

475

The ADHD Tribunal Files

Every published ADHD employment tribunal judgment in Britain, read and analysed.

480 unique cases, 2016–2026. 475 full judgments read and coded. 259 with ADHD central to the claims. Independently verified before publication.

Outcomes track manager behaviour, not claimant condition.

That is the finding this report keeps returning to. Where a judgment records clean management practice, employers won 4 cases in 5. Where nobody considered the disability before acting, claimants won nearly 3 in 4.

The ADHD Tribunal Files is the first complete analysis of every published ADHD employment tribunal judgment in Britain: 475 judgments, read and coded, by Collette Easton. Five headline findings:

- **The real caseload is half the headline number.** Of 480 keyword-matched cases, 259 are really about ADHD. Keyword-based counts overstate the litigated volume roughly 2×.
- **Growth is steep from a small base:** 12 core cases in 2020, 72 in 2025.
- **Claimants lose most of these cases** (39% success at merits), but employers pay £8,500–£50,000 to defend each one, win or lose. Awards are uncapped: median £20,786, ceiling £3,780,587.
- **The Four Misreads drive the corpus:** ADHD symptoms documented as character flaws. The most litigated is inattention read as carelessness (114 cases).
- **One pattern is close to a rule:** in every verified case where a formal process carried on after an ADHD disclosure, the employer lost a connected claim.

How many ADHD tribunal cases are there really?

The GOV.UK employment tribunal database returns 487 results for “ADHD” (480 unique cases, February 2016 – June 2026). We read all of them. ADHD’s actual role:

ADHD’s role in the case	n	%
Central: the claimant’s ADHD is core to the claims	135	28%
One of several conditions relied on	124	26%
Peripheral (mentioned in passing, background, or history)	135	28%
None (a child’s, colleague’s or third party’s ADHD; quoted guidance; false positive)	81	17%

12 → 72

Core ADHD cases per year, 2020 to 2025: six-fold growth, with 43 already published for the first half of 2026. The claim window doubled to six months in 2025; unfair dismissal becomes a day-one right from 2027.

Diagnosis in the 259 core cases: 70% formal, with meaningful minorities in assessment (14), self-identified (13) and disputed (13). The “in assessment” and “self-identified” cases are legally live: Equality Act protection does not require a diagnosis.

What do these cases cost?

£20,786

Median award across the 34 core cases with stated awards

£3,780,587

The ceiling: Wright-Turner v LB Hammersmith & Fulham (ADHD and PTSD; dismissal after disclosure). Discrimination awards are uncapped

£8,500-£50,000+

Defence costs per case, unrecoverable win or lose. 79% of tribunal claims settle before any hearing, so published awards are the tail of the cost distribution, not its centre

39%

Claimant success rate at merits hearings. Claimants lose most of these cases; employers pay to defend every one. The risk isn't losing. It's playing

And the tribunal record is the visible fraction. Our modelling suggests that for every published judgment, several hundred to a thousand ADHD-affected employees leave their jobs without ever claiming.

How ADHD appears in the judgments

The Four Misreads are the four ways managers document ADHD symptoms as character flaws: detail errors as carelessness, undone tasks as laziness, emotional reactions as aggression, and lateness as disrespect. Almost none of the 259 core cases involve slurs or deliberate discrimination; they involve a symptom, read as a character flaw, then documented as one, at which point the write-up becomes the claimant’s paper trail.

Trait attributed to the claimant	Cases	Typically read by the employer as
Inattention / detail errors	114	Carelessness, a capability problem
Anxiety/depression comorbidity	104	“Stress”, a sickness-absence problem
Disorganisation	102	Unprofessionalism
Impulsivity / blunt communication	81	Attitude, insubordination, “aggression”
Task initiation / procrastination	63	Laziness, lack of commitment
Emotional dysregulation	59	Volatility, a conduct issue
Working memory	57	Not listening, ignoring instructions
Lateness / time blindness	23	Disrespect

Note the second row: anxiety or depression appears alongside ADHD in 40% of core cases, and in many judgments the ADHD surfaced only after years of being managed as a “stress problem”.

What loses these cases for employers

Behaviours recorded in the judgments, with claimant success rates in merits-decided cases. Baseline: where a judgment records none of these patterns, claimants succeed 19% of the time.

Pattern	Cases	Claimant win rate
Grievances mishandled	59	65%
Performance management without adjustments	54	44%
No manager neurodiversity training evident	50	70%
Adjustments agreed but delayed or never implemented	43	49%
Rigid absence processes	41	46%
Adjustments refused	39	57%
Disability not considered before sanction	32	73%
OH or medical advice ignored	25	59%

The pattern closest to a rule: in every verified case where a formal process (a PIP, disciplinary or dismissal) simply carried on after an ADHD disclosure, the employer lost a connected claim. The starkest example: *Ghiotto v Hawkwell House Hotel (2025)*, where an employee disclosed self-identified, undiagnosed ADHD and was dismissed the next day in the belief that no diagnosis meant no protection. Direct discrimination.

Read with care: judges record behaviours partly because they ground liability, so these are descriptive associations, not causal effects. The direction is still unmistakable.

What the winning employers did

Unglamorous things: they documented adjustment decisions and their reasons at the time; they read occupational health reports and acted on them; they trialled adjustments even when imperfect; they paused formal processes when a disability entered the picture. In the judges' words:

“There was no evidence that the claimant’s ADHD was considered before the decision to suspend, or that the OH report had been read.”

Jackson v Kent County Council (employer lost)

“The respondent failed to act on that first OH report and failed to make such adjustments as would have been reasonable.”

Colfer v Secretary of State for Justice (employer lost)

“I am trying my hardest to remember everything you have told me not to do... finding your constant criticism quite draining on my mental health.”

The claimant’s contemporaneous message, Whatton v Bournemouth University (claimant won)

The defensive playbook and the retention playbook turn out to be the same document. The paper trail that wins tribunals is a by-product of managing people well: after a disclosure, pause before sanctioning (we call this the Disclosure Pause), treat OH advice as instructions rather than paperwork, and record every adjustment decision, including the declines.

Methodology, and what we got wrong

All 480 unique decisions were indexed from the GOV.UK employment tribunal database. 475 full judgments (99%) were retrieved and coded against a controlled schema: claims, outcomes, awards, disability findings, ADHD traits described, and the management behaviours in each fact pattern. Five judgments could not be retrieved; they are listed in the case index.

The verification pass. Coding at this scale uses AI-assisted extraction, so before publication we ran an independent verification of 18 case-level claims against freshly fetched source judgments: 10 confirmed exactly, 8 corrected for nuance, 0 unsupported. One early finding did not survive: our initial coding suggested nine process-after-disclosure losses; strict re-checking supports six of six, three with caveats, and every document using the earlier figure was corrected. We publish this deliberately. If you quote this research, quote the verified numbers.

Limitations. Published decisions only: settled and conciliated disputes are invisible, and they are the majority. Behaviour and trait coding relies on what judges chose to record. Aggregate figures carry ordinary extraction-error risk; corrections are invited at collette@colletteeaston.com.

Sources and reuse. Every case is a public record; the full case index with GOV.UK links is published alongside this report. Findings may be reused with attribution: "The ADHD Tribunal Files, Collette Easton, colletteeaston.com/research".

The patterns are free. They always will be.

The working documents that install them, the disclosure protocol, the pre-sanction checklist and the adjustments log, each annotated with this case law, are The Three Moments: the employer's ADHD toolkit.

colletteeaston.com/three-moments

About the author: Collette Easton built and sold three companies on an ADHD brain she did not understand until she was 49. She is an accredited coach (Association for Coaching) and works with organisations through Loops Work Limited.