

Spotlight on the Equality Act

The Equality Act, introduced in the UK in 2010, legally protects people from discrimination. It brings together previous anti-discrimination laws, such as the Disability Discrimination Act, under one single act. The Equality Act introduced the term 'protected characteristics' to refer to groups that are protected under the Act.

Disability is one such protected characteristic. This term can be applied to a person who has a physical or mental impairment that has a substantial and long term adverse effect on their ability to carry out day-to-day activities.

There are key terms in the Equality Act which may be relevant to someone living with EB: **direct discrimination**, **indirect discrimination** and **reasonable adjustments**.

Direct discrimination

If a person is refused a service because of a protected characteristic, such as the colour of their skin, disability or sexual orientation, this is referred to as direct discrimination.

Indirect discrimination

Indirect discrimination is defined as 'applying a provision, criterion or practice which, on the face of it, applies equally to all but which, in practice, can disadvantage individuals with a particular protected characteristic'. Such requirements or conditions are lawful only if they can be objectively justified.

Reasonable adjustments

Reasonable adjustments are changes an employer or a service provider are lawfully obliged to make so that a disabled person can access a service or do their job. This applies where a provision, physical feature or lack of an auxiliary aid would otherwise place disabled person at a substantial disadvantage compared with people who are not disabled.

Factors such as the cost and practicality of making an adjustment and the resources available may be taken into account in deciding what is reasonable in any given situation.

Where to go for support

If you feel that the using the Equality Act could help your situation, please contact your EB Community Support Manager using the contact numbers on the back cover of this magazine. Alternatively, please visit www.debra.org.uk/article-community-support-team.html.

The Citizens Advice Bureau has lots of information and useful resources on a wide range of issues, including discrimination. Visit www.adviceguide.org.uk for information specific to your area.

Indirect discrimination – an example:

An organisation may have a policy which says that everyone must wear the same clothing or uniform. However, if someone requires specialist clothing because of the effects of their disability, but is prevented from wearing it, they could be put at a disadvantage compared with their peers. This may be considered 'Indirect Discrimination'.

The Amateur Swimming Association

The Amateur Swimming Association (ASA) recognises that it has a duty to make reasonable adjustments to enable disabled people to access its services. ASA has produced its own policy on the Equality Act, which can be downloaded here:

www.swimming.org/assets/uploads/library/ASA_Equality_Policy_Final_Board_Approval_070511.pdf

The ASA has also produced guidance specifically for swimming clubs, which can be found here:

www.swimming.org/asa/about-us/equality-resources-for-clubs

For an easy read guide to the Equality Act please visit www.gov.uk/government/uploads/system/uploads/attachment_data/file/85012/easy-read.pdf