

## Frequently asked questions

- Q If someone considers themselves as deafblind or dual sensory impaired are they covered by the Disability Discrimination Act?  
A Simply feeling that you have been discriminated against because you are deafblind or dual sensory impaired is not enough.

The DDA states that someone must have a 'physical or mental impairment, which has a substantial and long-term adverse effect on the ability to carry out normal day to day activities'.

- Q Does this definition cover deafblind and dual sensory impaired people?

- A Yes. Sensory impairments are regarded as physical impairments and therefore covered. Sense and Deafblind UK believes that virtually all deafblind and dual sensory impaired people will be covered by the Act including those who are partially sighted and partially hearing.

People with progressive conditions such as Usher syndrome who are not yet experiencing 'substantial adverse effects' but have some adverse effects will be covered.

- Q What does 'substantial adverse effect' mean?

- A A substantial effect is one that is more than minor or trivial. There are huge difference in ability between non-disabled people. A 'substantial' adverse effect means someone experiences limitations which go beyond these normal differences.

Even if someone has a minor sight impairment and a slight hearing impairment they may still qualify because the combination of the two impairments and the way they interact has a substantial adverse effect on their ability to carry out normal day-to-day activities.

In deciding whether something is 'substantial' the following will be taken into account:

- How long it takes to carry out an activity – a dual sensory impaired person is likely to need extra time to do all sorts of activities from dressing in the morning to communicating with others (if they use the Deafblind Manual Alphabet for example).
- How an activity is carried out – a dual sensory impaired person may be able to do things that sighted-hearing people do but the concentration and fatigue involved may be much greater.
- Effects of behaviour – many dual sensory impaired people have 'coping strategies' for reducing the impact of their disability, ironically this can count against you so you have to show that they can easily break down!
- The environment – people with Usher syndrome function worse at night (when they may function as fully deafblind) and in poor or changing lighting conditions.
- Effects of treatment – if someone wears glasses or contact lenses to correct their vision, the 'substantial adverse effect' would be judged with the glasses or contact lenses worn; however if someone uses hearing aids or similar devices the 'substantial adverse effect' would be judged by what they would experience if they were not using the aids.

- Q What does 'long term' mean?

- A Any condition which has lasted at least 12 months, is likely to last for at least 12 months or which is likely to last for the rest of the person's life.

- Q What are 'normal day-to-day' activities'?

- A Things which are considered normal to most people and carried out by most people on a daily or frequent basis.

The Act lists a number of activities which have to be affected in order to be classed as having an impact on normal day to day activities:

- mobility (account can be taken of any assistance you need to get around)
- manual dexterity
- physical coordination
- continence
- ability to lift, carry or otherwise move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand; or
- perception of the risk of physical danger.

You need only experience a 'substantial adverse effect' in one of these areas to be covered.

Impairments which only have an impact on one individual's work or special interests will not be covered.

- Q For deafblind people, which types of activities are likely to constitute a 'substantial adverse effect'?

- A The Government's Code of Guidance give the following examples from the 'hearing' and 'sight categories.

### Hearing

- inability to hold a conversation with someone talking in a normal voice in a moderately noisy environment
- inability to hear and understand another person speaking clearly over the voice telephone

## Sight

- inability to see to pass the eyesight test for a standard driving test
- inability to recognise by sight a known person across a moderately sized room
- total inability to recognise colours
- inability to read ordinary newsprint
- inability to walk safely without bumping into things.

Q Which types of activities are NOT likely to constitute a 'substantial adverse effect'?

A The Government's Code of Guidance provides the following examples:

## Hearing

- inability to hold a conversation in a very noisy place, such as a factory floor
- inability to sing in tune

## Sight

- inability to read very small or indistinct print without the aid of a magnifying glass
- inability to distinguish a known person across a substantial distance (e.g. playing field)
- inability to distinguish between red and green.