

All our information sheets are available to download free of charge because we believe that money should not be a barrier to getting the information you need when you need it.

Please see the end of this information sheet for details of how to support us.

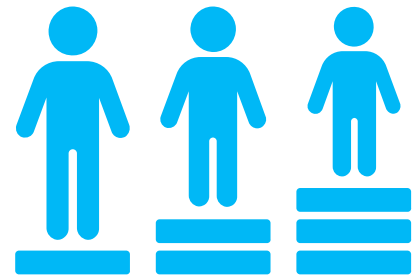
We want to make sure our resources are helpful. Please spend a few minutes giving us some feedback: [Feedback form](#)

## Equality Act 2010

This section of the Family Carer Advocacy Pack is about the Equality Act 2010, the characteristics it covers, different types of discrimination and reasonable adjustments.

### What is the Equality Act 2010?

The Equality Act 2010 is a legal framework which seeks to eliminate discrimination, ensure equality of opportunity, promote good relations between people who share a 'protected characteristic' and prevent harassment and victimisation.



There are [9 protected characteristics](#) and it is against the law to discriminate against someone because of any of these.



[Watch this video](#) from the Equality and Human Rights Commission:



## There are four main types of discrimination

### 1. Direct discrimination

This means treating one person worse than another person because of a protected characteristic.

### 2. Indirect discrimination

This means an organisation makes a rule, has a policy or a way of doing things which has a worse impact on a person with a protected characteristic than a person without one.

### 3. Harassment

This means treating a person in a way that does not respect their dignity, or causes them to feel intimidated or offended.

### 4. Victimisation

Victimisation means being treated unfairly because you have made a complaint about discrimination personally or you are supporting someone who has experienced discrimination to make a complaint.

**Discrimination does not have to be intentional to be unlawful.**

Under the Equality Act you are protected from discrimination in the following settings:

- Workplace
- Public services like health and social care (e.g. visiting your doctor) or education (e.g. college)
- Businesses and other organisations that provide services and goods (e.g. shops, restaurants, and cinemas)
- Public transport
- Clubs or associations
- Public bodies (The Equality Act requires public bodies e.g. local authorities, hospitals, and publicly funded service providers to think about how their

decisions and policies affect people with different protected characteristics and need to provide proof to show how it has done this.)

One of the protected characteristics is disability. The Equality Act 2010 defines disability as having a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.

## The Equality Act and reasonable adjustments (changes)

The Equality Act recognises that ensuring equality for disabled people means:

- Changing the way in which services are delivered
- Providing extra equipment and/or
- The removal of physical barriers

This is the 'duty to make reasonable adjustments'. A duty is something that must happen, in this case because it is the law.

The duty is 'anticipatory'. This means an organisation must not wait until a disabled person wants to use its services but instead think in advance (and on an ongoing basis) about what disabled people might reasonably need.

We come across anticipatory reasonable adjustments daily, without even recognising them, for example:

- Pedestrian crossings with an auditory tone to indicate when it is safe to cross for people who have a visual impairment
- A portable induction loop for people with a hearing impairment
- Wider doorways and lifts for people with a mobility impairment

- Information in easy read for people with a learning disability
- Quieter shopping hours in supermarkets, when the lights are dimmed and the music is turned off for autistic people

If an organisation has achieved the [Advocacy Quality Performance Mark](#) for equality, diversity and accessibility, here is what it should have in place:

- An up to date Equality and Diversity Policy that meets the requirements of current legislation and recognises the need to be pro-active in tackling all forms of inequality, discrimination and social exclusion so that everyone is treated fairly
- Procedures to ensure that any issues or complaints regarding equality and diversity are resolved effectively and in a timely fashion

- Equality and Diversity training and the impact of this is checked e.g. during supervision/ appraisals
- Advocates' time is allocated equitably
- Reasonable adjustments
- Policies, procedures, and publicity materials promote full access for the people who use its service.
- Information and language that is easy to understand and accessible.
- Accessible premises or the use of accessible meeting spaces that create a welcoming environment for all.
- Opening hours that are accessible for the people who want to use or refer to the service.
- A contingency plan to ensure a service is still available during periods of staff illness or holiday.
- A free service if people are entitled and if the organisation is funded directly to provide this service.



### Further information

Read the government's guidance about the Equality Act 2010: <http://www.gov.uk/rights-disabled-person>

Explore the Disability Rights UK website and the Right to Participate website which also includes examples of how people have used the Equality Act to challenge discrimination, harassment, and victimisation:

<http://www.disabilityrightsuk.org/resources/equality-act-and-disabled-people>

<http://stories.richtoparticipate.org/stories/?page=3>

Information about carers rights under the Equality Act: <http://www.carersuk.org/help-and-advice/work-and-career/protecting-yourself-from-discrimination/>

Leaflet "Equality Act 2010: What do I need to know as a carer?":

<http://www.equalityadvisoryservice.com/ci/fattach/get/585/1354033248/redirect/1/session/L2F2LzEvdGltZS8xNjYwNTgzOTQ2L3NpZC90NUQzMUhhNcA=/filename/carers.pdf>

Mind provides information about 'Discrimination in everyday life' including the type of discrimination people with a mental health condition may experience and the solutions which should be offered:

<http://www.mind.org.uk/information-support/legal-rights/discrimination-in-everyday-life/overview/>



We are the charity for people with severe learning disabilities who display challenging behaviour. We make a difference to the lives of children and adults across the UK by:

- Providing information about challenging behaviour
- Organising peer support for family carers and professionals
- Giving information and support by phone or email
- Running workshops which reduce challenging behaviour

To access our information and support, call 01634 838739, email [info@thecbf.org.uk](mailto:info@thecbf.org.uk), or visit our website: [www.challengingbehaviour.org.uk](http://www.challengingbehaviour.org.uk)

© 2023 The Challenging Behaviour Foundation.

[www.challengingbehaviour.org.uk](http://www.challengingbehaviour.org.uk) Tel. 01634 838739

Registered charity no. 1060714.

Reg office: The Old Courthouse, New Road Avenue, Chatham, Kent ME4 6BE