

28 February 2006

Disability Rights Commission
London
WC1X 8BR

Definition of disability questionnaire

Q1 Do you think that the way in which “disability” is defined in the Disability Discrimination Act 1995 should be changed?

Yes no

Please state reasons:

Previously the definition of disability derived from the medical model, focusing on functional limitations. It is time for a change which would shift the attention from the medical condition of an individual to a consideration of whether or not discrimination is occurring.

It may be helpful to move away from thinking about the DDA as being concerned with disabled people and instead think of it as being about disability discrimination.

Q2 If yes, do you think it should be changed to the approach set out in paragraph 33? ie anyone with an impairment, regardless of severity or duration should be protected from discrimination and entitled to the removal of disabling barriers. This approach will be described as “Scrutiny Committee proposal”.

yes

Some other approach?

If choosing this option please give further details:

Q3 (Paragraphs 34-40 and Appendix)

If the Scrutiny Committee proposal were adopted which would be better?

- Simply stating that discrimination in relation to “impairment” is prohibited without further definition of “impairment” or
- Further elaboration of the meaning of impairment along the lines of the Australian and Irish definition (paragraphs 81-82 and 85-86) or
- Other? Please state:

Q4 (Paragraphs 49-56)

If the Scrutiny Committee proposal were adopted what would you see as the main benefits?

- It might make it easier for disabled people, employers, service providers etc to understand who is protected and what is required under the law.
- It might better support good practice approaches.
- It might make it easier for individuals to resolve disability-related problems.
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Q4 (continued) Please give examples:

Other comments? Please state:

Q5 (Paragraphs 57-67)

If the Scrutiny Committee proposal were adopted, what would you see as the main risks?

- Broadening the definition might lead to a weaker legal interpretation of non-discrimination rights.
- Broadening the definition might discredit or trivialise disability discrimination law.
- Other? Please state:

Q5 (continued) Have you any suggestions for minimising these risks?

Q6 (Paragraphs 68-71)

Would there be a need to ensure that priority could be given to those who are most in need of reasonable adjustments?

yes no

Please give examples of where you think problems may arise:

Q7 If the Scrutiny Committee proposal were adopted would there be an additional need for a more focused definition (ie those who experience the greatest levels of inequality) to be adopted in relation to the Disability Equality Duty, or in relation to positive action more generally?

yes no