

Disability Directions

Employment Judge Smith has issued the following directions:

1. By **6 weeks from the date this order is sent**, the Claimant must confirm the physical and / or mental impairments that they are relying on to support their claim that they are a disabled person to the Respondent and to the Tribunal.

The Equality Act 2010 says that a person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

There is more information about this here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/570382/Equality_Act_2010-disability_definition.pdf

2. By **6 weeks from the date this order is sent**, the Claimant and Respondent must send to each other copies of all relevant medical evidence, including the parts of GP and other medical records that are relevant to whether they had the disability at the time of the events the claim is about.

These documents may include reports, occupational health assessments and other evidence in their possession and/or control relevant to the issue.

The Claimant may blank out anything that is clearly not relevant.

3. By **6 weeks from the date this order is sent**, The Claimant must send to the Respondent an 'impact statement', setting out:
 - a. How long has the Claimant had the impairment?
 - b. What are/were the effects of each impairment on the Claimant's ability to do day-to-day activities at the relevant times i.e. the time of the events that the claim is about and they assert they were subject to disability discrimination?

The Claimant should give clear examples. If possible, the examples should be from the time of the events the claim is about. The Tribunal will usually be deciding whether the Claimant had a disability at that time.

In general, day-to-day activities are 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. Normal day-to-day activities can include general work-related activities, and study and education-related activities, such as interacting with colleagues, following instructions, using a computer, driving, carrying out interviews, preparing written documents, and keeping to a timetable or a shift pattern.

- c. Give the dates when the effects of the impairment started and stopped. If they have not stopped, say how long they are expected to last.
 - d. If the effects lasted less than 12 months, why does the Claimant say they were long-term?
 - e. Has the Claimant had medical treatment, including medication? If so, what and when?
 - f. Has the Claimant taken other measures to treat or correct the impairment(s)? If so, what and when?
 - g. What would the effects of the impairment have been without any treatment or other measures? The Claimant should give clear day-to-day examples, if possible.
 - h. Any other information the Claimant relies on to show that they had a disability.
4. By **8 weeks from the date this order is sent**, the Respondent must write to the Tribunal and the Claimant confirming whether or not it accepts that the Claimant had a disability and, if so, on what dates.

The Respondent must deal with each impairment separately.

If the Respondent does not accept that the Claimant had a disability on any relevant date, it must explain why.