

Document written by the claimant and used in an English employment tribunal case on stammering, 2020. See www.stammeringlaw.org.uk/stammering-case-impact-statement-2020

DISABILITY IMPACT STATEMENT

1. I started work for [X Co Ltd ("X Ltd")] on [] June 2018 as a Full Stack Developer, and later transferred to [Y Co Ltd ("Y Ltd"), where I had continuity of employment until my resignation with immediate effect on [] November 2019.

2. I suffer from a severe stammer, that goes back as far as my childhood. I recall my stammer being mostly manageable during primary school, compared to high school where it was at its worst. I was limited in my ability to participate in certain classroom activities, such as reading out loud. Normally the size of the audience did not matter in that my stammer was as prevalent in front of the class as in private with my teacher.

3. In general terms, stammering affects the fluency of one's speech and disrupts the general flow of communication by involuntary repetitions, prolongations of sounds, syllables, words or phrases, or in severe cases such as mine as involuntary silent pauses or blocks, which is where I am unable to produce sounds. The former is found in most people who stammer and is less severe form of stammering. I suffer from the latter, with my stammer being an 8 out of 10 on the severity. There are also other characteristics to my stammer one being involuntary interjections, which is a subconscious attempt to keep the conversation flowing. Interjections and blocks go hand in hand, in that when I sense that a block is about to occur the word I wanted to say is replaced by a shorter, simpler word, in an attempt to subvert the block. This happens almost instinctively, and as a result the replacement word is not always synonymous with the one it replaces. This is one of the more serious adverse effects of my stammer because it can alter the way others perceive you in certain situations. A typical example of this would be in situations where I am required to explain or describe something, let's say, in an interview, or during a conversation where the other person is familiar with the topic, in these situations that expectation to use a particular word almost always triggers an interjection, or block.

4. The severity of my stammer is also influenced by other outside factors such as my immediate environment or general sense of wellbeing. The difference can be quite substantial, in that I am able to hold a reasonable conversation without blocking on every other word or so severe that I block on every word, sometimes for as long as 10

seconds.

5. It would come as no surprise to anyone who have met me that I suffer from a severe stammer, accompanied by interjections and blocks, and depending on the situation, can occur on every word. I use the word "situation", because for me these are not confined to those where a certain level of nervousness is to be expected, for example, during a job interview. No, for me a situation normally involves activities that everyone does on a day-to-day basis without thinking twice about it. I go so far as avoiding these situations, because I am unable to perform them during periods where my stammer is severe, and when my stammer is manageable, can only perform them with great difficulty. A simple example, yet one that happens almost daily, is having to answer the phone and say my name, or say anything for that matter, so that the person on the other end don't hang up, thinking I was no longer there.

6. In early 2018, when I was first introduced to [Mr A] I was temporary resident in South Africa. During that time I had reasonable control over my stammer in that I was able to sustain a conversation without blocking on every other word. My interactions with other staff members were much the same. Prior to 2018, the last time I went through a deteriorating fluency period was in 2013, which ended-up lasting nearly two years. It is not always obvious to determine what the trigger was, but there is a sense of knowing when it starts.

7. For most of my employment with [Y Ltd] I was based at the client site, and in fact I have never met any of the staff at [Y Ltd] in person. During the time I was working on site with a client, the only interaction I would have with other [Y Ltd] employees was during a weekly courtesy call, conducted by either [Ms B] or [Mr C], which lasted for roughly 2 minutes. These phone calls were mostly informal, and for the most part during June 2018 and August 2019 I was able to keep a reasonable degree of control over the flow of conversation and answer all their questions, however there were times where I was unable to say goodbye due to blocking, and of course they can't wait forever, so in an attempt to put me out of my misery [Ms B] and [Mr C] would gracefully wish me well and end the call, for which I was not offended.

8. There were occasions where I would engage with [Y Ltd] colleagues through video calls, mostly Skype. In particular, [Mr C] and I have on multiple occasions used Skype to conduct meetings. I remember one in particular where he asked whether I would be willing to give him some pointers on current technologies in the recruitment market, as he did not understand all the buzz words, and at that time [Y Ltd] was looking to expand its recruitment services and I understood from [Mr C] that he was going to lead that effort. I was more comfortable during video calls as opposed to just voice phone calls, and I suspect [Mr C] picked-up on this as he was usually first to suggest a Skype call. It

is not always clear why certain things help me in my ability to communicate, and why others push it the extreme. I believe it to be a combination of the immediate environment and being able to use both hands to illustrate and facilitate the conversational flow, for which the physical movements of my hands is what helps overcome blocks. Here, it is not really the illustration but the physical movements that help overcome the block. There are many medical research studies that explain how this works, and why. I came across this online video of a girl with a similar stammer to mine, that shows how she uses her hands to illustrate for the purpose of overcoming her blocks: tinyurl.com/y320m2p2

9. It was during September 2019 when I first noticed that sense, that my fluency was beginning to deteriorate, and that I was likely entering another period of deteriorating fluency. I refer to my stammer during a particular period as “reasonable” or “severe”, which many who suffer from a stammer do. As already mentioned, the last time I entered into such a period was in 2013. This time, the timing was very unfortunate, as I had to go out looking for a new project, having to engage with recruiters, negotiate daily rates, and of course, impress prospective clients. It became increasingly difficult for me to communicate and as a result I became very isolated, cancelling on social activities, some of which were agreed months in advance.

10. In fact, if it wasn't for [] who made reasonable adjustments to their interviewing process, on their own initiative I might add, then I probably would not have found another job given the circumstances, as I was mostly unsuccessful in two previous face-to-face interviews with them, citing reasons that there simply were not enough time to gather enough answers from me to make a decision on my technical capabilities. As a result, I was invited for a hands-on practical interview, and after 2 hours of showcasing what I can do, eliminated all doubt that may have existed before the interview. Apart from [] I have only ever received adjustments during interviews twice in my entire life. This is not as common as they make you believe it is and in my experience if you are not able to get through the interview with good communication skills and suitable answers you simply do not get the job.

11. It is well established that people who stammer go through periods where their stammer is more severe than usual, which has a significant impact on their ability to communicate. I have gone through many such periods in my life, some were attributed to traumatic events or times where normal stressing factors were unusually high and out of the norm. There is no doubt that the onset of my current severe stammer can be attributed, if not in whole, in part, to the accumulative detriments to which [Y Ltd], [Mr A] and [Mr D] subjected me too between [] August 2019 and [] November 2019.

12. Apart from the obvious stressors during that time including how I was going to pay rent when I had not received my entitled salaries and finding alternative employment, what undoubtedly contributed most significantly to my deteriorating fluency, and overall health, was [Mr A] making false allegations against me, that I had taken unauthorised leave, relentless insistence that I travel to [] to meet with him to discuss my significant sickness absences during 2019, despite at the material time my last absence was more than 4 months back, and most importantly, despite having handed in my letter of resignation the week before. There was undoubtedly no legitimate aim to this meeting, or to meeting with him in person, which was later confirmed after outright refusing to consider a Skype video meeting instead, despite having been made aware of my deteriorating fluency and that it would have helped me to communicate sufficiently so I could get my side of the story out and clear up any misgivings. These are serious things which would affect most people in their daily life. For someone with a stammer, whose ability to communicate could be influenced by outside factors, it seemed inconceivable that [Mr A] and [Mr D] had been unaware of the consequences of their actions.

13. My stammer continued to deteriorate for some period after my resignation on [] November 2019, where it eventually settled, or maybe it just couldn't get any worse. I used to be able to interact with others at work to a reasonable degree without feeling embarrassed or suffering from social anxiety, however, I am no longer able to participate in these activities. I find it extremely difficult to respond to direct questions, in fact, one of the hardest things for me to do is to answer a direct question, it's almost impossible without blocking. I also don't enjoy meeting new people, because this usually involves introducing myself, which is another thing I find very very difficult as I usually can't say my name, which then normally follows with a comment like "did you forget your name". These situations have become too painful for me to endure, and by the time I get home my anxiety level is so high that I need to lie-down.

14. There are other activities which I also find very difficult, these include:

- a. Calling any service provider, Bank or government service which makes use of voice activated services. Some of them eventually transfer you to an operator when it fails to detect what you're saying, however the majority of them would simply disconnect me. In my case, when these voice activated prompts ask for information, I would block, at which point it will go on to ask two more times before disconnecting me.
- b. I cannot order food at a drive-thru as the expectation for me to talk causes me to block, and I usually cannot get over the block without making physical movements, but I find even this is futile. Most times I simply avoid drive-thru and order inside instead.

c. Introducing myself to someone.

d. Confirming my date of birth.

15. I have never taken, nor have I ever been prescribed, any medication for my stammer. As far as I know, there is no such thing. I do not take any ad-hoc pharmaceutical medication or on a day-to-day basis.

16. In order to remain a level of fluency, I have started Speech Pathology sessions with a highly accredited Speech Pathologist in Sydney, Australia. [Ms E] helped me back in 2014 to get over a period of deteriorating fluency. [Ms E] also wrote a report back in 2014, which I attach for your consideration. I have remote speech pathology sessions with [Ms E] once a week.