

# Equality Act 2010: Summary guidance on services, public functions and associations



**Equality and  
Human Rights  
Commission**

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## Introduction

This summary guide is part of a series written by the Equality and Human Rights Commission (the Commission) to explain equality rights and duties. These guides support the implementation of the Equality Act 2010.

The full list of guides on services is:

1. Associations, clubs and societies
2. Businesses
3. Criminal and civil justice
4. Health and social care
5. Housing, expected March 2012
6. Local council and central government and immigration
7. Parliaments, politicians and political parties
8. Transport guidance, expected March 2012
9. Voluntary and community sector organisations, including charities

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### England

Equality and Human Rights Commission Helpline  
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Arndale House,  
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Telephone: 0845 604 6610  
Textphone: 0845 604 6620  
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### Scotland

Equality and Human Rights Commission Helpline  
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3 Callaghan Square,  
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## The legal status of this guidance

This guidance applies to England, Scotland and Wales. It draws on the Services, Public Functions and Associations Code of Practice.

The guide is based on equality law as it was at 31 March 2011. You should check with the Commission in case it has been replaced by a more recent version.

At the end of this guide we have provided a list of words and key ideas to help you understand this guide – all words highlighted in **bold** are included in this list.

## Who is protected by the Equality Act?

Protection from unlawful discrimination is provided by the Equality Act in relation to the following characteristics:

- disability
- gender reassignment
- pregnancy and maternity (which includes breastfeeding)
- race
- religion and belief
- sex
- sexual orientation.

## What is meant by discrimination?

The Equality Act 2010 outlaws a number of forms of discrimination:

- An individual or organisation that provides services to the public must not treat someone **worse** just because of one or more **protected characteristics** (this is called **direct discrimination**).

### Example

- A shop will not serve someone because of their ethnic origin.
- A nightclub charges a higher price for entry to a man because of their sex where the service provided to a woman is otherwise exactly the same.
- A bowls club will not admit someone with a hearing impairment as a member.

- An organisation must not do something to someone in a way that has a worse impact on them and other people who share a particular protected characteristic than it has on people who do not share that characteristic. Unless the organisation can show that what they have done is **objectively justified**, this will be what is called **indirect discrimination**. ‘Doing something’ can include making a decision, or applying a rule or way of doing things.

### Example

A shop decides to apply a ‘no hats or other headgear’ rule to customers. If this rule is applied in exactly the same way to every customer, Sikhs, Jews, Muslims and Rastafarians who may cover their heads as part of their religion will not be able to use the shop. Unless the shop can **objectively justify** using the rule, this will be indirect discrimination.

- Service providers must not treat disabled people **unfavourably** because of something connected to their disability where they cannot show that what they are doing is objectively justified. This only applies if the individual or organisation knows, or could **reasonably** have been expected to know, that the person is disabled. This is called **discrimination arising from disability**.

### Example

A village hall has a ‘no dogs’ rule. If the manager of the hall bars a disabled person who uses an assistance dog, not because of their disability but because they have a dog with them, this would be discrimination arising from disability unless the manager can **objectively justify** what it has done.

- A service provider must not treat someone worse than someone else because they are **associated with** a person who has a protected characteristic.

### Example

A café refuses to serve a customer who has a disabled child with them.

- A service provider must not treat someone worse than someone else because they incorrectly think that person has a protected characteristic (**perception**).

### Example

A GP’s receptionist tells a woman that they will not take her on their list because they think she is a **transsexual person**.

- A service provider must not treat someone badly or **victimise** them because they have complained about

discrimination or helped someone else complain, or done anything to uphold their own or someone else’s equality law rights.

The provisions relating to association, perception and victimisation can apply to anyone, even if they do not have one of the protected characteristics themselves.

### Example

A customer complains that a member of staff in a café told her she was not allowed to breastfeed her baby except in the toilets. Because she has complained, the café tells her she is barred altogether. This is almost certainly victimisation.

- A service provider must not **harass** someone.

### Example

A member of staff in a nightclub is verbally abusive to a customer in relation to a protected characteristic.

**Note:** Even 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 still likely to be unlawful discrimination because the organisation is providing a service on worse terms than it would give someone who did not have the same protected characteristic.

In addition, to make sure that, if someone is disabled, they can use the service as far as is reasonable to the same standard as non-disabled people, the service provider must make **reasonable adjustments**.

A service provider is not allowed to 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. They should consider the needs of people who have a visual impairment, a hearing impairment, a mobility impairment or a learning disability, for example.

**Example**  
A bank branch has a flight of steps up to its entrance but it is not permitted by the local authority to build a ramp because this would block the pavement. The bank installs a platform lift so that disabled people with mobility impairments can get into the branch. This is a reasonable adjustment and is an example of the right approach.

### The duty to make reasonable adjustments to remove barriers for disabled people

Equality law recognises that bringing about equality for disabled people may mean 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**.

The duty to make reasonable adjustments aims to make sure that a disabled person can use a service as close as it is reasonably possible to get to the standard usually offered to non-disabled people.

When the duty arises, a service provider is under a positive and proactive duty to take steps to remove or prevent these obstacles.

Anyone providing **goods, facilities or services** to the public or a section of the public, or carrying out **public functions**, or running an **association** who finds that there are barriers to disabled people in the way they do things must consider making adjustments (in other words, changes). If those adjustments are reasonable they must be made.

The duty is ‘anticipatory’. This means a service provider cannot wait until a disabled person wants to use the service. They must think in advance (and on an ongoing basis) about what disabled people with a range of **impairments** (such as people who have a visual or hearing impairment, a mobility impairment or a learning disability) might reasonably need.

Many adjustments will not be particularly expensive and a service provider is not required to do more than is reasonable. What is reasonable depends, among other factors, on the size and nature of the organisation, the nature of the goods, facilities or services provided and the resources available.

If a disabled person can show that there were barriers that should have been identified and reasonable adjustments that could have made, they can bring a claim in court. The service provider may be ordered to pay compensation as well as make the reasonable adjustments.

The duty contains three requirements that apply in situations where a disabled person would otherwise be placed at a substantial disadvantage compared with people who are not disabled.

- The first requirement involves changing the way things are done (equality law calls this a **provision, criterion or practice**). This relates to rules or ways of doing things, whether written or unwritten, that could present barriers to disabled people. It might be reasonable to stop the practice completely, or to change it so that it no longer has that effect.

**Example**

- A private club has a policy of refusing entry during the evening to male members who do not wear a shirt and tie. A disabled member who wishes to attend in the evening is unable to wear a tie because he has psoriasis (a severe skin complaint) of the face and neck. Unless the club is prepared to change its policy at least for this member, its effect is to exclude the disabled member from the club. This is likely to be an unlawful failure to make a reasonable adjustment.
- A shop receives feedback from a customer with facial scars from severe burns that the ways in which its staff interact with her have made her feel uncomfortable and failed to provide a helpful service. The retailer decides to introduce disability equality training, with a particular emphasis on issues around disfigurement, to improve the customer service of its staff. This is likely to be a reasonable adjustment to make.

- The second requirement involves making changes to overcome barriers created by the **physical features** of premises, if these are open to the public or a section of the public.

Where a physical feature puts disabled people using a service at substantial disadvantage, the service provider must take

- reasonable steps to:
- remove the feature, or
  - alter it so that it no longer has that effect, or
  - provide a reasonable means of avoiding the feature, or
  - provide a reasonable alternative method of making the service available to disabled people.

It is better to remove or alter the physical feature or find a way of avoiding it (such as replacing steps with a ramp or, if it is reasonable, a lift) before looking at providing an alternative service. An alternative service may not give disabled people a similar level of service.

**Example**

- A pub improves the paths in its beer garden so that the outside space can be accessed by disabled customers with a mobility impairment or a visual impairment.
- A small shop paints its doorframe in a contrasting colour to assist customers with a visual impairment.
- A hairdressing salon moves product display stands from just inside its door to create a wider aisle which means that wheelchair users can use its services more easily.

Physical features include: steps, stairways, kerbs, exterior surfaces and paving, parking areas, building entrances and exits (including emergency escape routes), internal and external doors, gates, toilet and washing facilities, public facilities (such as telephones, counters or service desks), lighting and ventilation, lifts and escalators, floor coverings, signs, furniture, and temporary or movable items (such as equipment and display racks).

Physical features also include the size of premises (for example, the size of an airport where a clearly signed short route to departures might enable people with a mobility impairment to use the airport more easily, or of a shopping centre, where wheelchairs, buggies and extra staff to help shoppers find their way around are made available). This is not an exhaustive list.

Sometimes the service provider needs to ask the landlord's permission to alter rented premises. Equality law gives service providers the right to do so even if the lease states that the alteration in question is prevented by the terms of the lease.

The landlord cannot withhold their consent **unreasonably**, although they may put in place a condition, provided that it is reasonable to do so.

The third requirement involves providing extra aids and services such as providing extra equipment or providing a different, or additional, service (which equality law calls **auxiliary aids** or **auxiliary services**). A service provider must take reasonable steps to provide auxiliary aids or services if this would enable (or make it easier for) disabled people to make use of the service.

#### Example

- A shop keeps a portable induction loop on its counter so conversations with staff can be heard more easily by disabled people who use hearing aids.
- A club records its handbook onto audio CD for members with a visual impairment, and sends out its newsletters by email as an audio file if members ask for this.
- An accountant offers to make a home visit to a client with a mobility

impairment when usually clients would come to their premises.

- A leisure centre has a regular booking by a group of Deaf people. The leisure centre makes sure that the members of staff who have had basic training in British Sign Language (BSL) are rotated to work on that day to make sure that the Deaf customers get the same level of service that other people would expect.

Technological solutions may be useful in overcoming communication barriers, but sometimes a person offering assistance will be what is needed.

For example:

- Asking a disabled person with a visual impairment if they would like assistance in finding goods in a shop or having information read to them.
- Taking the time to explain services to a disabled person with a learning disability.
- If someone is being asked to make a major decision, providing a disabled person who uses BSL with a BSL to English interpreter, if it is reasonable for the organisation to do this.

The duty is slightly different for associations, in relation to management of premises, and for transport services. These differences are explained in other guidance documents from the Commission.

As well as being something required by equality law, making reasonable adjustments will help a wider range of people use services.

## To which organisations does equality law apply?

Any person or organisation providing goods, facilities or services to the public (service provider) must make sure that they do what equality law says in relation to:

- the behaviour of staff who are dealing with customers, clients, service users, club members, associate members or guests, or who are taking decisions about how they provide their goods, facilities or services to the public
- the building or other place where the services are delivered, if this is open to the public or a section of the public
- advertisements and marketing
- written materials, for example, leaflets the person or organisation provide as part of their service
- websites and internet services
- telephone access and call centres.

They must avoid discrimination, harassment and victimisation and, where necessary, make reasonable adjustments for disabled people in all of these areas.

Service providers include businesses, public sector organisations such as health centres, schools or local authorities, charities and clubs. It doesn't matter if services are free or paid for and the size of the organisation doesn't matter either.

It is not just the people in charge of organisations providing goods, facilities or services to the public or carrying out public functions who must avoid unlawful discrimination, harassment and victimisation.

A service provider can be held legally responsible for what they have done if another person does something that is unlawful discrimination, harassment or victimisation and that person is:

- employed by the service provider, or
- the service provider's agent (carrying out the service provider's instructions).

#### Example

- A shop assistant bars someone they know to be gay from the shop where they work because they are prejudiced against gay people. The person who has been barred can bring a case in court for unlawful discrimination because of sexual orientation against both the shop assistant and the person or company that owns the shop.
- A community organisation hires a consultant to devise a new plan for how the organisation delivers its services. The effect of the plan is to stop some people with a particular protected characteristic accessing its services. A service user with that characteristic complains of unlawful indirect discrimination, saying that the new approach has a worse impact on them and other people who share the protected characteristic. The organisation is unable to **objectively justify** the approach. The consultant who made the decision which has resulted in indirect discrimination would be liable, as would the principal (in this case the organisation), which would be liable for what their agent (the consultant) has done.

A service provider will not be held legally responsible if they can show that:

- they took **all reasonable steps** to prevent a worker employed by them acting unlawfully.

- an agent acted outside the scope of their authority (in other words, that they did something so different from what the service provider asked them to do that they could no longer be thought of as acting on the service provider's behalf).

## Services and public functions

Some activities of local councils, government departments and other types of public body are what the law calls services. Some are what the law calls public functions.

### Example

- Local councils provide a variety of services, for example, rubbish collection, delivering meals on wheels and providing local information.
- Services also include what other people do, such as receptionists, security staff and people who work behind the scenes planning how services should be delivered.
- Public functions include other actions of local councils, government departments and other types of public body, like collecting taxes, giving or refusing planning permission, making immigration decisions about whether to grant someone leave to enter or remain in the UK, inspecting or regulating other organisations, and making decisions about priorities for services, such as whether money will be spent in a particular area.

It does not usually matter whether what is being done is technically a service or a public function. This is because, in general, equality law applies in a very similar way to services and to public functions.

## The public sector equality duty and the Human Rights Act

Public sector organisations and others who deliver services for them or carry out public functions on their behalf may have to have what the law calls 'due regard to the need to advance equality of opportunity' between people who have protected characteristics and people who don't. This applies to all protected characteristics except marriage and civil partnership.

In addition, when someone is receiving services from (or are on the receiving end of public functions carried out by) a public sector organisation or others who deliver services or carry out public functions on their behalf, they may also have rights under the Human Rights Act 1998.

Further information about the public sector equality duties and the Human Rights Act is available from the Equality and Human Rights Commission.

## Exceptions for particular groups

There are some services which are provided in such a way that they are commonly used only by people who share a protected characteristic, for example, an African Caribbean hairdresser would normally be providing services only to people of African and African Caribbean origin. A provider of such services doesn't have to change the way the service is provided but can continue with it. So the African Caribbean hairdresser doesn't have to start providing European hairdressing.

The service provider may also refuse to provide those services to someone who doesn't share that protected characteristic if it is impracticable to do so. In the above example, if the hairdresser can braid European hair then they cannot refuse to provide the service. However, they may not be able to provide a cut and blow dry in which case the service may be refused.

### Example

- A butcher only sells meat from animals which have been slaughtered in a way that conforms to particular religious requirements (Halal or Kosher meat). The butcher does not have to sell non-Halal or non-Kosher meat, even though this means that Muslim and Jewish people are more likely to be customers than others. However, the butcher cannot refuse to sell the Halal or Kosher meat to customers who are not Muslim or Jewish.

As well as these exceptions, equality law allows a service provider to treat disabled people more favourably than non-disabled people. The aim of the law in allowing this is to remove barriers that disabled people would otherwise face to accessing services.

## Separate services for men and women and single-sex services

A service provider is allowed to provide **separate services** for men and women where providing a joint service (i.e. one where men and women were provided with exactly the same service) would not be as effective.

### Example

- A healthcare provider offering sexual health services holds clinics at different times for women and men. Equality law allows this, as long as the service provider can show that a combined service would not be as effective (for example, because people are less likely to attend a mixed clinic), it would not be reasonably practicable to provide the service except in the different ways, and that what it is doing is objectively justified.

Service providers are also allowed to provide separate services for men and women in different ways or to a different level where providing a combined service would not be as effective and it would not be reasonably practicable to provide the service except in the different ways or to the different level.

### Example

- The healthcare provider in the previous example knows there is greater demand by women than by men for the clinic (which includes sexual health testing and family planning services). So as well as offering clinics at separate times for men and women, the healthcare provider offers more times for clinics for women.

In each case, the organisation needs to be able to objectively justify what they are doing.

An organisation is allowed to provide **single-sex services** (services just for men or just for women) where this is objectively justified and:

- only men or only women require the service, or

- if there is joint provision for both sexes but that is not enough on its own, or
- if the service were provided for men and women jointly, it would not be as effective and it is not reasonably practicable to provide separate services for each sex, or
- the services are provided in a hospital or other place where users need special attention (or in parts of such an establishment), or
- they may be used by more than one person and a woman might object to the presence of a man (or vice versa), or
- they may involve physical contact between a user and someone else and that other person may reasonably object if the user is of the opposite sex.

**Example**

- A healthcare provider can offer health screening services only to men or only to women, where the screening involves health conditions that affect only men or only women.

**Example**

- The Women’s Institute is a charity that provides educational opportunities only to women.
- The Royal National Institute of Blind People (RNIB) is a charity that provides special facilities for visually impaired people rather than to all disabled people.

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**

- A charity’s objects include holding activities only for black people from a particular local area. It must open its activities up to everyone from that local area regardless of their colour, provided they meet its other criteria.

A charity can require members, or people who want to become members, to make a statement which asserts or implies membership or acceptance of a religion or belief; and for this purpose they can restrict access to a benefit, facility or service to those who make such a statement. This only applies if the charity first imposed such a requirement before 18 May 2005 and they have not ceased to do so since then.

**Exceptions for religion or belief organisations**

There are some exceptions to equality law that only apply to the services provided by religion or belief organisations. ‘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.

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

In some situations, religion or belief organisations and people acting on their authority 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.

This exception applies in relation to a service user’s (or would-be service user’s) religion or belief, where a restriction is necessary:

- to comply with the purpose of the religion or belief organisation, or
- to avoid causing offence to members of the religion or belief that the organisation represents.

For example, if either of these conditions is met, a religion 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).

In relation to sexual orientation, the exception applies where it is necessary:

- to comply with the doctrine of the organisation, or
- to avoid conflict with the strongly held convictions of a significant number of the members of the religion or belief that the organisation represents.

For example, if either of these conditions is met, a religion or belief organisation can refuse membership to someone because of the person’s sexual orientation. Or it could decide not to let its building be used by particular people or groups because of their sexual orientation (provided it does not normally hire out its premises for payment, in which case it could not discriminate).

However, if a religion or belief organisation contracts with a public body to carry out an activity on that body’s behalf then it cannot discriminate because of sexual orientation in relation to that activity.

**Example**

- A local authority has contracted out certain children’s services. A religious group has a contract to provide day care for children. The group cannot refuse to accept the child of a gay couple.

## Delivering services that do not discriminate

Whether a service is delivered by a business, the public sector, a voluntary or community sector organisation or a club or association, the way it is delivered matters.

Individuals and organisations providing services to the public need to consider:

- the behaviour of staff who are dealing with customers, clients, service users, club members, associate members or guests or who are taking decisions about how to provide goods, facilities or services to the public or a section of the public
- the building or other place where services are delivered, if this is open to the public or a section of the public
- advertisements and marketing
- written materials, for example, information leaflets provided as part of the service
- websites and internet services
- telephone access and call centres.

### Staff behaviour

How any staff who work for the organisation behave towards customers, clients, service users, members, associates or guests in relation to their protected characteristics will be at the heart of whether an organisation delivers services without unlawful discrimination, harassment or victimisation and whether it makes reasonable adjustments for disabled people.

#### Equality good practice tip

Ideally, anyone who comes into contact with members of the public will treat everyone they come across with dignity and respect. This will help to provide good customer service (not just without unlawfully discriminating but more generally) and can make customers less likely to complain.

Staff may need to be told how to behave so that they do not discriminate against people because of a protected characteristic.

This does not just apply to situations where staff are dealing directly with members of the public but also to how 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 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 service provider can objectively justify the decision, rule or way of doing things.

### The building or other place where services are delivered

If services are delivered at a particular place or places, such as a building or an open air venue, the service provider must make sure that 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 reasonable adjustments must be made for disabled people.

A service provider cannot wait until a disabled person wants to use the services. They must think in advance about what people with a range of impairments might reasonably need.

Service providers should consider every aspect of the premises, including:

- how people enter
- how they find their way around
- signage
- how people communicate with staff
- information
- queuing systems
- counters and checkouts
- accessible toilet facilities.

#### Equality good practice tip

It can be helpful to make one person within an organisation responsible for checking all the equality issues for that organisation. This can form an equality policy. A group of disabled people could be asked what adjustments would make it easier for them to use the service.

### Advertisements and marketing

An advertisement includes every form of advertisement or notice or marketing material, whether aimed at members of the public or a specialised audience, including:

- in a newspaper or other publication
- by television or radio
- by display of notices
- signs
- labels
- show-cards or goods
- by distribution of samples
- circulars
- catalogues
- price lists or other material

- by exhibition of pictures
- three-dimensional models or filmed material.

Most written and other published material is likely to count as an advertisement if its aim is to tell customers or service users about a service.

Advertising material can be targeted at a particular group of people, including a group who share a particular protected characteristic.

#### Example

- A mortgage company advertises a product as particularly suitable for women by advertising that borrowers can take payment holidays if they take maternity leave.
- A bar advertises in a newspaper mostly bought by lesbian or gay women and gay men.
- A barber has flyers printed only advertising haircuts and listing prices for men.
- A community organisation makes it clear on its website that the lunch club it runs is aimed at people from a particular ethnic background.
- A sporting club advertises that particular sessions are targeted at introducing disabled people to its sport.

However, unless the service is 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.

**Example**

- 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 because of race against people who might have considered using the service but are deterred from doing so because of the advertisement.
- A flyer for a nightclub offering women free admission while men are charged for entry would probably be **unlawful**.
- An advertisement that said ‘unsuitable for disabled people’ would probably be unlawful.

However, a service provider does not have to make reasonable adjustments in advertising their services.

**Example**

- A service provider advertising in a newspaper does not have to put out an equivalent advertisement on the radio just because disabled people with a visual impairment may not be able to access the written advertisement.

**Equality good practice tip**

A service provider may want to think about advertising in ways that will be accessible to disabled people with a range of impairments, such as Easy Read information for people with a learning disability. Doing this will help more people to access the service.

**Written information**

When written information is provided as part of the service, the service provider must not discriminate against, harass or victimise people because of a protected characteristic in:

- what the information itself says
- the way it is provided.

When written information is provided as part of the service, it is important to 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 this depends on the resources of the service provider, doing this is likely to be a reasonable adjustment; if it is a reasonable adjustment, then the service provider must do it.

A service provider cannot wait until a disabled person wants to use the service. They must think in advance about what people with a range of impairments might reasonably need.

**Example**

- A café whose menu does not often change provides menus in Braille and large print so that customers with different visual impairments can independently use the menu.
- A restaurant changes its menus daily. Because of this, it considers that it is not practical to provide menus in alternative formats, such as Braille. However, staff read the menu aloud for blind customers, and the restaurant ensures that there is a large-print copy available.
- A community organisation providing health advice produces its leaflets in a range of alternative formats.

**Websites and internet services**

An individual or organisation that provides services through a website – such as online shopping, direct marketing or advertising – is known as an **Information Society Service Provider (ISSP)**.

This applies whether the service provider has a one-page website or a very sophisticated website maintained by a professional web design company.

If someone believes that they have been discriminated against by an ISSP, and the ISSP is established in the UK, they can bring a claim in the UK courts against the UK-based ISSP even if the person is not in the UK, so long as they are in a European Economic Area (EEA) member state.

An ISSP must make sure:

- That they do not allow **discriminatory** advertisements and information to appear on their website (whatever the advertisement is for).

**Example**

- A local newspaper accepts an advertisement which says that jobs at a particular company are only open to people of a particular ethnic or national origin. The newspaper puts it on its website. The advertisement directly discriminates because of race, and the newspaper as well as the advertiser may be liable for discrimination: the advertiser as an **employer** and the newspaper as an ISSP.

- That they do not accept requests for the placing of information that unlawfully

discriminates against people because of a protected characteristic in using a service.

**Example**

- An online holiday company established in the UK refuses to take bookings for shared accommodation from same-sex couples. A lesbian or gay couple could bring a claim for direct discrimination because of sexual orientation in the British courts regardless of whether the couple were in the UK or another EEA member state.

- That they make reasonable adjustments to make sure that their website is accessible to disabled people.

Where this is a reasonable adjustment (and, as with other written information, it is likely to be), a website must be accessible to all users – this will include, for example:

- people with visual impairments who use text-to-speech software
- people with manual dexterity impairments who cannot use a mouse
- people with dyslexia and learning difficulties.

A service provider cannot wait until a disabled person wants to use their services. They must think in advance about what people with a range of impairments might reasonably need.

The Royal National Institute of Blind People provides comprehensive information about web accessibility for disabled people with a range of impairments at:

[www.rnib.org.uk/professionals/webaccessibility/Pages/web\\_accessibility.aspx](http://www.rnib.org.uk/professionals/webaccessibility/Pages/web_accessibility.aspx)

**Equality good practice tip**

If, in the particular circumstances, it is not a reasonable adjustment for a service provider to make all the adjustments necessary to make its website fully accessible to as many people as possible, it could make as many changes as possible to ensure good customer service. This will make it easier for everyone to use the website and mean more people can buy its products or learn about its services.

**Telephone access and call centres**

Some organisations provide services over the telephone as a main activity – for example, providing a telephone order line for the purchase of goods – or they may have a telephone service as part of the service, for example, telephone banking, or enquiry lines via a call centre.

When a service provider provides telephone information as part of their service, they must not discriminate against, harass or victimise people because of a protected characteristic in:

- what is said when a call is answered
- the way the service is provided.

When services are provided over the telephone, the service provider must make reasonable adjustments for disabled people who would otherwise face a barrier to accessing the service. If it is a reasonable adjustment to provide the service in a different way, then the service provider must do it. They cannot wait until a disabled person wants to use the service. They must think in advance about what people with a range of impairments might reasonably need.

**Example**

- A call centre makes sure that it has a textphone to accept calls from people with a hearing impairment, as well as allowing calls to be made through a third-party interpreter.
- A community organisation offers ‘live chat’ with its helpline via the internet.
- A small business which offers goods for sale by phone includes an email address and mobile phone number for SMS text messaging in its marketing information and makes it clear that orders will be accepted by these methods as well as by phone.

If an individual disabled person asks for an adjustment that the service provider hasn’t yet considered to enable them to use the service, the service provider will need to make the adjustment if it is reasonable to do so.

**How your organisation should treat volunteers**

Some volunteers have a contract to personally do work for an organisation and receive more than just their out-of-pocket expenses in exchange. In this case they may be protected as if they were the organisation’s employees. The Equality and Human Rights Commission provides a number of guides to what equality law means for employers. Information at the front of this guide explains how to get hold of this.

In some cases an organisation may be providing a volunteering opportunity for

someone and this counts as providing them with a service.

This means that the rest of this guide applies, just as much as it does to service users or clients.

**What happens if someone says they’ve been discriminated against?**

If a customer, client, service user, member, associate member or guest believes that a service provider (including an employee or agent) has unlawfully discriminated against them, harassed or victimised them in relation to the goods, facilities or services, or public functions they provide, they may:

- complain directly to the service provider
- use someone else to help sort the situation out (alternative dispute resolution)
- make a claim in court.

These are not alternatives, since the person complaining can still make a claim in court even if they first complained to the service provider and/or used someone else to sort it out.

**Good practice tips on solving complaints**

Defending or taking a claim in court can be lengthy, expensive and draining. It can also have a damaging impact on the reputation of an organisation. It is likely to be in everyone’s interest to try to put things right before a claim is made to a court.

Sometimes simply apologising to the person who has complained for the way they were treated or the way something was done is sufficient. Service providers should also consider **changing the way they do things** so the same thing does not happen again. They can consider **equality training** for their staff and think about having an **equality policy**.

**Conciliation**

The Equality and Human Rights Commission runs a conciliation service as an alternative route to court action. The service is free, confidential and accessible. If the complaint is resolved during the conciliation, it can result in a binding settlement. If it is not resolved, the person complaining still has the option of taking their claim to court. To find out more about this service, contact the Equality and Human Rights Commission helpline.

**The questions procedure**

If someone thinks they may have been unlawfully discriminated against, harassed or victimised under equality law, they can obtain information from the service provider to help them decide if they have a valid claim or not.

There is a set form to do this called the questionnaire or questions procedure available at: [www.equalities.gov.uk](http://www.equalities.gov.uk), but the questions will still count even if they do not use the form, so long as they use the same questions.

If a service provider receives questions from someone, they are not legally required to reply to the request, or to answer the

questions, but it may harm their case if they do not.

The questions and answers can form part of the evidence in a case brought under the Equality Act 2010.

### Time limits

If a service provider does not respond to the questionnaire within eight weeks of it being sent, the court can take that into account when making its judgment. The court can also take into account answers which are evasive or unclear.

There is an exception to this. The court cannot take the failure to answer into account if a person or organisation states that to give an answer could prejudice criminal proceedings and this is reasonable. Most of the time, breaking equality law only leads to a claim in a civil court. Occasionally, breaking equality law can be punished by the criminal courts. In that situation, the person or organisation may be able to refuse to answer the questions, if in answering they might incriminate themselves and it is reasonable for them not to answer.

If the service provider is a **public authority**, a person who wishes to claim discrimination may also bring a claim for **judicial review** in the High Court in England and Wales or the Court of Session in Scotland.

If someone wants to bring a claim of unlawful discrimination, harassment or victimisation relating to equality law and services, public functions and associations, they must bring it within six months minus one day of the act that they are complaining about.

If the person is complaining about behaviour over a period of time, then the six months begins at the end of the period.

If the person is complaining about a failure to do something, for example, a failure to make reasonable adjustments, then the six months begins when the decision was made not to do it.

If there is no solid evidence of a decision, then the decision is assumed to have been made either:

- when the person who failed to do the thing does something else which shows they don't intend to do it, or
- at the end of the time when they might reasonably have been expected to do the thing.

#### Example

- A business sells goods over the internet. It is having its website redesigned. It looks into having its website made more accessible to disabled people and decides that doing this is a reasonable adjustment. The new website claims to be fully accessible. However, when the new website goes live, it turns out not to be any more accessible than the old one. The business does not do anything about this. A disabled person writes to the organisation and asks them to bring their website up to the standard they are claiming for it. The organisation does nothing. The time limit for bringing a claim is measured from the time when they might reasonably be expected to have made improvements to the website.

A court can hear a claim if it is brought outside this time limit if the court thinks that it would be 'just and equitable' (fair to both sides) for it to do this.

If a claim has been referred within six months of the alleged unlawful discrimination, harassment or victimisation taking place to the Equality and Human Rights Commission for conciliation, the time limit for bringing a claim is increased to nine months.

### The standard and burden of proof

The standard of proof in discrimination cases is the usual one in civil (non-criminal) cases. Each side must try to prove the facts of their case are true on the balance of probabilities; in other words, that it is more likely than not in the view of the court or tribunal that their version of events is true.

If someone is claiming unlawful discrimination, harassment or victimisation, then the burden of proof begins with them. They must prove enough facts from which the court can decide, without any other explanation, that the discrimination, harassment or victimisation has taken place.

Once they have done this, then, in the absence of any other explanation, the burden shifts onto the service provider to show that they, or someone whose actions or omissions they were responsible for, did not discriminate, harass or victimise the person making the claim.

### What the court can order a service provider to do

What the court can order if a service provider loses a case is called 'a remedy'. County Courts and Sheriff Courts hearing discrimination claims can grant any remedy that the High Court in England or Wales or the Court of Session in Scotland can grant

for a civil wrong or in a claim for judicial review.

The main remedies available are:

- Damages (including compensation for injuries to feelings).
- An injunction in England or Wales or an interdict in Scotland – this is an order made by the court to stop a person or organisation from acting in an unlawful way. Sometimes in England and Wales an injunction can be mandatory; that is, the service provider has to do something (for example, they have to change a policy or make a reasonable adjustment). In Scotland an order for specific implement works in the same way.
- A declaration in England or Wales or a declarator in Scotland – this is a statement by the court which says that someone has been discriminated against.

In cases of indirect discrimination, if a service provider can prove that it did not intend what it did to be discriminatory, the court must consider all of the remedies before looking at damages.

The court can also order the service provider to pay the legal costs and expenses of the person bringing the claim. They would have to pay these on top of their own legal costs and expenses.

### More information about defending a court case

More information about court cases is available from:

- In England and Wales: Her Majesty's Courts Service.
- In Scotland: Scottish Courts Service.

## Further sources of information and advice

### General advice and information

#### Equality and Human Rights Commission:

The Equality and Human Rights Commission is the independent advocate for equality and human rights in Britain. It aims to reduce inequality, eliminate discrimination, strengthen good relations between people, and promote and protect human rights. The Equality and Human Rights Commission helplines advise both individuals and organisations such as employers and service providers.

Website: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

#### Helpline – England

Email: [info@equalityhumanrights.com](mailto:info@equalityhumanrights.com)

Telephone: 0845 604 6610

Textphone: 0845 604 6620

Fax: 0845 604 6630

08:00–18:00 Monday to Friday

#### Helpline – Wales

Email: [wales@equalityhumanrights.com](mailto:wales@equalityhumanrights.com)

Telephone: 0845 604 8810

Textphone: 0845 604 8820

Fax: 0845 604 8830

08:00–18:00 Monday to Friday

#### Helpline – Scotland

Email: [scotland@equalityhumanrights.com](mailto:scotland@equalityhumanrights.com)

Telephone: 0845 604 5510

Textphone: 0845 604 5520

Fax: 0845 604 5530

08:00–18:00 Monday to Friday

#### Advicenow:

An independent, not-for-profit website providing accurate, up-to-date information on rights and legal issues.

Website: [www.advicenow.org.uk](http://www.advicenow.org.uk)

#### Advice UK:

A UK network of advice-providing organisations. They do not give out advice themselves, but the website has a directory of advice-giving agencies.

Website: [www.adviceuk.org.uk](http://www.adviceuk.org.uk)

Email: [mail@adviceuk.org.uk](mailto:mail@adviceuk.org.uk)

Telephone: 020 7469 5700

Fax: 020 7469 5701

#### Citizens Advice:

Citizens Advice Bureaux provide free, confidential and independent advice in England and Wales. Advice is available face-to-face and by telephone. Most bureaux offer home visits and some also provide email advice. To receive advice, contact your local Citizens Advice Bureau, which you can find by visiting the website.

Website: [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Telephone: 020 7833 2181

Fax: 020 7833 4371

The Adviceguide website is the main public information service of Citizens Advice. It covers England, Scotland and Wales.

Website: [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

#### Citizens Advice Scotland:

Citizens Advice Scotland is the umbrella organisation for bureaux in Scotland. They do not offer advice directly but can provide information on Scottish bureaux.

Website: [www.cas.org.uk](http://www.cas.org.uk)

#### Community Legal Service (CLS):

The CLS can help you find legal advice and information from a range of sources, including

Citizens Advice Bureaux, law centres, independent advice centres and high street solicitors across England and Wales. You can also find out more about legal aid and whether you might be entitled to financial help with your case. The CLS helpline can give you free advice about benefits, tax credits, debt, education, employment or housing if you qualify for legal aid.

Website: [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

Tel: 0845 345 4 345

#### Directgov:

Directgov is the UK government's digital service for people in England and Wales. It delivers information and practical advice about public services, bringing them all together in one place.

Website: [www.direct.gov.uk](http://www.direct.gov.uk)

#### Government Equalities Office (GEO):

The GEO is the Government department responsible for equalities legislation and policy in the UK.

Website: [www.equalities.gov.uk](http://www.equalities.gov.uk)

Telephone: 0303 444 0000

#### Law Centres Federation:

The Law Centres Federation is the national co-ordinating organisation for a network of community-based law centres. Law centres provide free and independent specialist legal advice and representation to people who live or work in their catchment areas. The Federation does not itself provide legal advice, but can provide details of your nearest law centre.

Website: [www.lawcentres.org.uk](http://www.lawcentres.org.uk)

Telephone: 020 7842 0720

Fax: 020 7842 0721

Email: [info@lawcentres.org.uk](mailto:info@lawcentres.org.uk)

#### The Law Society:

The Law Society is the representative organisation for solicitors in England and

Wales. Their website has an online directory of law firms and solicitors. You can also call their enquiry line for help in finding a solicitor. They do not provide legal advice.

Website: [www.lawsociety.org.uk](http://www.lawsociety.org.uk)

Telephone: 020 7242 1222 (general enquiries)

They also have a Wales office:

Telephone: 029 2064 5254

Fax: 029 2022 5944

Email: [wales@lawsociety.org.uk](mailto:wales@lawsociety.org.uk)

#### Scottish Association of Law Centres (SALC):

SALC represents law centres across Scotland.

Website: [www.scotlawcentres.blogspot.com](http://www.scotlawcentres.blogspot.com)

Telephone: 0141 561 7266

### Advice on specific issues

#### Age UK:

Age UK aims to improve later life for everyone by providing information and advice, campaigns, products, training and research.

Website: [www.ageuk.org.uk](http://www.ageuk.org.uk)

Telephone: 0800 169 6565

Email: [contact@ageuk.org.uk](mailto:contact@ageuk.org.uk)

#### Carers.org:

The Princess Royal Trust for Carers is the largest provider of comprehensive carers' support services in the UK through its unique network of 144 independently managed Carers' Centres, 85 young carers' services and interactive websites. The Trust currently provides quality information, advice and support services to over 400,000 carers, including approximately 25,000 young carers.

Website: [www.carers.org/](http://www.carers.org/)

[www.youngcarers.net](http://www.youngcarers.net)

Telephone: 0844 800 4361

Fax: 0844 800 4362

Email: [info@carers.org](mailto:info@carers.org)

**Carers UK:**

The voice of carers. Carers provide unpaid care by looking after an ill, frail or disabled family member, friend or partner.

**England**

Website: [www.carersuk.org](http://www.carersuk.org)  
Telephone: 020 7378 4999  
Email: [info@carersuk.org](mailto:info@carersuk.org)

**Scotland**

Website: [www.carersuk.org/scotland](http://www.carersuk.org/scotland)  
Telephone: 0141 445 3070  
Email: [info@carerscotland.org](mailto:info@carerscotland.org)

**Wales**

Website: [www.carersuk.org/wales](http://www.carersuk.org/wales)  
Telephone: 029 2081 1370  
Email: [info@carerswales.org](mailto:info@carerswales.org)

**ChildLine:**

ChildLine is the UK's free, confidential helpline dedicated to children and young people. Advice can also be found on its website.

Website: [www.childline.org.uk](http://www.childline.org.uk)  
Telephone: 0800 1111

**The Children's Legal Centre (CLC):**

The CLC provides legal advice, information and representation for children and young people.

Website: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)  
Telephone: 01206 877 910  
Fax: 01206 877 963  
Email: [clc@essex.ac.uk](mailto:clc@essex.ac.uk)

**Children's Rights Alliance England (CRAE):**

CRAE provides free legal information and advice, raises awareness of children's human rights, and undertakes research about children's access to their rights.

Website: [www.crae.org.uk](http://www.crae.org.uk)  
Telephone: 020 7278 8222  
Advice line (Tues to Thurs 3.30-5.30pm):  
0800 32 88 759  
Email: [info@crae.org.uk](mailto:info@crae.org.uk)  
Advice email: [advice@crae.org.uk](mailto:advice@crae.org.uk)

**Disability Law Service (DLS):**

The DLS is a national charity providing information and advice to disabled and Deaf people. It covers a wide range of topics including discrimination, consumer issues, education and employment.

Website: [www.dls.org.uk](http://www.dls.org.uk)  
Telephone: 020 7791 9800  
Minicom: 020 7791 9801

**Mencap:**

Mencap is the leading UK charity for people with a learning disability and their families. It provides a range of services including advice and information.

Website: [www.mencap.org.uk](http://www.mencap.org.uk)  
Telephone: 0808 808 1111  
Fax: 020 7608 3254  
Email: [information@mencap.org.uk](mailto:information@mencap.org.uk)

**Mind:**

Mind is the leading mental health charity for England and Wales. It provides information to help promote understanding of mental health and campaigns to promote and protect good mental health. It has an info-line and a legal services line, and also provides online advice.

Website: [www.mind.org.uk](http://www.mind.org.uk)  
Infoline: 0845 766 0163  
Legal Advice Service: 0845 2259393  
Email: [legal@mind.org.uk](mailto:legal@mind.org.uk)

**RADAR:**

RADAR is a national umbrella organisation with around 500 member groups. It campaigns for equal rights for disabled people and gives information and advice on disability issues.

Website: [www.radar.org.uk](http://www.radar.org.uk)  
Telephone: 020 7250 3222  
Fax: 020 7250 0212  
Minicom: 020 7250 4119  
Email: [radar@radar.org.uk](mailto:radar@radar.org.uk)

**Rethink:**

Rethink helps over 48,000 people every year through its services, support groups and by providing information on mental health conditions.

Website: [www.rethink.org](http://www.rethink.org)  
Telephone: 020 7840 3188 or 0845 456 0455 (10:00 to 14:00 Monday–Friday)  
Email: [advice@rethink.org](mailto:advice@rethink.org)

**Royal National Institute for the Blind (RNIB):**

The RNIB is the UK's leading charity offering information, support and advice to over two million people with sight loss.

Website: [www.rnib.org.uk](http://www.rnib.org.uk)  
Helpline: 0303 123 9999  
Email: [helpline@rnib.org.uk](mailto:helpline@rnib.org.uk)

**Royal National Institute for Deaf People (RNID):**

The RNID offers a range of services for Deaf and hard of hearing people and provides information and support on all aspects of deafness, hearing loss and tinnitus.

Website: [www.rnid.org.uk](http://www.rnid.org.uk)  
Telephone: 0808 808 0123  
Textphone: 0808 808 9000  
Fax: 020 7296 8199  
Email: [informationline@rnid.org.uk](mailto:informationline@rnid.org.uk) /  
[tinnitushelpline@rnid.org.uk](mailto:tinnitushelpline@rnid.org.uk)

**SCOPE:**

Scope is the leading UK disability charity for children and adults with cerebral palsy. It provides information, help, support and advice on disability issues.

Website: [www.scope.org.uk](http://www.scope.org.uk)  
Helpline: 0808 800 3333  
Text SCOPE, plus your message to 80039  
Email: [cphelpline@scope.org.uk](mailto:cphelpline@scope.org.uk)

**Terrence Higgins Trust:**

Terrence Higgins Trust is the leading and largest HIV and sexual health charity in the UK. It offers a range of services including advice and information for people affected by HIV.

Website: [www.tht.org.uk](http://www.tht.org.uk)  
Telephone: 0845 1221 200 (10:00–22:00 Monday– Friday, 12:00–18:00 Saturday and Sunday)  
Email: [info@tht.org.uk](mailto:info@tht.org.uk)

**Gingerbread:**

Gingerbread is a national and local charity working for, and with, single parent families, to improve their lives. It lobbies and campaigns to raise awareness and provides advice and information for single parents.

Website: [www.gingerbread.org.uk](http://www.gingerbread.org.uk)  
Telephone: 0808 802 0925 (single parent helpline)  
Email: [info@gingerbread.org.uk](mailto:info@gingerbread.org.uk)

**Maternity Action:**

Maternity Action works to end inequality and promote the health and wellbeing of all pregnant women, their partners and children from before conception through to the child's early years. It provides information sheets but cannot provide advice on individual cases.

Website: [www.maternityaction.org.uk](http://www.maternityaction.org.uk)  
Telephone: 020 7253 2288

**Rights of Women (RoW):**

RoW is a UK voluntary organisation working to attain justice and equality by informing, educating and empowering women on their legal rights. It provides free, confidential advice on a range of issues.

Website: [www.row.org.uk](http://www.row.org.uk)  
Telephone: 020 7251 6577  
Email: [info@row.org.uk](mailto:info@row.org.uk)

**Women's Aid:**

Women's Aid is the key national charity working to end domestic violence against women and children. It supports a network of over 500 domestic and sexual violence services across the UK and provides a free 24-hour helpline.

Website: [www.womensaid.org.uk](http://www.womensaid.org.uk)  
Telephone: 0808 2000 247  
Email: [info@womensaid.org.uk](mailto:info@womensaid.org.uk)  
Helpline: [helpline@womensaid.org.uk](mailto:helpline@womensaid.org.uk)

**Gender Identity Research and Education Society (GIRES):**

GIRES provides a wide range of information for trans people, their families and professionals who care for them.

Website: [www.gires.org.uk](http://www.gires.org.uk)  
Telephone: 01372 801 554  
Fax: 01372 272 297  
Email: [info@gires.org.uk](mailto:info@gires.org.uk)

**The Gender Trust:**

The Gender Trust is the UK's largest charity working to support transsexual, gender dysphoric and transgender people or those who are affected by gender identity issues. It has a helpline and provides training and information for employers and organisations.

Website: [www.gendertrust.org.uk](http://www.gendertrust.org.uk)  
Telephone: 0845 231 0505

**Press for Change (Pfc):**

PfC is a political lobbying and educational organisation. It campaigns to achieve equality and human rights for all trans people in the UK through legislation and social change. It provides legal advice, training and consultancy for employers and organisations as well as undertaking commissioned research.

Website: [www.transequality.co.uk/](http://www.transequality.co.uk/)  
[www.pfc.org.uk](http://www.pfc.org.uk)  
Telephone: 0161 432 1915 (10:00–17:00, Thursdays only until further notice)  
Email: [transequality@pfc.org.uk](mailto:transequality@pfc.org.uk)

**Trans Youth Network:**

Run by and for young Trans people aged 11–26, Trans Youth Network is a new UK-wide project to provide advocacy, support, signposting and training opportunities to young trans people and young people unsure of, questioning, and generally exploring their biological sex, gender or gender identity in any way at all.

Website: [www.transyouth.org](http://www.transyouth.org)  
Email: [transyouthnet@yahoo.co.uk](mailto:transyouthnet@yahoo.co.uk)

**Inter Faith Network:**

The Inter Faith Network for the UK promotes good relations between people of different faiths. It has a list of contact details for faith groups and organisations across the UK.

Website: [www.interfaith.org.uk](http://www.interfaith.org.uk)  
Telephone: 020 7931 7766  
Fax: 020 7931 7722  
Email: [ifnet@interfaith.org.uk](mailto:ifnet@interfaith.org.uk)

**The Albert Kennedy Trust:**

The Albert Kennedy Trust provides information and support to lesbian, gay, bisexual and trans homeless young people.

Website: [www.akt.org.uk](http://www.akt.org.uk)  
Telephone: 020 7831 6562 (London)  
Telephone: 0161 228 3308  
Email: [contact@akt.org.uk](mailto:contact@akt.org.uk)

**Equality Network:**

The Equality Network works for lesbian, gay, bisexual and transgender equality and human rights in Scotland. It provides information, and carries out campaigning and policy work.

Website: [www.equality-network.org](http://www.equality-network.org)  
Telephone: 07020 933 952  
Fax: 07080 933 954  
Email: [en@equality-network.org](mailto:en@equality-network.org)

**Galop:**

Galop works to prevent and challenge homophobic and transphobic hate crime in Greater London. It aims to reduce crimes against lesbian, gay, bisexual and transgender people, and campaigns for an improved criminal justice system.

Website: [www.galop.org.uk](http://www.galop.org.uk)  
Helpline: 020 7704 2040  
Admin: 020 7704 6767  
Fax: 020 7704 6707  
Email: [info@galop.org.uk](mailto:info@galop.org.uk)

**The Lesbian and Gay Foundation (LGF):**

The LGF is a North-West based charity working to support lesbian, gay and bisexual people. It provides advice and information, counselling, and support groups.

Website: [www.lgf.org.uk](http://www.lgf.org.uk)  
Telephone: 0845 3 30 30 30  
Email: [info@lgf.org.uk](mailto:info@lgf.org.uk)

**Queer Youth Network (QYN):**

QYN is a national organisation providing advocacy, support, signposting and training opportunities to young lesbian, gay and bisexual people.

Website: [www.queeryouth.org.uk](http://www.queeryouth.org.uk)  
Email: [info@queeryouth.net](mailto:info@queeryouth.net)

**Stonewall:**

Stonewall is the UK's leading lesbian, gay and bisexual charity and carries out campaigning, lobbying and research work as well as providing a free information service for individuals, organisations and employers.

Website: [www.stonewall.org.uk](http://www.stonewall.org.uk)  
Telephone: 08000 50 20 20  
Email: [info@stonewall.org.uk](mailto:info@stonewall.org.uk)

**Stonewall Housing:**

Stonewall Housing provides supported housing, advice and advocacy for the lesbian, gay, bisexual and transgender communities in London.

Website: [www.stonewallhousing.org](http://www.stonewallhousing.org)  
Telephone: 020 7359 5767  
Email: [info@stonewallhousing.org](mailto:info@stonewallhousing.org)

## Glossary

### Act

A law or piece of legislation passed by both Houses of Parliament and agreed to by the Crown, which then becomes part of statutory law (ie is enacted).

### affirmative action

Positive steps taken to increase the participation of under-represented groups in the workplace. It may encompass such terms as positive action and positive discrimination. The term, which originates from the United States of America, is not used in the Equality Act.

### age

This refers to a person belonging to a particular age group, which can mean people of the same age (e.g. 32-year-olds) or range of ages (e.g. 18–30-year-olds, or people over 50).

### agent

A person who has authority to act on behalf of another (‘the principal’) but who is not an employee.

### all reasonable steps

In relation to harassment of a service user by an employee of the service provider, all the things that the service provider could reasonably have done to stop the harassment; in relation to reasonable adjustments, ‘reasonable steps’ is another term for the things that the service provider could reasonably have done to remove the disadvantage.

### alternative format

Media formats which are accessible to disabled people with specific impairments, for example Braille, audio description, subtitles and Easy Read.

### associate members

A person who has access to some or all of an association’s benefits, facilities and services because they are a member of another associated private club.

### associated with

Where a victim of discrimination does not have a protected characteristic but is discriminated against because of their association with someone who does e.g. the parent of a disabled child.

### association

An association of people sharing a particular characteristic or interest which has at least 25 members, where admission to membership is regulated and involves a process of selection.

### auxiliary aid

Usually a special piece of equipment to improve accessibility.

### auxiliary service

A service to improve access to something often involving the provision of a helper/assistant.

### clients

A customer or patron of a service or organisation, generally where the service provider is professional and is in a position of trust and confidence.

### Code of Practice

A statutory guidance document which must be taken into account by the Courts when applying the law and which may assist people to comply with the law.

### comparator

A person with whom a claimant compares themselves to establish less favourable treatment in a discrimination case.

### customers

People who buy or use goods or services.

### direct discrimination

Less favourable treatment of a person compared with another person because of a protected characteristic.

### disability

A person has a disability if he or she has a physical or mental impairment which has a substantial and long-term adverse effect on that person’s ability to carry out normal day-to-day activities.

### disabled person

Someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

### disadvantage

A detriment or impediment – something that the individual affected might reasonably consider changes their position for the worse.

### disadvantaged

When someone suffers a detriment or finds an impediment to enjoying a benefit in comparison with others because of a characteristic of theirs; encountering a pre-existing barrier which is inherent in their workplace but which doesn’t have the same effect on others.

### discriminate unlawfully

See unlawful discrimination.

### discriminating directly or indirectly

Refers to discrimination because of a person’s protected characteristic (direct); or discrimination that occurs when a provision, criteria or practice is applied that creates

disproportionate disadvantage for a person with a protected characteristic as compared to those who do not share that characteristic (indirect).

### discrimination arising from disability

When a person is treated unfavourably because of something arising in consequence of their disability.

### duty to make reasonable adjustments

Where a disabled person is at a substantial disadvantage in comparison with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage by (i) changing provisions, criteria or practices, (ii) altering, removing or providing a reasonable alternative means of avoiding physical features, and (iii) providing auxiliary aids.

### employee

A person who carries out work for a person under a contract of service, a contract of apprenticeship, or a contract personally to do work; or a person who carries out work for the Crown or a relevant member of the Houses of Parliament staff. *See also* worker.

### employer

A person who makes work available under a contract of service, a contract of apprenticeship, the Crown or a relevant member of the Houses of Parliament staff.

### equality policy

A statement of an organisation’s commitment to the principle of equality of opportunity in the workplace.

### equality training

Training on equality law and effective equality practice.

**exceptions**

Where, in specified circumstances, a provision of the Act does not apply.

**gender reassignment**

The process of changing or transitioning from one gender to another. *See also* transsexual person.

**Gender Recognition Certificate**

A certificate issued under the Gender Recognition Act to a transsexual person who has, or has had gender dysphoria, has lived in the acquired gender throughout the preceding two years, and intends to continue to live in the acquired gender until death.

**goods, facilities or services**

Goods refer to moveable property; facilities to opportunities to enjoy a benefit or do something; and services to provisions for meeting people's needs. Goods, facilities and services are available to the public or any part of it.

**guests**

People invited to enjoy an association's benefits, facilities or services by that association or a member of it.

**harass**

To behave towards someone in a way that violates their dignity, or creates a degrading, humiliating, hostile, intimidating or offensive environment.

**harassment**

Unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment. *See also* sexual harassment.

**impairment**

A functional limitation which may lead to a person being defined as disabled according to the definition under the Act.

*See also* disability.

**indirect discrimination**

The use of an apparently neutral practice, provision or criterion which puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic, and applying the practice, provision or criterion cannot be objectively justified.

**Information Society Service Provider (ISSP)**

A service provider which provides electronic data storage, usually for payment, for example, selling goods online.

**judicial review**

A procedure by which the High Court supervises the exercise of public authority power to ensure that it remains within the bounds of what is lawful.

**less favourably**

Worse, not as well as.

**more favourably**

To treat somebody better than someone else. This is unlawful under the Act if it is because of a protected characteristic except in very limited circumstances e.g. the duty to make reasonable adjustments for a disabled person. The law can require pregnant workers to be treated more favourably in some circumstances.

**objectively justified**

When something can be shown to be a proportionate means of achieving a legitimate aim – that is, the way of achieving the aim is appropriate and necessary.

**perception**

In the Equality Act, the belief that someone has a protected characteristic, whether or not they do have it.

**physical barriers**

A physical feature of a building or premises which places disabled people at a substantial disadvantage compared to non-disabled people when accessing goods, facilities and services or employment. *See also* physical features.

**physical features**

Anything that forms part of the design or construction of a place of work, including any fixtures, such as doors, stairs etc. Physical features do not include furniture, furnishings, materials, equipment or other chattels in or on the premises.

**protected characteristic(s)**

These are the grounds upon which discrimination is unlawful. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

**provision, criterion or practice**

Identifying a provision, criterion or practice is key to establishing indirect discrimination. It can include, for example, any formal or informal policies, decisions, rules, practices, arrangements, criteria, conditions, prerequisites or qualifications.

**public authority**

Organisations and individuals that carry out public functions – this would include, for example, government departments, local authorities, health authorities and hospitals, schools, prisons, and police.

**public bodies**

Public bodies are defined as bodies which have a role in the processes of national Government but are not a Government department or part of one. They operate to a greater or lesser extent at arm's length from Ministers.

**public functions**

Any act or activity undertaken by a public authority in relation to delivery of a public service or carrying out duties or functions of a public nature e.g. the provision of policing and prison services, healthcare, including residential care of the elderly, government policy-making or local authority planning services.

**public sector equality duty**

The duty on a public authority when carrying out its functions to have due regard to the need to eliminate unlawful discrimination and harassment, foster good relations and advance equality of opportunity.

**race**

Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, nationality (including citizenship), ethnic or national origins.

**reasonable**

What is considered reasonable will depend on all the circumstances of the case including the size of an organisation and its resources, what is practicable, the effectiveness of what is being proposed and the likely disruption that would be caused by taking the measure in question as well as the availability of financial assistance.

**reasonable adjustment**

See duty to make reasonable adjustments.

**reasonably**

See reasonable.

**religion or belief**

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

**religion or belief organisations**

An organisation founded on an ethos based on a religion or belief. Faith schools are one example of a religion or belief organisation. See also religion or belief.

**separate services**

Services only provided for one sex.

**service providers**

Those (including an organisation) who provides services, goods or facilities to the general public or a section of it. See also goods, facilities or services.

**service users**

Those accessing or using a particular service. See also goods, facilities or services.

**services**

See goods, facilities or services.

**sex**

This is a protected characteristic. It refers to whether a person is a man or a woman (of any age).

**sexual harassment**

Any conduct of a sexual nature that is unwanted by the recipient, including verbal,

non-verbal and physical behaviours, and which violates the victim's dignity or creates an intimidating, hostile, degrading or offensive environment for them.

**sexual orientation**

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**single-sex services**

A service provided only to men or women. It is not always discriminatory to provide single-sex services, for example provision of single-sex changing facilities in a leisure centre.

**transsexual person**

Refers to a person who has the protected characteristic of gender reassignment. This may be a woman who has transitioned or is transitioning to be a man, or a man who has transitioned or is transitioning to be a woman. The law does not require a person to undergo a medical procedure to be recognised as a transsexual person.

**unfavourably**

The term is used (instead of less favourable) where a comparator is not required to show that someone has been subjected to a detriment or disadvantage because of a protected characteristic – for example in relation to pregnancy and maternity discrimination.

**unlawful**

Not permitted by law (as distinct from illegal which means 'forbidden by law'). On occasions, unlawful and illegal may be synonymous, but unlawful is more correctly applied in relation to civil (as opposed to criminal) wrongs.

**unlawful discrimination**

When an employer or service provider has engaged in prohibited conduct against someone with a protected characteristic (discriminated against them) and does not have a valid defence.

**unreasonably**

Not reasonable, beyond what's practicable. See also reasonable.

**victimisation**

Subjecting a person to a detriment because they have done a protected act or there is a belief that they have done a protected act i.e. bringing proceedings under the Equality Act; giving evidence or information in connection with proceedings under the Act; doing any other thing for the purposes or in connection with the Act; making an allegation that a person has contravened the Act.

**victimise**

The act of victimisation.

**worker**

The definition of 'employee' given above also encompasses that of 'worker'. However, in employment law, worker is generally a wider category than employee and includes a contract personally to do work.

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