

The guide to the Equality Act 2010 for community organisations

West of Scotland Regional Equality Council

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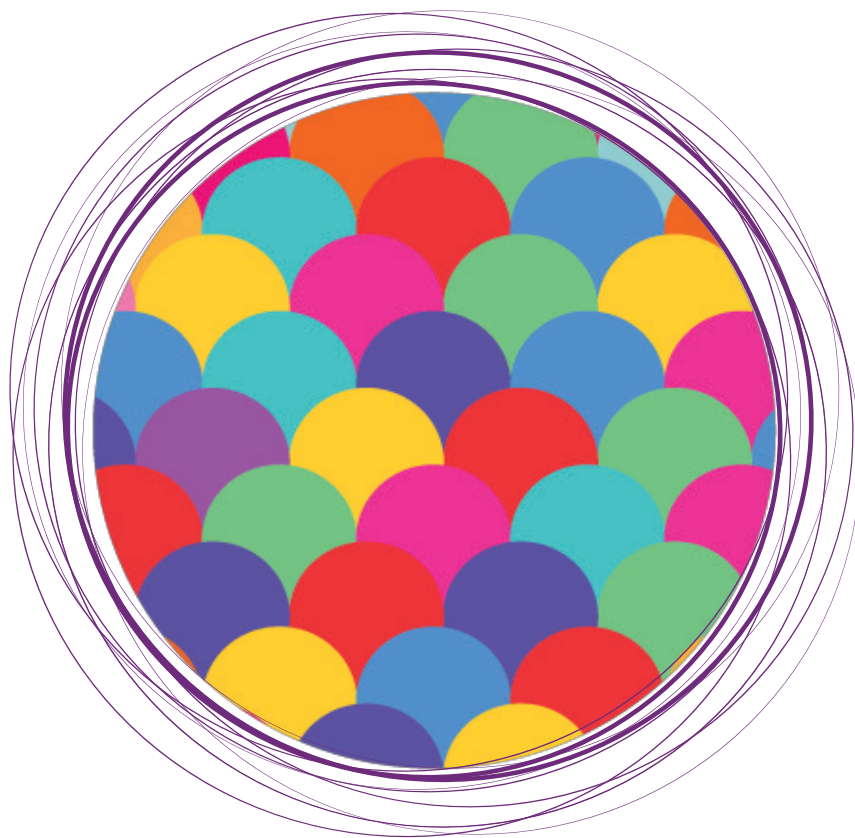
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THE GUIDE TO THE EQUALITY ACT 2010 FOR COMMUNITY ORGANISATIONS



December 2015

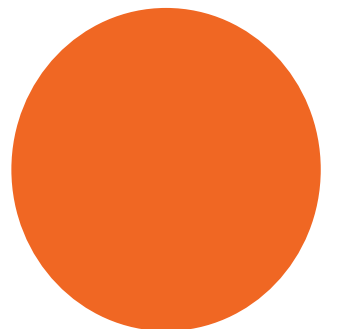
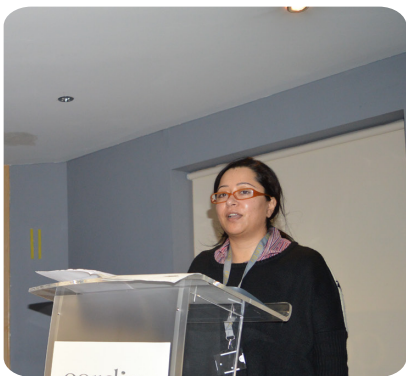


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ABSTRACT

Small grassroots level voluntary sector organisations with very little resources have to be facilitated to adopt Equality ethos in their policies and practices. This guide is for smaller grass roots organisations such as voluntary, community, charity, religious or belief organisations that provide any goods, facilities or services to members of the public.

The aim of this guide is to facilitate these organisations to consider equality and diversity issues in their service provision and also to understand the value of equality. The guide contains a checklist on page 12 for an organisation's perusal.

West of Scotland Regional Equality (WSREC) has been instrumental in building minority ethnic voluntary sector infrastructure in the West of Scotland, through its Living Equality Project. This guide is one of the outcomes of the Living Equality Project.

Acknowledgements

The production of this user friendly leaflet guide has been facilitated by the West of Scotland Regional Equality Council through 'Living Equality Project' funded by Scottish Government, administered through the Voluntary Action Fund.

The guide has been overseen by **Bushra Iqbal MBE** and **Mohammed Razaq Executive Director** WSREC. The research and development of this document is the work of (**Volunteer 'Champion'**) members of the Equality Response Forum, which is part of the 'Living Equality Project'. We would like to thank the thirty voluntary organisations that responded to our consultation. Their contribution has been very useful in finalising the guide. We would like to thank the following members of the Equality Response Forum: Dilraj Kaur, Nighet Riaz, Karla Perez Portilla, Allana Strain, Brian McDermott, Mohith Lakhanpal, Johannes Gonani, Marion Hersh Amina Afzal and Maymoona Awan.



Some of our Equality Response Forum Members and Hanzala Malik MSP at our Guide Launch day (7/12/2015)

WSREC's Commitment to Equality



The West of Scotland Regional Equality Council (WSREC) is working towards an inclusive society that is free from discrimination. We are working towards a vibrant West of Scotland where diversity is celebrated and equal opportunities are practised as a central part of our society. As an organisation we are governed by an elected Board of Directors, which is drawn from a selection of our 55 affiliated member organisations. In addition we have on an average of 25-30 staff employed between full-time, part-time and on a sessional basis. We include volunteer roles within our project work and work with a fairly high number of volunteers at any given point in time. We have been in existence since 1971 and although our range of services have altered due to continuous changing needs of the communities we work with, we have led a great deal of work that has helped build the minority ethnic voluntary sector infrastructure in the West of Scotland. In 2010 we welcomed the Equality Act and continue to promote the protected characteristics across our work with minority ethnic communities. We recognise that an individual may have multiple equality identities, which may have an impact on individual needs based on stages of their lives

WSREC as an organisation implements its equal opportunity policy, which is continuously reviewed and updated. Within WSREC we value our diverse team of staff and promote equal opportunities for all, along with a commitment to excellence. As an organisation we have gained recognition through awards such as, Investors in People (IIP), the European Foundation for Quality Management (EFQM) and Healthy Working Lives award at the Bronze level. We are an SQA approved Test Centre offering the Volunteering Award Level 3. WSREC is also a Hate Crime Third Party Reporting Centre.



The [Living Equality Project](#) is one of 14 projects currently managed by WSREC. The Living Equality Project is funded through the Scottish Government is to assist public, private and voluntary sector organisations, with the advancement of the public sector equality duty. The current focus of this project is to build the capacity of individuals and groups from diverse communities, where all protected 'characteristics' are able to participate in democratic processes and civic life. This guide is part of our current focussed work to enhance understanding of the Equality Act 2010 for grass roots voluntary and community organisations. Using this guide as a reference will most likely, enable voluntary and community organisations to address inequalities and provide services more effectively.

Who is the Guide For?

This guide is for smaller grass-roots organisations such as [voluntary, community, charity, religious or belief organisations](#) that provide any goods, facilities or services to members of the public. There are different types of voluntary organisations i.e. association, community organisation, religious organisation, club and society, therefore it is important to know one's organisations' legal status and its obligations under the Equality Act 2010.

The equality law may apply to some voluntary organisations differently. This is an exception, more than the norm. For example, the public sector equality duty is only for public sector organisations. However this duty may apply to a voluntary organisation if it receives funding from a public sector organisation. This means that the voluntary organisation is contractually obliged to ensure that diverse needs of the members accessing its service are met. If the voluntary organisation fails to provide such contractual service, the organisation may face negative consequences as deemed by their funder.

There are also some special requirements and exceptions for charities, religious organisations, and associations. For further information on these exceptions, and information on different types of organisations and their legal status and relationship with equality law please see [Appendix 1](#).



Purpose of this Guide

Applying an effective equality ethos within grass roots organisations ensures that the wider society can develop each individual's ability to achieve their potential, where that ability is not limited by prejudice or discrimination, and where each individual has an equal opportunity to participate in society, a society where there is mutual respect between groups, based on an understanding and valuing of diversity and on shared respect for equality and human rights¹.

This guide intimates on how to recognise and avoid the more common, potentially illegal types of unlawful discrimination and how an organisation should treat its staff, volunteers and members of the public who use its goods and services, whether that is face to face, at a particular place, using written materials, by electronic means or over the telephone. This is not a comprehensive guide where every eventuality that may arise has been addressed. However it may be used as a basis for formulating an organisations' treatment of its stakeholders and act as a preventative measure.

This guide also gives the reader some ideas on what can be done to follow equality good practice. Adopting equality good practice may mean doing extra, which will not only help the organisation deliver better services, but also may enable the organisation to access more funding opportunities. Moreover it will enhance the organisational profile when bidding for funding or resources. A positive reputation internally and externally will improve the organisation's ability to attract and retain the best talent and have stronger relationships with its stakeholders.

The following page includes a checklist for small grass-roots organisations . Please note this is not a comprehensive checklist but guides the reader towards potential areas of focus. For more detailed guidance please refer to EHRC guide for voluntary and community organisations.



1

This is part of the statutory duty of the Equality and Human Rights Commission, see, Equality Act 2006, section 3.

Checklist for Voluntary Small, Grassroots Organisation



- 1 Are you aware of the legal status of your organisation, its legal status and its relationship with equality law?
- 2 Is everyone involved in the running of the organisation aware of their Equality Act 2010 obligations?
- 3 Has the organisation produced clear policies and guidelines in relation to the Equality Act 2010?
- 4 Are these policies and guidelines clearly communicated to all the stakeholders involved in the running of the organisation?
- 5 Has any training been provided to all, such as members of management committee, volunteers and staff?
- 6 Have any steps being taken to promote equality and diversity as good practice within the organisation?
- 7 Are members of management committee, volunteers and staff aware of the potential negative impact on the organisation, if a claim of discrimination was to be made against the organisation?
- 8 When services are planned has it been ensured that equality and diversity are being considered and incorporated in the planning and delivery process?
- 9 If answer to point 8 above is no, then has the planning and delivery been objectively justified?
- 10 Are you aware of your responsibilities as an employer set out in the 'Guidance for Employers under the Equality Act 2010' as produced by Equality and Human Rights Commission?
- 11 Does your organisation have procedures in place to deal with complaints of discrimination by any of your volunteers, employees or service users?
- 12 Does the organisation have a process to deal with discrimination complaints?
- 13 When an event is being organised are the needs of diverse users considered during the planning and delivery of the event?

SECTION 1

Equality Act 2010



The Equality Act 2010

The Equality Act came into force on 1st October 2010. The Equality Act brings together over 116 separate pieces of legislation into one single Act. Combined, these pieces of legislation make up a new Act that provides a legal framework to protect the rights of individuals and advance equality of opportunity for all” (EHRC, 2010). The Equality Act brings together all the legal requirements on equality that the private, public and voluntary sectors need to follow. Importantly, it affects equality law at work, delivering all sorts of goods and services and running clubs and societies. The Equality Act 2010 also concerns every individual in UK and is about creating a fairer society where everyone can participate and have the same opportunity to fulfil their potential. Backed by legislation (Equality Act 2010), equality is designed to address unfair discrimination, harassment and victimisation, advance equal opportunity, and foster good relations between people who share or do not share, a protected characteristic. There are currently nine protected characteristics and these 9 types of (people) groups that are covered under the Equality Act 2010.

Protected Characteristics

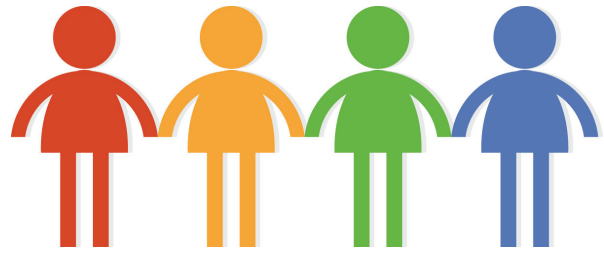
- Age
- Disability
- Gender reassignment
- Pregnancy and maternity (which includes breastfeeding)
- Race
- Religion or belief
- Sex
- Sexual orientation
- Marriage and civil partnership



The Equality Act 2010 does not only protect people who have these characteristics. It also protects people from being discriminated against because:

They are associated with someone who has a protected characteristic. For example, this includes the parent of a disabled child or an adult or someone else who is caring for a disabled person.

Someone wrongly perceives them to have one of the protected characteristics.



The Act also means it is against the law to treat someone unfavourably because they are supporting someone to take action under the law. People are not defined by any singular characteristic. Social determinants such as ethnicity, gender, disability, and sexual orientation combine and intersect to affect health and well-being, often varying across the life-course. A narrow focus on one aspect of an individual's or a group's identity may therefore work to the detriment of understanding and responding to the reality of their lives and experiences.

Equality and Diversity

Equality does not mean being the same. Diversity and equality means different needs are being catered on equal terms, as Equality Act 2010 acknowledges and celebrates these differences.

Please see [Appendix 2](#) for how the Equality Act 2010 impacts on both the characteristic and the organisation's duty to protect the individual and educate others. Please note that these examples are a few of many and it is not within the scope of this guide to cover all possible scenarios.

Example: A person may have multiple identities; a woman, an African woman, a disabled woman, a pregnant woman, a Jewish woman (or any other religion), a transsexual woman, a young woman, an old woman, that means every woman and individual is protected under the 2010 Equality Act. Also an individual can have more than one protected characteristic and may experience multiple forms of discriminations.

SECTION 2

Equality Policy, Procedure and Practise

Policies, procedures and practices within an organisation are all important in ensuring equality. They are most effective if all the stakeholders are involved in the drawing up the policies and procedures, and they also agree to appropriate training, so that everyone feels they have 'ownership'. Since training is important, the voluntary organisation should pay costs, associated with training and travel so that employees may attend training during work hours without deduction of pay.

Organisations of people with different protected characteristics should also be involved in drawing up policies and procedures. The effectiveness of policies, procedures and practices should be regularly monitored and evaluated, including the involvement of people of different protected characteristics, from diverse organisations.

It is important to have inclusive services when planning and delivering. This does not just apply to situations where management and staff are dealing directly with members of the public, but also to how the services are planned. This is the point at which a decision might be made, a rule might be applied or a way of doing things might be worked out, which will affect how someone accesses the organisation's services. If this has a worse impact on people with a particular protected characteristic than on people who did not have that characteristic, then it will be **indirect discrimination** unless the decision, rule or way of doing things can be **objectively justified**.



Having good policies, procedures, practices and regular training can act as a defence in case of a legal challenge. However, mistakes occur. When they do, it is appropriate to offer a sincere apology and have measures in place to make changes as quickly as possible. As not only is it being respectful but also may prevent potential legal challenges. It is also good practice to provide service over and above the basic requirements of the Equality Act as organisations encouraging equality and diversity are likely to be more welcoming to everyone.

Why is Equality Policy Important To An Organisation?



At a practical level, an organisation's commitment to equality means meeting the needs of the stakeholders (equality impact assessment). When designing and delivering services, organisations should consider how these services can be offered fairly to everyone (in particular to groups that are at a greater risk of being discriminated against – in the language of the Equality Act 2010 those with “protected characteristics”). Not only does an organisation's equality policy protect its reputation, but also “our society and our economy are strongest when everyone is treated with dignity and respect, and we all have the opportunity to succeed. In the current economic climate it is more important than ever that we draw on the talents of all, whilst safeguarding those in the most vulnerable situations”.²

Who Is Responsible for Equality Policy Implementation?



Responsibility for providing equal opportunities for clients, employees, job applicants, committee and ordinary members, lies in the first instance with the Executive Committee. Beyond that, it is expected that the Director will exercise delegated executive responsibility for the policy. However, members of the management committee generally have additional legal responsibilities. For an organisation's policy to be effective, however, it is recognised that all staff and volunteer workers, individually and collectively, share a responsibility for actively supporting and upholding the principles contained in the organisation's equality policy³. However for detailed information on policy practice please see Appendix 3 on volunteers and contract work, reasonable adjustments, access to services, advertising and marketing, written information, websites and internet services.

² This is one of the overarching principles included in the Framework Document of the Equality and Human Rights Commission, 2013.

³ Source: WSREC Equal Opportunities Policy

Further Reading

Following is a list of suggested reading should you require further information. Please contact: biqbal@wsrec.co.uk for access to further research conducted in this project.

Bhopal, R (2007) *Ethnicity, Race and Health in Multicultural Societies: Foundations for better epidemiology, public health, and health care.* Oxford publications.

Equality Act (2010) Guidance for service providers Volume 3 of 3: What equality law means for your voluntary and community sector organisation (including charities and religion or belief organisations): Access via:
http://www.equalityhumanrights.com/sites/default/files/documents/EqualityAct/service_providers_guide_voluntary_and_community_sector.pdf

Fischbacher CM, Bhopal R, Povey C, Steiner M, Chalmers J, Mueller G, et al. (2007) Record linked retrospective cohort study of 4.6 million people exploring ethnic variations in disease: myocardial infarction in South Asians. *BMC Public Health*; 7:142.

Gordon, D. Graham, L. Robinson, M. Taulbut, M (2010). *Dimensions of Diversity: Population Differences and Health Improvement Opportunities*, Chapter 3.5. NHS Health Scotland.

NHS Greater Glasgow, 2005. *Ethnic Group Profile from the 2001 Census, NHS Greater Glasgow Area.* (PDF: 609KB) ([external link](#))

NHS Health Scotland (2008). *Health in our multi-ethnic Scotland. Future research priorities*

Poole, L., Adamson, K., 2007, *Report on the Situation of the Roma Community in Govanhill, Glasgow.*

Scottish Government (2010). *Gypsies and Travellers in Scotland. The twice yearly count. July 2009.* ([external link](#))

Useful Links

Council for Ethnic Minority Voluntary Sector Organisations:
<http://www.cemvoscotland.org.uk/>

Council for Racial Equality and Rights: <http://www.crer.org.uk/>

National Centre for Diversity: <http://www.nationalcentrefordiversity.com/>

West of Scotland Regional Equality Council: <http://www.wsrec.co.uk/>

Appendix 1

A brief summary on the legal status of different types of organisation and relationship with equality law:

Organisation	Description of organisation type	How Equality Law Impacts
Charity Organisation	<p>An organisation set up for charitable purposes, takes a distinctive legal form and has a special status.</p> <ul style="list-style-type: none"> • A charity must do well to the public, not to a specific individual. • Its aims, purposes or objectives have to be only those, which the law recognises as charitable. • Registered charities have to obey a number of rules and regulations set out in charity law. 	<ul style="list-style-type: none"> • Registered charities have to obey a number of rules and regulations set out in charity law.
Religious organisation	<p>An organisation set up for religious or belief purposes includes the following:</p> <ul style="list-style-type: none"> • Practise, advance or teach a religion or belief • Allow people of a religion or belief to participate in any activity or receive any benefit related to that religion or belief. • Promote good relations between people of different religions or beliefs. 	<ul style="list-style-type: none"> • Registered organisations may restrict benefits to their stakeholders please see details in exceptions for religious or belief organisations.
Association	<p>An organisation which has 25 members or more and there are rules which control how someone becomes a member will have the one of the following selection processes:</p> <ul style="list-style-type: none"> • Nomination or approval by other members • Pass the organisational test 	<ul style="list-style-type: none"> • With regards to membership and access to the services being offered, an association can place restrictions based on different criteria ⁴. • An association cannot offer membership terms, that are directly or indirectly discriminatory.
Club	<p>An organisation which requires membership but not through a formal selection process.</p> <ul style="list-style-type: none"> • While the organisation may be known by one of the following names; 'club', 'society' or 'association', it will not be considered as an association in equality law. 	<ul style="list-style-type: none"> • If a club is formal and it trades, then the equality law applies as it would to a business ⁵. • If a club has no formal rules and has less than 25 members (e.g. a book reading club run by a group of friends), it is not covered by equality law.

⁴ EHRC (2010) What equality law means for your association, club or society: Equality Act guidance for service providers, Vol 1 of 3

⁵ EHRC (2010) What equality law means for your association, club or society: Equality Act guidance for service providers, Vol 1 of 3

Appendix 2

Type of Discrimination

This section discusses the types of discrimination against those that are 'protected' and that in conflict.

Unlawful discrimination at times, charities and religion or belief organisations can decide who to provide services to on the basis of a person's protected characteristics. For example, only elderly people, however it is important how you treat people in different situations. Unlawful discrimination occurs when treating some people worse than others because one may be from one protected group for example: a charity won't provide service to some because of his/her ethnic origin, or someone who is a gay person. However when the treatment is because of age of the person it may not be unlawful discrimination if the charity show that what has been done is **objectively justified**.

Direct discrimination this is when an individual is treated differently or less favourably than someone else for reasons based on one of the protected characteristics.

Indirect discrimination this is when an individual receives the same treatment as everyone else, but has been left at a disadvantage compared to others.

Example: A charity which runs a drop-in-Centre in the Govan area Glasgow, puts a notice up stating "the service is for Scottish whites only" This would constitute direct discrimination or if the service user must speak English this would constitute indirect discrimination. Moreover, a service provider who excludes dogs, may exclude some disabled people, and must objectively justify such an exclusion.

Association with a protected Group

Example: A child is denied a place in a community organisation's play activities because the child's parents are a gay couple or from a minority ethnic back ground.

By mistake

If someone mistakenly thinks an individual may be a transsexual person and subsequently refuses a service, the individual has been unlawfully discriminated against irrespective if the person is or is not a transsexual person. In similar vein, if someone mistakenly thinks a man or woman is Muslim and based on this refuses to deliver a service, this person has been unlawfully discriminated against irrespective if that person is Muslim or not.

Victimisation No one can 'victimise' those who may have complained about discrimination or helped someone else. You must not **harass** a person.

Example: A member of staff is verbally abusive to a service user in relation to a protected characteristic or if someone has complained and due to his/her complaint has been refused service or been verbally abused by staff or volunteer or in Management.

Harassment is one of the behaviours prohibited by the Equality Act 2010. There are three types. The first one refers to unwanted conduct which is related to one of the seven (7) relevant protected characteristics (age, disability, gender reassignment, race, religion or belief, sex and sexual orientation). The second type is conduct of a sexual nature or related to gender reassignment or sex. The third type is treating someone less favourably because they have either rejected or submitted to conduct of a sexual nature or related to gender reassignment or sex.

Treatment on worse terms, where the behaviour does not come within the equality law definition of harassment (for example, because it is related to religion or belief or sexual orientation), it is likely still to be unlawful direct discrimination because you are giving the service to the person on worse terms than you would give someone who did not have the same protected characteristic.

Unlawful discrimination, at times, charities and religious or belief organisations can decide to whom to provide services, based on a person's protected characteristics:

Example: A charity is offering services for only elderly people. While the service is for elderly people, the elderly people might come from diverse backgrounds and therefore have different needs. It is unlawful discrimination if the organisation is not able to accommodate those differences within the services offered.

However it is important how you treat people in different situations. Unlawful discrimination occurs when treating some people worse than others because one may be from one protected group.

Example: A charity won't provide service to some because of his/her ethnic origin, or someone who is a gay person.

However when the treatment is because of age of the person it may not be unlawful discrimination if the charity shows that what has been done can be objectively justified.

Example: A charity won't provide service to some because of his/her ethnic origin, or someone who is a gay person. However when the treatment is because of the age of the person, it may not be unlawful discrimination, if the charity shows that what have been done is objectively justified.

Religious or belief organisations are legally permitted to offer or restrict services to people with a particular protected characteristic if: that is included in your charitable instrument and either, it is objectively justified, or it is done to prevent or compensate for disadvantage linked to the protected characteristic. A charitable instrument is the document establishing or governing a charity. The charitable instrument usually sets out the charity's purposes, how its income can be spent and generally how the charity will operate.

Charities cannot restrict their services on the basis of a person's colour, such as 'black' or 'white'. If the charitable instrument includes a restriction to people of a particular colour, it will be read as if that restriction did not exist.

Example: The Royal Institute of Blind People (RNIB) is a charity that provides special facilities for visually impaired people rather than people are not visually impaired.

The Women's Institute is a charity which provides educational opportunities only to women.

Restriction, trustees need to decide the restrictions as long the restriction meets either of the other two tests. You can obtain advice from the Scottish Charity Regulator, OSCR (Office of Scottish Charity Regulator). If necessary; you should also obtain independent legal advice. If anyone challenges your decision to go on restricting your benefits, then the courts will decide whether the tests are met which have been set for the organisation by OSCR.

Events or activities, An event or activity held to promote or support a charity can be restricted to one sex only.

Example: A women-only event which raises money for Cancer Research UK or a boys-only football tournament held to raise money for a charity would be covered by this exception.

Membership, if a charity is offering membership, it can ask someone to make a statement to say or imply that they are a member of a particular religion or belief, or accept that religion or belief in order to become a member of the charity, and can also refuse members access to benefits if they do not accept that religion or belief, but only if this requirement existed prior to the 18th of May 2005.

Example: The Scout Association is a long-standing charity which requires children joining the scouts to promise to do their best to do their duty to God.

Other than these exceptions, a charity must not treat a person worse than someone else because of a protected characteristic in relation to the benefits they provide or the way they provide them.

Example: A charity set up to benefit retired women by offering them access to a day centre cannot refuse its services to a woman who may be from African background and ethnic origin. A homelessness charity set up to benefit men in general cannot refuse to offer its service to a man because he is a homosexual.

Exceptions for Religion or Belief Organisations

For a religion or belief organisation, there are some exceptions to equality law that only apply to the services it provides.

'Services' in this context does not mean religious acts of worship (which are not covered by equality law at all) but something a person or organisation does for the public or a section of the public.

Example: Running a shelter for homeless people or holding a mother and toddler group would be considered as a service.

Religious or belief organisations can, because of a protected characteristic, and in certain circumstances, discriminate in the way they operate. Unlike charities, they do not need a charitable tool or to meet particular tests to be able to restrict their services.

In some situations, religious or belief organisations and people acting on the authority of such organisations, can restrict or refuse, because of a person's religion or belief or their sexual orientation.

- Membership of the organisation;
- Participation in its activities;
- The use of any goods, facilities or services that it provides; and
- The use of its premises.

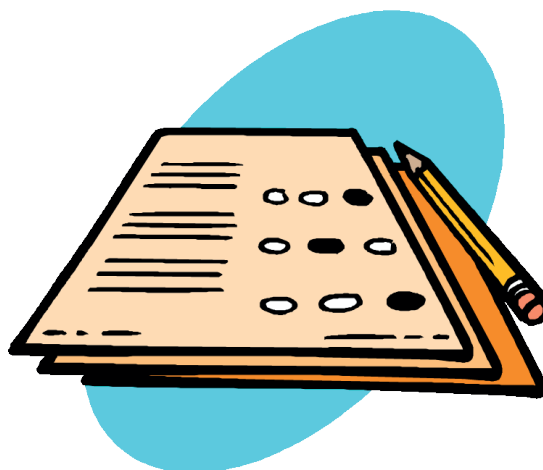
In addition, a religious preacher can restrict participation in activities carried out in the performance of their functions as a preacher connected with a religion or belief organisation (or the provision of goods, facilities or services in the course of such activities) because of a person's religion or belief or their sexual orientation. In both these situations, there is an additional test which must be satisfied.

The Test

In relation to a service user's (or would-be service user's) religion or belief, the exception only applies where a restriction is necessary:

1. To comply with the purpose of the religious or belief organisation; or
2. To avoid causing offence to the majority of the members of the religion or belief that the organisation represents.

If either of these conditions is met, a religious or belief organisation can ask people to sign up to a statement of beliefs in order to become a member. Or it could say that no activities related to other religions or beliefs should take place in the building it uses (provided it does not normally hire out its premises for payment, in which case it could not discriminate).



Services Provided Under Contract with a Public Body

If a religious or belief organisation contracts with a public body to carry out an activity on that body's behalf, the organisation cannot discriminate against sexual orientation. These exceptions do not apply to an organisation whose sole or main purpose is commercial, where the services or premises and so on are normally provided for payment, e.g. the trading arm of a religious organisation. Separate or single-sex services: A preacher of religion or someone else in a similar position within a religious organisation can provide separate services for men or boys and women or girls or only provide services for one sex or the other if:

The service is provided for the purposes of an organised religion (such as the main religions of the world), and it is provided at a place which is (permanently or temporarily) used for those purposes; and

The way the service is restricted is necessary in order to comply with the principles of the religion or for the purpose of avoiding conflict with the strongly held religious beliefs and practices of a large number of the religion's followers.

"This does not affect religious services and acts of worship because equality law does not cover these at all, but it allows people taking part in associated activities to be separated."

(Equality Act 2010 Guidance for service providers Volume 3 of 3)



Appendix 3

Volunteers and Contract Work

Volunteers undertake a range of tasks within many organisations and the level of responsibility is determined by the organisers. Some volunteers have a contract to personally do work for you. This is likely to be the case if they receive more than just their out-of-pocket expenses in exchange. Engagement of a volunteer by the organisation may render the individual to be an “employee” and as such, the organisation must adhere to all the legal obligations to which it is bound. If this applies to your volunteers, then they may be protected as if they are employed by you, and you should read the Equality and Human Rights Commission guide to what equality law means for employers. Payment of out-of-pocket expense, or any remuneration for any work done on behalf of the organisation, may not be the criterion which is applied to the legal status of the volunteer. A volunteer delivering the organisation’s service will be acting on behalf of the organisation. If the volunteer unlawfully discriminates against a client or service user while delivering this service, the board/management committee can be held legally responsible for the volunteer’s actions.

It is therefore recommended that all individuals be looked upon as employees, and as such, they must adhere to the procedures and policies of the organisation. Accordingly, the organisation has to apply the relevant criteria in regards to unlawful discrimination, monitoring, training, etc., to all volunteers, employees and service users alike⁶.

Reasonable Adjustments

The Equality Act permits disabled people to be treated differently from other people if this is necessary to ensure access and/or remove the disadvantages they might otherwise face. One of the ways of doing this is through the provision of what are called reasonable adjustments and is specific measures, to ensure all goods; services and employment are accessible to disabled people and overcome the disadvantages that a disabled person would otherwise experience. This involves both (i) a design for all approaches i.e. making everything as accessible as possible to everyone, including all disabled people (and also independently of factors such as gender, size, race etc); (ii) specific adjustments or modifications for particular individuals or groups of disabled people.

⁶

For further information please refer to Equality and Human Rights Commission guide to what equality law means for employers.

The requirement to provide reasonable adjustments is restricted to people considered disabled under the Equality Act 2010. The definition used is unfortunately a medical model one based on deficits or what the person cannot do – ‘a physical or mental impairment which has a substantial and long term adverse effect on a person’s ability to carry out normal day to day activities.’ A more positive approach would be based on the social model and overcoming infrastructural, attitudinal, social and other barriers.

The requirement to provide adjustments for disabled people is restricted by what is reasonable for the particular organisation. This will depend on the size and resources available to the organisation, any effects on the organisation’s activities and the costs and/or difficulty of implementing the adjustments. Therefore, the requirements of, for instance, a large university and small charity would be different. However, there are different ways of applying adjustments and there may be simpler and cheaper approaches.

Reasonable adjustments should cover all aspects of the goods and services provided by voluntary organisations, as well as all aspects of their operation i.e. membership of the management committee and being a staff member or volunteer. This includes, but is not restricted to:

- Information about the voluntary organisation and its services;
- Accessing the organisation’s premises and/or meeting locations;
- Accessing the organisation’s online services;
- Communicating with the organisation both at the premises and from outside;
- Participating in events of different type and using the services organised by the organisation.

It is generally good practice to consult with organisations for disabled people. These organisations may be consulted for advice and testing so that all aspects of activities and services being offered are accessible and usable by disabled people. It should be noted that making services accessible to disabled people will generally have benefits to all users, whether or not they are disabled. However, in some cases the requirements of different groups of disabled people could be conflicting. Discussion with the relevant organisations or individuals may be required to try and resolve these conflicts. When providing reasonable adjustments it is important to try and ensure that the adjustments do not stigmatise or isolate the disabled people using them. A design for all approach can help prevent this.

Access to Services

If the organisation delivers services at a particular place or places, such as a building or an open air venue, the organisers must make sure that the customers, clients, service users, members, associate members or guests with a protected characteristic are not unlawfully discriminated against, harassed or victimised in accessing the premises and the organizers must make reasonable adjustments for disabled people. You cannot wait until a disabled person wants to use your services, but must think in advance about what people with a range of impairments might reasonably need.

The organisation stakeholders must consider every aspect of the building or other premises, including:

- How people enter
- How they find their way around
- What signs provided
- How people communicate with staff
- Information provided by the organisation
- Queuing systems, if there any
- Counters and checkouts, if there are present
- Accessible toilet facilities

Elect one person to check all the above and discuss with a number organisations for disabled people on what adjustments will make it easier for beneficiaries to use the organisation's services and accordingly make reasonable adjustments.

Accessibility issues need to be considered when moving to new premises, as well as booking premises for meetings. This includes, and goes beyond, accessibility for wheelchair users. Building accessibility issues include, and go beyond, a sufficiently wide main interest for a wheelchair user or blind person with dog or human guide; ramps or lifts as an option to stairs, but not providing a lift as the only option; visual signage and important information in large high contrast letters below eye level; sufficient wheelchair accessible toilets; tactile signage on room doors, lifts etc at about waist height; floor level tactile guidelines to the main rooms. A quiet room should be provided to allow disabled people to withdraw for a while or a religious prayer facility. There should both be staff available to provide information and guide visitors and sufficient signage in accessible formats to avoid the need for interaction with staff. An online presence and the use of social media are increasingly important for all organisations. The organisation's website and Face book pages need to be accessible. There are various guidelines of which the web content accessibility guidelines (WCAG2) produced by the World Wide Web Consortium (W3C) are the best known. However, testing by different groups of disabled people is also important.

Accessibility of information often means providing it in different formats e.g. electronic, standard size print, large print, easy read (including pictures), text only, sign language video clips and video. Particular disabled people may also have individual requirements e.g. relating to colour of the main text and background. Making meetings and events accessible could involve sign language interpreters, lip readers, using simple clear language, avoiding metaphors; slowing the pace to allow for slower processing and interpreters, and providing breaks for interpreters. The use of banter and jokes in meetings can also be off-putting and some groups of disabled people may feel excluded.

Advertising and Marketing

The organisation can target advertising material at a particular group of people, including a group who share a particular **protected characteristic**.

Example: A community organisation makes it clear on its website that the lunch club it runs is aimed at people from a particular ethnic minority background or disability or gender.

But, unless the organisations services are covered by one of the exceptions to equality law, the advertisement must not tell people that, because of a particular protected characteristic, they cannot use the service, or would not be welcome to use the service, or would receive worse terms in using the service. If someone advertising a service (for example, by putting a notice in a shop window) makes it clear in the advert that people from a particular ethnic group are not welcome as customers, this would amount to **direct discrimination**. A flyer for a nightclub offering women free admission while men are charged for entry may constitute to **unlawful discrimination**.



Written Information

When the organisation provides written information as part of its service, think about providing it in **alternative formats**, such as in Braille, on CD, or electronically, for disabled people who need the information in this form. Although it depends on the circumstances, this is likely to be a **reasonable adjustment** which the organisation must make. The organisation cannot wait until a disabled person wants to use its services, but must think in advance about what people with a range of impairments might reasonably need.



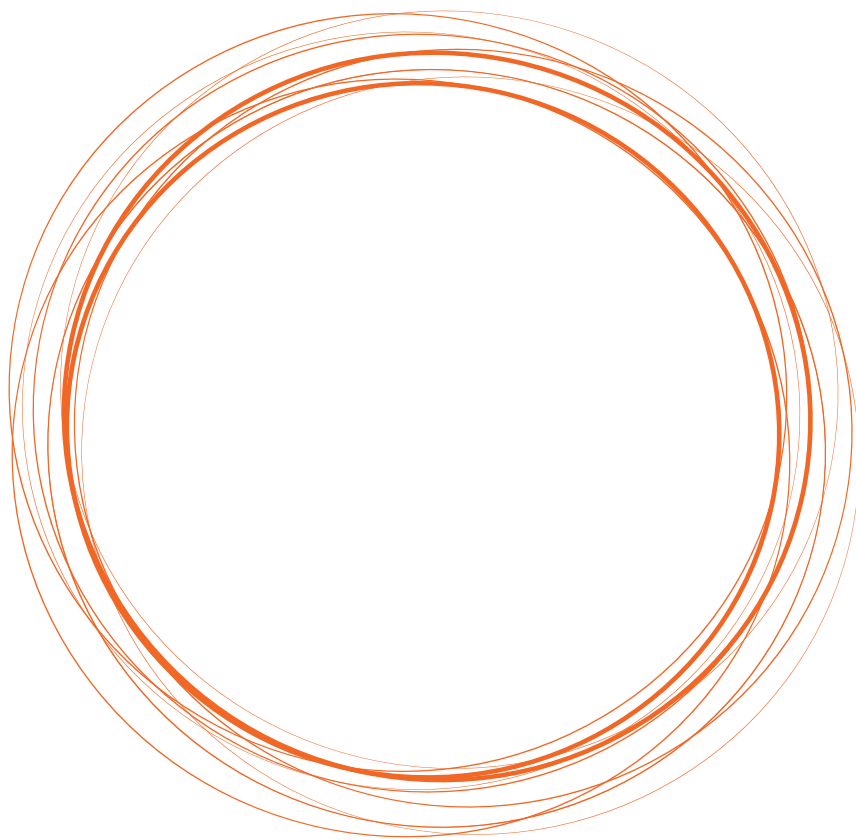
Websites and Internet Services

That the organisation does not allow discriminatory advertisements and information to appear on its website (whatever the advertisement is for).

That the organisation does not accept requests for the placing of information that unlawfully discriminates against people because of a protected characteristic in using a service;

That the organisation makes reasonable adjustments to make sure that the website is accessible to disabled people.





Guide launched on 7th December 2015
This guide can also be found on
West of Scotland Regional Equality Council
Website: www.wsrec.co.uk : Email: biqbal@wsrec.co.uk

Scottish Charity Number: SC025038
Scottish Company Number; SC292009