

Mental Health Difficulties and the Equality Act

The Equality Act 2010 is legislation designed to give rights to those with 'protected characteristics'; disability is one of those characteristics and this encompasses mental health difficulties.



For a mental health difficulty to come under the protection of the law:

- There must be a substantial (more than minor, not trivial), adverse impairment in relation to daily activities.
- The difficulty should be long term (has lasted, or may well last, 12 months).
- The cumulative effects of a mental health difficulty may combine to render its total effect 'substantial'.
- Difficulties that are episodic in nature are covered, if they are likely to reoccur.
- A person who has recovered from a mental health difficulty also remains protected by the Act if the difficulty is likely to reoccur.
- A person does not need to show that the adverse effects impact on any particular capacity (e.g. memory or concentration).

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What are Mental Health Difficulties?

There is no standard definition of what constitutes a mental health difficulty. For the purpose of this leaflet, it includes: depression, anxiety difficulties (including panic attacks), schizophrenia, bipolar disorder, obsessive-compulsive disorder (OCD), eating disorders, and self harm.

Mental health difficulties are more common than people realise: depression and anxiety take up more of a GP's time than any physical conditions. In fact, 1 in 4 of us consult a GP in any year with mental health-related difficulties.

The likelihood is that in most University classes, there will be people whose studies are affected by mental health difficulties.



The Equality Act and University

If a student does disclose difficulties, the Equality Act means it would be unlawful for anyone employed by the university to discriminate against them. The university is required to make 'reasonable adjustments' to take account of students' needs if they should disclose difficulties.

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