



EMPLOYMENT TRIBUNALS

Claimant: Mr J Slack

Respondent: Cineworld Cinemas Ltd

Heard at: Cardiff

On: 19th June 2026

Before: Employment Judge Williams

REPRESENTATION:

Claimant: In person

Respondent: Mr Edwards, Counsel

JUDGMENT having been sent to the parties on 23 June 2026 and full written reasons having been requested in accordance with Rule 60(4C) of the Employment Tribunals Rules of Procedure 2024, the following reasons are provided:

REASONS

Introduction

1. I conducted a preliminary hearing on 19th June 2026 to determine whether the Claimant has a disability within the meaning of section 6 of the Equality Act 2010. I concluded he did not and gave summary reasons orally.
2. The resulting judgment dismissing the Claimant's disability discrimination claims was sent to the parties on 23 June 2026. On the same date, the Claimant made a request for my reasons to be put in writing.
3. The Claimant's request does not formally seek reconsideration of my decision, but it does point to some evidential issues he asks that my reasons address and makes further submissions. I have not treated the Claimant's request as a

request for reconsideration but I have, in accordance with his request for full written reasons, set out my full written reasons herein per Rule 60(4C) of the Employment Tribunal Procedure Rules 2024.

4. I apologise to the Claimant for the delay between his sending the request and receiving these written reasons. Due to an administrative delay, the request was not sent to me until 31st July 2026. I was subsequently on leave until 3rd August 2026. On the day of my return, I asked that the parties were informed about the delay and that I would deal with the request as soon as possible. I have done so, allowing for other judicial commitments and hearings.

The Claim(s)

5. The Claimant is a litigant in person and drafted his own ET1. He has brought claims of unfair dismissal, disability and sex discrimination. The Preliminary Hearing before me was listed by Employment Judge Moore who had conducted case management hearings on 14 November 2025 and 24 February 2026. By that time the Claimant's claims were for ordinary unfair dismissal, wrongful dismissal, sex discrimination and disability discrimination (specifically direct disability discrimination and discrimination arising from disability). He also claims for direct discrimination on the grounds of perceived disability.
6. The claim more broadly is about the Claimant's dismissal from his role as a Team Member and events leading up to it. The preliminary hearing before me was listed to determine whether the Claimant had at the time relevant to his claim a disability within the meaning of section 6 of the Equality Act 2010 and whether any of the claims should be subject to a deposit order or struck out on the grounds that they have little or no reasonable prospects of success.

The Hearing

7. At the hearing before me, the Claimant represented himself and the Respondent was represented by counsel. The start of the hearing was delayed as the Tribunal staff were unable to locate a hard copy of the Preliminary Hearing bundle which contained the evidence on which the Claimant would be cross-examined in relation to the issue of disability. In addition, Mr Edwards had prepared an opening note which the Claimant had not received until the morning of the hearing and had not had time to read. I gave the Claimant time to read the opening note and we started his evidence at 11.30.
8. As with any unrepresented party, I took time at the beginning of the hearing to explain the procedure I would adopt and the legal principles I needed to apply to reach a decision. We discussed whether the Claimant required any

adjustments to the hearing and agreed that he would have time to process information where required and that he required clear and structured communication. Accordingly, as set out above I allowed time for the Claimant to consider documentation he had not seen before and I also allowed time for him to consider the Respondent's submissions before responding.

9. I had before me a Preliminary Hearing bundle of 257 pages and the Respondent's Opening Note. The Claimant had objected to its contents on the basis that he thought the 'core disciplinary documents' may become relevant for the purposes of determining any deposit order application, however as the hearing unfolded that did not become relevant. I heard oral evidence from Mr Slack who was cross-examined on the contents of his disability impact statement and supporting evidence, and submissions from both parties. I gave summary oral reasons for my decision.
10. By that time, there was insufficient time to consider and determine the Respondent's application for a deposit order and/or strike out. In addition, the application for strike out was in relation to the disability discrimination claim(s) only but Mr Edwards said the Respondent wished to widen the scope of the application to all claims. For those reasons I listed a further preliminary hearing to consider those matters and any subsequent case management.
11. The Claimant's case is that he is disabled by reason of autism. Although he had not expressly stated to Employment Judge Moore that he also relied on anxiety as a disability, his Disability Impact Statement appeared to also rely on anxiety, or at least associated anxiety, and so I considered this as well, and this was not objected to by the Respondent.

The Law

12. Section 6 Equality Act 2010 provides that a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The burden of proving these elements rests with the Claimant.
13. Where a Claimant relies on a mental impairment, the quality of medical evidence may be important. In **Morgan v Staffordshire University [2002] ICR 475** the Employment Appeal Tribunal made the following observations (under the old Disability Discrimination Act 1995 but still of relevance) (at [20(5)]):
 - 13.1. There is no ground for expecting the Tribunal to have anything more than a layman's rudimentary familiarity with psychiatric classification.

- 13.2. The occasional use of the words 'anxiety' 'stress' and 'depression' even by medical professionals will not without further explanation amount to proof of a mental impairment.
 - 13.3. The existence or not of a mental impairment is very much a matter for qualified and informed medical opinion. That does not mean that a full Consultant Psychiatrist's report is required in every case. There will be many cases where the illness is sufficiently marked for the Claimant's GP by letter to prove it.
 - 13.4. The dangers of the Tribunal forming a view on 'mental impairment' from the way the Claimant gives evidence on the day cannot be over-stated.
14. The term 'mental impairment' is intended to cover a '*wide range of impairments relating to mental functioning...*' (paragraph 6, Appendix 1, EHRC Code) and should be given its ordinary meaning (A3 Statutory Guidance EqA 2010). There is no need for a mental illness to be a 'clinically well-recognised illness' to amount to a mental impairment as there was under the old law. Equally, the fact a diagnosis exists does not automatically lead to a finding of disability.
15. The focus more latterly has been upon the effects of the condition said to amount to an impairment rather than a particular diagnosis or cause: **J v DLA Piper UK LLP UKEAT/0263/09.**
16. If the Claimant relies on a number of potential conditions, the Tribunal must make findings as to the nature of the disability and which symptoms are attributable to it: **Morgan Stanley International v Posavec EAT 0209/13.**
17. A substantial adverse effect means it must be more than minor or trivial (section 212(1) Equality Act 2010). There must be a causal link between the impairment and the adverse effect, and causation is assessed objectively: **Primaz v Carl Room Restaurants Ltd (t/a McDonald's Restuarants Ltd) [2021] 7 WLUK 749.**
18. An impairment has long-term effects if it has lasted at least 12 months or is likely to last at least 12 months, or likely to last for the rest of the life of the person affected. Likely should be interpreted as meaning that it 'could well happen' (C3 Statutory Guidance).
19. The normal day to day activities affected will be 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. It can include work-related activities (D2-D3 Statutory Guidance).

20. The statutory guidance recognises that some coping or avoidance strategies may alter the effects of the impairment to the extent that they are no longer substantial and the person would no longer meet the definition of disability. The question is how far a person can reasonably be expected to modify their behaviour.

Analysis and Conclusions

21. There was no dispute that the Claimant does not have a diagnosis of Autism Spectrum Condition at the date of the alleged discriminatory acts or at the date of the hearing before me. The Claimant said in evidence that he had seen his doctor about obtaining a diagnosis but that his focus has been on these proceedings, rather than pursuing a diagnosis. He said he thinks he has autism because it has been suggested to him by a few people (but he did not say it has been suggested to him by any medical professional).
22. This Tribunal is not qualified to make such a diagnosis. In addition, I had no expert report, GP evidence or other medical evidence addressing the issue before me. There was no medical evidence at all before me which set out any analysis of whether the Claimant does, or might have, Autism or any other mental impairment. The medical evidence was limited to a single sick note citing stress at work dated 7 November 2026.
23. It is for the Claimant to disclose any relevant medical evidence on which he seeks to rely. The Disability Directions issued by Employment Judge Harfield on 22 October 2025 included a direction that the Claimant send any medical evidence, including any parts of GP and other medical records that are relevant to whether the Claimant had the disability at the time of the events the claim is about. He has not done so. The Claimant at the end of his submissions suggested that I adjourn the hearing so that he might be given an opportunity to obtain medical evidence. I refused on the basis that I had heard his oral evidence, the Tribunal's disability directions were clear and had been sent many months previously, and this was the third preliminary hearing in this matter. The Claimant has demonstrated that he is able to comply with Tribunal orders and understand the relevant law and has therefore had ample opportunity to obtain evidence to support his case.
24. The Claimant said in oral evidence that he had started the process of seeking a diagnosis of autism in 2025 after his peer review in his new role in

Wetherspoons some time between April and July. This was shortly after his dismissal by the Respondent in March 2025. He has not produced any record of any consultation to show that he has progressed this. He said his focus has been on this claim.

25. The Claimant's claim that he has the mental impairment of Autism is therefore reliant on his Disability Impact Statement, oral evidence, some online test results, and two hand written lists which he says were prepared by his parents.
26. As to the test results and written notes from the Claimant's parents, I place very little weight on these documents as evidence that the Claimant has a mental impairment. The latter because I do not know what questions were asked nor what answers were given for the Claimant to be given the scores that he did, and the former because they are unsigned bullet point lists of character traits observed by the Claimant's parents, who are not medical professionals.
27. The Claimant told me that his written evidence was prepared by writing out his 'life story' and asking AI to condense it into a witness statement. I do not know what instructions the Claimant gave any AI programme to construct a statement or modify his own words. I therefore considered its contents in detail but treated it with a degree of caution. I also had the benefit of the Claimant's oral evidence and responses to questions in cross-examination to supplement and cross-reference what he said in his statement.
28. In his oral evidence, the Claimant described how he tends to take things literally. He said he was seen as a 'problem child' at school because he had the traits of someone who was a high performing autistic person. He said he was quiet and withdrawn. When it was put to him that some of the effects described in his statement could be things any person could struggle with and were not substantial adverse effects on day to day activities, his response was to refer to the self assessment tests and that they all said there was a 'very high chance' he is autistic.
29. The Claimant also described a high degree of social anxiety, and that he has to plan out what he might say in a social situation in advance. In a small group he is fine, and in front of an audience he is fine, but in a small group he struggles to adjust to make everyone comfortable. He said he hates talking on the phone. He says he has been described as loud, direct and blunt. He said that 'stuff others find simple I find really difficult' but his oral evidence lacked any specificity as to what that 'stuff' might be.
30. I conclude that the attributes described by the Claimant in both his statement and oral evidence could equally be attributable to simple personality traits,

social anxiety, social awkwardness or characteristics commonly found within the general population, and I lack the expertise or the evidence to be able to attribute them to a mental impairment, whether that is autism as claimed or some other impairment.

31. Although it did not form part of his claim before Employment Judge Moore, the Claimant's Disability Impact Statement also makes reference to anxiety, or associated anxiety. The Respondent was prepared to deal with this as if it were a separate – or combined – impairment relied upon by the Claimant and I therefore considered whether I am satisfied the Claimant suffered, at the material time, from the mental impairment of anxiety.
32. The Claimant relies upon internal emails between members of the Respondent's staff referring to him requiring 'a lot of reassurance' and experiencing an 'extra layer of anxiety' in relation to his suspension leave. This demonstrates that the Claimant was experiencing feelings of anxiety, but this does not amount to proof of impairment within the meaning of the Act. A non-medical professional's observation that a subordinate employee is anxious about a particular issue is not sufficient for me to make a finding that at the material time any such anxiety was clinically significant enough to amount to a 'mental impairment'.
33. The Claimant reports suffering from a mental breakdown some time ago in 2013 and an episode of depression or anxiety in 2016. He relies on a fitness to work note issued at the time in 2016 but the fit note before me cites stress at work and does not refer to anxiety. As noted by the Respondent, this is not in itself a medical condition and there is no evidence before me on which I can find that the word 'stress' here is sufficient to amount to a mental impairment.
34. The Claimant had also produced emails he sent to his previous employer in 2013 during a period of sick leave, which is when he says he had a breakdown. I recognise that the Claimant there refers to anxiety, depression, and to taking anti-depressants. This again is entirely reliant on the Claimant's self-reporting. He refers to consultations with his doctor but evidence of these consultations have not been produced. In any event, they are in relation to a time long before any of the matters this claim is about and there is no evidence at all to connect any impairment that may have existed at that time to the time these claims are about.
35. I recognise, in light of the authorities above and the submissions of the parties before me, that the Claimant need not have a formal diagnosis of autism to

satisfy me that he has a mental impairment the effects of which amount to a disability within the meaning of the Equality Act 2010. Nevertheless, the Claimant must be able to produce some evidence sufficient to establish on the balance of probabilities that some mental impairment exists before consideration can be given to its effect. The evidence produced is limited to self-reporting and subjective analysis by the Claimant of traits that he considers show that he has autism, or some other mental impairment, and is simply insufficient to allow me to reach that conclusion.

Conclusion

36. For the reasons set out above I conclude the Claimant does not meet the definition of disability within the meaning of section 6 Equality Act 2010. A separate judgment has been issued dismissing the Claimant's claims for direct disability discrimination (section 13 Equality Act 2010) and discrimination arising from disability (section 15 Equality Act 2010).
37. The remaining claims of unfair dismissal, wrongful dismissal, direct sex discrimination, and direct discrimination on grounds of perceived disability, can be discussed at the next preliminary hearing for case management, directions to which I made at the conclusion of the hearing before me.

Approved by:

Employment Judge Williams

18 August 2026

Judgment sent to the parties on:

18 August 2026

For the Tribunal:

Kacey O'Brien

Notes

Judgments (apart from judgments under rule 51) 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.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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 at www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/