



EMPLOYMENT TRIBUNALS

Claimant: Mr D Vinas
Respondent: WPP 2005 Limited

JUDGMENT

The claimant's 26 August 2026 application, for a reconsideration of the judgment sent to the parties on 12 August 2026, is refused.

REASONS

1. Rules 70 of the Employment Tribunals Rules of Procedure gives the Tribunal a broad discretion to decide whether reconsideration of a decision is appropriate.
2. Having carefully considered the claimant's application (and bearing in mind the interests of both parties), I am not satisfied that there is any reasonable prospect of the judgment or any part of it being varied or revoked. This is because the claimant has not said anything in his application for reconsideration which he did not say, or have the opportunity to say, at the hearing on 24 July 2026.
3. I am satisfied that the statutory test in section 6 of the Equality Act 2010 was applied correctly and I have carefully considered all the oral evidence, and the documentary evidence to which I was referred. There is therefore nothing to cause me to reconsider my judgment, which was made based on the claimant's sworn evidence and the submissions of both parties at the hearing.
4. Dealing with each of the three grounds set out in the reconsideration application in turn.

Ground 1 – application of the wrong comparator when assessing substantial adverse effect

5. I do not consider that the wrong comparison was made, as suggested by the claimant. The claimant's situation (as per the "Disability: Equality Act 2010 – Guidance on matters to be taken into account in determining questions relating to the definition of disability") was considered by comparison to how he would have functioned without his ADHD. Paragraphs 15-17 of the judgment (referred to in the claimant's reconsideration application), refer expressly to whether the "substantial" threshold had been met and I concluded that it had not.

6. I considered how the claimant would have managed in the workforce, in his senior-level job, travelling on the London Underground etc., without his alleged impairment and decided that the impact of these activities would likely have been the same had the claimant not had his alleged impairment.
7. What was in my mind when reaching my conclusion was that the statutory test is key. I relied upon the guidance document as just that; guidance. I did not, as the claimant suggests, afford it the status of a statute.

Ground 2 – application of a threshold higher than “more than minor or trivial”

8. My judgment did not introduce any ‘artificial middle category’, as suggested by the claimant. The statutory test of “substantial” (i.e. more than minor or trivial) was applied repeatedly throughout the judgment. Indeed, the words “substantial adverse effect” appear in paragraphs 10, 16, 18, 19, 20 and 22 demonstrating that only that test was in my mind as I applied it to the claimant’s evidence. My conclusion was that the claimant’s written and oral evidence did not demonstrate to me that the effects of his alleged impairment were “substantial”.

Ground 3 – failure to properly engage with the significance of the ADHD diagnosis

9. This ground suggests that I did not explain what weight I attached to the ADHD diagnosis. In paragraph 10, I accepted that the diagnosis reflected a clinical judgment but I then stated that “diagnosis and the symptoms leading to that diagnosis do not, in and of themselves, establish that the statutory definition of disability is met.” It was therefore clearly a factor that was part of my overall assessment but, as I explained in paragraph 13, it was then undermined by the claimant’s inconsistent and unconvincing oral evidence.

Ground 4 – focus on what the claimant can do rather than what he cannot

10. The reference in paragraph 14 of my judgment to the claimant’s senior-level position was a minor contextual factor. It was not the underlying basis for my decision. This was made clear in my concluding sentence of paragraph 14: “Whilst that [the claimant’s senior job] is not determinative, it forms part of the overall factual context in which substantiality must be assessed.”

Ground 5 – failure to engage with coping strategies and avoidance behaviours

Ground 6 – failure to adequately engage with material evidence

11. I have dealt with these two grounds together because they essentially make the same point.
12. Ground 5 suggests that my written reasons did not contain any substantive analysis of coping strategies and avoidance behaviours. However, paragraph 17 of my judgment, for example, dealt expressly with the claimant preferring to avoid the London Underground because he found it crowded, hectic etc.
13. Ground 6 suggests that I minimised the claimant’s evidence. However, as

mentioned above, I considered carefully all the oral evidence and the written evidence I was referred to during the hearing, and I gave it what I considered to be the appropriate weight and influence in the decision I reached.

14. Overall, I am satisfied, applying the overriding objective in particular, that my written reasons were sufficiently detailed, yet proportionate, in setting out my assessment of the claimant's evidence, applied the relevant statutory test and explained the decision reached.

15. The application for reconsideration is therefore refused.

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Employment Judge Robinson
11 September 2026

Judgment sent to the parties and entered in the Register on 16 September 2026

For the Tribunal Office

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