

Disability Rights

The information on this website is for general guidance on your rights and responsibilities and is not legal advice. If you need more details on your rights, or legal advice about what action to take, please contact an adviser or solicitor.

What are Disability Rights?

If you have, or have had, a disability, it is unlawful for you to be discriminated against. The Equality Act was passed in 2010 to provide people protection from discrimination. The Equality Act protects disabled people's rights in relation to matters including employment, education, and access to goods, services and facilities. This replaces the Disability Discrimination Act (1995).

Definition of Disability

The Equality Act states that a person is disabled 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.

- Long term – means it has lasted for 12 months, or is likely to last for more than 12 months or for the rest of your life
- Substantial – means it is not a trivial problem. It has a negative impact on your ability to carry out day to day tasks such as getting dressed.

For more information on the definition of disability please visit www.gov.uk

Normal day-to-day activities include:

- 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

There are some special provisions, for example people who are registered blind or partially sighted, and people who have a progressive health condition. For further details, visit the [Equality and Human Rights Commission website](#).

[Disability Rights UK](#) provide a range of online information and advice on Disability Rights, along

with telephone helpines for independent living and disabled student queries.

Types of Discrimination

Disability discrimination can take many forms, but is broadly defined as when someone is ‘treated less favourably on the basis of disability’. There are four defined types of discrimination:

- Direct discrimination – This means treating someone less favourably than another person because of their disability.
 - Indirect discrimination – This can mean failure to make reasonable adjustments for a disabled person.
 - Harassment – This occurs when a person feels intimidated, humiliated or offended by another person’s conduct regarding their disability. An example of this would be when someone makes jokes about a person’s disability that they find offensive.
 - Victimisation – This means being treated unfairly as a result of making a complaint of discrimination, or giving evidence when somebody else complains of discrimination.
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Your Rights

We have summarised below the rights that you have as a disabled person under The Equality Act. For a more detailed description, visit the [Equality and Human Rights Commission website](#)

Your Rights at Work

The Equality Act makes it unlawful for employers to discriminate against people with disabilities in matters relating to:

- Recruitment
- Terms and conditions of employment
- Promotion, transfer, training and benefits
- Discipline and dismissal
- Making reasonable adjustments
- Health and safety
- Sick leave, sick pay and medical appointments
- Redundancy
- Pensions

You may find it useful to looking at the disability in employment section on the [Equality and Human Rights Commission website](#).

If you think you have been discriminated against at work because of your disability, you should firstly speak to your line manager or someone else in authority. If the matter is not resolved satisfactorily, contact one of the organisations listed below for help and advice.

Your Rights of Access to Goods and Services

The Equality Act gives disabled people rights in the way they receive goods, services or facilities. Anyone who provides a service to the public is required to make 'reasonable adjustments' to ensure that it is accessible to disabled people. This includes services such as restaurants, shops, libraries, churches and GP surgeries. You can read more about this on the [Equality and Human Rights Commission website](#).

If you feel that you have been discriminated against, the first step should be to speak to the organisation or business concerned. If you do not get a satisfactory response, it is useful to put your concerns in writing. If you are still unhappy with the response, you should contact one of the organisations listed below for further help and advice.

Your Rights of Access to Health Social Care

Knowing your rights within health and social care can be difficult, as many medical judgements are not covered by The Equality Act and many social services facilities are exempt. However, disabled people still have rights to access services as outlined above. Information should be given in a format that is accessible to you and all buildings should be suitable for your needs.

If you are unhappy with your treatment you should complain to the service concerned. If you do not get a satisfactory outcome, or you don't feel able to do this yourself, contact the [Patient Advice and Liaison Service \(PALS\)](#). PALS provide support and information to patients, their families and carers if they have any concerns about the care they receive from their doctor, hospital or other health care service. The staff can put you in touch with other people or organisations that can help if they can't resolve your problem.

If you feel you have experienced discrimination from social services, you should follow the Social Services Statutory Complaints Procedure. See our section on [Complaining to Adult Services](#) for further information.

Help and Advice

[Liberty](#) offers a free human rights advice service to members of the public. They can provide advice and information on queries relating to human rights law, but are unable to assist with general legal queries. Liberty cannot advise people who are already represented by a solicitor.

[The Equality Advisory and Support Service \(EASS\)](#) funded by the Government Equality Office, replaces the helpline run by the Equality and Human Rights Commission. They can support you if you think you may have experienced discrimination. This service is not available to employers, service providers or educators.

The EASS provides advice and information on discrimination and human rights issues including

- explaining what the law says and how this applies to people in the country they live in
- explaining how a situation could be resolved by you

For discrimination issues the service will also be able to

- support you in attempting to resolve your issue informally
- if you can't resolve your issue informally then refer you to a conciliation or mediation service
- If you need or want to seek a legal solution, help you work out if you are eligible for civil legal aid
- if you are not eligible for civil legal aid then help you find an accessible legal service, or assist you to represent yourself by giving you information and support on how to prepare and lodge a claim.

The EASS cannot provide legal advice.

To access the service you can be referred from local organisations, advisory groups, faith based organisations and other groups working within the community that support people experiencing discrimination.

Other Useful Information

[The Equality and Diversity Forum – Directory of Organisations](#) contains information about voluntary, statutory or umbrella organisations working on equality and human rights issues locally, regionally, nationally and internationally.

[Newcastle Disability Forum](#) regularly contributes to City Council decision-making processes across various Directorates and are consulted by health providers on a range of issues.

Last updated: February 23, 2017

Useful Organisations

Patient Advice and Liaison Service (PALS)

Email: northoftynepals@nhct.nhs.uk

Website: www.nhs.uk/chq/Pages/1082.aspx?CategoryID=68&SubCategoryID=153

Telephone: 0800 032 0202

Address: Freepost PALS,

Disability Rights UK

Email: enquiries@disabilityrightsuk.org

Website: www.disabilityrightsuk.org

Telephone: 020 7250 8181

Address: Ground Floor, N1 6AH

Equality and Human Rights Commission

Website: www.equalityhumanrights.com

Telephone: 020 7250 8181

Address: 3 More London, SE1 2RG

Solicitors for the Elderly

Email: admin@sfe.legal

Website: www.sfe.legal

Telephone: 0844 567 6173

Address: Studio 209, MillStudio Business Centre, SG12 9PY

Equality Advisory and Support Service (EASS)

Website: www.equalityadvisoryservice.com

Telephone: 0844 567 6173

Address: FREEPOST, FPN 4431

Liberty

Website: <https://www.liberty-human-rights.org.uk/>

Telephone: 020 7403 3888

Address: Liberty House, SW1P 2HR

Equally Ours

Email: info@equallyours.org.uk

Website: <https://www.equallyours.org.uk/>

Telephone: 020 303 31454

Address: Tavis House,, WC1H 9NA

Newcastle Disability Forum

Email: enquiries@ndf.org.uk

Website: <http://ndf.org.uk>

Telephone: 0191 285 4556

Address: The Dene Centre, NE3 1PH