chiropractor did note "moderate chronic pain" but did not record how long it had lasted or what the affect on the Claimant's ability to carry out day to day activities was. He was able to walk four miles to an interview for the prison officer role and to go to the gym to aide his recovery. By May 2023 he had recovered. I do not find that at the relevant time he has a long-term condition nor one that had a substantial and adverse effect on his ability to carry out day to day activities.
67. For the reasons above I find the Claimant did not meet the Equality Act 2010 definition of disability.

Employment Judge Hindmarch

27 November 2024