

# **Delivering Equality for customers - Access to DWP services**

## **About these instructions**

1. All DWP staff have a legal duty to comply with the requirements of the Equality Act 2010. We have a legal duty not to discriminate against customers who are protected by the Equality Act. Therefore, staff must make sure they understand their responsibilities so that they know how to recognise customers who may need additional support to access DWP services; how to put the necessary support in place for customers and how to ensure this is consistently applied.
2. “Customer” refers to any person or organisation that accesses our services. (customer, client, claimant, citizen, employer, partner)
3. This guidance is to inform and raise awareness of:
  - The Equality Act 2010;
  - How the Equality Act affects DWP;
  - The Equality Actions you must take when dealing with customers who require additional support;
  - How to provide a reasonable adjustment
  - Equality Act Accessibility checklist
4. Remember, you may have to do something different to enable a customer to receive equal access to benefits and services.
5. Remember Employers are customers too and DWP engages with employers to help them with their recruitment and job vacancies. If staff identify or suspect potential discrimination in an employer’s recruitment practices and/or submitted vacancies please see the UJ Discrimination Guidance and/or UJ Discrimination Employer complaints guidance. DWP provides Recruitment Guidance for employers to help avoid discrimination.
6. Further details about delivering Equality for customers, the Equality Act, including the Public Sector Equality Duty, raising staff awareness and links to D&E L&D can be found on the Delivering Equality for customer’s intranet site.

## **What is the Equality Act?**

### **Protected Characteristics**

7. The Equality Act 2010 is a law protecting people from discrimination on the basis of ‘protected characteristics’. The protected characteristics are:
  - Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership
  - Pregnancy and maternity
  - Race

- Religion or belief
  - Sex
  - Sexual orientation
8. The Equality Act protects these groups of customers from:
- Direct discrimination
  - Indirect discrimination
  - Harassment
  - Victimisation

## Types of Discrimination

9. **Direct discrimination** happens where the reason for a person being treated less favourably than another is because of a protected characteristic.
10. **Indirect discrimination** happens when a policy which applies in the same way for everybody has an effect which particularly disadvantages people with a protected characteristic.
11. **Harassment** and bullying is unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment. Under the Equality Act, someone can complain about behaviour they find offensive even if it is not directed at them.
12. **Victimisation** takes place where one person treats another badly because they make, or support, a complaint of discrimination. A person is not protected from victimisation where he or she maliciously makes or supports an untrue complaint. Only an individual can bring a claim for victimisation.
13. **Discrimination "arising from disability"** happens when a disabled person is treated less favourably because of something arising in consequence of their disability, and where the treatment cannot be justified by the person doing it. An example might be refusing a customer entry into a DWP building with his/her assistance dog.

## Compliance with the Equality Act 2010

14. To ensure DWP complies with the Equality Act, all staff must
  - Make sure there is no unlawful discrimination, harassment and bullying or victimisation of customers with protected characteristics when they access our services.
  - Make reasonable adjustments to enable disabled customers to access benefits and use our services.
  - Complying with the legal requirements of the Equality Act 2010 is part of the Civil Service Code. Therefore, any member of staff who fails to comply could face disciplinary action.
  - If a customer is able to establish in a court that they have experienced discrimination as defined in the Equality Act, they could be awarded compensation. This could be awarded either against DWP or an individual

member of staff. Therefore, staff must take their responsibilities in regard to complying with the Equality Act seriously.

- Keep up to date and be aware of the Equality Act requirements for service delivery

## **Communicating verbally with customers**

15. Consider the words used when engaging with customers. To show respect to customers, inclusive language should be used. Use the right language to show commitment to preventing discrimination and promoting good relations and equality of opportunity. All DWP staff have an active role to play to promote equality and using the correct language can support this. Abusive words and language with negative undertones must be avoided and challenged if used by other staff or customers.
16. If a customer requests a reasonable adjustment, there is no requirement to explain our internal processes to customers in relation to how we provide reasonable adjustments. They should be informed of any relevant timescales and it is recommended that staff discuss alternative reasonable adjustments with the customer so consideration can be given to providing the most appropriate way of enabling the customer to access benefits and use our services

## **Complaints**

17. DWP Guidance for dealing with complaints relating to Discrimination, Harassment and Victimisation

## **Disability**

### **The Definition of Disability**

18. Only those disabled people who are defined as disabled under the Equality Act are entitled to this protection. This Act says: **“A person has a disability for the purposes of the Equality Act if he or she has a physical or mental impairment and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.”** The Equality and Human Rights Commission have provided additional guidance on the definition of disability.
19. “Substantial” effect means, according to the Equality Act, an effect which is more than minor or trivial. “Long term” is defined as ‘has lasted or is likely to last at least 12 months
20. Cancer, HIV infection and multiple sclerosis are defined as disabilities;
21. An impairment which consists of a severe disfigurement would be considered as having a substantial adverse effect.
22. Certain conditions are specifically *not* to be regarded as “impairments” for the purposes of the Equality Act. These are:
  - addiction to, or dependency on, alcohol, nicotine, or any other substance (other than in consequence of i) the substance being medically prescribed or ii) other medical treatment);

- the condition known as seasonal allergic rhinitis (e.g. hay fever), except where it aggravates the effect of another condition;
  - tendency to set fires;
  - tendency to steal;
  - tendency to physical or sexual abuse of other persons;
  - exhibitionism;
  - Voyeurism.
23. People with these behaviours or conditions are not therefore disabled under the Equality Act. But remember, DWP may still have a specific policy supporting these people (e.g., for those customers with drug and alcohol issues) and they may also come within the DWP description of Vulnerability.
24. In addition, some people can be deemed to be disabled by specific parts of the Equality Act. This does mean the law is complex.
25. The Equality Act also provides protection for non-disabled people who are subjected to direct discrimination or harassment because of their association with a disabled person or because they are wrongly perceived to be disabled. If you are unable to resolve your issue or find an answer to a particular question using these instructions please access the Bright Ideas and Advice Homepage to post your query

## **Recognising a customer's disability**

26. For DWP, this is about deciding if a customer is disabled under the Equality Act *in relation to accessing DWP benefits and services*. This is not about deciding questions relating to benefit entitlement or to benefit premiums, nor for deciding what is appropriate for a customer in their claimant commitment etc. In deciding benefit entitlement, medical evidence may be required. Accepting that the customer is disabled under the Equality Act for the purposes contained in this guidance simply means we will put in place reasonable adjustments to enable the customer to access benefits and services. Putting a reasonable adjustment in place does not impact on entitlement to a disability benefit or premium.
27. In most instances, it will be clear without extensive discussion whether a person has a disability. When there is any doubt, as to whether a customer's disability does meet the legal definition, do not challenge the customer. Only a court or tribunal will be able to decide whether or not the customer is disabled within the meaning of the Equality Act
28. To help recognise if a customer is disabled please consider the following:
- Does the customer have (or appear to have) a physical or mental impairment?
  - Is the condition excluded from the provisions of the Equality Act?
  - Does the customer have a past disability?
  - Does the customer have a severe disfigurement?
  - Does the customer have a progressive condition?
  - Does the customer have a recurring condition?

- Is the condition long-term? This usually means that the impairment has lasted or is likely to last at least 12 months, although there are special rules covering recurring or fluctuating conditions.
  - Does the condition affect normal day-to-day activities?
29. Ask how you can help if a person says they are experiencing difficulties because of a health condition or disability.
  30. Be aware of hidden disability and hidden impairments.
  31. Further information on who is defined as disabled under the Equality Act can be found on the Equality and Human Rights Commission website.
  32. Medical evidence should not generally be needed to confirm whether to treat a disabled customer as disabled for the purposes of accessing benefits and services. The customer's statements on this matter as per the factors to consider the above should be accepted. Insisting on medical evidence could in itself lead to a claim of discrimination by a disabled customer.

## **General rules regarding access to benefits and services**

33. Different protected characteristics have different impacts for customers accessing our services.
34. The Equality Act protects the rights of disabled people not to be discriminated against by those providing goods, facilities or services to the public.
35. Additionally, the duty created by s.20 of the Equality Act to make reasonable adjustments for disabled people covers all DWP programmes, services and premises. The main areas likely to be affected are:
  - access to benefits and services
  - access to DWP premises
  - public access to communications and IT
  - access to programme providers and partners
  - accessibility of leaflets, public information and individual customer communications
  - support to disabled people participating in DWP programmes
  - general customer care issues
36. If any of these areas are not readily accessible to disabled customers then reasonable adjustments must be considered to enable easier access for disabled customers. As such, the ability to identify disabled customers and deal sensitively and efficiently with their needs is of prime importance.
37. Work has been done to review customer service to disabled people and to build into processes and practices steps to ensure disabled people receive a standard of service that is as close as possible to that received by non-disabled people. Each DWP office, benefit and policy division is responsible for ensuring this happens in their area of work. If you notice any process, procedure or guidance that appears to conflict with, or fails to support this duty, please contact your manager. If you are unable to resolve your issue or find an answer to a particular question using these instructions please access the Bright Ideas and Advice Homepage to post your query

## Reasonable Adjustments

38. DWP has a legal duty under the Equality Act to make reasonable adjustments in all the following circumstances:

- Where a disabled person is at a substantial disadvantage in relation to a relevant matter in comparison with a non-disabled person we must remove or alter what we do to avoid the disadvantage. This could be a certain practice or physical feature.
- Where, but for the provision of an auxiliary (supporting) aid, a disabled person would be put at a substantial disadvantage in relation to a relevant matter in comparison with a non-disabled person we take reasonable steps to provide the auxiliary aid or service.
- Where the adjustment relates to the provision of information, .i.e. letters and correspondence, then this should be provided in an accessible format. For example this could be large print, braille, audio. It could also include the contents being read to the customer by a friend, representative or a member of staff.

39. The duty to make reasonable adjustments is **anticipatory**: we must not wait until a disabled person wants to use our services before we consider the type of reasonable adjustments needed. We must anticipate the requirements of disabled people and the adjustments that may have to be made for them.

40. Every time that there is customer contact by phone, online or in writing, staff must actively seek to find out if the customer needs additional support or a reasonable adjustment.

41. What is a reasonable adjustment depends on the circumstances of the case and will be specific to the needs of the disabled customer. DWP considers the type of service being provided; our size and resources; and the effect of the disability on the individual disabled person. A variety of reasonable adjustments is available to offer to customers. See list below.

42. A reasonable adjustment can be put in place on a temporary, short term or long term basis. For example, there may be a temporary situation affecting the symptoms of the disability so the customer requires support now to enable them to access benefits and services but may not require this support when their circumstances change.

43. **Remember: you must record the reasonable adjustment so other colleagues engaging with this customer will know what to do. This will help to provide consistent service delivery and stop the customer having to repeat their request. If the customer has to tell us twice, we may have failed in our duty.**

44. The requirement for a reasonable adjustment should be regularly reviewed to ensure it continues to meet the needs of the customer and is in line with the current range of support offered by DWP.

45. Please note that in all cases the Equality Act prohibits us from requiring customers to pay to any extent the costs of making any adjustments.

## **Auxiliary Aids and Services**

46. DWP must take reasonable steps to provide auxiliary aids or services to ensure disabled customers are not disadvantaged in the level of service they receive. Exactly what DWP should provide is based on the individual customer and disability concerned.

## **Overcoming Barriers Created By Physical Features**

47. The Equality Act requires DWP to ensure that disabled people can access all the services they provide. A provider cannot offer a lesser standard of service to a disabled person simply because of unsuitable premises. Where a physical feature puts disabled customers at a substantial disadvantage when using DWP services, reasonable steps must be taken to:
- Remove the feature;
  - Alter it; or
  - Provide a reasonable means of avoiding it.
48. This means DWP must give consideration to our premises in terms of the way they are accessed and organised. Where it is not possible for a customer to access the full range of services on the usual premises, then DWP must take reasonable steps to devise alternative ways to provide the same range and quality of service. DWP cannot delegate its Equality duty to the organisations we work with.
49. The providers/partner organisations that DWP work with must give consideration to their premises in terms of the way they are accessed and organised. Where it is not possible for a customer to access the full range of services on the usual premises, then the provider/partner organisation must take reasonable steps to devise alternative ways to provide the same range and quality of service and comply with the Equality Act.

## **Benefit specific instructions**

50. Examples of Benefit specific instructions in place are listed below. This list is not exhaustive. These may go into more detail about the particular arrangements and processes for that benefit. Please apply the relevant benefit instructions for the individual customer.
- JSA
  - State pensions
  - CMG
  - PIP
  - DLA
  - ESA
  - Work Coaches/ Work Service Managers
51. Any content within the correspondence which is time-bound or with a deadline needs to take account of the potential delay for undertaking this procedure so explain to the claimant/customer there may be a slight time

delay with this process. Extend any relevant response times / deadline dates accordingly.

## **List of DWP Reasonable Adjustments**

- 52. The list below covers the range of support available. If a customer requests a reasonable adjustment that is not listed here and you are unable to resolve your issue please access the Bright Ideas and Advice Homepage to post your query.
- 53. When a customer requests a specific reasonable adjustment, it is very important staff discuss the full range of options with the customer so they are aware of what is available. This will help when arranging with the customer the most appropriate way of helping them to access benefits and use our services.

## **Audio/CD format: Providing Information in Audio/CD Format**

- 54. If a claimant/customer requests communications/correspondence in audio format it is very important staff discuss the full range of options with the customer so they are aware of what is available. The customer will generally know what communication format is most suitable for their needs but you should discuss whether we can provide a better service by giving the information in a different way, for example over the telephone.
- 55. If after discussion with the customer you agree audio is an appropriate reasonable adjustment to put into place you should order audio formats/CDs, by following the instructions in the Communication support services guidance.

## **Audio Recording of Interview**

- 56. Staff should also be aware that interviews can be recorded where it is requested by a disabled claimant/customer as a “reasonable adjustment” requirement under the Equality Act 2010. If necessary speak to your local Disability Equality Adviser who can facilitate this. See the Recordings made by claimants guidance for more information.

## **Braille: Providing Information in braille**

- 57. If a claimant/customer requests communications/correspondence in braille, it is very important staff discuss the full range of options with the customer so they are aware of what is available. The customer will generally know what communication format is most suitable for their needs but you should discuss whether we can provide a better service by giving the information in a different way for example by telephone (except in cases where the law requires a written notification) or email (except in cases where the law requires something to be done over the telephone or sent by post), when regulations require this.



58. If after discussion with the customer you agree braille is an appropriate reasonable adjustment to put into place you should order braille, by following the instructions in the Communication support services guidance.
59. Local arrangements may be in place to get documents in braille. Please read the rest of the braille section below before proceeding with the braille request.
60. It is important that we provide braille consistently for customers. Therefore the customer's benefit record needs to be updated and noted with their alternative format requirements to inform staff. Any manually/ locally produced letters must be provided in braille following the instructions in the Communication support services guidance.
61. In order to provide system generated letters in braille you first need to intercept the system letters and should agree with the customer and obtain consent that all notifications will be sent to the local office by using a care of address/ correspondence address. This stops the standard letter being issued to the customer in error. This does not have to be a Jobcentre, it will depend on the benefits the customer receives. It maybe more appropriate for a Benefit Centre, a Pension Centre, the DLA Alternative format team or a local Alternative Format SPOC to be used for the care of address / correspondence address. All notifications/ letters for all the customer's applicable benefits will come to that care of address, and so will need to be actioned and braille provided.
62. We need the customer to agree to a care of address/ correspondence address being applied to their records as this could potentially lead to correspondence from Other Government Departments being diverted to the DWP office. This is because information on the changed address will be broadcast to CIS and from there broadcast to other DWP and OGD systems. We need to make sure the customer is fully informed, explaining the workaround and any potential impacts.
63. **Please have a verbal conversation** with the customer clearly explaining this using the consent wording below \* (this can be done by telephone and then update that this has happened on their benefit record)

**\*Consent wording for use of care of address/ correspondence address:**

DWP are happy to correspond with you by braille as a reasonable adjustment under the Equality Act. However this requires us to intercept the standard system generated letters regarding your benefit being posted to you. Therefore we need to inform you that that all your standard letters will be sent to the local office by using a care of address. DWP officials will then arrange for the letter to be sent to you by braille as your alternative format.

DWP computer systems broadcast relevant information to other Government Departments in some circumstances. The way we use your information and who we share it with is notified in full in our Personal Information Charter on GOV.UK, if you would like a copy of this we can also send this to you in braille or you may prefer to access this through a computer. Therefore there is a risk that using a

care of address could potentially lead to correspondence from Other Government Departments being diverted to the DWP office.

Can we use a care of address for your correspondence to send your letters in braille?

64. To use a care of address to intercept system generated letters for a customer, update a named contact on the correspondence address and please note it as Private and Confidential. Also update the notepad and contact history explaining that *“All post to this customer must be supplied in braille and the correspondence address has been set, please do not remove it. Do not delete this note, please contact (named contact and number) if you have any questions”*
65. Please remember that anything in the notification/letter which is time-bound or with a deadline needs to take account of the potential delay for providing some types of alternative formats. Therefore please explain to the customer there may be a slight time delay with this process. Extend any relevant response times/ deadline dates accordingly.
66. **Please note:** It is very important for staff to be careful when sending out the braille letters to customers to ensure they stay intact. The braille letters must be protected from any damage as they may become unreadable to the customer. **Please do not** fold braille letters in half, they must be sent out to the customer in a protective envelope. Please use local arrangements to ensure this happens.

### **British Sign Language (BSL) Interpreting**

67. DWP has a responsibility to provide interpreters for claimants/customers who are deaf, hard of hearing or speech impaired. The Interpreting Services Instructions details how to support customers who require British Sign Language Interpreters and also addresses other non-spoken languages where communicator support is required.

### **Car parking facilities**

68. If a customer has to travel by car because of mobility issues, consider the car parking facilities at your office and if possible arrange a parking space for the customer. If there is no car parking facilities then consider an alternative way to enable them to access benefits and services

### **Changing the time and date of meetings and interviews**

69. Consider whether the customer and the delivery of our services can be supported by
  - changing the date and time of a meeting or interview.
  - Increasing the length (time spent) in the interview
70. If claimants/customers are unable to access, or travel to, DWP or partner premises we will provide alternative interview arrangements: for example, by telephone, at home or at another accessible location.

## Changing location of interview

71. To make reasonable adjustments for customers with mobility needs the office environment and other accessibility issues must be considered. For example:

- If the interview is to take place upstairs, is there a lift available?
- Can you arrange to interview on the ground floor?
- Can you arrange the interview at another suitable office?
- Is there suitably trained staff available to carry out an emergency evacuation if required?

## Easy Read Format

72. Easy Read is an alternative format which gives people with learning difficulties access to the same information as everyone else. It uses simple language and images to make information easier to understand.
73. Easy Read is not normally appropriate for general communications, for example a letter regarding a claimant's benefit but more appropriate for planned documents such as leaflets and signage. Remember: DWP aims to make all its communications plain, clear and easy to understand.
74. If a claimant/customer requests communications/correspondence in Easy Read as a reasonable adjustment, consider if you can provide better customer service by using other means; for example, by telephone, face to face interview or the use of an intermediary (including family/friends). You should also take into account the information that has been requested in Easy Read as not all information is suitable for Easy Read format.
75. Refer to the Communication Support Services guide for how to request Easy Read.
76. Business Disability Forum briefing papers give practical disability related guidance for employers on specific disabilities, including: learning disabilities, Hidden Impairments: reasonable adjustments.

## E-mail: Send Information to Disabled Claimants/Customers

77. DWP may need to use e-mail as a way to communicate with a disabled claimant/customer to make sure that they can fully access our services. Staff are allowed to provide email as a reasonable adjustment for a disabled customer who requires it. The customer must give a valid and informed consent to the use of e-mail so you must be sure that each individual customer understands the risks of data being lost, intercepted or manipulated once it has left our secure IT systems and this consent must be recorded so that you can rely on it if challenged.
78. For more information, follow the instructions in the using e-mail as a reasonable adjustment to communicate with disabled customers guide.
79. You **must** follow security guidance- see: Electronic Communications with Citizens Guidance. You **must** also follow the DWP Records Management Policy and any benefit specific process requirements. If you have any doubts or questions contact the Knowledge, Information and Records Management team or the Security Advice and Support Centre

## **Home Visits**

80. To make reasonable adjustments for customers with mobility needs the office environment and other accessibility issues must be considered. For example it may be more appropriate to arrange a home visit.

## **Induction Loops**

81. Induction loops let hearing aid user's tune into what they want to hear without background noise. The loop symbol should be displayed to tell claimants/customers that a loop is provided (most DWP offices should have rooms with induction loops).
82. Listeners adjust their own hearing aids for volume. Their hearing aids also ensure that the range of tones is right.

## **Large Print: Providing Information in Large Print**

83. If a claimant/customer requests communications/correspondence in Large print, it is very important staff discuss the full range of options with the customer so they are aware of what is available and also determine which size font the customer requires. The customer will generally know what communication format is most suitable for their needs but you should discuss whether we can provide a better service by giving the information in a different way for example by email or using an intermediary (including family/friend)
84. Large print means a minimum of 16 point in Arial or Univers font. If after discussion with the customer you agree large print is an appropriate reasonable adjustment to put into place you can order large print, by following the instructions in the Communication support services guidance. Local arrangements may also be in place to provide documents in large print depending on the font size required. Check with your line manager.  
**Please note:** enlarging documents on a photocopier to make the print bigger is not an appropriate method to provide large print to a disabled customer.
85. If you require a leaflet or other formal publication in large print refer to the Communication support services guidance for advice on how to get these documents in large print for claimants/customers.

## **Paper - Types/colour**

86. If you get a request from a disabled person for communications to be printed on 'white' paper (as opposed to the recycled paper DWP use as standard) you should provide this. You should hold a local stock of white paper. Check that you do with your Line Manager, stationery or business support team as appropriate

## **Postal claiming JSA**

87. Claimants must be offered postal status if they have a mental or physical disability, which restricts their mobility

## **Private Interview Rooms**

88. We will arrange a private interview room or quiet area for those claimants/customers attending a face-to-face meeting who have a specific need, require additional support or who have requested this as a reasonable adjustment. We will provide accessible interview facilities in DWP buildings and/or on our partner premises.
89. Refer to internal processes for arranging interviews.

## **Representatives and Intermediaries**

90. All types of disability and all customers with protected characteristics can be supported by providing services through a representative or intermediary. This can be done as a reasonable adjustment for disabled people and as additional assistance where appropriate for any customer.
91. Some of our claimants/customers want or need to use a representative/intermediary to help them access DWP services. If a claimant/customer wishes to use a representative/intermediary to access our services, then follow the Working with Representatives Guidance and work with them. Note: you still need to be aware of the duty to protect claimants'/customers' personal information, and disclosing information rules. If you feel a representative or intermediary would help the customer check with them first; don't make assumptions. The only exception to this rule is that you can assume the representative/intermediary has the claimant's/customer's permission where the implicit consent rules apply.
92. **Do:**
- apply the Working with Representatives Guidance;
  - treat each case on an individual basis;
  - make a written record of what was disclosed, to whom, and when – in all cases; and
  - follow the guidance for bogus callers if you are suspicious of any enquiry.

93. **Do not:**

- disclose information if you have any reasonable doubt
- be pressured into giving information – refer the call to your line manager;
- assume written consent is for an indefinite period. The authority to represent the claimant/customer is for a particular item of business; and
- apply blanket policies in disclosing to representatives/intermediaries. In all cases decisions must be made on an individual basis.

## **Textphones**

94. DWP have in place TextBox (also known as Soft Textphone) to enable you to communicate with a deaf or hearing impaired person.
95. A textphone is similar in function to a telephone except that the handset is replaced by a keyboard and display screen. The call is made or answered in a similar way to an ordinary telephone but rather than speaking, the

communication takes place through the keyboard. Both the claimant/customer and member of staff must have access to a textphone.

### **Texting via mobile phones**

96. Business mobile phones may now be used for texting in limited circumstances and if required as a reasonable adjustment for disabled people. See the communications with citizens guidance for more information

### **Customers accessing toilets in DWP offices**

97. Under the Equality Act 2010 DWP has an obligation to make **reasonable adjustments** for disabled customers to enable them to have equal access to our services and to claim benefits.
98. Managers may come across situations where customers, who are spending considerable amounts of time in our offices, ask to use the toilet.
99. Given that all of our Jobcentres are unique it isn't possible to design a generic approach for the customer use of toilets on our premises that will ensure we meet our obligations. It is therefore important that each Jobcentre or DWP customer facing office risk assess the impact of granting our customers access to toilets for their particular office and handle these situations and issues on a site by site basis. Customer access to toilets must be factored into the Customer Facing Risk Assessment process for each site. To be clear the use of toilets is not for general customer use but considerations must be in place for every Jobcentre/ DWP customer facing office so staff are prepared for when these situations arise.
100. Any decision to allow customers access to a toilet will be at the discretion of the Jobcentre/ Office manager taking into account the particular circumstances identified in the risk assessment and factors such as:
- Time spent in Jobcentres seeing work coaches or using a computer to search for jobs;
  - Medical conditions;
  - Proximity of any other local toilets;
  - Customers accompanied by children;
  - Pregnancy (Equality legislation also covers maternity and pregnancy, and it could be argued under the Equality Act 2010 that we should provide pregnant women and mothers with young children with means of accessing a toilet. )

**Please note** this list is not exhaustive.

### **Reasonable Adjustments**

101. For some customers who have a disability or a health condition coming into a Jobcentre or DWP office may prove more difficult especially if the disability includes incontinence issues and/or mobility related problems. A reasonable adjustment option could include a home visit or a telephone interview in place of an office visit. However this won't be appropriate in every case. For example, a customer with a mental health condition may come into a Jobcentre for an interview where it then becomes apparent

there is a secondary health issue that impacts on their bladder or bowel control. In this scenario and in certain circumstances, as described above, the use of a Jobcentre/DWP toilet may be required as a reasonable adjustment.

**Please note:** This is just one possible scenario and we're not expecting each Jobcentre to make a risk assessment that captures all possible scenarios – rather that they need a risk assessment **because situations may arise** where we may need to grant a customer access to a toilet due to obligations under the Equality Act.

102. The Health & Safety Community are fully supportive of our managers using their discretion in these types of situations providing adequate control measures are in place and it will not compromise the safety of others.

### **Transport - Public and private**

103. If a customer has to travel by car because of mobility issues, consider the car parking facilities at your office and if possible arrange a parking space for the customer. If there is no car parking facilities then consider an alternative way to enable them to access benefits and services.
104. If mobility issues means a customer cannot walk for long distances and your office is not near to public transport then consider an alternative way to enable them to access benefits and services
105. Consider paying for a taxi or other transportation that will overcome the issues in relation to accessing to DWP sites

### **Blind or Partially-sighted Customers: Reasonable adjustments**

106. Discuss with the customer if they require any support to enable them to access benefits and use our services. Do not assume or put a reasonable adjustment in place without discussion with the customer. Consider, does the individual require extra support to communicate with DWP? Take the appropriate action to implement the required support and record the details on the customer record
107. If a blind or partially-sighted person asks for someone to greet them on arrival to help reassure them about their interview or appointment, a specific member of staff should be made aware of the appointment time of the disabled claimant/customer and be available to undertake this task. There should be a contingency plan if this officer is unable to greet the customer.
108. There could be many reasons why a blind or partially-sighted customer/claimant requests email. It may be that they have a reader application on a device of their own or wish us to email information to them so that they can pass it over more quickly to someone who they wish to assist them, etc.
- E-mail: Send Information to Disabled Claimants/Customers
  - Representatives and Intermediaries
  - Audio/CD format: Providing Information in Audio/CD Format
  - Audio recording of interview

- Braille: Providing Information in braille
- Large Print: Providing Information in Large Print
- Paper - Types/colour of paper
- Changing the time and date of meetings and interviews
- Changing location of interview
- Private Interview Rooms

## **Deaf or Hearing Impaired Customers: Reasonable adjustments**

109. Discuss with the customer if they require any support to enable them to access benefits and use our services. Do not assume or put a reasonable adjustment in place without discussion with the customer. Consider, does the individual require extra support to communicate with DWP? Take the appropriate action to implement the required support and record the details on the customer record.

- British Sign Language (BSL) Interpreting
- E-mail: Send Information to Disabled Claimants/Customers
- Induction Loops
- Textphones
- Changing the time and date of meetings and interviews
- Lip Reading: if the claimant/customer lip reads, care should be taken when arranging the interview area, it should be well lit and free from distractions, for example people constantly passing by etc.
- Private Interview Rooms
- Representatives and Intermediaries

## **Mental Health conditions: Reasonable adjustments**

110. The definition of disability under the Equality Act includes physical and mental impairments. Mental illness can therefore be a disability and reasonable adjustments must be considered.

111. Difficulties experienced are quite variable depending on the nature and severity of the disorder. Forgetfulness, lack of motivation and distress may affect the ability to make decisions and manage a claim. Some claimants may lack mental capacity

112. Discuss with the customer if they require any support to enable them to access benefits and use our services. Do not assume or put a reasonable adjustment in place without discussion with the customer. Consider, does the individual require extra support to complete their claim, comply with processes or make decisions about their claim? How much support is required and will this change? Do they have mental capacity? Take the appropriate action to implement the required support and record the details on the customer record

113. Please see the Mental Health Advisor Toolkit for further help on supporting customers with Mental Health conditions.

- Changing the time and date of interviews
- Private Interview Rooms



- Representatives and Intermediaries

## **Hidden Impairments**

114. By definition, it can be difficult to provide an appropriate service for customers who may not find it easy to explain their needs, especially if those needs are not easily apparent. A Hidden Impairments Toolkit has been developed to help staff support customers with conditions such as autism. The Toolkit provides comprehensive information to enable staff to work better with individuals with hidden impairments, for example ADHD, Autism Spectrum disorders/conditions, Dyslexia and Dyspraxia. Other help and support is available:

- Business Disability Forum briefing papers give practical disability related guidance for employers on specific disabilities, including: asthma, back problems, diabetes, dyslexia, epilepsy, HIV, learning disabilities, mental health problems, progressive or fluctuating conditions, sight problems, stammer, upper limb disorders (repetitive strain injuries).
- Autism spectrum disorder (ASD) guidance has been produced. ASD is the name for a range of conditions that affect the way a person communicates and interacts with other people. Asperger syndrome is a form of autism. This information provides advice for staff on autism spectrum disorder and is mainly sourced from the National Autistic Society website.
- Employment, Health Conditions & Disabilities Guidenotes for Advisers These guide notes are primarily designed to help Disability Employment Advisers in Jobcentres but contains useful information for all staff.

## **Learning Difficulties and Cognitive and Neurological Conditions: Reasonable adjustments**

115. These conditions may cause difficulties with learning or remembering. Discuss with the customer if they require any support to enable them to access benefits and use our services. Do not assume or put a reasonable adjustment in place without discussion with the customer. Consider, does the individual require extra support to complete their claim, comply with processes or make decisions about their claim? How much support is required and will this change? Take the appropriate action to implement the required support and record the details on the customer record

- Audio recording of interview
- Easy Read Format
- E-mail: Send Information to Disabled Claimants/Customers
- Private Interview Rooms
- Representatives and Intermediaries

## **Mobility needs / Physical impairments: Reasonable adjustments**

116. Discuss with the customer if they require any support to enable them to access benefits and use our services. Do not assume or put a reasonable adjustment in place without discussion with the customer. Consider, what

mobility problem does the individual have, is the local office accessible?  
Take the appropriate action to implement the required support and record the details on the customer record

117. Consider telephone interviews or home visits rather than face to face interviews on DWP premises if more appropriate for your customer.

118. Medical appointments/treatment: Consider whether the customer and the delivery of our services can be supported by changing the date and time of a meeting or interview.

- Car parking facilities
- Changing the time and date of meetings and interviews
- Changing location of interview
- Home visits
- Postal claiming - JSA
- Representatives and Intermediaries
- Transport – public and private transport

## **Disability, Records, Computer System Markers and Reasonable adjustments**

119. Once a customer's need for a reasonable adjustment such as an alternative format has been identified, the customer's records must be marked in such a way that it is easily seen each time a member of staff looks at that record or takes action on the case.

120. If the case is clerically maintained, the reasonable adjustment need must be prominently displayed on the case papers.

121. If there are system records for the customer, the relevant reasonable adjustment field must be completed. If the system does not have a field for this purpose then the Notepad or equivalent must be used to record the need. Refer to the benefit specific guidance.

122. **It is very important that the reasonable adjustment is consistently provided for the customer. Therefore, each time that action is taken on a case, staff must check to see if there is a reasonable adjustment marker on the case. The record of the reasonable adjustment must make it clear to colleagues what has to be done, when and how.**

123. Remember that data relating to Disability is sensitive information under the Data Protection legislation. You must follow benefit specific guidance for how to record this data. Direct any questions or concerns you may have to the Advice Line/guidance owners in the first instance, including if you feel you have identified a gap.

## **Refusal to Serve and Exceptions to the Disability Duty**

124. There may be some circumstances when DWP may treat a disabled customer less favourably or refuse to serve a disabled customer. However, this is only if one of the conditions outlined below applies. DWP must act reasonably and take into account all the circumstances and information available before taking such action. If a disabled customer shows that they

have been unfavourably treated because of something arising in consequence of someone's disability, DWP will have to provide evidence that such actions were justified.

## **Health and Safety**

125. The Equality Act does not require DWP to do anything which would endanger the health and safety of any person, including that of the disabled person. Further information can be found on the Health and Safety Executive website.

## **Incapacity to Contract**

126. The Equality Act does not require DWP to contract with a disabled person who is incapable of entering into a legally enforceable agreement or of giving an informed consent for the provision of a particular service.

127. DWP may not refuse to serve someone who has the legal power to act on behalf of a disabled person under a power of attorney or its Scottish equivalent.

128. Remember, under the Equality Act, adjustments must be made where disabled people experience a 'substantial disadvantage'. It is not possible for DWP to legally justify failing to provide a reasonable adjustment. By definition, if the adjustment is reasonable, we must make it.

## **Disability, Equality and other Legislation**

129. The Equality Act does not:

- make unlawful anything done to comply with other legislation; or
- make unlawful any act done to safeguard national security, anything that it is proportionate to do for that purpose.

## **Suspension of Services to Individual Customers**

130. It is important to understand the implications of refusing to serve a disabled person and the impact it may have on DWP business.

131. One situation where a potential claim to discrimination may occur is where DWP services are suspended to an individual because of Unreasonable customer/claimant behaviour

132. All staff should be aware that where unreasonable behaviour is caused by or is a symptom of a disability, for example some people with mental illness, the disabled person could at a later date claim they have been discriminated against.

133. If services are suspended to a customer due to disruptive behaviour caused by a condition that is covered by the definition of disability, it is important that the decision not to serve them is reviewed regularly as their behaviour may differ from day to day and on subsequent visits may be perfectly reasonable.

134. **The Equality Act cannot be used as an excuse for disruptive or anti-social behaviour.** If a disabled customer is refused service for reasons unrelated to their disability, for example, they have had too much to drink

and are behaving unreasonably it is unlikely that they would be able to bring an action against DWP under the Equality Act. Furthermore, the duty to protect the health and safety of staff and customers overrides the duty to make reasonable adjustments because anything that puts health and safety at risk is by definition not reasonable.

135. It is therefore extremely important to ensure that records are kept of any incidents where an individual is refused access to a service. These must document:

- the reason why access was refused;
- the reaction of the individual and a record of the conversation that took place between the individual and the person that dealt with the incident; and
- copies of any resulting correspondence should also be kept, i.e. letter from the manager informing the individual that DWP services are suspended to them and any reply received.

136. These records may be needed at a later date by a court of law to help prove or disprove a case.

### **Disability and Benefit Entitlement, Payability and Conditionality**

137. Accepting that a customer is disabled under the Equality Act for the purpose of access to DWP services does not mean we are making a decision on benefit entitlement, payability or conditionality. If evidence is available because of the decision staff have made on the question of disability under the Equality Act then, if relevant, this evidence may be taken into account in decisions relating to entitlement, payability or conditionality but it must be clearly noted that these are separate issues.

138. For example, a decision to treat a customer as disabled under the Equality Act and therefore to provide one of the reasonable adjustments above in no way establishes entitlement to Personal Independence Payment. Likewise, such a decision in no way necessitates there being any given element or condition in a Claimant Commitment for that customer. Different legislation governs these different questions.

139. See the Accessibility Checklist to help support customers to access DWP services.

### **Age**

140. Unlawful age discrimination happens when someone is treated unfavourably because of their age, without justification, or is harassed or victimised because of their age.

141. For example, refusing to provide a service because of a person's age is direct discrimination. Insisting all applicants for a job pass a fitness test may be indirect discrimination as it is likely to disadvantage older candidates. Telling ageist jokes could be harassment.

142. Age is, however, an exceptional protected characteristic in that direct discrimination is lawful in some specific circumstances covered in the Equality Act (such as benefit rules, for example re the State Pension or

immigration control) and when the age-based treatment can be objectively justified.

143. DWP has to show that the less favourable treatment on the grounds of age was a “proportionate means of achieving a legitimate end.”
144. Positive action is allowed by law. Positive action is not the same as positive discrimination, and does not involve treating particular groups more favourably when recruiting.
145. DWP offers a range of employment initiatives. In addition, there are a number of age-related benefit rules in place. Again, these are lawful.
146. If you are unable to resolve your issue or find an answer to a particular question using these instructions please access the Bright Ideas and Advice Homepage to post your query.

## **Gender Reassignment**

### **What is transgender/gender reassignment?**

147. “Transgender” is often used as a general term to cover people who identify as both transsexual and transgender. A transsexual person is someone who proposes to, starts or who has completed a process to change his or her gender (transitioning). See transgender terminology for more information.
148. The Equality Act protects transsexual people who share the “protected characteristic” of gender reassignment. Those transgender people who do not intend to live permanently in the gender opposite to their birth sex are not transsexual and therefore not protected by the Equality Act.
149. This protection is in place for those transsexual people who are and are not under medical supervision. For example:
  - a person who was born physically male decides to spend the rest of his life as a woman. She starts to live her life as a woman. After discussion with her doctor and a gender identity clinic, she starts hormone treatment and after several years she goes through gender reassignment surgery. She would have the protected characteristic of gender reassignment;
  - a person who was born physically female decides to spend the rest of her life as a man. He starts and continues to live his life as a man. He decides not to seek medical advice. He would have the protected characteristic of gender reassignment.

### **Engaging with transgender customers**

150. A transgender customer may be undergoing any stage of their “transitioning” when they start to engage with DWP: They should be treated with respect and referred to in their presented gender at all times.
151. You should always address the customer in their presented sex – try to use the person’s name where possible rather than referring to a person’s gender.
152. **Example:** If you are talking to a customer on the telephone who is called Julie but who sounds like a man, you should address her as female – not

male. If you have their details on your computer a simple question along the lines of “Our system is showing your name as Julie ....., could you just confirm I’ve got that right?”

153. **Example:** if you are engaging in a face to face interview and the customer presents in the opposite gender to their customer record (Mr Smith arrives and states they are now to be known as Ms Smith and are undergoing gender reassignment). You should ask if they want to continue the interview in a private interview room and that you may have to reschedule the interview to facilitate this. You should ensure confidentiality when discussing sensitive information with transgender customers. If you need to discuss sensitive information with a transgender claimant/customer, try to find a private interview room. Information regarding gender recognition must only be disclosed to third parties and other government departments if it is necessary for departmental business, as per current Data Protection regulations and clause 22 of the Gender Recognition Act.
154. Therefore, sensitive information in relation to transgender customers should not be discussed between colleagues, with other customers or in a public place which may be overheard by other people (colleagues/customers/individuals).
155. If you are unable to resolve your issue or find an answer to a particular question using these instructions please access the Bright Ideas and Advice Homepage to post your query.
156. More information on Gender reassignment is available on the Delivering Equality for customers intranet site.

## Transitioning scenarios

157. There are many different stages of transition which can impact on the way we provide access to benefits and services

### Prior to starting transitioning

- the customer engages with DWP in their birth gender and name. During the claim/engagement with DWP they begin “transition” to the opposite gender. The customer changes their name and starts to live their life as the opposite gender. They **do not have** a Gender Recognition Certificate (GRC).

### During transitioning

- the customer engages with DWP and is living their life in the opposite gender, has changed their name but has not undergone hormone treatment or surgery. They **do not** have a GRC.
- the customer engages with DWP and is living their life in the opposite gender, has changed their name but has not undergone hormone treatment or surgery. They **do have** a GRC.
- the customer engages with DWP and is living their life in the opposite gender, has changed their name but has not undergone hormone treatment or surgery and **they do have** a GRC.

- the customer engages with DWP and is living their life in the opposite sex, has changed their name and has begun hormone treatment and planned surgery. They **do not have** a GRC.
- the customer engages with DWP and is living their life in the opposite sex, has changed their name and has begun hormone treatment and planned surgery. They **do have** a GRC.
- the customer engages with DWP and is living their life in the opposite sex, has changed their name and has had hormone treatment and surgery. They **do not have** a GRC.
- the customer engages with DWP and is living their life in the opposite sex, has changed their name and has had hormone treatment and surgery. They **do have** a GRC.

### **After transitioning**

- The customer engages with DWP as their acquired gender. They **do have** a GRC.

### **Gender reassignment surgery**

158. If a customer will be unavailable for work due to gender reassignment surgery then see the Labour Market Conditions Instructions.

### **Gender recognition certificate**

159. The Gender Recognition Act 2004 gives transsexual people the opportunity to apply for a Gender Recognition Certificate (GRC). The Gender Recognition Panel (GRP) will issue a full certificate to someone who can prove:

- They are at least 18.
- They have a diagnosis of gender dysphoria.
- They have lived in their acquired gender for at least two years.
- They intend to live in their acquired gender until death.
- They are not married or in a civil partnership.

160. If a claimant/customer asks for information about obtaining a GRC, they should be advised to contact the Gender Recognition Panel: **Address:** Gender Recognition Panel, PO Box 9300, Leicester, LE1 8DJ. **Telephone:** 0300 1234 503. **E-mail:** GRP enquiries.

161. A person who gets a GRC will also get a new birth certificate which will appear as if they had been their acquired gender since birth. Having a GRC means that the person's gender will become, for all purposes, their acquired gender.

162. If a claimant/customer has a Gender Recognition Certificate, see the following guidance:

- Gender Recognition and Working Age Benefits for information on dealing with claimants/customers who are of working age and are in receipt of a Gender Recognition Certificate.

- Gender Recognition and Pensions for information on dealing with claimants/customers who are of pension age and are in receipt of a Gender Recognition Certificate.

163. A GRC must be treated as a valuable document within DWP offices.

### **Change of name**

164. If a customer wants to change their name, refer to the appropriate operational guidance for details on changing a customer's personal details. A person's gender/sex can only be changed on our systems on receipt of a GRC.

### **Additional support**

165. DWP provides additional support for customers who may be covered by this characteristic:

- Some transgender customers' records are marked as a Special Customer Record . Refer to the operational guidance, Gender Recognition and Special Customer Records.
- Private Interview rooms
- Special Customer Record

### **Marriage and Civil Partnership**

166. The Equality act 2010 protects those who are married or civilly-partnered from discrimination for reasons connected to that status. Marriage and civil partnerships are in general equated under the Equality Act.

167. Whilst there are complex rules relating to inheritability of State Pension entitlement which will only become redundant through the passage of time or changes to the law, in the main a customer's marital or civil partnership status has no bearing on their relations with DWP. Benefit rules include this characteristic and subsequent impact due to the Marriage (Same Sex Couples) Act 2013 and associated legislation across the UK.

### **Pregnancy and Maternity**

168. Customers have the right not to be treated unfairly as compared to other customers due to pregnancy or maternity. This includes an overlapping element with discrimination on the grounds of sex in relation to breastfeeding so unfavourable treatment because of breastfeeding is unlawful.

### **Breastfeeding on DWP premises**

169. Customers may breastfeed a child on DWP premises, in a Jobcentre or other public building where DWP staff may be located.

170. The Equality Act 2010 makes it unlawful to discriminate against mothers who are breastfeeding a child of any age. This means that we must not directly or indirectly ask a woman to leave a DWP building because she is breastfeeding. DWP staff must allow women customers who are in



Jobcentres or attending other DWP premises to breastfeed in public if they want to. Please note that in Scotland it is a criminal offence to prevent or stop breastfeeding under the Breastfeeding etc. (Scotland) Act 2005.

171. Although breastfeeding women are entitled to breastfeed in public areas, some women may prefer to breastfeed in a more private area. In DWP offices, where possible, we should accommodate any requests for a private area for mothers to breastfeed. Security matters and Health and Safety concerns must be considered when deciding on a suitable private location.
172. Consider telephone interviews rather than face to face interviews on DWP premises if more appropriate for your customer.
173. As it is unlawful to discriminate against a woman who is breastfeeding, even if other claimants or members of staff complain, DWP staff must not stop a woman breastfeeding in public, regardless of the reason for the complaint. However, to protect the breastfeeding woman, anyone who makes a complaint should be asked to move to a different area and/or if they would like to re-arrange their appointment. In this circumstance, DWP has an obligation to ensure that a woman who is breastfeeding is not treated unfairly.
174. The benefit provision for pregnancy and maternity (e.g., Maternity Allowance, Sure Start Maternity Grants etc.) is lawful under the Equality Act. Customers who are not able to claim these benefits are not able to rely on the Equality Act to claim that they are being discriminated against unlawfully.

## **Race**

175. Race is a “protected characteristic” under the Equality Act 2010. This protection covers direct and indirect discrimination, harassment and victimisation.
176. For the purposes of the Equality Act, race includes colour, nationality and ethnic or national origins. A racial group can include two or more different racial groups.
177. For example, for the purposes of the Equality Act:
- colour includes being black or white;
  - nationality includes being a British, Australian or Swiss citizen;
  - ethnic or national origins include being from a Roma background or of Chinese heritage;
  - a racial group could be “black Britons” which includes those people who are both black and who are British citizens.
178. DWP provides additional support for customers who may be covered by this characteristic:

## **Interpreting Services and Race**

179. In April 2014, DWP policy changed with the effect that new Jobseeker Allowance (JSA) claimants will not routinely be offered access to interpreters. There is an expectation that all new JSA claimants will have a level of English which enables them to compete and be successful in the UK

labour market. New JSA claimants should be able to fulfil their obligations under the Jobseekers Agreement and are required to be available for and actively seeking work, this means being able to speak some English.

180. However, if it is clear when engaging with a claimant their command of English, or Welsh, is not good enough and it is in the Department's interest to do so, for example to accurately assess JSA benefit entitlement or explain to a claimant their responsibilities under the Jobseeker's Allowance conditionality rules, an interpreter can be provided if alternative options, such as friends or family are not available. These considerations apply across all benefits.
181. In addition, safeguards are in place and access to an interpreter is still available where claimants are considered to be in a vulnerable situation, for example victims of domestic violence, refugees, homeless people; services for people on sickness & disability benefits; pensioners; claimants who use British Sign Language; and for Fraud investigation purposes. Please refer to the Interpreting Services Instructions for more information on how and when to recognise a customer or claimant's need for an interpreter and how to make the appropriate arrangements.
182. As the Race/ethnicity of the customer may present a barrier to communication, we must also bear in mind the guidance on Working with Representatives.
183. DWP staff should be aware that there is law relating to Habitual Residence which we must apply. A person claiming any of a number of benefits is required to show that they have a right to reside in the UK, the Channel Islands, the Isle of Man or the Republic of Ireland. Detailed information can be found in the Habitual Residence Tests Instructions guidance.
184. Data relating to Race/ethnicity is sensitive information under the Data Protection legislation. Follow benefit specific guidance for how to record this data.
185. See the Accessibility Checklist to help support customers access DWP services.

## **Religion or Belief**

186. A customer's religion or belief is a protected characteristic under the Equality Act 2010. This protection covers direct and indirect discrimination, harassment and victimisation.
187. "Religion" means any religion and includes a lack of religion and "Belief" means any religious or philosophical belief and includes lack of belief. Thus, for example, to treat a customer less favourably because they *are not* Jewish is unlawful, as is treating a customer less favourably because they *are* Jewish.
188. This area can become complex. Explanatory notes on the Equality Act define the criteria for determining what a "philosophical belief" is. These notes state that the belief must be genuinely held and be a belief not an opinion.

189. There is often a close relationship between race and religion or belief and staff must be sensitive to this fact. Both may have an impact on the way a person lives their life. However there will often be no impact upon the additional support DWP will provide. Do not make assumptions.

## **Religious Holidays and Festivals**

190. DWP has guidance for Religious Holidays and Festivals for Working Age Benefits which must be applied so that we do not treat people unfairly because of their religion or belief. Consider if it is appropriate to change interview and meeting dates and times.

## **Traditional/religious dress**

191. Staff also should be mindful of the way customers may dress as a consequence of their religion or belief. We must not act so as to unlawfully discriminate against a customer as a result however staff must comply with other legislation. A requirement, for example, to verify identity is lawful if it is objectively justified or where benefit legislation requires this. You may find the Religion and Belief – A guide for managers and staff (PDF), produced by the Home Office a useful reference tool.
192. Staff need to think about how we verify claimant identifications with religious headwear, for example this could be a Burka or a Niqab but still comply with the Common standards for identity verification. To satisfy the appropriate identity verification for the situation staff should think would you ask other claimants who come in for face to face contact to provide a current passport or photo ID? There are other forms of checking identity, which could be Documentary evidence and/or security questions. Staff should check can the claimant's identity be provided with other forms of documentation. If however you need to verify facial identification of a claimant to meet the standards and they are wearing religious headwear which covers their face you need to be sensitive to the situation. Claimants must be offered a private room away from other claimants when asked to remove their the covering. You must also ask the claimant if they require a female member of staff to be present and check with them that no male staff are to be present due to their religion or belief. If they require this it **must** be observed.
193. Data relating to "religious beliefs" is sensitive information under the Data Protection legislation. Follow benefit specific guidance for how/when to record this data.

## **Sex**

194. A customer's gender is a protected characteristic under the Equality Act 2010.
195. Protection for gender covers direct and indirect discrimination, harassment and victimisation.

196. All customers must be treated with respect and you must not make assumptions about them. Our policies and processes have been carefully designed to ensure and promote equality. DWP staff must not apply these so as to create gender inequality. We therefore need to be aware of specific policies which support these aims and ministerial objectives:

- There are special rules about State Pension for Married Women and Divorced Men.

## **Sexual Orientation**

197. Sexual orientation under the Equality Act means person's sexual orientation towards:

- (a) persons of the same sex,
- (b) persons of the opposite sex, or
- (c) persons of either sex.

198. There are no aspects of customers' interactions with DWP that are dependent upon their sexual orientation.

199. It is possible that the issue may have to be considered in relation, for example, to cases of Living Together as Husband and Wife when sexual relationships are a relevant matter for consideration. If this characteristic does have to be considered it must be done sensitively and respectfully as a matter of both DWP's inclusive policy and as a matter of law under the Equality Act.

## **Accessibility checklist**

- This provides a series of questions to help you to consider how accessible your services are. This is available as a document that can be printed off and used as a checklist if required.
- Accessibility Checklist

## **Monitoring and Equality MI**

200. The collection of Equality monitoring data is how DWP demonstrates compliance with the Public Sector Equality duty under the Equality Act 2010. We are governed by a legislative duty and the monitoring of our claimants and customers helps us to demonstrate how we are paying due regard to the aims of the Equality Act. The Department is also required to publish equality information annually about customers to demonstrate our compliance with the Public Sector Equality Duty.

201. The collection of this monitoring data this will depend on

- what kind of information is required
- what it will be used for
- what reason the customer or claimant is accessing DWP services.

202. DWP collect equality monitoring data from claimants and customers, if they agree to provide it, by a variety of methods. This information can also be used to ensure the correct customer service is in place to enable the customer to access benefits and services

- Telephone contact (for example asking about a customers ethnicity)
  - Face to face contact (for example identify if the customer is a disabled person)
  - Completion of an equality questionnaire (for example UJ service users)
203. Removing or reducing the collection and recording of Equality monitoring data should not take place as this will diminish the quality of the information that is gathered. If you are unable to resolve your issue or find an answer to a particular question using these instructions please access the Bright Ideas and Advice Homepage to post your query.

## **Contacts**

204. If you are unable to resolve your issue or find an answer to a particular question using these instructions you must access the Bright Ideas and Advice Homepage to post your query.
205. The 'E-mail page owner' and 'Page information' links at the bottom of each page of guidance should only be used to report broken hypertext links.
206. A list of useful websites can be found on the Delivering Equality for customers intranet site.

## **Accessibility Checklist**

<b>Accessibility Checklist – things to consider:</b>  Exterior Interior Staff Awareness Blind or partially sighted Deaf or hard of hearing Mental health conditions Hidden Impairments Learning Difficulties Mobility needs / physical impairment Gender Recognition Language requirement		<b>If NO – use this to note here any action required to improve access to benefits and services in your area</b>
<b>Exterior</b>		
<ul style="list-style-type: none"> <li>You should consider how accessible your services are by assessing your premises. You should consider the following where applicable:</li> </ul>		
<b>Car park</b>		
Are there disabled parking spaces marked out?	YES/NO	
Do staff know how to book/reserve a space for a disabled customer?	YES/NO	
If so, are steps taken to prevent non-disabled customers parking in these spaces?		
<b>Entrance to building</b>		
Are there steps to the main entrance?	YES/NO	
If so, is there an alternative ramped entrance?	YES/NO	
Are there clear directional signs to it?	YES/NO	
Is the ramped entrance easily accessible?	YES/NO	
Is there a doorbell?	YES/NO	

If so is it obvious and at the correct height on the alternative entrance?	YES/NO	
Are all staff aware of the need to answer the bell promptly?	YES/NO	
Are entrance doors excessively heavy to open?	YES/NO	
If so are staff aware that some customers may require assistance?	YES/NO	
Are all staff aware of the possible need to assist a disabled customer as appropriate, from the time and point of arrival?	YES/NO	
<b>Interior</b>		
<ul style="list-style-type: none"> <li>The interior of premises will vary greatly and only some of the following points may apply directly to your location. Consider:</li> </ul>		
<b>Inside the building</b>		
Is the floor space free from obstacles which may impede access?	YES/NO	
Is the Welcome or Reception area easily seen and accessible?	YES/NO	
Is the Welcome or Reception area always staffed?	YES/NO	
Have receptionists had disability awareness training?	YES/NO	
Is there an audio loop positioned at reception?	YES/NO	
Are all signs clear?	YES/NO	
Are graphics used to help people who have difficulties understanding signage? (This could include people with visual impairments or learning difficulties)	YES/NO	
Are there arrangements to deal promptly with those unable to appreciate verbal signs?	YES/NO	
Are there chairs for those unable to stand for prolonged periods?	YES/NO	
Are the chairs of an appropriate type?	YES/NO	

("cushioned" ones may be too low for some people)		
Are queuing arrangements suitable for all?	YES/NO	
Are emergency exits clearly identified and can they be operated by disabled people?	YES/NO	
Are seating areas easily accessible and large enough for wheelchair users?	YES/NO	
<b>Lifts</b>		
Is the lift large enough to accommodate a wheelchair and a helper?	YES/NO	
Can buttons be reached by someone in a wheelchair?	YES/NO	
Is there a talking floor indicator?	YES/NO	
Is the emergency phone accessible from a wheelchair?	YES/NO	
Are arrangements in place to have repairs carried out quickly?	YES/NO	
<b>Interviewing facilities</b>		
Can interview points be reached easily by all customers?	YES/NO	
Is there a reasonable level of privacy for customer interviews?	YES/NO	
Can private interview rooms be used if required?	YES/NO	
Do staff know how to arrange the use of a private interview room?	YES/NO	
Is there a portable loop aid available? Do staff know how to use it?	YES/NO  YES/NO	
Can the lighting and seating arrangements be adjusted?	YES/NO	
Can staff interview on the ground floor if customers are unable to access other floors?	YES/NO	



Are all facilities available in alternative locations?	YES/NO	
How easily the points and rooms can accommodate an assistance dog or wheelchair, pushchair or accommodate a support worker or advocate?	YES/NO	
Is a handset available for contacting Interpreting Services?	YES/NO	
<b>Computers in Jobcentres</b>		
Is there clear access to computers?	YES/NO	
Is there access to the desks, seating area etc. for wheelchair users?	YES/NO	
Is there clear information in relation to a customer using their own device?	YES/NO	
Is there appropriate clear signage displayed to inform customers?	YES/NO	
Are arrangements in place to provide alternative services for those unable to use computers, e.g. personal help?	YES/NO	
Are there arrangements in place to provide advice and support to help customers use their own devices to access DWP benefits and services?	YES/NO	
Are staff aware of how to help a customer change the settings on computers to make them more accessible – for example change screen colour and font size?	YES/NO	
<b>Access to other information</b>		
Is there clear access for all customers to displayed leaflets and other materials?	YES/NO	
Are staff aware of the need to give information verbally if necessary to disabled customers?	YES/NO	
Are staff aware of the need to supply information in alternative formats and how to arrange this if there is a specific request?	YES/NO	

Are staff aware of how to access Interpreting Services and translation services and how to use them if there is a specific request or on-going need?	YES/NO	
<b>Emergency or unusual situations</b>		
<ul style="list-style-type: none"> <li>Line Managers have a legal and moral responsibility to keep staff and customers safe both on and off site and must ensure they undertake the necessary Introduction to Health and Safety Responsibilities for DWP Managers training to ensure they have the competence to do so.</li> </ul>		
Is the Evac Chair in the correct place?	YES/NO	
Do staff know how to use the Evac Chair?	YES/NO	
Do staff know how to escort a disabled person from the building in the case of an emergency?	YES/NO	
Does everyone understand their roles and responsibilities for customers and themselves in an emergency?	YES/NO	
<b>Staff Awareness</b>		
<ul style="list-style-type: none"> <li>Since everyone has an individual responsibility to ensure the legal requirements of the Equality Act are met, you will need to think about what your staff will need to be aware of in order to implement its requirements. Consider:</li> </ul>		
Staff must be aware of the need to record customers accessibility requirements and to check their records so they can overcome any barriers the customer may have when accessing our services		
Customer needs: how aware are staff of the needs of disabled customers and how these might be addressed?		
Customer needs: how aware are staff of the needs of customers with a language requirement and how these might be addressed?		
Interviewing: are staff confident about interviewing disabled customers and how confidence can be raised if necessary?		
Etiquette: do staff have a basic understanding of equality etiquette,	YES/NO	

including appropriate behaviours and language?		
Legislation: are staff aware of current legislation and their responsibilities?	YES/NO	
<b>Customer complaints</b>		
Are staff aware of what to do if a customer wishes to make a complaint?	YES/NO	
<b>General equality etiquette</b>		
Have staff read the Welcoming Disabled Customers (Word) guide?	YES/NO	
Do staff know where to get information about interviewing disabled customers?	YES/NO	
Have staff completed the diversity and equality training and disability awareness training?	YES/NO	
Have staff completed the vulnerable persons training on Civil Service learning?	YES/NO	
<b>Specialist help:</b>		
Do staff know what specialist help is available to disabled customers, e.g. Disability Employment Adviser, Mental Health Adviser?	YES/NO	
Do staff know how to call upon the specialist help when necessary?	YES/NO	
<b>Blind or partially sighted</b>		
<ul style="list-style-type: none"> <li>You will need to consider how relevant help can be obtained and who will take responsibility for procuring items. Further guidance on obtaining alternative formats can be found in the communications support services guidance</li> </ul>		
Do staff know to check customer records on DWP systems prior to interviews in order to accommodate any reasonable adjustments/special arrangements?	YES/NO	
Do staff know how to arrange for correspondence to be sent to customers in alternative formats?	YES/NO	

Do staff know to identify themselves and speak as they approach a visually impaired or blind customer?	YES/NO	
Do staff know to offer rather than impose assistance to visually impaired customers?	YES/NO	
Do staff know how to obtain materials in large print?	YES/NO	
Do staff know how to obtain materials in Braille, audio?	YES/NO	
Do staff know how to use email as a reasonable adjustment?	YES/NO	
<b>Deaf or Hearing impaired</b>		
Do staff know to check customer records on DWP systems prior to interviews in order to accommodate any reasonable adjustments/special arrangements e.g. ensure a hearing loop is available, book a British Sign Language interpreter?	YES/NO	
Do staff know where the loop aid is and how to use it?	YES/NO	
Is the availability of the loop aid advertised to customers?	YES/NO	
Are staff aware of the BT Typetalk facility and how to use it correctly?	YES/NO	
Have people received deaf awareness training?	YES/NO	
Do staff know how to engage and procure the services of a BSL interpreter, Lipspeaker or other language professional?	YES/NO	
Are staff aware that deaf customers who communicate using BSL may not understand written English?	YES/NO	
<b>Mental Health conditions</b>		
Do staff know to check customer records on DWP systems prior to interviews in order to accommodate any special arrangements e.g. allow longer	YES/NO	

interview time if appropriate?		
Are staff aware that some people with some mental health issues display what may appear to be inappropriate behaviour?	YES/NO	
Do staff know to offer the customer a private room (if available) or a quieter part of the office to create a more suitable environment?	YES/NO	
Do staff know that some of our customers want or need to use a representative/intermediary to help them access our services?	YES/NO	
<b>Hidden Impairments</b>		
<ul style="list-style-type: none"> <li>Customers with hidden impairments for example, ADHD, Autism Spectrum Disorders/ Conditions, Dyslexia and Dyspraxia do not always find it easy to take full advantage of our services, so the hidden impairment toolkit has been developed which will help you to engage with them</li> </ul>		
<b>Learning Difficulties</b>		
Do staff know to check LMS prior to interviews in order to accommodate any special arrangements e.g. allow longer interview time if appropriate?	YES/NO	
Are staff aware of the etiquette when interviewing people with learning difficulties?	YES/NO	
Are staff able to explain matters in easy to understand language?	YES/NO	
Are staff aware that some customers may require an audio recording of interviews due to their disability and how to accommodate this?	YES/NO	
<b>Mobility needs/physical impairment</b>		
<ul style="list-style-type: none"> <li>Do staff know to check customer records on DWP systems prior to interviews in order to accommodate any special arrangements e.g. arrange to interview on the ground floor?</li> </ul>	YES/NO	

Are staff aware of the issues concerning customers with manual dexterity impairments?	YES/NO	
Are staff aware of the issues concerning customers with mobility difficulties?	YES/NO	
Are staff aware of the etiquette when interviewing wheelchair users?	YES/NO	
<b>Gender Recognition Certificate</b>		
Are staff aware of how to engage and advise customers with a gender recognition certificate?	YES/NO	
Etiquette: do staff have a basic understanding of gender recognition, including appropriate behaviours and language.	YES/NO	
<b>Language Requirement</b>		
Are staff aware of the need to provide interpreters and when and how to arrange this if there is a specific request or on-going requirement?	YES/NO	
Are staff aware of the language identification point card (PDF)?	YES/NO	
Are staff aware of how to access interpreting and translation services and how to use them if there is a specific request?	YES/NO	