



EMPLOYMENT TRIBUNALS

Claimant: Ms Wairimu Njiiri

Respondent: Cambridge City Council

Heard at: Watford Employment Tribunal

On: 8 July 2026

Before: Employment Judge Arullendran

REPRESENTATION:

Claimant: In person

Respondent: Mr Fergus Currie (counsel)

JUDGMENT having been sent to the parties on **11 August 2026** and written reasons having been requested in accordance with Rule 60(4) of the Employment Tribunals Rules of Procedure 2024, the following reasons are provided:

FULL REASONS

1. The issues to be determined by the Tribunal were:

- 1.1 Did the claimant have a disability as defined in section 6 of the Equality Act 2010 at the time of the events the claim is about? The Tribunal will decide:
 - 1.1.1 Did they have a mental impairment: anxiety and depression?
 - 1.1.2 Did it have a substantial adverse effect on their ability to carry out day-to-day activities?
 - 1.1.3 If not, did the claimant have medical treatment, including medication, or take other measures to treat or correct the impairment?
 - 1.1.4 Would the impairment have had a substantial adverse effect on their ability to carry out day-to-day activities without the treatment or other measures?

- 1.1.5 Were the effects of the impairment long-term? The Tribunal will decide:
 - 1.1.5.1 did they last at least 12 months, or were they likely to last at least 12 months?
 - 1.1.5.2 if not, were they likely to recur?
2. I heard witness evidence from the claimant. I was provided with a joint bundle of documents produced by the respondent consisting of 101 pages. The claimant provided a further bundle of documents of 25 pages consisting of her hand written notes and two pages consisting of a General Practice Summary, produced by the claimant's GP, setting out the claimant's medical history. No objections were raised by the respondent in respect of these extra documents and, therefore, the claimant was given permission to rely upon them at today's hearing, although the notes were not relevant to the issues to be decided by this Tribunal.
3. The claimant's disability impact statement appears at pages 35 to 38 of the bundle of documents and it is dated 8 June 2025. The respondent's representative did not ask any questions of the claimant in cross examination in respect of substantial adverse effect of the mental impairment on the claimant's ability to carry out day-to-day activities.
4. The findings of fact have been made on the balance of probabilities. Where the respondent has not cross examined the claimant on a particular issue, I have accepted the facts as outlined in the claimant's disability impact statement.

The Facts

5. The claimant began a period of sick leave with the respondent on 6 June 2024 with work-related stress. There was no previous history of work-related stress before this date, however there is a history of anxiety and depression.
6. On 1 November 2022 the claimant was diagnosed with mixed anxiety and depressive disorder but was not prescribed any medication as the claimant preferred to deal with the matter by speaking to counsellors. There are no medical entries between November 2022 and June 2024 relating to the claimant's mental health and the claimant's evidence today was that she was managing her condition herself but there had been a slow deterioration of her mental health from early January 2024 when she started to experience intense dread before attending work, a decline in her mood, difficulty sleeping and diminished energy levels, particularly when returning home from work. The claimant started experiencing adverse effects on her

day-to-day activities in January 2024 as a result of a negative relationship with her line manager, although she did not seek any medical assistance from her GP at this time and tried to manage the situation herself until her matters came to a head in June 2024 as a result of the events which took place in the workplace,

7. The claimant was diagnosed with generalised anxiety by her GP on 1 August 2024 (page 40 of the bundle) but was not prescribed any medication because the claimant wanted to try and manage the condition using alternative methods. The claimant was placed on the waiting list to be referred to talking therapies, which she began in October 2024. On 28 October 2024 the GP notes that the claimant wished to continue with counselling and did not want to take any medication (page 41), but she began taking mirtazapine around February 2025 as matters had not sufficiently improved. The claimant was prescribed 15 mg of mirtazapine and this dosage was never increased.
8. The claimant resigned on 6 November 2025. She was diagnosed with depression in January 2026, which can be seen on the further medical summary produced by the claimant. The claimant has not provided any medical evidence demonstrating how the medical practitioner diagnosed depression and the entry on the GP records has the initials NOS after the words depression which signifies that there were no other symptoms and the condition could not be diagnosed in any specific way. The claimant was then prescribed 50 mg sertraline in or around February 2026 and that dosage has not been increased.
9. The claimant was diagnosed with diabetes in August 2025 and cancer in January 2025 for which she received medication. The claimant has experienced tiredness and dizziness as a result of the medication she has taken for the cancer.
10. The respondent submits that the claimant's disability impact statement is sketchy in respect of any effects on the claimant before June 2024 and she has failed to make any distinction between the symptoms arising from depression than those arising from cancer. The claimant was diagnosed with generalised anxiety disorder in August 2024 and the amount of medication prescribed was at the lowest level possible. The respondent asks the Tribunal to take judicial notice of the low dosage of antidepressants.

11. The claimant submits that she was diagnosed with generalised anxiety disorder in 2022 and that she experienced ongoing symptoms as it never went away but that she tried to manage the situation as best she could with the help of her family. The claimant also submits that she was not in work at the time she was taking the medication for the cancer and the symptoms she experienced are not relevant to what this Tribunal need to decide. The claimant also submits that the respondent was aware at the relevant time that the claimant was attending counselling for her poor mental health.

The Law

12. In J v DLA Piper UK LLP [2010] ICR 1052 the Employment Appeal Tribunal held that Tribunals should be aware of the distinction between clinical depression and a reaction to adverse circumstances. The requirement that any impairment must have long-term effects in order to amount to a disability should assist the Tribunal in determining whether it meets the relevant definition in section 6 of the Equality Act 2010.

Discussion and Conclusions

13. Applying the relevant law to the facts I find that the claimant's evidence in her disability impact statement and the evidence that she has given today demonstrate that the specific mental impairment she relies upon in terms of the claims she has brought in the Employment Tribunal against this respondent were triggered by the events of June 2024. There is no evidence in front of me that the claimant met the definition of disabled between November 2022 and June 2024. The claimant's disability impact statement, on which she has relied upon today, does not give any account of the claimant's mental health affecting her ability to carry out day-to-day activities between November 2022 and January 2024 and there is no medical evidence that the claimant required any assistance from her GP before June 2024 as, in the claimant's own words, she was able to manage the condition herself with the help of her family and that demonstrates that her mental health did not have a substantial adverse effect on her ability to carry out day-to-day activities prior to January 2024.
14. The impairment that the claimant relies upon was described by her GP in June 2024 as work-related stress. This condition appears to have started around January 2024 as set out in the claimant's disability impact statement and that is not a date which was challenged by the respondent in cross-examination. Whilst I accept that the symptoms the claimant started experiencing in January 2024 had some effect on the claimant's ability to carry out day-to-day activities, I am not satisfied that the effect at that stage

was a substantial adverse effect as the claimant was able to manage her condition herself without any medical assistance and was able to continue with her duties at work. I am satisfied that, by the time the claimant was complaining of events within the workplace on 6 June 2024, the claimant's poor mental health had deteriorated so much that it was sufficient to have an adverse effect on the claimant's abilities to carry out day-to-day activities as set out in her uncontested disability impact statement in that it affected her sleep, she experienced constant anxiety and intrusive worrying thoughts and she was emotionally exhausted. These impairments affected the claimant's mood, her ability to concentrate, her memory and her ability to take part in social interaction in that she struggled to maintain conversations with friends and family, became socially withdrawn and isolated, went from speaking daily with family members to not speaking to them for several weeks, not responding to messages or emails in a timely manner and no longer taking long walks. The claimant also forgot tasks and was unable to manage her daily routines such as shopping for food and doing household tasks. Significantly, the claimant was almost involved in a road traffic accident shortly after the incident she complains of which took place at work on 6 June 2024 as a result of her poor mental health which demonstrates a substantial adverse effect on the claimant's ability to concentrate and to drive.

15. I am satisfied that the claimant's mental health was so poor that it continued to have a substantial adverse effect on her ability to carry out day-to-day activities between June 2024 and November 2025 and I am satisfied that the adverse effects on the claimant's ability to carry out day-to-day activities would have been greater without the counselling and the mirtazapine, the counselling having started in or around October 2024 and the mirtazapine having been prescribed from or around February 2025. The uncontested evidence of the claimant was that, without the counselling or treatment, it is likely the claimant would have been more socially isolated, unable to engage with day-to-day responsibilities with a potential increased risk to her personal safety and overall well-being and an increased inability to get up in the mornings and carry out daily tasks. I declined to take judicial notice of the dosage of the antidepressant. The respondent could have presented actual medical evidence in respect of the dosage but failed to do so.
16. The question then is whether the condition had lasted or was likely to last at least 12 months at the time the claimant says the respondent failed to make reasonable adjustments for her. The claimant's complaints are about events which took place around June 2024 onwards culminating in her resignation in November 2025. I am satisfied that the claimant's poor mental health and the adverse effect this had on her ability to carry out day-to-day activities in

June 2024 was likely to last 12 months, given that the onset of the relevant symptoms started having an effect on the claimant's day-to-day activities in January 2024, and indeed had lasted more than 12 months by November 2025. In those circumstances, I find that the claimant did meet the definition of disabled as set out in section 6 of the Equality Act 2010 by virtue of a mental impairment from June 2024 to the date the employment came to an end. The respondent did not refer to any case law in its submissions at this hearing, however applying the guidance given by the Employment Appeal Tribunal in DLA Piper, I am satisfied that the claimant's poor mental health was not merely a reaction to adverse circumstances, but that it amounts to a mental impairment which had a long term substantial adverse effect on her ability to carry out day to day activities. The claimant had previously been diagnosed with mixed anxiety and depressive disorder in 2022 and I am satisfied the workplace stress triggered a separate mental impairment in 2024, which persisted until the termination of the employment.

17. I have not made any findings in relation to the issue of the respondent's knowledge of disability and that is something that will be decided at the final hearing.

Approved by:

Employment Judge Arullendran

8 September 2026

Judgment sent to the parties on:

14 September 2026

For the Tribunal:

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.