



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms L Ellison

**Respondent:** Andover Mind

**Heard at:** Southampton Employment Tribunal **On:** 3 July 2026

**Before:** Employment Judge Bradford

## Representation

**Claimant:** In Person

**Respondent:** Mr Aggrey-Orleans, Counsel

# JUDGMENT

1. The Claimant was, throughout her employment, a disabled person, in accordance with s6 Equality Act 2010, by reason of ADHD.

# REASONS

1. This was a preliminary hearing to determine whether the Claimant was, during her employment, disabled. Disability is defined in s6 Equality Act 2010 as follows:

(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.

2. I have approached the question as to whether the Claimant was, at the relevant time (November 2021 to February 2025) disabled, with reference to the 4 stage test originally set out in *Goodwin v Patent Office* [1999] I.C.R. 302, approved by the court of appeal in *Sullivan v Bury Street Capital Limited* [2021] EWCA Civ 1694.

Was there an impairment?

3. The Claimant has been diagnosed with ADHD. The date of diagnosis, 2 July 2025, was after the termination of employment. She had been referred for an assessment in 2021. The Respondent correctly states that it is for the Claimant to prove that the symptoms she struggled with during her employment were attributable to ADHD, as opposed to stress and anxiety – which she consulted her GP about. The R's position was that the Claimant had not discharged this

burden.

4. The Claimant completed a self-assessment at the time of her referral for an ADHD assessment, 19 January 2021. This pre-dated her employment with the Respondent. Within that the Claimant references difficulties from childhood such as struggling to prepare for school exams due to lack of ability to focus, and failing to finish a piece of artwork that she had been commissioned to do.
5. In her working life, she said deadlines have been an issue. She also referred to being furloughed during the first covid lockdown, and had wanted to do lots of things at home, but was unable to motivate herself to do even the most basic household chores.
6. The Claimant stated at that time that her inability to focus impacted her life on a daily basis. She was disorganised and had poor time management skills. This meant she did not reply to emails or call people back. She missed deadlines. Impacts on homelife included forgetting to pay bills and leaving laundry in the machine for days.
7. The Claimant described her mind being on 'turbo' and running overtime, which in turn meant she struggled to sleep at night. She could be awake until 4am or would stay up writing to-do lists. This led to a cycle of lack of energy and exhaustion.
8. Separately, whilst working for the Respondent, the Claimant attended a CPD course on Time Management on 16 Nov 2023. Within that she gave the example of interruptions from colleagues disrupting her schedule. It was put to her when giving evidence today that this would interrupt anyone's work. The Claimant explained that such interruptions would set her back completely. She would either need to re-start the task she had been doing or would forget to go back to it and start a completely new task instead.
9. I am satisfied that there was an impairment present due to ADHD at the time the Claimant was employed by the Respondent, because of the symptoms the Claimant set out in her referral in 2021, and because ADHD, being a neurodevelopmental condition, will have been present notwithstanding that it had yet to be diagnosed. The assessment report references a lifelong pattern of symptoms. It further states that the Claimant's symptoms which led to her diagnosis are not better explained by the presence of another mental disorder. I accept this evidence and indeed the Respondent has not challenged the assessment report.

What were its adverse effects on normal day-to-day activities?

10. The Claimant's impact statement references difficulties with:
  - Executive function and organisation – she struggles to initiate tasks and transition between activities. She misplaces and forgets things. Without tools, such as alarms and to do lists she loses track of tasks, misses deadlines and becomes overwhelmed.
  - Time management – she underestimates how long tasks will take and procrastinates until something becomes urgent. Interruptions throw her off track and she leaves tasks unfinished.

- Focus, attention and memory – she is easily distracted and forgets what she is doing. She forgets things unless they are written down. She loses track of conversations with leads to misunderstandings. At work it can appear that she is distracted or forgetful.
  - Hyperfocus – she can become intensely focussed on one task, neglecting other priorities
  - Rumination – she ruminates for prolonged periods
  - Emotional regulation and sensitivity – she experiences heightened emotional responses. Stressful or uncertain situations can be overwhelming.
  - Stress vulnerability and burn out - she is more susceptible to stress than others. Uncertainty leaves her feeling out of control.
  - Sleep hygiene – she has a noisy head with racing thoughts, which results in insomnia.
11. The Respondent's position is that these symptoms are as likely to arise from stress and anxiety. The Respondent relies on GP consultations about stress and anxiety, specifically towards the end of 2024. Those reference struggling to sleep and stress affecting her ability to function due to headaches and upset stomach.
  12. Within the ADHD assessment report, the Claimant described struggling at work due to emotional dysregulation. She struggled to finish projects on time, was easily distracted, unable to cope with uncertainty and had difficulties with decision-making.
  13. She reported being discharged from Access to Work in September 2023 because she missed their calls and did not call them back.
  14. The Claimant's history of low mood and depression was referenced within the assessment.
  15. The assessor determined that notwithstanding that, she the DSM-5 diagnostic criteria for Attention Deficit Hyperactivity Disorder, Combined presentation, of moderate severity.
  16. Whilst there may be some overlap, I am satisfied that whilst the Claimant has also suffered with stress, depression and anxiety, on the balance of probabilities, symptoms attributable to ADHD include poor organisational skills, poor time management, focus, attention and memory, in addition to emotional dysregulation. These were not reported in relation to stress and anxiety. Further, these ADHD manifestations as explained by her in her impact statement mirror those referenced in the referral and assessment report. The assessor concluded that at least five characteristics of inattention and hyperactivity/impulsivity are present.
  17. I have had regard to *Stedman v Haven Leisure Ltd [2025] IRLR 738* and I am aware that the assessment report is only as reliable as the Claimant. I find her to be reliable because there is a significant level of consistency between what she reported in 2021 (when the referral was made) and what she has said in her written impact statement and oral evidence. I recognise, as was stated in *Stedman*, that for a diagnosis of a condition such as ADHD to be made, there will

have been a professional assessment of the person's day to day activities.

Were the impacts substantial (more than minor or trivial)?

18. The Claimant gave an example in oral evidence of the impact on her of being interrupted by a colleague; namely that she cannot go back and pick up from where she left off as others would. Her reflection for the Time Management CPD course she talks about difficulties organising herself and sustaining attention.
19. In her home life the Claimant has said she forgets to pay bills and attend appointments. I have referenced above an example of the Claimant being discharged from a service because she either forgot or was not sufficiently organised to return their calls. In her ADHD assessment she gave the example of often being late taking her son to school, so her husband now does this and about her needing to set a number of alarms to support her to leave the house to get to work.
20. She referenced difficulties with prioritisation which have led to her being constantly chased to complete tasks.
21. I am satisfied that the adverse effects of ADHD on day to day activities are more than minor or trivial

Was there a real possibility that they would continue for more than 12 months?

22. The assessment report confirms that ADHD is a life-long condition.

### **Conclusion**

23. I find that all aspects of the definition of disability are met. As the impacts of the Claimant's ADHD will necessarily have been present prior to diagnosis, and in view of the impacts she reported at the time of her referral, she was a disabled person throughout her employment.

Employment Judge Bradford

Date: 3 July 2026

JUDGMENT SENT TO THE PARTIES ON

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25<sup>th</sup> July 2026

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Simon Fraser

FOR THE TRIBUNAL OFFICE