



Disability Discrimination Act and insurance

Introduction

The Disability Discrimination Act (DDA) is a law that makes it illegal to discriminate against disabled people. This includes people with epilepsy. The DDA covers discrimination in employment, education, access to goods, facilities and services and the buying, renting or management of land or property.

DDA and insurance summary

Insurance comes under the Access to Goods and Services section of the DDA. However, there are special rules covering insurance.

Here is a summary of our understanding of insurance and the DDA.

1. Insurers must be fair and reasonable.
2. Insurers may refuse to insure a disabled person or increase the premium charged, compared to a non-disabled person, provided they can justify why they have done this.
3. The insurer's decision must be based on information or data from a reliable source and be relevant when assessing an individual's risk.
4. Information or data can come from various sources, such as *actuarial or statistical data, medical research information, or a medical report about an individual from a reasonable source.
5. Information or data must be current.
6. Any decisions made on the basis of the information must be considered to be reasonable.

7. If an insurer has a 'blanket' policy covering, for example, epilepsy, they have to be able to justify this policy with regard to points 3 – 6 above. (In reality, it is unlikely that they would be able to do so.)

Note: Policies taken out before 2 December 1996, when the law on insurance took effect, will not need to follow the DDA regulations. It is only when the policy comes up for renewal that it comes under the DDA.

Further information about insurance and disabilities can be obtained from the Equality and Human Rights Commission, tel. 08457 622 633. The Association of British Insurers also has an Insurers Guide to the DDA which can be viewed on their website www.abi.org.uk.

Glossary:

* Actuarial – figures used to determine insurance rates and premiums, based on reports and payout costs.

What to do if you feel you have been discriminated against

In the first instance it is advisable to discuss the problem you have with your insurers. If you feel that you are still being discriminated against you could contact the Equality and Human Rights Commission for advice on your rights. Once you know what your rights are you can then try to sort it out with the insurers.

If the contact with the insurers is not successful, you can take your case to the Financial

Ombudsman Service, who will assess if the insurer has made a fair decision. In some cases, you can take it to the county court (in Scotland, the sheriff court). You may wish to contact a solicitor to help if you are going to court.

Sources:

- Association of British Insurers, Insurance for Disabled People. 1996
- Disability Rights Commission, Disability Discrimination Act 1995 Proposals for a New Code of Practice: Rights of, Access, Goods, Facilities, Services and Premises. 2000.
- The Disability Discrimination Act (Services and Premises) Regulations 1996, Statutory Instrument 1996 No. 1836. 2001
- Financial Ombudsman Service

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