Disability

Ruth Seddon HR

What is a Disability?

- Disability is one of the "protected characteristics" under the Equality Act 2010
- A person (P) has a disability if— they have a physical or mental **impairment**, and the impairment has a **substantial** and **long-term adverse effect** on their ability to carry out normal day-to-day activities.
- It must be a medically diagnosed condition, either physical or mental
- Substantial is sometimes defined as "not trivial", but it is a bit subjective
- Long-Term is generally defined as a year or more or likely to last for a year or more, but some conditions qualify as disabilities from the point of diagnosis, eg cancer.

Reasonable Adjustments

- A Reasonable Adjustment is to make a "level playing field" so that a disabled person is not put at a "substantial disadvantage" compared to a non-disabled person
- RAs can apply to practices in the workplace, or physical features, or equipment/aids
- RAs are subject to an assessment of cost (ie major redesign of a building may be too costly), business efficiency etc – note the word "reasonable"
- i.e. You must consider an adjustment to work but you are not obliged to do it