

What is disability discrimination?

It is against the law to discriminate against disabled people in various areas of their lives. If disability discrimination takes place in any of the following situations, you may be able to take action about it:

- at work
- when providing goods, facilities and services
- when renting or buying property
- in education

There are some important areas where it is not against the law to discriminate against disabled people, for example, in [access to public transport services](#). Disability discrimination can either be **direct** or **indirect**.

Direct discrimination is where you are treated less favourably because of your disability than someone without a disability would be treated in the same circumstances.

Here is an example of direct discrimination because of disability:

A pub allows a family with a child who has cerebral palsy to drink in their beer garden but not in their family room. The family with the disabled child are not given the same choices that other families have.

Indirect discrimination is where there is a rule, policy or practice which seems to apply equally to everyone, but which actually puts disabled people at an unfair disadvantage compared with people who aren't disabled.

Here is an example of indirect discrimination:

A local authority produces an information leaflet about its services for local people. It does not produce an easy-to-read version of the leaflet in order to save money. This would make it more difficult for someone with a learning disability to access the services and could amount to indirect discrimination.

Sometimes, it is possible to justify the rule, policy or practice that puts disabled people at a disadvantage. For example, there could be a health and safety reason, or an unavoidable business reason. Where this is the case, it won't count as discrimination.

There is another kind of discrimination which is called **discrimination arising from disability**. This means that someone is treated unfavourably because of something connected to their disability and there is no good reason for doing this. For example, they may need to use a guide dog but no adjustments are made to allow for this.

It is also disability discrimination if someone does not make adjustments to allow disabled people to access a service or carry out a job. For example, providing an information leaflet in Braille. This is called the **duty to make reasonable adjustments**.

It is also disability discrimination:

- to harass you if you are disabled, for example, by making jokes about your disability
- to victimise you if you take legal action because of discrimination against you, or if you help someone else to take legal action because of discrimination
- not to take steps to make sure that disabled people can have access to things like goods, facilities and services, a workplace, an educational establishment, an association, or a public building. This is called **making reasonable adjustments**
- if someone discriminates against you because of someone you have a connection to who is disabled, such as your partner or child. This is known as **discrimination by association**

Here is an example of discrimination by association:

An employer disciplines a woman because she has had to take time off to care for her disabled child. He has not disciplined other workers who have had similar amounts of time off work. This would be counted as direct disability discrimination.

Harassment because of disability

It is disability discrimination if someone is harassing you because of your disability. You may be able to take action about this.

Someone is harassing you if you find their behaviour towards you offensive, frightening, degrading, humiliating or in any way distressing. Examples of harassment could involve nicknames, teasing, name-calling, pulling faces, jokes, pranks or any other behaviour which you find upsetting because of your disability. Even if this behaviour is not deliberately meant to hurt you, it may still count as discrimination if you find it upsetting.

It can still be harassment, even if the person harassing you knows you don't have a disability.

Here is an example of harassment because of disability:

A boy with multiple sclerosis feels that he is being harassed by his scout leader, who constantly asks him if he is feeling alright - even though his parents have asked him not to do this in front of the other boys.

Even though the scout leader might think he is being kind and has no intention of hurting or humiliating him, this could still count as harassment if the boy finds it distressing.

If you've been harassed because of your disability, you can report it to the police as a hate incident or hate crime.

Victimisation

If you complain about disability discrimination, you shouldn't be victimised because of it. This means that you shouldn't be treated unfairly just because you've made a complaint. Making a complaint includes taking a case to court, going to an employment tribunal or standing up for your rights in some other way.

You can get legal protection if you are victimised because you've made a complaint about disability discrimination. You can also get legal protection from discrimination for helping someone else to make a complaint about disability discrimination, for example, by giving evidence as a witness in court.

Here is an example of victimisation:

A man with a mental disability sues a pub owner because the owner frequently made hurtful remarks about his disability to other customers. Because of this, the pub owner bars the man from the pub altogether. This is victimisation.

What counts as a disability?

There are rules about what the law counts as a disability, when considering whether or not discrimination has taken place. Find out what counts as disability under the Equality Act 2010.

Disability discrimination at work

It is against the law for your employer to treat you unfairly because you're disabled.

Your employer also has to make certain changes to the workplace to allow you to work or to continue to work - ask your employer for reasonable adjustments.

Employers can treat disabled people less favourably only if they have a sufficiently justifiable reason for doing so, and only if the problem cannot be overcome by making 'reasonable adjustments'. *For example, an employer would be justified in rejecting someone with severe back pain for a job as a carpet fitter, as they cannot carry out the essential requirements of the job.*

Examples of the types of adjustments that an employer might make include:

- making physical adjustments to the premises
- supplying special equipment to help you do your job, or providing information in an accessible format
- transferring you to a different post or workplace
- altering your hours of work or giving you extra time off

When employers are deciding whether an adjustment is reasonable they can take into account several things, including the cost of making an adjustment and the size of their business. If you are already in the job, your employer can also take into account your skills and experience and the length of time you have worked there.

Access to work

If you are disabled and need changes at work so you can do your job, you may be able to get help from **Access to Work**. You may also be able to get help from Access to Work if you are disabled and are looking for a job or are taking part in a Government training or work experience programme, for example, a supported internship or a self-made work trial. Also, you may be able to get help from Access to Work if you are a young disabled person doing voluntary work experience under the Youth Contract or if you are setting up your own business through the New Enterprise Allowance.

Access to Work is a government scheme that works with disabled people and employers to work out what changes are needed so the disabled person can do their job. They may also be able to provide some money to pay for the changes.

Access to Work may be able to provide an assessment of your needs at work, and help with things like equipment, adapting premises or a support worker. It can also provide support for people with mental health conditions to enable them to find, remain in or return to work.

As the employee or person looking for work, it is **your** responsibility to contact Access to Work.

For more information about Access to Work, contact the Access to Work centre that covers the area where you live. For details of these, see the GOV.UK website at:

www.gov.uk/access-to-work.

If you are likely to be eligible for help, you can print out a 'pre-employment eligibility letter' which you can show to a prospective employer. For more information, see

www.gov.uk/access-to-work/how-to-claim.

You can find a useful fact sheet about Access to Work on the Disability Rights UK website at www.disabilityrightsuk.org/access-work.

If you have suffered discrimination at work because of your disability, you should talk to an experienced adviser, for example, at your [nearest Citizens Advice](#).

Other types of discrimination

As well as being treated unfairly because of a disability, you could be treated unfairly for other reasons because:

- of sex
- of race, ethnic origin or nationality
- of sexual orientation
- of age
- of religion or belief
- you are married or a civil partner
- of gender reassignment
- you are pregnant or on maternity leave

For example, you're a disabled woman who's been sacked because you're pregnant. You may have a claim for pregnancy discrimination as well as disability discrimination.

If you think you've been sacked because you're pregnant and because you're disabled, make sure you raise both issues if you make a complaint.

Access to goods, facilities and services

The law gives certain basic rights to all consumers of goods, facilities and services.

For more information about your basic consumer rights, see

<https://advice.consumer-council.org.uk/consumer-rights/your-consumer-rights-when-buying-goods>

In addition to your basic rights as a consumer, if you are disabled, you also have other rights which protect you against discrimination when you buy goods and services or use certain facilities. This applies regardless of the size of the organisation or company providing the goods, services or facilities.

Examples of services which must not discriminate against you if you are disabled include services provided by hotels, banks, building societies, solicitors, local authorities, advice agencies, pubs, theatres, shops, telesales, railway stations, churches, doctors, law courts and public transport. It does not matter whether the service is free or has to be paid for.

Generally speaking, insurance companies are not allowed to discriminate against you if you are disabled - but they may sometimes be able to treat you less favourably if they can show that this is based on reliable information about insurance risk.

What you can expect from providers of goods, facilities and services

I'm physically disabled and I can only walk short distances without help. When I travel by air, I need a wheelchair to get between the check-in desk and the departure lounge. The airline always charges me for the wheelchair. Surely this isn't fair?

No, in fact it's against the law for the airline to make you pay for a wheelchair if you're disabled. Get advice from your nearest Citizens Advice, <https://www.citizensadvice.org.uk/> about how to deal with the airline company before you next book a flight.

Providers of goods, facilities and services must not treat you less favourably than they would treat a person who is not disabled. An example of less favourable treatment is where a hotel refuses a booking from a person with a hearing impairment, saying that the hotel is not suitable for people with a hearing impairment.

Service providers must make 'reasonable adjustments' to allow a disabled person to use their services. If they don't do this, they must be able to show that their failure to do so is reasonable. Examples of making reasonable adjustments include providing information on audiotape as well as in writing, or installing a ramp to allow wheelchair access.

Find advice on your rights as a consumer of goods, facilities and services on the Equality and Human Rights Commission website.

Discrimination when buying or renting property

If you need changes to your home to help with your disability, you can ask your landlord to make reasonable adjustments.

For more information about discrimination when buying or renting property, see Discrimination in housing. <https://www.citizensadvice.org.uk/housing/discrimination-in-housing/>

Discrimination in education

Providers of education must not discriminate against disabled students, or disabled people applying to be students. Providers of education include providers of further education, higher education, adult and community education. Providers of education must not discriminate against students or applicants in the following ways:

Less favourable treatment

Providers of education must not discriminate against students or applicants by treating them less favourably than students who are not disabled, unless they can justify this treatment. This means that education providers must not:

- refuse to offer a disabled student a place because they are disabled, or offer them a place on less favourable terms than a student who is not disabled
- treat a disabled student less favourably in any aspect of educational life including trips, excursions and extra-curricular activities
- exclude a disabled student from school because of their disability

For example, if a school refuses to take a child who suffers from epilepsy unless she stops having fits, this will count as discrimination.

In some cases, an education provider can treat a disabled student less favourably if it can justify this.

A school can justify less favourable treatment if it is because of a permitted form of selection. For example, a child with learning disabilities applies to a school that selects its intake on the basis of academic ability and the child fails the school's entrance exam. In these circumstances, the school would be able to justify not offering the child a place.

Making reasonable adjustments

Providers of education must not discriminate against disabled students or applicants by failing to make reasonable adjustments to allow for their disability. If this places a disabled student at a substantial disadvantage compared with students who are not disabled, this will be regarded as discrimination. For example, a deaf pupil who lip-reads is at a disadvantage if teachers continue to speak while facing away to write on a whiteboard.

Making reasonable adjustments includes providing special aids such as equipment and sign language interpreters. There are some circumstances in which an education provider may be able to justify not making an adjustment for a student's disability.

Schools do not have to make reasonable adjustments to buildings and the physical environment of the school. However, all local education authorities must have plans to make their schools more accessible to disabled pupils. Maintained schools, independent schools, and non-maintained special schools must produce their own accessibility plans. The plans must be in writing and publicly available.

Providers of further and higher education **do** have to make reasonable adjustments to their premises to allow better access for disabled students. However, issues such as cost can be taken into account when they decide whether an adjustment is reasonable.

For more information about the rights of disabled students at school or in post-16 education, see the <https://www.equalityhumanrights.com/>

Providing for children with special educational needs

In England and Wales, all schools must comply with an education, health and care plan (EHC Plan or EHCP) or statement of special educational needs, where one has been issued for a child.

For example, a school must recruit a learning support assistant or provide information in Braille or audio tape where the student's plan or statement provides for one. In some cases, colleges of further education must also comply.

What action can you take about discrimination in education?

If you have a child who has special needs, in England, you may be able to complain to the First-tier Tribunal (Special Educational Needs and Disability) - [find out more on GOV.UK](#). In Wales, you can complain to the Special Educational Needs Tribunal for Wales. You can [find information about discrimination appeals](#) on the tribunal's website.

If you think you have suffered discrimination in education because of your disability, you can talk to an adviser at your [nearest Citizens Advice](#).

Access to public transport

If you're disabled, providers of public transport must not treat you less favourably than they would treat a person who isn't disabled (unless they can show that the treatment is justified). They have the same duties as [other providers of services](#).

These rules apply to the transport service itself as well as to other related services, for example, at a railway station.

Taxi drivers can lose their licence and face a fine of £1,000 if they fail to transport wheelchair users. Taxi drivers must provide passengers in wheelchairs with assistance and charge wheelchair users the same as non-wheelchair users.

Bus companies must give people in wheelchairs priority in using the wheelchair space. The driver can, for example, ask someone to leave the bus if they refuse to leave the wheelchair space.

The bus driver can only leave the wheelchair user behind if it's reasonable - for example, if the bus is full and passengers in the wheelchair space can't move.

When you travel by air, airport operators must provide services which allow you to board, disembark and transfer to another flight. They must not charge for these services.

There are also special rules protecting disabled passengers when they travel by air in Europe. Airlines and travel companies are not allowed to refuse to accept bookings from disabled passengers. This applies to all flights leaving an airport in the European Union (EU) and to any flight arriving in an EU country on an EU airline.

There are exceptions to these rules – ships are not covered by the rules although their related services are. For example, if you're disabled, you must not be treated less favourably at the ferry port.

More help

If you are disabled, make sure that you're getting all the help you have a right to. For example, you might be entitled to benefits. You might have care needs that your local council can help with. There are transport and parking concessions for disabled people.

For more information, see [Benefits for people who are sick or disabled](#).
You can [find your local council](#) on GOV.UK.

Advice Now

You can [find more information](#) on Advice Now's website.

Equality Advisory Support Service (EASS)

If you have experienced discrimination, you can get help from the EASS discrimination helpline. [More about the EASS helpline](#)

Equality and Human Rights Commission

[You can find more information](#) on the Equality and Human Rights Commission website.