



EMPLOYMENT TRIBUNALS

Claimant: Mr G Hodges

Respondent: Railway Electrical Services Limited

Heard at: Nottingham **On:** 12 August 2026

Before: Employment Judge Michael Butler (sitting alone)

Appearances

Claimant: In person

Respondent: Mr T Pacey, Counsel

JUDGMENT ON A PRELIMINARY HEARING

The judgment of the Tribunal is that at the material time the Claimant was not disabled for the purposes of s.6 of the Equality Act 2010 and his claims of disability discrimination, failure to make reasonable adjustments and harassment are dismissed.

SUMMARY REASONS

Background

1. This preliminary hearing was listed following the preliminary hearing before Employment Judge Heap on 8 July 2025. The purpose of the hearing is to determine whether the Claimant was disabled at the material time, that being during his employment with the Respondent between 14 July 2022 and 11 October 2024.

2. The Claimant claims to be disabled due to anxiety and depression. The Respondent disputes he was disabled at the material time.

The Law

3. S.6 of the Equality Act 2010 ("EQA") provides:

(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.

The evidence

4. There was an agreed bundle of documents comprising 80 pages which included the Claimant's medical records from 9 October 2024 onwards and his impact statement. EJ Heap had ordered all of the Claimant's medical records to be disclosed and that his impact statement should set out the adverse effects his mental impairment had on him. Neither of these orders were complied with. The medical records only began on 9 October 2024 and effectively excluded all of the period of the Claimant's employment bar 2 days. There was a letter signed by the Advanced Nurse Practitioner at the Claimant's GP Practice which referred to the Claimant having mental health issues requiring medication for the previous 7 years but there was no documentary evidence to support this. The impact statement gives no insight into the substantial adverse effects he must establish in order to succeed in being determined as disabled.

Conclusions

5. The approach I take in deciding this matter follows the observations of HHJ Richardson in **Herry v Dudley Metropolitan Borough Council** where he said "an Employment Tribunal might start with the question whether the Claimant's ability to carry out normal day-to-day activities had been impaired. This would assist to resolve, in difficult cases, whether an impairment existed.

6. The Guidance to the EQA provides that for an impairment to have a substantial, it must be more than minor or trivial. This is a relatively low threshold for a claimant to establish.

7. Unfortunately, in this case, there is a distinct lack of evidence on what the Claimant must establish adversely affected his ability to carry out normal day-to-day activities. Without such evidence, he does not satisfy the burden of proof upon him.

8. Even if he had satisfied this burden, the Claimant would have found difficulty in establishing the impairment was long term as there is no medical evidence to support this. In my view, it is not enough for an Advanced Nurse Practitioner to say he had suffered with his mental health for 7 years when this is not supported by any GP records. All the evidence before me suggests that the Claimant experienced bereavement issues but, without more, this is not determinative of long-standing mental health issues.

9. I have taken into account the fact that the Claimant is a litigant in person without legal knowledge or experience. However, I must also take account of the fact the EJ Heap's orders were quite succinct in what was required of him and he has failed to comply with them by providing the necessary evidence. There is also one issue I did not properly record when giving my oral judgment in this case. The Claimant said he did not drink or take cocaine when working as he was subject to regular drug and alcohol due to working in the rail industry. This is at odds with the notes of his GP record of his consultation on 9 October 2024 (when he was still employed) which make reference to taking cocaine and drinking up to 10.2 units of beer a day.

10. For the above reasons I find the Claimant was not disabled at the material time and, as his claims rest on the disability issue, his claims are dismissed.

Approved by:

Employment Judge M Butler

Dated: 12 August 2026

Sent to the parties on

...12 September 2026.....

For the Employment Tribunal

...Elliot Barker.....