

# Disability and the Equality Act

# Legislation

- Carers & Disabled Children Act 2000
- Carers (Equal Opportunities) Act 2004
- Community Care (Direct Payments) Act 1996
- Employment Act 2002
- Children Act 1989
- Mental Capacity Act 2005
- Human Rights Act 1998
- Equality Act 2010

# Equality Act

Protection around

- shopping for goods
- when you ask for services
- when you get services
- when you use facilities like public transport

# Definition of Disability

- A physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities
- Determined by the effect the condition has – no definitive list of impairments
- Applies to “invisible” impairments as much as visible ones

# Broad Examples of Disability

- Sensory Impairments
- Fluctuating Effects eg MS,
- Progressive Conditions eg Motor Neurone
- Organ specific eg Asthma
- Developmental eg Autism
- Learning difficulties
- Mental Health
- Physical/Brain Injury
- Disfigurements

# Not Included

- Addictions
- Behavioural (eg fire raising) unless... part of another condition
- Seasonal (eg Hay Fever)
- Disfigurement related to piercings/tattoos etc
- Sight problems corrected by glasses etc

# Past/Future Disabilities

- People who are presently not disabled but have been so in the past are still protected  
BUT Not illnesses that are completely cured and will not have long term effects
- This protects people who have had mental health problems amongst others
- Also considers conditions that are presently controlled but have longer term effects (eg colostomy)

# Substantial Effect

- Impact on how the activity is carried out
- Cumulative effect of condition

Consider how far a person may reasonably go to live a normal life, and what coping strategies they may use

eg A person suffering from back pain should not be expected to give up moderate activity but should not be considered disabled because they can't climb Mont Blanc



# Long Term

- Lasting, or likely to last, 12 months or longer