



## Disability Discrimination Act 1995

### What is The Disability Discrimination Act?

The Disability Discrimination Act (DDA) is a law that makes it illegal to discriminate against disabled people. Under the DDA discrimination can happen when:

- a disabled person is treated less favourably than someone else; and
- the treatment is for a reason relating to the person's disability; and
- this treatment cannot be justified.

### What areas of life does the DDA cover?

The DDA covers:

- employment
- education
- access to goods, facilities and services
- the buying, renting or management of land or property.

### I don't feel disabled because of my epilepsy. How can the DDA apply to me?

The DDA does not list conditions by name. Instead it sets out different rules. One rule states that in order to be covered by the Act a person's medical condition has to be long term. Epilepsy is a tendency to have more than one seizure so it is considered to be long term. And people with epilepsy whose seizures are totally controlled with medication are covered by the DDA. This is

because the Act considers what the effects of a condition would be without treatment. Even people who have had epilepsy in the past and no longer have seizures or take medication are covered. This is because the DDA covers people who have had a disability in the past.

### What does the DDA mean for people with epilepsy particularly?

In the workplace, the DDA means that there can no longer be 'blanket rules' about people with epilepsy. For example, in the past, a job advert may have required all applicants to hold a driving licence, whether or not driving was an important part of the job. This is clearly discriminating against many people with epilepsy. If the employer fails to make a reasonable adjustment, such as accepting the use of public transport or the occasional taxi, this could also be discrimination.

There could be other ways an employer could make adjustments for people with epilepsy. For those who have sleep seizures, perhaps being able to start later in the morning would be helpful; some extra time away from work to attend hospital appointments may also be needed. In an educational setting, for a pupil who experiences absence seizures, it may be reasonable to provide some written information at the end of a lesson to help them catch up on things missed.

The DDA also means that people with epilepsy cannot be refused a service, such as having a meal in a restaurant, or a landlord refusing to let property just because someone has epilepsy. These are just a few examples.

## **The word justified has been used. How can discrimination ever be justified?**

Under the DDA there are three main ways that discrimination or failure to make adjustment are 'justified'.

1. *Exclusions under the Act:* the Armed Forces are currently excluded.

2. *Health and safety:* where to employ or provide services to a disabled person would put that person or others at risk (for example allowing someone with uncontrolled seizures to work as a fire fighter).

3. *Unreasonable adjustment:* where making adjustment would not be reasonable (for example a night club would not be expected to completely change its lighting so that it no longer provided the atmosphere its customers would expect).

## **What can I do if I think I have been discriminated against?**

Wherever the discrimination has happened, you may firstly like to try and sort out the situation with the person or organisation concerned. If this is not successful, and you decide to take your case further, you may wish to seek legal advice. You can also contact the Equality and Human Rights Commission (EHRC) for advice.

### **Contact details**

EHRC: 08457 622 633;

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

Law Centre: 020 7387 8570;

[info@lawcentres.org.uk](mailto:info@lawcentres.org.uk); [www.lawcentres.org.uk](http://www.lawcentres.org.uk);

## **Employment**

If you are a member of a union, they should be able to support you in your case. Organisations that can

help are the Advisory, Conciliation and Arbitration Service (ACAS) for England, Wales and Scotland or in Northern Ireland the Labour Relations Agency (LRA). These organisations will try to settle the dispute without the need to go to an industrial tribunal.

### **Contact details**

ACAS: 020 7396 5100; [www.acas.org.uk](http://www.acas.org.uk).

LRA: 028 9032 1443; [www.lra.org.uk](http://www.lra.org.uk).

## **Access to goods, facilities or services; management, buying or renting of land or property; post-16 education**

If you are not able to sort the situation out with the concerned party, you can take your case to the county court (in Scotland, the Sheriff Court).

## **Pre-16 education**

In the first instance you should speak to the head teacher. If this does not resolve the issue, ask the school or the relevant education authority for their complaints procedure. You may be able to take your claim to a tribunal. Most claims are heard by the Special Education Needs and Disability Tribunals (SENDIST).

### **Contact details**

SENDIST: 020 7925 5750;

[tribunalqueries@sent.gsi.gov.uk](mailto:tribunalqueries@sent.gsi.gov.uk).

## **Conciliation service**

If your case is about access to goods and services or to education, there is the Disability Conciliation Service (DCS). This is an independent service that aims to settle cases, without going to court. If you would like to find out if the DCS could be of help in your case, you should first contact Equality and Human Rights Commission (EHRC). The EHRC will refer you to the DCS if they think it appropriate.

## Contact details

DCS (through the EHRC): 08457 622 633;  
www.equalityhumanrights.com

## Where can I get advice and further information?

- Epilepsy Action's Epilepsy Helpline can give general advice and information. It also has details of a free assessment scheme offered by solicitors specialising in the DDA. Freephone: 0808 800 5050; free fax: 0808 800 5555; helpline@epilepsy.org.uk; www.epilepsy.org.uk; Freepost LS0995, Leeds LS19 7YY.
- The Equality and Human Rights Commission helpline provides information and advice. They operate in England, Scotland and Wales. Their legal department also takes on a limited number of cases each year. Helpline: 08457 622 633; www.equalityhumanrights.com
- Equality Commission for Northern Ireland provides advice about the DDA in Northern Ireland. Tel: 028 90 500600; information@equalityni.org; www.equalityni.org.
- Law Centres provide free and independent professional legal services. Contact the head office to find a Law Centre in your area. Tel: 020 7387 8570; info@lawcentres.org.uk; www.lawcentres.org.uk; Duchess House, 18-19 Warren Street, London W1T 5LR.
- Citizens Advice Bureaux offer free, confidential and impartial advice on many issues including legal matters. Local details available in the telephone directory or via their website: www.citizensadvice.org.uk.

Epilepsy Action makes every effort to ensure the accuracy of information in its publications but cannot be held liable for any actions taken based on this information.

If you are reading this publication more than six months after the date shown below, please contact Epilepsy Action to check whether it is still current.

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