



# How to make sure everyone is treated fairly when they use services or belong to clubs and groups

A guide to the Equality Act 2010





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# About this guide



The **Equality and Human Rights Commission** wrote this guide.



We make sure everyone follows the **Equality Act 2010**, which is the law about treating people equally and fairly.

This guide is about how the **Equality Act 2010** applies to services.



When we say services we mean:

- associations, clubs and societies



- businesses



- legal services



- health and social care



- housing



- local councils and central government



- parliament, politicians and political parties



- transport



- voluntary and community organisations and charities.

# Who is the Equality Act for?



The law talks about different **protected characteristics** or things to do with a person:

- age



- disability



- **sex** (if they are a man or a woman)



- **transgender**

**Transgender** people are people who feel that the body they were born into is not right for them.

This means they may want to change from being a man to a woman, or from a woman to a man.



- being pregnant or having a baby



- race



- religion or belief



- **sexual orientation** (being straight, gay, lesbian or bisexual).



The **Equality Act 2010** protects people in these groups from **discrimination** when they use services. **Discrimination** means treating someone worse than other people for some reason.



# Different types of discrimination



**Direct discrimination** is when a service or organisation treats someone worse than other people.



For example, a bowls club that will not let someone join because they have a hearing problem or a shop that will not serve a person because of their race.



**Indirect discrimination** is when a service or organisation does something, decides something or has a rule that affects some people worse than others.



An example of **indirect discrimination** might be a shop that says customers cannot wear hats or other headgear. This could be unfair to people who have to cover their head as part of their religion.



**Discrimination arising from a disability** is when a service or organisation treats someone unfairly because of something to do with their disability.



For example, a village hall has a rule about no dogs and will not let a visually impaired person come in with their guide dog.



**Discrimination by association** is when a service or organisation treats a person worse than other people because of someone they know or a family member.



For example, a cafe will not serve someone who has a disabled child with them.



**Discrimination by perception** is when a service or organisation treats someone unfairly because they think they are from a particular group.

For example, a doctor's receptionist says a person cannot go on the list for the GP because she thinks he is gay.



**Victimisation** is when a service or organisation treats someone unfairly because they have complained or spoken up about something.



For example, a mother complains that she cannot breast feed her baby in a cafe and is then told she cannot use the cafe at all.



**Harassment** means picking on someone or upsetting them on purpose.

For example if a barman at a nightclub is rude to someone because they are disabled or tells jokes that make them feel ashamed or stupid.

# Treating people who are disabled fairly



**Reasonable adjustments** are changes that individuals and organisations must make to give a person who is disabled the same chance as anyone else to use a service.



**Reasonable** means something that is fair and that an organisation is able to do.



Organisations cannot wait until a disabled person wants to use the service.



They have to think about what people with different disabilities might need.



They have to think about:

- the way they give a service



- the way things are done or the rules about using a service.



For example, giving staff in a pub disability equality training or changing some rules that might stop disabled people using a club.



- physical things that can stop a disabled person using a service.



For example, adding a ramp to the steps at the front of a building or making pub garden paths smoother for people with wheelchairs.



- extra equipment or services to make sure they treat disabled people fairly.



For example, offering to visit people at home if they cannot get to an office or recording club newsletters for members who have problems reading.



Reasonable adjustments do not have to be expensive.



Organisations need to talk to disabled people and find out what would help them use the service.

# Who has to stick to the law?



Any person or organisation that gives services to the public must stick to the law and treat everyone fairly.



The law is for large and small services. It is for services that are free and for services people pay for.



Services can also break the law if a person is treated unfairly by someone who works for them or is doing work for them.



For example, a shop assistant says they will not serve someone who is gay.

The shop owner might also have to go to court unless they can prove they did everything they could to stop this happening.

# Different laws working together



Public services and people who work for them must stick to the law and make sure everyone has an equal chance to use their service.



This is called the **public sector equality duty**.



People who use public services also have rights under another law called the **Human Rights Act**.



There is more information about this on our website.



# Sometimes the law is different



We call it an **exception** when the law is different or people do not have to keep to it.



Organisations have to show they have a good reason for not keeping to the law.



If a special service is just for some groups it does not have to change the way it does things so other people can use the service.



For example, a butcher can sell just Halal meat that Muslims eat as part of their religion. He does not have to sell other types of meat but cannot refuse to sell meat to someone who is not a Muslim.



The law also says organisations can treat disabled people better than people who do not have a disability if this helps them use a service.

## Separate services for men and women



Organisations can run different services for men and women if this means more people will use them or they get a better service.



An organisation can also run **single-sex services** (services just for men or just for women) if:

- only men or only women need the service



- this means people get a better service



- services need to be in a special place like a hospital



- people would be uncomfortable or embarrassed if both men and women used the service.



For example, a healthcare service can run health checks just for men if only men get the disease they are checking for.

## Charities

Charities can refuse to work with some groups of people if:



- their rules say they can only work with a certain group (for example, just disabled people or just people who are homeless)



- they can show there is a good reason for doing this



- it helps people get a service they need.



Charities cannot refuse to work with someone because of their skin colour.



## Religious or belief organisations

Churches and religious groups can sometimes refuse to let someone use their services if it goes against what their members believe.



This could be because of:

- their religion or belief



- their **sexual orientation** (being straight, gay, lesbian or bisexual).



This does not include things like religious services or acts which are not covered by the Equality Act 2010.

It means things like running a group for mothers and children or a drop-in centre for homeless people.



But they cannot refuse to let anyone use this service if they are running it for the local council.

# Making sure services treat everyone fairly



People or organisations that provide services to the public must stick to the law and treat everyone fairly.



This includes their:

- staff



- buildings or other places they give their services



- adverts and information to tell people about the service



- information that is give to people as part of the service



- websites and other internet services



- telephones and call centres.



## Staff

This means:

- the way staff treat people who use their services



- the way staff plan services.



Organisations must make sure their staff understand how important it is to treat everyone fairly and not **discriminate**.



## Buildings

This means anywhere that people use a service or do something run by a club or group. It includes places that are outdoors.



They must make any changes they can for disabled people.



Organisations cannot wait until a disabled person wants to use the service.





They have to think about:

- getting in



- signs and finding your way around



- information and talking to staff



- toilets



- counters and places where people pay for things.



## Adverts and information to tell people about the service

This means anything that tells people about the service, club or group and the things they do.



It includes:

- adverts in newspapers, television or on the radio



- notices, signs and labels



- things people can try or use to find out more



- leaflets or price lists.



Organisations must make any changes they can for disabled people.



Organisations can give information in a way that helps particular groups know the service is for them.



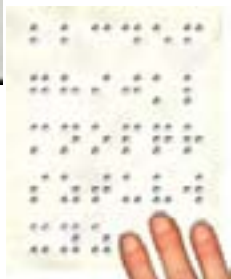
For example, a sports club can say that some sessions are to help disabled people find out about a sport.



Unless they can prove there is a good reason, they cannot say that other people cannot take part or use the service.



For example, the sports club cannot put up a sign to say a sports session is not suitable for disabled people.



Organisations do not have to advertise in different ways for disabled people but this is a good way to make sure different people know about the service.

## Information that is give to people as part of the service

This means:

- what the information says
- how the information is given.



Organisations must make sure everyone can use information they are given as part of the service.



Organisations must make any changes they can for disabled people.



Organisations cannot wait until a disabled person wants to use the service.

They have to think about things like:

- Braille
- EasyRead
- recording information so people can listen to it.



The law says services must make **reasonable adjustments**. This means things they are able to do.



For example, if a cafe has the same menu every day they could have this in Braille and EasyRead. If the menu changes every day, staff could read it to customers or have it in larger print.

## Websites



Any person or organisation that gives services like shopping, booking holidays or giving information through a website is called an **Information Society Service Provider**.



The law is for large and small websites.



An **Information Society Service Provider** must make sure:

- they do not have information on their website that **discriminates**.



For example, a newspaper puts an advert on its website that says only white people can apply for a job.



The person who is advertising and the newspaper are both breaking the law.



- they do not put information on for other organisations that treat some people unfairly.



For example, a holiday company puts an advert on its website for a hotel that does not let gay couples stay there.



- they make any changes they can so disabled people can use their website





Organisations cannot wait until a disabled person wants to use their website.



They have to think about things like:

- making the writing bigger



- listening to information



- ways for people to use the website by speaking, instead of using a mouse.

These things can make the website easier for everyone to use.



If you think an **Information Society Service Provider** who runs a website in the UK has treated you unfairly you can take them to court.



## Telephones and call centres

This means organisations that give all their services over the telephone and those that people can telephone as part of their service.



They have to think about:

- what they say when someone telephones them
- the way they give this service.



Organisations must make sure everyone can use their telephone service. They must make any changes they can for disabled people.



They cannot wait until a disabled person wants to use the service.



They have to think about things like:

- textphones and interpreters for people with hearing problems



- 'live chats' where people can email someone from their website



- giving people the chance to text or email as well as telephone the service.



Organisations must also try to make any other changes that disabled people ask for.

# Volunteers (people who choose to help but are not paid to do this)



If the organisation just gives the person a chance to **volunteer** then the person is getting a service.



Some volunteers who have an agreement and get paid more than it costs them to volunteer have the same rights as **employees** (people who work for an organisation).



We have written another guide about what **employers** must do to stick to the law.

# How to complain



You can complain about things a service has done or not done.



If you think a club or group (or someone who works for them) has **discriminated** against you in any way, you can:

- tell them you are not happy about this



- ask someone else to help sort this out



- go to court (you must do this within 6 months).



You can try each of these things in turn.



Going to court can take a lot of time and money.



It is better if services can sort things out by talking to you, saying sorry or changing the way they do things.



**Conciliation** is when someone else helps you try to sort things out without going to court.



We run a service that helps you do this. It is free and we will not share your information with anyone.



If things are sorted out the service has to stick to anything it agrees to do.



If we cannot help you sort things out you can then go to court.



We can tell you more about this. Please see page 37 for how you can contact us.



If the court thinks the service was wrong they can:

- tell the service to pay you **damages** (money for the trouble this has caused you)



- tell the service to stop doing something or change the way they do things



- make a **statement**. This means saying in court that the way the service treated you was **discrimination**.



Please see page 38 for how to find out more about the law and the courts.

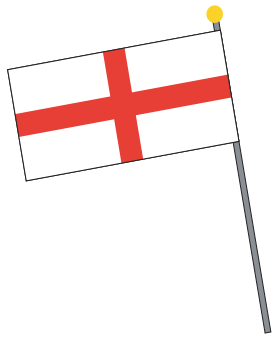


# How to contact us



## Equality and Human Rights Commission

The helplines are open Monday to Friday from 8am to 6pm.



### Helpline – England



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



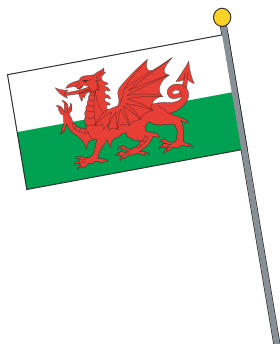
Telephone: **0845 604 6610**



Textphone: **0845 604 6620**



Fax: **0845 604 6630**



### Helpline – Wales



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



Telephone: **0845 604 8810**



Textphone: **0845 604 8820**



Fax: **0845 604 8830**



## Helpline – Scotland



Email: **scotland@equalityhumanrights.com**



Telephone: **0845 604 5510**



Textphone: **0845 604 5520**



Fax: **0845 604 5530**

These services can give you information and advice about the law and going to court:

*Community  
Legal Service*



## Community Legal Service

Website: **www.clsdirect.org.uk**



Telephone: **0845 345 345**



The Law Society



## The Law Society – England

Website: **www.lawsociety.org.uk**



Telephone: **020 2064 1222**



## Law Centres Federation

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 – Wales

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



Telephone: **029 2064 5254**



Fax: **029 2011 5944**



Scottish  
Association of  
Law  
Centres



## Scottish Association of Law Centres

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



Telephone: **0141 561 7266**

## What the words mean

<b>Conciliation</b>	This is when someone else helps you try to sort things out without going to court.
<b>Damages</b>	This is money a court tells a person or organisation to pay you for the trouble they have caused you.
<b>Direct discrimination</b>	This is when a service treats someone worse than other people.
<b>Discrimination</b>	This means treating someone worse than other people for some reason.
<b>Discrimination arising from a disability</b>	This is when a service treats someone unfairly because of something to do with their disability.
<b>Discrimination by association</b>	This is when a service treats a person worse than other people because of someone they know or a family member.
<b>Discrimination by perception</b>	This is when a service treats someone unfairly because they think they are from a particular group.
<b>Employees</b>	People who work.
<b>Employers</b>	People or organisations they work for.

<b>Equality and Human Rights Commission</b>	We work to make sure everyone gets treated equally and fairly.
<b>Equality Act 2010</b>	A law about treating people equally and fairly.
<b>Exception</b>	Sometimes if the law is different it is called an exception.
<b>Harassment</b>	Picking on someone or upsetting them. This includes things like telling a joke about a person's religion or belief and making them feel ashamed or stupid.
<b>Human Rights Act (1998)</b>	This is a law about the rights all people have.
<b>Indirect discrimination</b>	This is when a service does something, decides something or has a rule that affects some people worse than others.
<b>Information Society Service Provider (ISSP)</b>	Any person or organisation that gives services through a website.
<b>Protected characteristics</b>	Things to do with a person, like age, disability, being a man or a woman, being transgender, being pregnant or having a baby, race, religion or belief, being straight, gay, lesbian or bisexual.

<b>Public sector equality duty</b>	These are rules that say public services and people who work for them must stick to the law and treat everyone fairly.
<b>Reasonable adjustments</b>	Changes people or organisations must make to give a disabled person the same chance as anyone else to use a service or be a member of a club or group.
<b>Sex</b>	Being a man or a woman.
<b>Sexual orientation</b>	Being straight, gay, lesbian or bisexual.
<b>Single-sex services</b>	These are services just for men or just for women.
<b>Statement</b>	This is when a court says the way a service treated you was discrimination.
<b>Transgender</b>	People who feel that the body they were born into is not right for them. This means they might want to change from being a man to a woman, or from a woman to a man.
<b>Victimisation</b>	Treating someone unfairly because they have complained or spoken up about something.
<b>Volunteers</b>	People who choose to help but are not paid employees.

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# Find out more about us and your rights

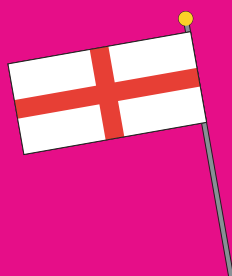


from our website  
[www.equalityhumanrights.com](http://www.equalityhumanrights.com)



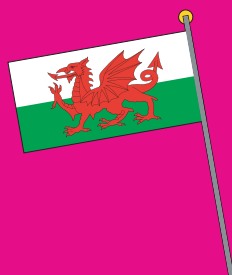
Telephone 1 of our helplines.

- They are open Monday to Friday  
8am to 6pm.



**England**

- 08456 046 610
- Textphone 08456 046 620
- Fax 08456 046 630



**Wales**

- 08456 048 810
- Textphone 08456 048 820
- Fax 08456 048 830



**Scotland**

- 08456 045 510
- Textphone 08456 045 520
- Fax 08456 045 530