**Mr M Neto v Packaging Automation Ltd & J Thompson**

In an Employment Tribunal, Judge Johnson ruled against Mr Neto, who had claimed discrimination on the grounds of his stammer.

Here is STAMMA’s response to that judgement:

**Jane Powell, Chief Executive of STAMMA, said:**

*We appreciate that the Judge read and referred to the information on stammering in the Equality Treatment Bench Book. Read our article* [*here*](https://stamma.org/news-features/new-guidance-stammering-judges)*. We did, however, find the judgement disappointing.*

*In essence, Mr Neto lost this hearing for two reasons:*

1. *He didn’t demonstrate that his stammer was a disability within the terms of the Equality Act and that it had a substantial adverse impact on his work;*
2. *The Judge then relied on reports from colleagues to evidence Mr Neto’s stammer.*

The Judge noted that Mr Neto’s letter from his GP simply confirmed he had a stammer and that the speech & language therapy he had received was historic, having taken place in 2010. He found that Mr Neto’s impact statement did not go into sufficient detail about how his stammer affected his work.

The Judge acknowledged that Mr Neto still had a stammer and undertook strategies to manage that stammer, but the Judge relied upon the evidence of Mr Neto’s colleagues to ascertain whether the stammer substantially interfered with Mr Neto’s day-to-day activities. We believe that evaluations of someone’s disability from non-professionals should not be relied upon as evidence.

The Judge also noted that “Mr Neto presented himself exceptionally well and did not give the impression that he was struggling with finding words or being able to communicate”.

As indicated in the Equality Treatment Bench Book, “Some people who stammer can hide it completely even from those closest to them and can appear fluent.” So, whilst Mr Neto’s *colleagues* did not find that his stammer was “noticeable or caused particular difficulties in communication”, this cannot be taken as proof that Mr Neto didn’t struggle with his speech. Neither Mr Neto’s colleagues nor the Judge have expertise in stammering. Similarly, the fact that his “colleagues or customers didn’t find him difficult to understand” is no reflection of Mr Neto’s stammer or any mental stress he experienced whilst managing it. Only expert evidence should have been relied upon in this instance.

**Many people who stammer implement avoidance techniques and hide their stammer to the point that if and when they say that they stammer, they are simply disbelieved. Or colleagues and friends will point out that their stammer doesn’t appear to interfere with daily life. This disbelief can be immensely disempowering and distressing.**

**We would urge anyone going to an employment tribunal in relation to discrimination because of their stammer to ensure that they obtain a report from a qualified Speech & Language Therapist. The report should include information on the impact and consequences of their stammer on their work. Further, we urge them to seek legal advice and work with us to prepare the evidence needed to show that the impact of the stammer is lifelong and how it is affected by their working environment. This way, future judgements can reflect the reality of the lives of people who stammer.**

**-ENDS-**