

## WHAT IS A DISABILITY?

A disability can arise from a wide range of impairments which can be:-

- sensory impairments, such as those affecting sight or hearing;
- impairments with fluctuating or recurring effects such as rheumatoid arthritis, myalgic encephalitis [ME]/chronic fatigue syndrome [CFS], fibromyalgia, depression and epilepsy;
- progressive, such as motor neurone disease, muscular dystrophy, forms of dementia and lupus [SLE];
- organ specific, including respiratory conditions, such as asthma, and cardiovascular diseases, including thrombosis, stroke and coronary heart disease;
- developmental, such as autistic spectrum disorders [ASD], dyslexia and dyspraxia;
- learning difficulties;
- mental health conditions and mental illnesses, such as depression, schizophrenia, eating disorders, bipolar affective disorders, obsessive compulsive disorders, as well as personality disorders and some self-harming behaviour;
- produced by injury to the body or brain

## WHAT COUNTS AS A DISABILITY ACCORDING TO THE LAW?

The Disability Discrimination Act [DDA] protects disabled people. The Act sets out the circumstances in which a person is “disabled”. It says you are disabled if you have:-

- a mental or physical impairment;
- this has an adverse effect on your ability to carry out normal day-to-day activities;
- the adverse effect is substantial;
- the adverse effect is long-term [meaning it has lasted for twelve months, or is likely to last for more than twelve months or for the rest of your life];

There are some special provisions, for example:-

- if your impairment has substantially affected your ability to carry out normal day-to-day activities, but does not any more, it will still be counted as having that effect if it is likely to do so again;
- if you have a progressive condition, and it will substantially affect your ability to carry out normal day-to-day activities in the future, you will be regarded as

having an impairment which has a substantial adverse effect from the moment the condition has some effect on your ability to carry out normal day-to-day activities;

- if you have been diagnosed as having cancer, HIV infection or multiple sclerosis you will automatically be considered as 'disabled';
- if you are registered as blind or partially sighted or certified as blind or partially sighted by a consultant ophthalmologist, you will automatically be considered as 'disabled';
- people who have had a disability in the past but are no longer disabled are covered by certain parts of the DDA

### **WHAT ARE “NORMAL DAY-TO-DAY ACTIVITIES”?**

- mobility;
- manual dexterity;
- physical co-ordination;
- continence;
- ability to lift, carry or move everyday objects;
- speech, hearing or eyesight;
- memory or ability to concentrate, learn or understand;
- understanding of the risk of physical danger

### **WHAT DOES NOT COUNT AS A “DISABILITY”?**

- kleptomania, pyromania, and physical or sexual abuse of others;
- exhibitionism and voyeurism;
- hay fever, if it does not aggravate the effects of an existing condition;
- alcoholism, nicotine or any other substance, other than the substance being medically prescribed;
- disfigurements consisting of a tattoo or non-medical body piercing are treated as not having a substantial adverse effect on ability to carry out normal day-to-day activities