

Moving Forward

Disability Discrimination in the force



Your legal rights

The Disability Discrimination Act 1995 was extended to cover police officers in October 2004. The Act protects you from discrimination if you have a disability.

What is "disability"?

There are four elements to the definition of disability under the Act:

- "Physical or mental impairment", which includes sensory impairments and recognised mental illnesses
- "Substantial adverse effect", which rules out minor or trivial impairments
- "A long term effect", which means the impairment must last, or is likely to last, at least 12 months
- "The ability to carry out normal day to day activities", including mobility; manual dexterity; physical co-ordination; continence; ability to lift, carry or move everyday objects; speech, hearing and eyesight; the ability to learn, understand or concentrate; and perception of the risk of physical danger

The meaning of "disability" is fairly wide and covers conditions that may not have been considered disabilities in the past, such as cancer or HIV or one controlled by medication, such as epilepsy. The key issue is the effect of the disability and this is considered without taking into account any controlling medication or treatment.

Discrimination in employment

It is illegal for your employer to discriminate against you because of your disability, including applying for a job, promotion, training, terms and conditions, benefits, dismissal and employment arrangements.

There are four types of discrimination:

- Direct discrimination is when your employer treats you less favourably than others because of your disability. This behaviour cannot ever be justified
- Victimisation is when you are treated less favourably for making a complaint or allegation about disability discrimination or helping someone else do so. This applies whether or not you have a disability
- Disability-related discrimination is when you have been treated less favourably for a reason related to your disability. This could be, for example, being dismissed for a lengthy absence caused by your disability. Your employer may be able to justify this treatment if they can show a relevant and "substantial" reason

The duty to make reasonable adjustments

The law also requires your employer to make reasonable adjustments to your working practices or work environment to ensure you aren't disadvantaged compared to other employees. Adjustments include adapting premises, reallocating duties, altering hours, modifying or acquiring equipment, or transferring you to an existing vacancy. When deciding whether adjustments are reasonable, your employer can take their resources and the cost into account, as well as the impact of the adjustment. There is practical guidance in the Code of Practice. If your employer doesn't make reasonable adjustments, they will have to show a relevant and "substantial" reason.

Enforcement and compensation

You must bring your claim for disability discrimination to an Employment Tribunal within three months. There is no limit to the compensation you can receive if your claim is successful, which can include damages for injury to feelings. Tribunals can also recommend your employer makes specific adjustments in your workplace.

Police cases

RJW has acted for a number of officers in disability discrimination claims and advised many others on how to improve their position at work. The Home Office has produced detailed guidance, "Disability and the Police: The Complete Works". This contains some useful examples of how the law protecting you from disability discrimination might work in practice.

Contact Us

If you need further assistance, please contact your JBB in the first instance.

Regulated by The Solicitors Regulation Authority
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