



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Mrs J Munley

AND

Respondent

Kernow Learning Academy Trust

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD REMOTELY By CVP

ON

3 July 2026

EMPLOYMENT JUDGE N J Roper

Representation

For the Claimant: Miss G Nicholls of Counsel

For the Respondent: Mr S John of Counsel

JUDGMENT

The judgment of the tribunal is that the claimant was a disabled person by reason of work-related stress and/or Mixed Anxiety and Depressive Disorder at the times relevant to this claim, namely 1 May 2025 to 20 May 2025.

REASONS

1. This is the judgment following a preliminary hearing to determine whether the claimant was a disabled person at the material times.
2. This has been a remote hearing on the papers which has been consented to by the parties. The form of remote hearing was by Cloud Video Platform. A face-to-face hearing was not held because it was not practicable, and all issues could be determined in a remote hearing. The documents that I was referred to are in a bundle of 244 pages, the contents of which I have recorded.
3. I have heard from the claimant, who gave evidence having submitted a Disability Impact Statement, and a Supplemental Statement. Mr John questioned the claimant on her evidence, and Mr John and Miss Nicholls made submissions on behalf of their respective clients.
4. There was a degree of conflict on the evidence. I found the following facts proven on the balance of probabilities after considering the whole of the evidence, both oral and

documentary, and after listening to the factual and legal submissions made by and on behalf of the respective parties.

5. The Facts:

6. The claimant is a teacher employed by the respondent. During 2024 the respondent imposed changes in her teaching duties and she perceived that her employment and capabilities were under scrutiny for the first time. She suffered a stress reaction as a result, particularly during the summer holiday of 2024 before her imminent return to teaching for the autumn term of 2024.
7. The claimant had a pre-existing thyroid condition which occasionally caused fatigue, lack of concentration, and interrupted sleep. The separate stress-related condition also began to have an effect on the claimant, which included interrupted sleep and fatigue. The claimant was diagnosed as suffering from stress at work on 30 August 2024. She was signed off work, and she remains absent on certified sick leave.
8. Relevant extracts from the claimant's GP notes are as follows. On 30 August stress at work was diagnosed for the first time and she was prescribed mirtazapine to help her sleep. She was anxious about returning to school which she perceived to be very stressful and was often unable to sleep. On 5 September 2024 her stress at work was reviewed and there was a discussion as to how to help her sleep better. There was a further review by her GP dealing with stress at work on 19 September 2024 and she was also referred to the social prescribing service. More sleep difficulties were recorded. There was a further review on 8 October 2024 for stress at work which confirmed that she was suffering from work-related stress, she was not fit for work, she had not slept well because of the anxiety of having to return to school, and her fit note was extended until the end of term. There were further reviews for stress at work on 18 November 2024 and 3 December 2024 and it was recorded that her anxiety was keeping her awake at night and she remained unfit for work.
9. There was another review for stress at work on 13 January 2025 when the claimant was diagnosed for the first time as suffering from Mixed Anxiety and Depressive Disorder (MADD). The notes record that she was nauseous and not sleeping, she was not functioning as normal, she was not mentally well, and she was not strong enough to attend a meeting at school. The MADD condition was reviewed on 28 January 2025 and it was reported that she was struggling from brain fog and feeling tearful, worried and irritable. The notes specifically record that this felt different from when her thyroid was underactive.
10. On 14 February 2025 the claimant completed an online questionnaire and she recorded that she was feeling depressed or hopeless nearly every day; she was having trouble with sleep more than half the days; she was having trouble with energy more than half the days; she was feeling bad about herself nearly every day; and she was having trouble with concentration nearly every day.
11. There was a further review of MADD with her GP on 20 March 2025 in which she suffered a panic attack, and a further review on 1 April 2025 which recorded that a further sickness certificate had been issued confirming that she was not fit for work and the fact that the respondent was considering making redundancies had resulted in additional worries. On 22 April 2025 there was a further review of her MADD which reported that she was feeling anxious. On 21 May 2025 there was a detailed review with her GP for MADD which confirmed that she had ongoing anxiety and depression.
12. The claimant was a keen rower and also had part-time temporary employment in the local boat club. She was advised by her GP to maintain this activity to help her mental health and she continued to try to do so. The part-time employment was seasonal, but she felt too unwell to return to work when the seasonal work resumed in about March 2025. The claimant lives in a small community in West Cornwall and she found it upsetting and stressful to meet people who were related to her work. The respondent has referred to certain entries in the GP notes which it claims undermines the claimant's assertion that she is disabled. One is in 20 March 2025 which shows that she had been rowing. However, this reports that the claimant suffered a panic attack and acute distress when she ended up in close proximity to someone related to her work and current issues. The entry on 22 April 2025 records that she was due to go to the world rowing Championships in July but felt extremely anxious about this because there would be people for work there. Another

- entry on 21 May 2025 records that she managed rowing races despite being on the start line next to a boat which had an individual from work.
13. The entries repeated above from the claimant's GP notes are consistent with other information to be found in the contemporaneous documents, such as occupational health reports and written reports from other therapy sessions.
 14. I find that the claimant suffered from a mental impairment which was different from and more serious than the earlier occasional issues caused by her thyroid. From August 2024 there was a separate mental impairment which was initially diagnosed as work-related stress and then subsequently diagnosed as MADD. The claimant has given evidence of a number of day-to-day activities which she says were substantially adversely affected. It is clear from the GP notes that there was a significant and occasionally severe adverse effect on the claimant's sleep patterns, which gave rise to fatigue and lack of concentration, and also had an effect on her normal social interactivity. If the claimant met people that were related to her difficulties at work, whether in local shops or socially, this had a substantial adverse effect, including on one occasion a panic attack. The claimant repeatedly took steps to change her normal social activities and interactions in order to avoid meeting those related to her work, because this had an adverse effect on her mental health.
 15. As at May 2025 the claimant remained on certified sickness absence, which had commenced as long ago as August 2024. There is no suggestion in any of the medical notes or related reports that the claimant was well enough to return to work in May 2025. Indeed the contrary position is true in that a new fitness certificate confirming that the claimant was not fit for work was issued on 21 May 2025.
 16. Having established the above facts, I now apply the law.
 17. The Law:
 18. The claimant alleges discrimination because of her disability under the provisions of the Equality Act 2010 ("the EqA"). The claimant complains that the respondent has contravened a provision of part 5 (work) of the EqA. The claimant alleges discrimination arising from a disability, indirect disability discrimination, and a failure by the respondent to comply with its duty to make adjustments.
 19. The protected characteristic relied upon is disability, as set out in section 6 and schedule 1 of the EqA. A person P has a disability if he has a physical or mental impairment that has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities. A substantial adverse effect is one that is more than minor or trivial, and a long-term effect is one that has lasted or is likely to last for at least 12 months, or is likely to last the rest of the life of the person.
 20. In addition, schedule 1(5) EqA provides that – (i) an impairment is to be treated as having a substantial adverse effect on the ability of the person concerned to carry out normal day-to-day activities if – (a) measures are being taken to treat or correct it, and (b) but for that, it would be likely to have that effect. (ii) "Measures" includes, in particular, medical treatment and the use of prostheses or other aid.
 21. Under section 212(1) EqA "substantial" means more than minor or trivial.
 22. The Secretary of State has published Guidance on Matters to be taken into Account in Determining Questions Relating to the Definition of Disability (2011) ("the Statutory Guidance"), which I have considered. Section B provides guidance on the meaning of "substantial adverse effect". This repeats section 212(1) EqA and confirms that "substantial" means more than minor or trivial. In it also addresses factors such as the time taken to carry out an activity; the way in which an activity is carried out; and curative effects of an impairment. Section D provides guidance on the meaning of "normal day-to-day activities". The EqA does not define what is to be regarded as a "normal day-to-day activity", but in general the Statutory Guidance states that it includes things which people do on a regular or daily basis, and examples include shopping, reading and writing, having a conversation or using the telephone, and carrying out household tasks.
 23. I have also had regard to the relevant provisions of Appendix 1 of the Equality and Human Rights Commission Code of Practice on Employment - the Meaning of Disability. This says that a substantial adverse affect is something which is more than minor or trivial. In determining whether something has a substantial adverse effect, account should also be

- taken of where a person avoids doing things which, for example, cause pain, fatigue or substantial social embarrassment; or because of the loss of energy and motivation.
24. This Appendix to this Code also says that normal day-to-day activities are those activities which are carried out by most men or women on a fairly regular and frequent basis. Day-to-day activities include activities such as walking, driving, using public transport, cooking, eating, typing, writing, going to the toilet, talking, listening to conversations or music, reading, taking part in normal social interaction, or forming social relationships, nourishing and care for oneself. This is not an exhaustive list.
 25. This Appendix to this Code also confirms that where someone receives medical or other treatment which alleviates or removes the effects, the treatment is ignored, and the impairment is taken to have the effect it would have had without such treatment. This does not apply if substantial adverse effects are not likely to recur even if the treatment stops (that is to say the impairment has been cured).
 26. I have considered the cases of Seccombe v Reed in Partnership Ltd UKEAT/0213/00; Goodwin v Patent Office [1999] ICR 302; J v DLA Piper UK LLP [2010] ICR 1052; Morgan v Staffordshire University [2002] IRLR 190 EAT; Saad v University Hospital Southampton NHS Trust and Anor EAT 0184/14; McDougall v Richmond Adult Community College [2008] ICR 431; Cruikshank v VAW Motorcast Ltd [2002] ICR 729 EAT.
 27. The burden of proof is on the claimant to show that, at the material times, she was disabled for the purposes of s6 EqA (see Morgan v Staffordshire University). This includes establishing the impairment, and the substantial adverse effect on normal day-to-day activities.
 28. Following Goodwin v Patent Office, the tribunal should ask the following four questions: (i) Did the claimant have a physical or mental impairment? (ii) Did the impairment affect the claimant's ability to carry out normal day-to-day activities? (iii) Was the adverse effect on normal day-to-day activities "substantial"? In accordance with section 212(2) EqA a substantial effect is one which is "more than minor or trivial"; and (iv) was the substantial adverse effect long term?
 29. As confirmed in J v DLA Piper LLP [2010] ICR 1052 EAT, the four questions should generally be posed sequentially and not together, although one should not adopt an entirely rigid and inflexible approach.
 30. The effect of an impairment will only be a long-term effect if (a) it has lasted at least 12 months; (b) the period for which it lasts is likely to be 12 months; or (c) it is likely to last for the rest of the life of the person affected (paragraph 2(1)(a)-(c) Schedule 1 EqA).
 31. Decision:
 32. As agreed by the parties, the times which are relevant to the claimant's claims are from 1 May 2025 to 20 May 2025. I find that the claimant was a disabled person by reason of work-related stress and/or MADD for the duration of this period for the following reasons. I deal with each of the four questions to be answered by reference to Goodwin v Patent Office as follows.
 33. The first question is whether there was a physical or mental impairment. I find that there was a mental impairment which was a stress and anxiety disorder. This was initially diagnosed as work-related stress and then subsequently diagnosed as MADD. These were clearly diagnosed by the claimant's GP and no other specific medical expert or specialist report or diagnosis is required. I do not think it is necessary to draw a distinction between the two separate diagnoses. It is clear that as at May 2025 the claimant suffered from a mental impairment which was a stress and anxiety disorder.
 34. The second question to be answered is whether this impairment had an adverse effect on the claimant's day-to-day activities. The claimant has given evidence as to the range of day-to-day activities which have been effected. These include difficulty with concentration (which gets worse after having contact with people from work); memory loss; nausea; lack of sleep and fatigue; lack of motivation; low confidence; difficulty in engaging in her community in order to avoid seeing people from work; and a consistently low mood. One consistent thread throughout the claimant's detailed GP notes is her fatigue and lack of sleep, and the effect on her normal social interactivity by way of the need to seek to avoid contact with people related to her workplace in her small community. Just taking these two

- affected normal day-to-day activities, namely interrupted sleep giving rise to fatigue and loss of concentration; and a need to avoid social interaction to reduce increased stress, the claimant's impairment clearly had an effect on her day-to-day activities.
35. The third question is whether this effect was substantial. It is not onerous for any claimant to prove substantial adverse effect, because the meaning of substantial is only something which is more than minor or trivial. In my judgment the effect on the claimant's normal day-to-day activities, for instance the sleep difficulties and the impact on her social interactivity mentioned in the previous paragraph, was clearly substantial in the sense that it was more than minor or trivial.
36. The final question to be addressed is whether the impairment was long-term. It is clear from the GP notes that there was a new diagnosis of stress at work on 30 August 2024 which changed as a first diagnosis of MADD on 13 January 2025. As at the relevant period in May 2025 the claimant had this mental impairment for at least nine months. As at that time she remained on extended sickness absence, which was certified as being for the mental impairment relied upon, and there is no evidence to suggest that she was well enough to return to work at that time. In my judgment it is clear that the mental impairment which had already lasted for at least nine months was likely to last for a further two to three months. For this reason, I find that the impairment was long-term because as at the relevant time it was likely to last for a 12 month period.
37. For these reasons I find that the claimant was a disabled person between 1 May 2025 and 20 May 2025 by reason of the mental impairment of work-related stress and/or MADD.
38. These reasons have been requested by the parties and are given pursuant to Rule 60(3) of the Employment Tribunal's Rules of Procedure 2024. For the purposes of Rule 60(7), (a) the issues which the tribunal determined are at paragraph 1; (b) the findings of fact made in relation to those issues are at paragraphs 6 to 15; (c) a concise identification of the relevant law is at paragraphs 18 to 30; how that law has been applied to those findings in order to decide the issues is at paragraphs 32 to 37.

Employment Judge N J Roper
Dated 3 July 2026
Judgment sent to Parties on
21 July 2026

For the Tribunal Office

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>