

## About Disability



### Definition of disability under the Equality Act 2010

You're disabled under the [Equality Act 2010](#) if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.

### What 'substantial' and 'long-term' mean

- 'substantial' is more than minor or trivial, eg it takes much longer than it usually would to complete a daily task like getting dressed
- 'long-term' means 12 months or more, for example, a breathing condition that develops as a result of a lung infection

There are special rules about recurring or fluctuating conditions, for example, arthritis.

### Progressive conditions

A progressive condition is one that gets worse over time. People with progressive conditions can be classed as disabled.

However, you automatically meet the disability definition under the [Equality Act 2010](#) from the day you're diagnosed with HIV infection, cancer or multiple sclerosis.

### Main elements of the definition of disability

The Act defines a disabled person as a person with a disability. A person has a disability for the purposes of the Act if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

This means that, in general:

- the person must have an impairment that is either physical or mental
- the impairment must have adverse effects which are substantial
- the substantial adverse effects must be long-term
- the long-term substantial adverse effects must be effects on normal day-to-day activities.

### Meaning of 'impairment'

The definition requires that the effects which a person may experience must arise from a physical or mental impairment. The term mental or physical impairment should be given its ordinary meaning. It is not necessary for the cause of the impairment to be established, nor does the impairment have to be the result of an illness. In many cases, there will be no dispute whether a person has an impairment. Any disagreement is more likely to be about whether the effects of the impairment are sufficient to fall within the definition and in particular whether they are long-term. Even so, it may sometimes be necessary to decide whether a person has an impairment so as to be able to deal with the issues about its effects.

Whether a person is disabled for the purposes of the Act is generally determined by reference to the effect that an impairment has on that person's ability to carry out normal day-to-day activities. An exception to this is a person with severe disfigurement. It is not possible to provide an exhaustive list of conditions that qualify as impairments for the purposes of the Act. Any attempt to do so would inevitably become out of date as medical knowledge advanced.

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 (M.E.), chronic fatigue syndrome (C.F.S.), fibromyalgia, depression and epilepsy
- progressive, such as motor neurone disease, muscular dystrophy, and forms of dementia
- auto-immune conditions such as systemic lupus erythematosus (S.L.E.)
- organ specific, including respiratory conditions, such as asthma, and cardiovascular diseases, including thrombosis, stroke and heart disease
- developmental, such as autistic spectrum disorders (A.S.D.), dyslexia and dyspraxia
- learning disabilities
- mental health conditions with symptoms such as anxiety, low mood, panic attacks, phobias, or unshared perceptions; eating disorders; bipolar affective disorders; obsessive compulsive disorders; personality disorders; post traumatic stress disorder, and some self-harming behaviour
- mental illnesses, such as depression and schizophrenia
- produced by injury to the body, including to the brain

### **Further information**

See [Definition of disability under the Equality Act 2010](#) on the Government website.

You can download full guidance on matters to be taken into account in determining questions relating to the definition of disability from [Disability: Equality Act 2010](#).

You can download [Equality Act 2010: implications for students' unions](#) from the [Equality Challenge Unit](#) website.

Also see the full [Equality Act 2010](#).