



EMPLOYMENT TRIBUNALS

Claimant: Ms J Chirico

Respondent: Lloyds Bank PLC

Heard at: Cardiff (by CVP)

On: 20 October 2025

Before: Employment Judge Brace

REPRESENTATION:

Claimant: In person

Respondent: Mr A Carter (of Counsel)

PRELIMINARY HEARING IN PUBLIC JUDGMENT

The judgment of the Tribunal is as follows:

Discrimination claim

1. The Claimant has brought a discernible claim for discrimination on the grounds of disability contrary to the Equality Act 2010 bringing complaints of failure to comply with the duty to make reasonable adjustments, subject to time limitation/jurisdiction issues.

Disability

2. At the relevant times however, the Claimant was not a disabled person as defined by section 6 Equality Act 2010 because of anaemia, high blood pressure and a heart murmur.

3. As a result, the Claimant's claim is therefore dismissed.

Strike out of claim

4. In light of the judgment on disability and dismissal of the claim on that basis, the strike out applications on the basis that the complaints have no reasonable prospect of success, have not been determined.

Written reasons

1. This was a public preliminary hearing listed on video for one day on Judge Moore's own initiative to determine the following issues:
 - a. Has the Claimant brought a discernible claim for disability discrimination or should the claim be struck out on the basis the Tribunal has no jurisdiction to hear health and safety complaints?
 - b. Did the Claimant have a disability as defined in the Equality Act 2010 when the alleged discrimination happened? In particular:
 - i. did they have a physical or mental impairment;
 - ii. did the impairment have a substantial adverse effect on their ability to do normal day-to-day activities;
 - iii. if not, would the impairment have had a substantial adverse effect on their ability to do normal day-to-day activities if they had not had medical treatment; and
 - iv. had the substantial adverse effect already lasted 12 months or was it likely to?
 - c. Should the claim or any part of it be struck out because it has no reasonable prospect of success?
 - d. Should the claim or any part of it be struck out because:
 - i. the Claimant has conducted the proceedings in a scandalous, unreasonable or vexatious way?;
 - ii. the Claimant has not actively pursued it? and/or
 - iii. because the Tribunal considers that it is no longer possible to have a fair hearing of it?

- e. Does the claim or any part of it have little reasonable prospect of success? If so, should the Claimant be ordered to pay a deposit of between £1 and £1,000 as a condition of continuing with it?
 - f. Should the claim or any part of it be struck out because the Claimant has no reasonable prospect of establishing that:
 - i. there was discriminatory conduct over a period ending on or after;
or
 - ii. it would be just and equitable to extend the time limit for bringing the claim?
 - g. If not, should the Claimant be ordered to pay a deposit of between £1 and £1000 as a condition of continuing with the claim or any part of it, because they have little reasonable prospect of establishing those things?
2. The Respondent's representative confirmed that they were not making any submissions that the claim be struck out on the basis that that it is scandalous or vexatious (Rule 38(1)(a)), because the manner in which the proceedings have been conducted has been scandalous, unreasonable or vexatious (Rule 38(1)(b)), because it has not been actively pursued (Rule 38(1)(d)) and/or because it is no longer possible to have a fair hearing in respect of it (Rule 38(1)(e)). They were pursuing arguments only that the complaints should be struck out on the basis that they have no reasonable prospects of success (Rule 38(1)(a)) or, in the alternative that they had little reasonable prospects (Rule 39).
3. It was discussed and agreed that after considering the first issue, that of whether there was a discernible discrimination complaint on grounds of disability in the ET1, if I determined that there was, I would then hear evidence from the Claimant and her additional witness and hear submissions from both the Respondent's representative and the Claimant on both whether she was a disabled person at the material time and whether I should strike-out or make a deposit order on prospects of success basis.

Evidence

4. I had before me a preliminary hearing bundle of some 241 pages ("Bundle"), and references to documents in that bundle are denoted by [] in these written reasons. I also had a supplementary bundle of documents ("Supp Bundle") of some 11 pages, and references to documents in the Supp Bundle are denoted by [Supp].

5. Within the Bundle, in addition to documents relating to disability, was the:
 - a. Claimant's Application to amend of 9 May 2025;
 - b. Further information of 6 and 7 August 2025 in response to the order of Judge Moore of 29 July 2025; and
 - c. Claimant's Disability Impact Statement [174].
6. Within the Supp Bundle, in addition to further documents relating to disability, was the statement of Mr Warren Clays, the Claimant's partner, in relation to the Claimant's disability [Supp 3].
7. Both the Claimant and Warren Clays gave live evidence and were subject to cross-examination by the representative for the Respondent and some limited questions from the Tribunal on the issue of disability, albeit neither the Claimant nor Mr Clays had anticipated that Mr Clays needed to give live evidence prior to the commencement of the hearing. As this was a video hearing and Mr Clays was able to participate, he joined the video hearing at the Claimant's request.

Discernible claim of discrimination

Background

8. The Claimant had been employed in a Customer Support role with Lloyds Bank plc, employment that had commenced on 22 April 2024 and ended on 21 January 2025, when she was dismissed by the Respondent for gross misconduct. The Claimant had entered into early conciliation on 6 January 2025 that had ended on 6 February 2025 [6] and had filed her ET1 claim form on 17 February 2025 [7].
9. Within Box 8.1 of her ET1 claim form, the Claimant had not indicated that she was bringing a claim that she had been discriminated against on the grounds of disability. She had ticked the last option, that she was making 'another type of claim which the Employment Tribunal can deal with'. Within the ET1 form, the Claimant had been asked to state the nature of that claim and she had included the following:

'Health and Safety resulting in an injury'

10. Within Box 8.2 of the ET1 claim the Claimant had claimed that she had a heart murmur, high blood pressure and cardiac issues. She spoke of the high temperature in the call centre where she had worked from May 2024, caused by broken air-conditioning and how she had not been moved to another room

despite the high temperature worsening her symptoms. She also claimed that she had requested to work from home after August as she could not work there another summer which had been permitted after October 2024.

11. She also complained that having worked from home, she did not receive a chair or desk and as a result started to experience back pain from sitting 7 hours a day. She complained that she asked for a chair but did not receive one.
12. She sought compensation in the region of £449,040 for a what she considered a life-long injury that had been confirmed by her chiropractor as her sciatica affected her daily.
13. Within the Respondent's ET3 Response/Grounds of Resistance, the Respondent denied that it had discriminated on grounds of disability but also stated that it was not clear whether the Claimant had in fact pursued such a claim. They sought clarity on the disability relied on and/or the complaints [41]. They further pleaded that it was not clear whether the Claimant was asserting that she had been dismissed for raising health and safety issues [42].
14. A case management hearing took place before REJ S Davies on 7 May 2025 [48] when the Tribunal's jurisdiction was explained to her and in particular that the Employment Tribunal does not have 'stand-alone' jurisdiction to determine personal injury claims. The Claimant was also referred to s.44 and s.100 Employment Rights Act 1996 ("ERA 1996")(Health and Safety Cases) and s.6 Equality Act 2010 ("EqA 2010") on the definition of disability. The Claimant indicated that she would consider whether she wished to bring a disability discrimination complaint,
15. She was encouraged to seek advice and directed to submit an amendment application by no later than 6 June 2025.
16. On 7 May 2025, the Claimant made an application to amend her claim confirming that she was bringing a disability complaint and that she was disabled because of a heart murmur, palpitations, high blood pressure and anaemia and that she had been unaware that she should have originally included this instead of health and safety; she spoke of not being moved to another room and not being given a chair causing more stress, high blood pressure and extreme back pain [46].
17. The Claimant wrote again on 9 May 2025 setting out an application to amend [53] in which she stated that she had not been given a chair or desk working

from home resulting in pain, stress and increased blood pressure and a back injury; she again spoke of the excessive heat and the hot environment of the call centre that had made her ill over four months.

18. The Respondent responded to that application on 12 June 2025 and indicated that it appeared that the Claimant was now advancing claims of failure to comply with the duty to make a reasonable adjustment but that she had not provided dates or the reason why such complaints were not in the ET1.
19. By this time a further case management preliminary hearing had been listed for 29 July 2025. The Claimant applied for a postponement due to a trip that she had booked to America.
20. Both applications were refused by Judge Sharp on 10 July 2025 [59] and the Claimant was directed to:
 - a. specify precisely the claim she sought to claim, why it was not in the original claim and how it was in the interests of justice to allow it; and
 - b. provide evidence of her booking and why she could not attend from America.
21. The Claimant did not respond and the case management preliminary hearing took place on 29 July 2025 before Judge Moore. The Claimant did not attend, due to connectivity issues and Judge Moore of her own initiative directed that this public preliminary hearing be listed to determine the issues set out above [63].
22. Judge Moore also directed the Claimant to provide the Further Information on what appeared to be the Claimant's complaints of failures to comply with the duty to make reasonable adjustments:
 - a. Why working in a hot office gave rise to a substantial disadvantage explaining the link to her disability(s);
 - b. Why the lack of an office chair whilst working from home gave rise to a substantial disadvantage again explaining the link to her disability(s);
 - c. The dates the Claimant says she asked for an office chair in November 2024 and how the request was made;
 - d. The date the Claimant says she was told to go into the office and wheel a chair to the car.
23. The judge also gave directions for the Claimant to prepare a Disability Impact Statement and for the parties to disclose documents relevant to the issue of disability.

24. She explained the reasons for making her order and listed this public preliminary hearing to determine the issues as set out above. The Claimant was further directed to prepare a witness statement setting out all the facts on which she relied on in support of any application for extension of time.
25. On 1 August 2025, the Claimant wrote to the Tribunal and explained that she had tried to log onto the preliminary hearing on 29 July 2025 but had a connection issue [74] and on 6 and 7 August 2025 provided the Further Information directed [77]. There was no issue that the Claimant had not complied (materially or otherwise) with the unless order.
26. Judge Moore had prepared a draft list of issues for the Claimant's potential substantive complaints and, prior to determining the issues before me today, that list of issues was finalised at the outset of this hearing. These were as follows:

The Issues

The issues the Tribunal will decide are set out below.

1. Time limits

1.1 Given the date the claim form was presented and the dates of early conciliation, any complaint about something that happened before 7 October 2024 may not have been brought in time.

1.2 Were the discrimination complaints made within the time limit in section 123 of the Equality Act 2010? The Tribunal will decide:

1.2.1 Was the claim made to the Tribunal within three months (plus early conciliation extension) of the act to which the complaint relates?

1.2.2 If not, was there conduct extending over a period?

1.2.3 If so, was the claim made to the Tribunal within three months (plus early conciliation extension) of the end of that period?

1.2.4 If not, were the claims made within a further period that the Tribunal thinks is just and equitable? The Tribunal will decide:

1.2.4.1 Why were the complaints not made to the Tribunal in time?

1.2.4.2 In any event, is it just and equitable in all the circumstances to extend time?

2 Disability

2.1 Did the Claimant have a disability as defined in section 6 of the Equality Act 2010 at the time of the events the claim is about? The Tribunal will decide:

2.1.1 Did they have a physical or mental impairment: High blood pressure, anaemia and heart murmur?

2.1.2 Did it have a substantial adverse effect on their ability to carry out day-to-day activities?

2.1.3 If not, did the Claimant have medical treatment, including medication, or take other measures to treat or correct the impairment?

2.1.4 Would the impairment have had a substantial adverse effect on their ability to carry out day-to-day activities without the treatment or other measures? Were the effects of the impairment long-term? The Tribunal will decide:

2.1.4.1 did they last at least 12 months, or were they likely to last at least 12 months?

2.1.4.2 if not, were they likely to recur?

3 Reasonable Adjustments (Equality Act 2010 sections 20 & 21)

3.1 Did the Respondent know or could it reasonably have been expected to know that the Claimant had the disability? From what date?

3.2 Did a physical feature, namely a hot office put the Claimant at a substantial disadvantage compared to someone without the Claimant's disability, in that the temperature increased the Claimant's symptoms increasing the Claimant's already high blood pressure causing weakness, sweating, slurred speech, shortness of breath, dizziness, dehydration, headache rapid heart rate and further iron loss?

3.3 Did the lack of an auxiliary aid, namely an office chair, put the Claimant at a substantial disadvantage compared to someone without the Claimant's disability, in that the Claimant's already high blood pressure and anaemia was causing stress and discomfort and that the Claimant's back pain caused an increase in cortisol levels and adrenaline further increasing her blood pressure?

3.4 Did the Respondent know or could it reasonably have been expected to know that the Claimant was likely to be placed at the disadvantage?

3.5 What steps could have been taken to avoid the disadvantage? The Claimant suggests:

From May 2024:

- 3.5.1 Ensuring the office was at a suitable temperature;
- 3.5.2 Moving her downstairs to an airconditioned unit with a trainer for 1:1 from May 2024;
- 3.5.3 Permit home working;

From 14 October 2024:

- 3.5.4 Providing an office chair; and
- 3.5.5 Providing her with a stand-up desk.

3.6 Was it reasonable for the Respondent to have to take those step and when?

3.7 Did the Respondent fail to take those steps?

Deliberation

27. Having reviewed the ET1, I took into account that the Claimant is unrepresented. She is a 'litigant in person'. I noted that the Claimant had not ticked the ET1 Box 8.1 to indicate that she was claiming discrimination on grounds of disability and indeed had not mentioned 'disability' or 'discrimination' at any point in her ET1 claim form.

28. She had however in Box 8.2 of the ET1 referred to her a heart murmur, high blood pressure and cardiac issues and spoken of the high temperature in the call centre where she had worked from May 2024, caused by broken air-conditioning and how she had not been moved to another room despite the high temperature worsening her symptoms. She also claimed that she had requested to work from home after August as she could not work there another summer which had been permitted after October 2024. She also complained that having worked from home, she did not receive a chair or desk and as a result started to experience back pain from sitting 7 hours a day. She complained that she asked for a chair but did not receive one.

29. It appeared to me that when looking at the claim as a whole and taking into account that the Claimant is a litigant in person, the claim form did have a

discernible claim of disability discrimination and that the Claimant had in effect saying that there had been a failure to make reasonable adjustments for her in not being moved to another room and latterly not being provided with a chair or desk.

30. It further appeared to be that after having been provided with guidance from the regional judge at the first preliminary hearing, that the Claimant was in effect only seeking to relabel her claims, claims that were within the ET1. That was permitted as a minor amendment and I turned to the issue of whether the Claimant was a disabled person at the material time.

Disability

Law

31. The Equality Act 2010 ("EqA") provides that a person has a disability if he or she has a 'physical or mental impairment' which has a 'substantial and long term adverse effect' on his or her 'ability to carry out normal day to day activities'.
32. Supplementary provisions for determining whether a person has a disability are contained in Part 1 Sch 1 EqA, which essentially raise four questions:
- a. Does the person have a physical or mental impairment?
 - b. Does that impairment have an adverse effect on their ability to carry out normal day to day activities?
 - c. Is that effect substantial?
 - d. Is that effect long term?
33. Although these questions overlap to a certain degree, when considering the question of disability, a Tribunal should ensure that each step is considered separately and sequentially (**Goodwin v Patent Office [1999] IRLR (EAT)**). In **Goodwin**, Morison P, also set out very helpful guidance as to the Tribunal's approach with regard to the determination of the issue of disability, at paragraph 22 saying: "*The tribunal should bear in mind that with social legislation of this kind, a purposive approach to construction should be adopted. The language should be construed in a way which gives effect to the stated or presumed intention of Parliament, but with due regard to the ordinary and natural meaning of the words in question.*"
34. The supplementary EqA 2010 Guidance on the definition of disability ("Guidance") also 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*' (D3).

35. The requirement that the adverse effect on normal day to day activities should be considered a substantial one is a relatively low threshold. A substantial effect is one that is more than minor or trivial (s.212 EqA, supplemented by B1 Guidance).
36. The EAT in **Paterson v Commissioner of Police of the Metropolis** [2007] IRLR 763 and **Elliot v Dorset County Council** [2021] IRLR 880 EAT both gave consideration as to when there is a substantial impact, that
- a. the comparison is not with the population at large, that *'what is required is to compare the difference between the way in which the individual in fact carries out the activity in question and how he would carry it out if not impaired'* (at para 27 **Paterson**); and
 - b. the *'adverse effect of an impairment on a person is to be compared with the position of the same person, absent the impairment. If the impairment has a more than minor or trivial effect on the abilities of the person compared to those s/he would have absent the impairment, then the substantial condition is made out (at para 43 Elliot).*
37. Whilst tribunals should consider whether the adverse effect is 'substantial' in light of the statutory definition and the supplementary Guidance, the Guidance does not impose any legal obligations in itself, although tribunals must take account of it where they consider it to be relevant.
38. The Guidance (D3) also indicates that normal day-to-day activities can include 'general work' and the EAT in **Paterson** concluded that 'normal day-to-day activities' must be interpreted as including activities relevant to professional life. It emphasized that the phrase is to be given a broad definition that can include irregular but predictable activities that occur in professional life.
39. Furthermore, a non-exhaustive list of how the effects of an impairment might manifest themselves in relation to these capacities, is contained in the Appendix to the Guidance on matters to be taken into account in determining questions relating to the definition of disability.
40. Finally, the burden of proof is on the claimant to show she satisfied this definition. The time at which to assess the disability i.e. whether there is an impairment which has a substantial adverse effect on normal day-to-day activities, is the date of the alleged discriminatory act (**Cruickshank v VAW Motorcast Ltd** 2002 ICR 729, EAT). This is also the material time when determining whether the impairment has a long-term effect

Facts

41. The Claimant was born in May 1978 and at the material time was 46 years' old.

42. The Claimant was admitted to the Emergency Department of her local hospital in Wrexham in March 2024 with shortness of breath and dizziness [222] and albeit the records from the Emergency Department was far from clear as to the cause of such symptoms, her GP records indicate that she reported to them that she had been in A&E due to high blood pressure readings.
43. The GP requested that she take some home readings and she was prescribed a month's supply of Nifedipine medication which the Claimant indicated was prescribed to treat her high blood pressure [153].
44. By 21 March 2024, the GP records reflected that her blood tests indicated that her iron levels were low, and she was prescribed iron supplements [156]. The notes also reflect that she had not experienced high blood pressure since starting such supplements.
45. The Claimant reported her blood pressure readings throughout the summer of 2024 reporting readings between 101/62 to 154/93.
46. On 10 June 2024, the Claimant was admitted to the Emergency Department of the local Countess of Chester Hospital presenting with chest pain and intermitted pain and headaches [204]. Her blood pressure was recorded as 140/98 [206]. A diagnosis of malignant hypertension was confirmed [200].
47. She subsequently sought a referral for her anaemia [132], the referral letter confirming that she had been started on the iron tablets and the Nifedepine, although the Claimant confirmed in evidence that that latter medication was stopped relatively shortly after having received the prescription due to side-effects. She continued with her iron supplements.
48. By 22 July 2024, the Claimant's home blood pressure readings indicated that she had slightly elevated blood pressure but that she had made lifestyle and diet changes which was notes as being the 'correct intervention' but that if the blood pressure remained elevated, medication such as Rampiril could be considered [141]. There was no other medical evidence that indicated that at any point the Claimant has been prescribed such medication.
49. That she has been suffering with high blood pressure and anaemia since 2024 was confirmed by her general practitioner [Supp 6].
50. The Claimant gave evidence that she had been diagnosed with a heart murmur as a new born but that there was no medical evidence to support such a diagnosis in adulthood and she surmised that this issue may have corrected itself as she matured.
51. With regard to the impact on the Claimant's day to day activities, the Claimant had given limited evidence. The Claimant's mobility was not affected and indeed she evidenced that walking and exercise was helpful; that she did yoga.

She indicated no impact on normal day to day activities such as cooking and cleaning and that she only needed to avoid caffeine and high salt foods.

52. The Claimant's focus was the effect that her conditions had on working in a hot environment, which she said had exhausted her. Whilst she had no problems sitting for prolonged periods, after she had injured her back, this had caused further higher blood pressure.
53. When asked by me what day to day activities had been adversely impacted, she stated that it was the day to day activity of going to work, in that she had time off work for sickness absence.

Submissions

54. The Respondent has sought to persuade me that after the slightly high blood pressure average reading in July 2024, there was no evidence of further issues with regard to high blood pressure the Claimant had made lifestyle adjustments that her GP recommended that were available to address high blood pressure. With regard to her anemia, that it was treated by iron supplements but also times when those iron supplements were not taken and no medical intervention and that context advises on whether the effect on this Claimant's day to day activities were minor. He invited me to find that there was no evidence of the heart murmur.
55. With regard to any impact on day to day activities, he reminded me that the impacts evidenced were closely connected to hot environment, and would be impactful not particular to person with anemia/HBP. He submitted that there was no connection of the disabilities being exacerbated by the back problem and that whilst sitting in a room is a day to day activity, an injury would impact on any person and there was no any other evidence that there was a substantial impact and no medical evidence to support lack of chair exacerbated HBP or anemia either from chiropractor
56. The Claimant submitted that the day to day activities affected was her job – that she couldn't carry out her job at Lloyds properly due to symptoms of slurring and dizziness and that this had caused her a lot of stress. I asked the Claimant how she said that the effects met the definition 'long term'. The Claimant responded that she had to have medical breaks and be in a cool environment and it had led to her dismissal and that these were likely to recur as she still has high blood pressure.

Conclusions

57. I found that the Claimant at the material times had impairments of high blood pressure and anaemia, but not heart murmur, with symptoms of chest pain and dizziness from time to time. She was taking no medication for her high blood

pressure and only iron supplements from time to time to assist with her anaemia and therefore I did not need to consider deduced effects. Likewise, I concluded that the impairments were not significant in themselves acknowledging that it is the effect of the impairments on the Claimant's day to day activities that was the focus not the impairments themselves.

58. I considered what were the 'day to day activities' relied on. Whilst I accept that going to work can be a day to day activity, I did not find that the Claimant's high blood pressure and/or anaemia did have a substantial adverse impact on the Claimant's ability to go to work generally. She was able to do so at the call centre and only had issues when the temperatures were 'hot', in excess of 25 degrees. Generally, the impairments therefore had no effect on that day to day activity, only when a specific environment existed, namely a very hot one.
59. Whilst I accept that working in such conditions would, more likely than not, increase anyone's blood pressure and specifically would likely exacerbate the Claimant's symptoms from her high blood pressure, such that it impacted on the Claimant's ability to work in the call centre on such days, I did not conclude that working in such hot conditions could be said to be a 'normal day to day activity'. Therefore, the Claimant would not be disabled by reason of the effect it had on her day to day activity of going to the call centre.
60. In any event, even if that is wrong, it could not be said in this case that any adverse impact on that activity was 'long term': any adverse impact on the Claimant's ability to go to work had not lasted 12 months (it had only lasted at best from May through to August/September), nor was it likely to last 12 months (the air-conditioning was fixed by August). Nor could it be said that the temperatures being high 'could well happen'. This was a one-off issue caused by malfunctioning air-conditioning.
61. That therefore would not have assisted to persuade me that the Claimant was disabled by her conditions.
62. I then considered the home-working environment. The Claimant had evidenced that her impairments did not impact on any requirement to sit for prolonged periods. Rather, the issue was sitting in a chair that had caused injury which in turn, she says, increased her blood pressure. There was no medical evidence of this, only anecdotal evidence from the Claimant that her chiropractor had considered that this might have been the case.
63. Again, sitting in a chair that causes injury (if in fact that has arisen and I make no findings that it has,) was not in my view a 'day to day activity'. In any event, this was not long term; sitting in that chair had not lasted 12 months (it had only lasted at best from October 2024 through to December 2024), nor was it likely to last 12 months or the rest of her life. Again, this was a one-off issue caused by particular seating.

64. In reaching a conclusion on whether the Claimant had been able to demonstrate to me that her high blood pressure and/or anaemia had had a substantial adverse impact on her day to day activities at the material time, I focussed not on what the Claimant could do, but on what she could not do or could only do with difficulty (B9 Guidance).
65. I concluded that the Claimant's high blood pressure and/or anaemia did not have a substantial adverse effect on her day to day activities at the material time for the reasons set out above. In coming to this conclusion, I took into account that the threshold of what is substantial is low; it is more than minor or trivial (s.212 EqA 2010).
66. I focussed on that period of time that the Claimant worked at the Respondent from May 2024 through to January 2025, and had not been persuaded that there had been any effect on the Claimant's day to day activities finding that neither working in a hot environment nor sitting in a chair that caused a back injury/sciatica were 'normal day to day activities'.
67. Even taking into account the purposive approach and the need to focus on what the Claimant cannot do, rather than what the Claimant can do, I concluded that the Claimant was not a disabled person by reason of her high blood pressure, anaemia and/or heart murmur at the material times.
68. As I made clear to the Claimant, the purpose of a discrimination complaint is to ascertain if a claimant has been treated less favourably or unfavourably or unreasonably in terms of adjustments, *because* they are a disabled person. The Tribunal does not have jurisdiction under the discrimination provisions of the Equality Act 2010 to determine whether the Claimant has been injured or made disabled by their employers because of other failings such as breach of health and safety, which may in essence still be what the Claimant seeks despite her failure to make a reasonable adjustment claim.
69. The Claimant was not a disabled person at the material times and the claim is therefore dismissed.
70. In light of that judgment, I did not need to consider the submissions on whether the claim should be struck out on the basis of little reasonable prospects of success.

Approved by:
Employment Judge Brace
21 October 2025

Judgment sent to the parties on:

18 November 2025
For the Tribunal:

Katie Dickson

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