



Using the Law to Challenge Discrimination

Written by Inclusion London




Graeae Beyond Online:

Graeae Beyond Online is a new digital library of resources designed to offer practical help for and inspiration to artists at all stages of their careers.



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About Inclusion London

Inclusion London supports over 70 Deaf and Disabled Organisations working across every London borough. Through these organisations, our reach extends to over 70,000 Disabled Londoners.

The logo for Inclusion London, featuring the words "Inclusion" and "London" in white, stacked vertically, on a teal rectangular background.

Inclusion London's mission is to promote Deaf and Disabled people's equality and inclusion. We do this by supporting Deaf and Disabled People's Organisations to have a strong and influential collective voice and to deliver empowering and effective services to Deaf and Disabled Londoners.

Our vision is an inclusive London, free of disabling barriers, where diversity and human rights are valued and where Deaf and Disabled Londoners have dignity, independence and equality of opportunity.

All our work is based on the Social Model of Disability and the Cultural Model of Deafness.

What barriers do Disabled people experience in everyday life?

Common barriers

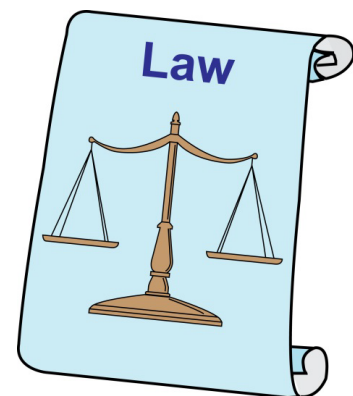
- **Physical:**
Lack of step free access, no hearing loops, lighting and sound levels, lack of adequate seating.
- **Attitudinal and communication:**
Lack of BSL provision and education, lack of easy-read and other alternative formats, stereotypes about Disabled people.
- **Institutional:**
Policies and practices that create barriers for Disabled people, e.g. blanket bans on dogs in offices would affect service dog users, segregated education systems

The Equality Act 2010

The Equality Act is the law that protects people from discrimination based on the following characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

<https://www.legislation.gov.uk/ukpga/2010/15/contents>



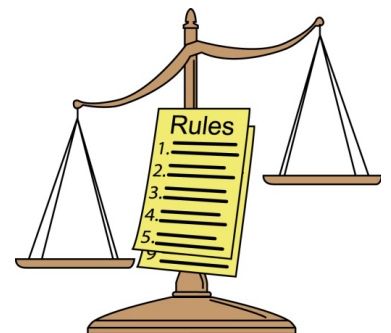
Discrimination is banned in

- Employment: finding a job, getting a job, in work
- Education: schools, colleges, universities
- Goods and services: shops, banks, public transport, leisure and entertainment
- Housing
- Associations with more than 25 members: clubs
- Dealing with government departments, local authorities, the NHS and other public bodies



Types of discrimination

- **Direct discrimination:**
You are treated worse because of your impairment.
- “We don’t want disabled people here”
- **Indirect discrimination**
Neutral policy or practice, which in effect puts Disabled people in a worse situation compared to others
- “No dogs in my shop”
- **Discrimination arising from disability:**
You are treated worse, not because of your impairment, but because of something connected to it
- A council holding open meetings in an inaccessible room



When discrimination can be justified

Indirect discrimination and discrimination arising from disability is allowed if it can be justified

Questions to ask:

- What are they trying to achieve by discriminating?
- Does the discriminatory treatment achieve the aim pursued?
- Is there a less discriminatory alternative?
- Could reasonable adjustments have been made?



Is this discrimination?

- A soft play area for children does not allow a child who uses electric wheelchair in
Yes - this is direct discrimination, the venue is explicitly banning a child because they use an electric wheelchair.
- A night club has a policy saying all people who are in the building should be able to leave it on their own in case fire
Yes - this is indirect discrimination, the venue should make reasonable adjustments for Disabled people who need assistance evacuating.
- A singing club refuses to take on a member because they have a hearing impairment.
Yes - this is direct discrimination, they refuse to take a new member because of their impairment.

Duty to make reasonable adjustments: Removing barriers

- Changing policies and the way things are done
E.g. Scrapping blanket policies with no exceptions in, allowing, exceptions
- Removing physical barriers
E.g. replacing steps with a ramp, improving lighting, sound and ventilation systems, having accessible toilets.
- Providing aids or help and support
E.g. booking BSL interpretation, captioning, providing forms of technology

Reasonable adjustments should

- Ensure Disabled people get the same experience as everybody else
- Promote independence and respect dignity
- Be free

Service providers and public bodies have to think about the barriers Disabled people might face when accessing their service and make adjustments before someone comes through the door. This is called an “anticipatory duty”.

What is reasonable?

Things to consider when deciding what is reasonable:

- How well the adjustment you want will help you access the service
- How practical it is to do
- The financial and other costs of making an adjustment
- The disruption it may cause
- Financial resources
- How much the organisation already spent on other adjustments
- The availability of financial help



Good or bad adjustment

- BSL interpreter was booked only for a part of the concert
Bad - Disabled people should have same experience as everyone else.
- Instead of having menus in large print staff offer help to read them
Bad - this does not promote independence and dignity.



When reasonable adjustments should be made by acts and culture sector?

Think about possible experience Disabled people with a range of different impairments and access needs will have at your venue or using your service? What barriers might they face? What you can do to remove those barriers? For example:

- Making your environment more accessible: ramps, toilets, enough space to move, accessible seating options
- Making sure everyone can access information: BSL interpreters, materials in large print or braille or electronic formats
- Making sure your systems are accessible: do you allow enough time, can people use a range of ways to access.

Taking action

If you feel you have been discriminated against, it is always best to get advice. Here are the options to challenge discrimination:

- Complaints
- Claims in the County Court within 6 months from when discrimination has occurred
- Ombudsman: Local Government and Social Care, Housing, legal services, financial services
- Raising issue with trade bodies or professional associations

What to include in a complaint letter

- Say it is a complaint letter
- Information about your impairment and that you are considered disabled under the Equality Act
- Short summary of the facts, with dates and times and how they constitute discrimination
- What the Equality Act says and how what happened is breaching it
- What adjustments could have been made
- What do you want as an outcome
- Deadline for response



Outcome of your action

- Apology from the organisation or individual
- A compensation
- A change in the way things are done or a change to policies
- More training and awareness for staff
- Compensation
- Wider change for other people



Our guides

We developed guides that will help Disabled people to challenge discrimination

We look at specific themes:

- Public transport
- Access to information and communication
- Physical access
- Housing
- Access to public engagement
- Employment
- Disability hate crime

<https://www.disabilityjustice.org.uk/learn-more-and-take-action/>

Further Resources

- **Reasonable Access**
<https://www.reasonableaccess.org.uk/>
- **Information about accessing the Ombudsman in England**
<https://www.citizensadvice.org.uk/consumer/get-more-help/how-to-use-an-ombudsman-in-england/#>
- **Equality and Human Rights Commission**
<https://www.equalityhumanrights.com/en/multipage-guide/reasonable-adjustments-practice>
- **Disability Justice Website**
<https://www.disabilityjustice.org.uk/>
- **ACAS**
<https://www.acas.org.uk/>

Getting in touch

Graeae

Find out more info about Beyond visit: www.graeae.org/our-work/beyond/

To get in touch with us visit: www.graeae.org/contact

Inclusion London

To find out more about Inclusion visit:

Inclusion London website - <https://www.inclusionlondon.org.uk/>

Disability Justice Project website - <https://www.disabilityjustice.org.uk/>

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