



EMPLOYMENT TRIBUNALS

Claimants

L Bland

v

Respondents

Vine FX Limited

Heard at: Bury St Edmunds by video
Before: Employment Judge W Anderson

On: 25 November 20205

Appearances

For the claimant: J May (solicitor)

For the respondent: A Williams (solicitor)

JUDGMENT

1. The claimant is not disabled for the purposes of s6 Equality Act 2010.
2. The claimant's claim of disability discrimination is dismissed.

REASONS

Background

1. The claimant was employed by the respondent from 29 May 2022 until 15 April 2024 when she was dismissed. Early conciliation took place from 2 July 2024 until 13 August 2024. This claim was filed on 10 September 2024. A case management hearing took place on 10 March 2025 at which EJ Spencer listed this final hearing and a preliminary hearing to decide disability status on 10 June 2025 as the respondent did not concede on status. The preliminary hearing was postponed due to lack of judicial resource on 9 June 2025 and the parties' availability for a relisting was sought. Ms May said the availability was provided and she contacted the tribunal on more than one occasion about the matter but received no response. Consequently, no status hearing had taken place when the parties attended this morning.

The Hearing

2. The parties filed a joint bundle for the final hearing. The claimant filed a witness statement. The respondent filed three. When I had a preliminary discussion with the parties at the outset and understood that no decision on status had been made, I decided to make a decision on that before continuing

with the substantive hearing. The claim was only one of disability, and if the claimant was not disabled the claim would fail.

3. Ms May informed me that a preliminary hearing bundle had been prepared for the preliminary hearing and that witness statements had been filed by the claimant and Ms Chapman (for the respondent). I did not have those documents but the parties representatives sent them to me. The claimant and Ms Chapman gave evidence on oath. Mr Williams and Ms May both made oral submissions. Neither in written pleadings nor in oral submissions did either representative rely on any authorities in support of their positions.

Relevant Findings of Fact

4. On 29 March 2017 the claimant suffered a period of low mood when a close relative was ill. She visited the GP who suggested counselling.
5. From 3 November 2019 to 15 February 2020 the claimant had 8 sessions of hypnotherapy and talking therapy with a psychotherapist. She completed a 6 week mental fitness coaching program from 5 March 2022 to 22 April 2022. She had three psychotherapy sessions from 5 June 2022 to 11 June 2022.
6. On 6 December the claimant attended the respondent's Christmas party. At 20:34 she texted a friend to say she was having a panic attack in the bathroom due to there being too many people shouting and screaming. Her friend replied that she should not force herself to stay. Ms Chapman was also at the party and said she was not aware of the claimant showing any signs of distress or panic. The claimant messaged Ms Chapman the next day to say she was hungover.
7. The respondent has disclosed various messages between Ms Chapman and the claimant over the period 16 January 2023 to 13 December 2023 in which various health problems are raised. The claimant does not refer to anxiety. She once refers to low mood attributing it to low vitamin D levels.
8. On 29 August 2023 the claimant visited the GP stating that she had been struggling with anxiety for a long time and had suffered from panic attacks since the age of 14. Other than as referenced at paragraph 1, no medical records were provided to evidence a long term condition. The claimant was recorded at that visit as suffering from Generalised Anxiety Disorder and on requesting medication, but not an SSRI, was prescribed a beta blocker. She visited the doctor again on 26 September 2023 for further medication but there is no record of a discussion about her condition with the GP thereafter, and no later records from the GP relating to this issue.
9. On 11 April 2024 the claimant became ill at work. She asked her father to collect her and take her to A and E. Discharge information was supplied in the bundle. No diagnosis is recorded in the document.
10. The claimant said the consultant told her she suffered from severe stress and had had a severe panic attack. The claimant said the follow up was blood tests. The claimant did not visit her GP after this incident and there were no

documents in the bundle indicating that the claimant told the respondent about the consultant's diagnosis when she returned to work. There are many communications about other illness related absences in the bundle.

11. The claimant attended work social events in 2023. Ms Chapman has referred to five of these that are evidenced by photographs in her witness statement. Ms Chapman also stated that the claimant was often a participant and organiser of a weekly social drink. This evidence was not contested by the claimant.

Submissions

12. Mr Williams said that the claimant's evidence did not reach the threshold for discrimination. He said that she did everything she could not just to mask her condition but to hide it which meant that knowledge of it by the respondent was non-existent. I asked whether he was stating that the impairment did not reach the threshold for a disability, but if it did the respondent had no knowledge in any event. He said that the two went hand in hand and it was an 'and' rather than an 'or'.
13. Ms May repeated much of the information provided in the claimant's disability impact statement about details of diagnosis and symptoms. She said in relation to knowledge that the claimant was called to a meeting on 15 April 2024 and did not know what it was about. The claimant's position was that the respondent was aware of her anxiety, distress and panic attacks and should have carried out further investigations before dismissing her.

Decision

14. I need to decide whether the claimant was disabled under the definition set out at s6(1) of the Equality Act 2010 at the time of the alleged discriminatory acts.

6 Disability

(1) A person (P) has a disability if—

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

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

15. The discriminatory acts are said to have taken place during 29 May 2022 and 14 April 2024, i.e. the entire duration of the claimant's employment with the respondent
16. The tribunal should consider the following four factors when determining whether a person is disabled for the purposes of the Equality Act 2010 as set out in the case of *Goodwin v Patent Office [1999] ICR 302 EAT*;
 1. Did the claimant have a mental and/or physical impairment?
 2. Did the impairment affect the claimant's ability to carry out normal day to day activities (the adverse effect condition)?
 3. Was the adverse effect condition substantial?
 4. Was the adverse effect condition long term?

17. In reaching my decision I have kept in mind that medical evidence is not essential in order to prove the existence of either an impairment or of a disability. I have also kept in mind the nature of the claimed disability, and the fact that it is a condition that may relapse and remit. I took into account the claimant's statement that suffering from poor mental health is not synonymous with an inability to socialise.

Did the claimant have a physical or mental impairment.

18. On considering the claimant's GP records and her statement I find that the claimant had a mental impairment in the form of anxiety, specifically diagnosed as Generalised Anxiety Disorder on 29 August 2023 by the claimant's GP, during the time she was employed by the respondent.

Did the impairment affect the claimant's ability to carry out normal day to day activities, and if so was the effect substantial?

19. Substantial is defined in S.212(1) Equality Act 2010 as meaning 'more than minor or trivial' and in determining whether the adverse effect is substantial the tribunal must compare the claimant's ability to carry out normal day to day tasks with the ability the claimant would have if not impaired.
20. The claimant states in her impact statement that when she is unwell, she retreats from social interaction with friends and family and does not leave her home, and that when she worked for the respondent, she was physically exhausted and slept on the journey home. She states that she gets behind with household chores, lacked in self-care and missed appointments.
21. The claimant has provided evidence of one missed medical appointment for a biopsy. There is no corroborating evidence as regards social withdrawal and self-neglect from friends or family or by medical evaluation. There is evidence of the claimant having a full and active social life during 2023 and uncontested evidence from Ms Chapman both that the claimant was known for organising and participating in a regular Friday social event, and that she was consistently well groomed.
22. The claimant has provided evidence that she told a friend by WhatsApp on the night of the respondent's Christmas party on 6 December 2022 that she was having a panic attack. The claimant attended work the next day stating that she had a hangover.
23. The claimant was unwell due to anxiety on 10 and 11 April 2024 and attended hospital. The discharge information shows that there was no urgent concern on the part of the consultant who examined the claimant and the claimant's evidence was that the only follow up suggested was blood tests. No diagnosis is made or suggested in the documentation provided. The claimant was not absent from work after this incident for any significant period of time.
24. The claimant has provided evidence that she contacted her GP in 2017 and it is noted that she was low in mood. Also, that she sought out the services of a psychotherapist in 2019 and again in 2022. On 26 August 2023 she

visited her GP and asked for rescue medication for when she feels she is about to have a panic attack.

25. I have noted that the claimant specifically makes a distinction in terms of social withdrawal from close friends and family as opposed to work and work events. However, I find that this statement was not reflected in medical evidence or any other documents or statements; the respondent has provided evidence of active social engagement at work, before and after beta blockers were prescribed; and it has not been raised by either side that the claimant had a poor attendance record.
26. I need to consider the impact of the impairment without medical treatment. The claimant did not receive medical treatment until 29 August 2023 and there is no independent evidence of an inability to carry out normal day to day activities before that time. The medication prescribed is to deal with panic attacks, as requested by the claimant, whereas the claimant has listed a range of other symptoms which would not be addressed by this medication. There is evidence that the claimant attended work, was well groomed and had an active social life. Previously she sought psychotherapy privately and states that she undertook many self-help techniques and used herbal remedies. Psychotherapy even though privately sought may constitute medical treatment, but this involved two short term periods of therapy, and one coaching course and was not ongoing. The other techniques described are not medical treatment for the purposes of this consideration.
27. I have taken the claimant's case at its highest. and I find, on the basis that she was feeling low enough to seek out treatment from her GP on 29 August 2023, and was suffering from anxiety on 10 and 11 April 2024 which led to two days off work, that the condition does have an impact on her ability to carry out day to day activities. However, though I fully accept that the claimant suffers from anxiety and that this has an unpleasant impact on her life, I find that the impact in terms of an ability to carry out normal day to day activities is minimal and does not reach the standard of 'more than minor or trivial'. The independent evidence before me is that the claimant participated regularly in normal day to day activities throughout her employment and did so before she sought medication in the form of beta blockers from her GP.
28. I conclude that the claimant is not disabled for the purposes of section 6(1) of the Equality Act 2010 and therefore, as the claim is only one of disability discrimination, it is dismissed.

Approved by
Employment Judge W Anderson

Date: 25 November 2025

Sent to the parties on: 18 December 2025

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For the Tribunal Office

