

Limiting Long-Term Illness (LLTI) and Disability - Guidance for referrals

Why is it important to record disability referrals accurately?

Evidence indicates:

- People with disabilities are more vulnerable to domestic abuse and will often face additional difficulties in attempting to access support
- Twice as many disabled women have experienced domestic abuse compared with non-disabled women; and disabled women are twice as likely to be assaulted or raped as non-disabled women
- Both men and women with a limiting illness or disabilities are more likely to experience intimate partner violence

Therefore, MARACs need to monitor the number of victims with a disability to ensure that they are being identified and supported by the MARAC process. Low disability referrals could be an indication that local services are difficult to access, or there is a lack of awareness for agencies working with this group and their increased vulnerability to domestic abuse and the MARAC process.

What is a disability?

The term '**disability**' is used to refer to a **limiting long term illness, health problem or disability** which limits a person's day-to-day activities.

Disability is defined as:

*'a physical or mental impairment which has a **substantial** and **long-term adverse** [negative] effect on your ability to carry out normal day-to-day activities'*

What is a 'substantial' adverse effect?

- 'Something that is more than minor or trivial and goes beyond the normal differences between people'

Examples of factors which, if they are experienced by a person, would be reasonable to regard as having a substantial adverse effect on normal day-to-day activities:

- Difficulty in getting dressed, for example, because of physical restrictions, a lack of understanding of the concept, or low motivation;
- Difficulty going out of doors unaccompanied, for example, because the person has a phobia, a physical restriction, or a learning disability
- Difficulty using transport; for example, because of physical restrictions, pain or fatigue, a frequent need for a lavatory or as a result of a mental impairment or learning disability;
- Persistent general low motivation or loss of interest in everyday activities;
- Persistently wanting to avoid people or significant difficulty taking part in normal social interaction or forming social relationships, for example because of a mental health condition or disorder;
- A total inability to walk, or an ability to walk only a short distance without difficulty; for example because of physical restrictions, pain or fatigue;
- Persistent distractibility or difficulty concentrating

What is a 'long-term' effect? A long-term adverse effect is one:

- which has lasted at least 12 months;
- or where the total period for which it lasts is likely to be at least 12 months;
- or which is likely to last for the rest of your life

Is there a physical or mental impairment?

The following conditions can be recorded as a 'disability' if they meet the definition of 'substantial' and 'long-term' adverse effect. This is not an exhaustive list – please see the Equality Act guidance for further information.

Physical disabilities

Cerebral palsy
Spinal cord injury
Amputation
Multiple sclerosis
Spina bifida
Musculoskeletal injuries
(e.g. back injury)
Arthritis

Sensory disabilities

Hearing impairment
Visual impairment
Multisensory impairment

Neurological Conditions

Autism
Asperger's Syndrome
Epilepsy
Stroke
Parkinson's disease
Migraine
ME
Attention Deficit Disorder
(ADD)
Attention Deficit
Hyperactivity Disorder
(ADHD)

Progressive Illnesses

Cancer
HIV
Multiple Sclerosis
Muscular Dystrophy
Dementia

Organ Specific

Asthma
Diabetes
Heart & Circulatory
Conditions
Respiratory Conditions
Digestive Conditions
Thrombosis

Learning Disabilities & Disorders

Dyslexia
Dyscalculia
Dysgraphia
Dyspraxia
Aphasia

Mental Health impairments

Depression
Bipolar disorder
Obsessive compulsive disorder
Self-harm
Anxiety Disorders
Eating Disorders
Personality Disorders

Can alcohol or substance misuse be classified as a disability?

While someone would not meet the definition simply on the basis of having an addiction, under the Equality Act a person with a prohibited condition may be protected as a disabled person if he/she has an accompanying impairment which meets the requirements of the definition. E.g. a person who is addicted to a substance may also have depression, or a physical impairment such as liver damage, arising from the addiction and meet the definition as a result of the effects.

How can we ensure disability referrals are recorded?

Role of referrer: Where possible, include information on disability in the referral to ensure there is appropriate risk and safety planning; and the accurate recording of data.

Role of MARAC Coordinator: Ensure that disability is included on the MARAC referral form. If information is not given by the referrer, raise this at the MARAC so further information can be gathered and recorded. Use this information to develop and improve the MARAC response to victims and perpetrators with disabilities.

Role of MARAC Representatives: Research and distribute information regarding disability in relation to risks or additional vulnerability, and the type of support needed. If the information is sensitive and not relevant to risks and safety planning, it can be recorded as a 'disability' by the MARAC Coordinator for data purposes without confidential information being shared.

For further guidance see: http://www.equalityhumanrights.com/sites/default/files/documents/EqualityAct/odi_equality_act_guidance_may.pdf

(Sources: 1) http://www.ons.gov.uk/ons/dcp171778_298904.pdf; 2) www.womensaid.org.uk/core/core_picker/download.asp?id=1762; 3) http://www.disabilitywales.org/wordpress/wp-content/uploads/Domestic_Abuse_2E_2.pdf)