

## **Script for Video: What is a disability according to the Equality Act of 2010?**

### **Title slide**

This short video will explain the threshold for disability according to the Equality Act of 2010.

### **Slide 2**

The definition of disability is broad.

The law says that a person is disabled if they have:

‘a physical or mental impairment which has a long-term and substantial adverse effect on their ability to carry out normal day-to-day activities.’

(Equality Act 2010 section 6 (1)(a) and (b))

### **Slide 3**

‘long-term’ is defined as a year or more, but this is not necessarily continuous. In other words, it doesn’t have to be twelve months in a row.

‘substantial’ is defined as ‘not minor or trivial’ and ‘adverse’ means a negative effect.

‘day-to-day activities’ can mean any activities we do routinely like reading or following instructions or doing up fastenings, cleaning our teeth or making and maintaining friends. As the [Special Educational Needs and Disability Code of Practice of 2015](#) recognises, this is a relatively low threshold and will include more children and young people than many realise.

### **Slide 4**

Education-related activities are included in the meaning of ‘day-to-day activities’.

Factors might include:

- persistent and significant difficulties in reading and understanding information

- persistent distractibility or difficulty concentrating
- difficulties understanding or following simple verbal instructions
- difficulties writing at the same speed as others for example due to a physical impairment

## Slide 5

Just to be clear...

A child does not need a medical diagnosis to be disabled under the law. The definition is based on how a person functions, in other words, how their condition affects their ability to do day-to-day activities.

The definition can include conditions such as autism, ADHD, mental health conditions, learning, mobility and sensory difficulties and long-term health conditions like asthma and diabetes.

Whether a person is disabled or not is decided on an individual basis, according to the definition.

## Slide 6

There is no long list of conditions under the law which says if a person has 'this condition' they will be disabled. However, there are a few exceptions.

A person is automatically considered disabled if:

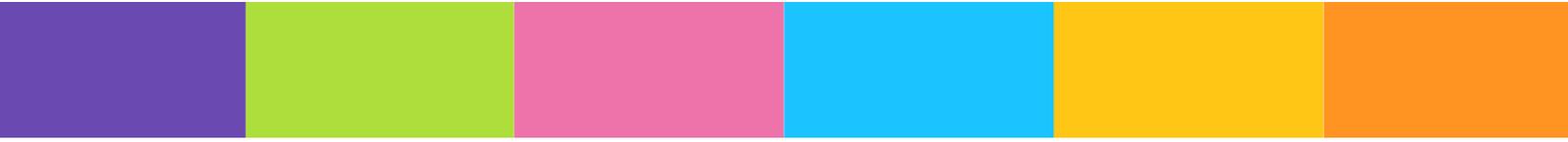
- they have Cancer, HIV or Multiple Sclerosis
- or if they are **registered** blind or partially sighted.

Once considered disabled, a person remains protected even if the condition goes into remission or the effects come and go, as may happen with epilepsy, depression, or rheumatoid arthritis.

## Slide 7

Children, young people or adults with disabilities do not necessarily have special educational needs (or SEN) but many do. There is a significant overlap. There are duties set by the Equality Act of 2010 and the SEND Code of Practice 2015 to ensure that disabled children and young people, and those with SEN, will have an equal opportunity to enjoy and achieve as their peers, and will not experience discrimination.

(SEND Code of Practice 2015, Intro xix – xxii)



## **Slide 8**

For more information and videos about equality and inclusion, please visit our [Suffolk SENDIASS website](#) and [YouTube channel](#), including videos explaining how disabled pupils are given equal opportunities in education and how pupils with medical conditions are supported in schools.

## **Slide 9**

This video was created by Suffolk SENDIASS, but every county will have an impartial and confidential SEND Information, Advice and Support Service.