

Raising The Game on Disability

Topic 03 – The Equality Act 2010

June 2013

Time

20 minutes

Objectives

At the end of this topic learners will be able to:

- describe the Equality Act 2010
- explain the Timeline for the Equality Act 2010
- explain what's new and what's changed re- the Equality Act 2010

Learning Points

This topic will cover the following learning points:

- The Equality Act 2010.
- The Equality Act 2010 Timeline.
- The Equality Act 2010 - What's new and what's changed: at a glance.

Topic Preparation

- projector and screen
- access to a computer or laptop
- register to clearkit.co.uk. A one stop shop for organisations to increase knowledge and confidence around disability and recruitment.

Support Material

- PowerPoint slides
- HO 03.01 – What's new & what's changed: at a glance

Validation

Successful completion of this event will be measured by:

- question and answer
- exercise

Method of Delivery

This topic is facilitator led and has been designed to be run as a workshop.

It also includes:

- facilitator input
- group exercise

The Equality Act 2010



Before you begin, it is useful to find out the level of knowledge within the group about the Equality Act 2010.

Ask if anyone has heard of it and allow a few minutes for discussion.

We are now going to give you some of the highlights of the Equality Act 2010, explore some of the changes and how that affects employers and service providers.



Show the slides for the Equality Act 2010 beginning with slide 15.



Slide 15 – The Equality Act 2010

When showing this slide, reveal the first line: ‘What does the Act do?’ Ask the question.

Reveal the next two lines to confirm what the Act does.

Ask if anyone can name the nine protected characteristics. Allow the learners a minute to come up with them before revealing them on screen.



Slide 16 – Simpler Law

Read from slide.



Slide 17 – Simpler Law

Ask the group what we mean by **perception**?

If you do not receive a response from the learners, offer the example of Jason Donovan.

In 1992 Jason Donovan launched a successful libel action against *The Face* magazine who had published allegations that he was gay. Donovan won £200,000 in damages and the magazine had to pay a further £100,000 in costs, but the action of his lawsuit made him appear homophobic to some sections of the media and had the effect of alienating much of his audience. Donovan tried to make amends and claimed that he did not sue the magazine out of greed nor homophobia, but because he had been accused of lying to his fans.

Ask the group what we mean by **association**?

If you do not receive a response from the learners, offer the example of the landmark case of the working mother of a disabled child who went to tribunal sighting discrimination under the DDA when she herself did not

have a disability. She had requested time off to attend hospital appointments with her son which had been accommodated, however she was overlooked for promotion due to assumptions that she would not be able to take on extra responsibilities because of her responsibilities to her disabled son. The Tribunal awarded in her favour. This example provided case law to support the introduction of protection for people associated with someone who has a protected characteristic.

Discrimination from private members clubs.

It may be unlawful for a private members' club to refuse you membership, or offer you membership on less favourable terms, because of your race, sexual orientation or disability.

Use of positive action.

The term 'positive action' refers to a number of methods designed to counteract the effects of past discrimination and to help abolish stereotyping.

Action can be taken to encourage people from particular groups to take advantage of opportunities for work and training. This can be done when underrepresentation of particular groups has been identified.

Under this broad meaning positive action may include initiatives such as the introduction of non-discriminatory

selection procedures, training programmes or policies aimed at preventing sexual harassment.



Slide 18 – Simpler, Clearer Law

In the past employers have had to pay for advice to uncover the complexities of the law – the intention now is for the law to be much clearer for employers to understand.

Read from the slide.



Slide 19 – Stronger Law

Read from the slide and then ask the group if they had heard already of the Disability Equality Duty (DED)? Explain that this was in place for all public sector bodies. This was introduced as an amendment to the Disability Discrimination Act (DDA) in 2005 and all public bodies by December 2006 had to produce a Disability Equality Scheme. This was to give the public sector more responsibilities to reduce the discrimination and harassment of disabled people and promote positive attitudes. The new integrated equality duty now replaces the DED and would expect the content stay the same and transfer into the new legislation however now

covering all of the nine protected characteristics.

Contractors and sub contractors to public bodies (for example: Telereal Trillium and security gaurds) will now have to provide supportive evidence to show how they are meeting the new legislation within their organisations if they are to win bids – unlike in the past when we just had a tick box saying ‘do you comply with the DDA - tick yes or no – of course everyone ticked yes or their bid went in the bin!!



A new integrated equality duty on public bodies now includes specific duties to publish information to show their compliance with the ‘Equality Duty’ at least annually; set and publish equality objectives at least every four years and publish this information, free of charge, in a way that people can easily access.



Socio economic inequalities.

Examples are: homelessness, poverty, poor transport and poor education. In every local authority area we can recognise deprived wards of communities and the Government is placing a duty on strategic public bodies to do more to address these inequalities.



Ask the learners to find out what their local authority is doing to help improve the lives of people in those communities.



Slide 20 – stronger Law

Read from slide.



Slide 21 – Stronger Law

Read from Slide and then refer back to the third bullet point: 'Preventing employers asking job applicants about disability or health before making job offer'

Need to explore this more with the learners as there are exceptions to this – it's not a blanket ban.

The Act only limits, not totally prevents the circumstances when Employers can ask health related questions before the offer of a job.



Ask the learners how this may benefit a person with a health condition or disability when applying for a job?



Suggested answers should include:

- they wouldn't be 'sifted out' at the application stage
- they are given the same opportunities as everyone else at the application stage.

This links back to our discussion in Topic 02 about why some people do not disclose their health condition or disability.



Ask the learners which jobs they think an employer would be allowed to ask health related questions for.

Allow a few minutes for discussion.



Example - Employers can ask health related questions where there is an essential (intrinsic) reason relating to the job to establish whether an applicant can carry out a specific function of the job e.g. British Airways job spec for a pilot can include asking if applicant has good vision however a job spec for an administrative worker should not have any health related questions

Example - Also if employer wants to improve the representation of a particular group they can ask questions to establish this prior to offer of a job. E.g. In

order to identify disabled people the application form can ask whether the candidate has a disability as long as it makes it clear why the question is being asked.

When considering reasonable adjustment for the interview. All candidates should be asked the same question about any arrangements/ requirements to enable them to attend the interview process as this would cover any adjustments for disability/ religion / caring responsibilities e.g. child care etc. etc.

Once the job offer has been made the employer is permitted to ask appropriate health-related questions.



Slide 22 - Equality Act 2010 - Timeline.

Read from slide.

It is worth mentioning the New Public Sector Equality Duty again as it is now extended to include all of the nine protected characteristics.



Slide 23 – What's new, what's changed: at a glance.

Read from slide and then show the final slide.



Slide 24 – What's new, what's changed: at a glance.

Encourage the learners to use the internet and ACAS information to build on the highlights discussed.



Issue Handout HO 03.01 – What's new & what's changed: at a glance

Reasonable Adjustments

All service providers, including DWP, have a legal duty to make 'reasonable adjustments' to ensure their services are accessible to disabled people.



Facilitate a discussion about what we mean by reasonable adjustments.

Spend approximately five minutes on this discussion.

The law defines reasonable adjustment as:

"Where a provision, criterion or practice applied by or on behalf of an employer, or any physical feature of premises occupied by the employer, places the disabled person concerned at a substantial disadvantage in comparison with persons who are not disabled, it is the duty of the employer to take such steps as it is reasonable, in all the circumstances of the case, for him

to have to take in order to prevent the provision, criterion or practice, or feature, having that effect."



Ask the group the following question:

What have we as an organisation got in place to support disabled staff/customers?



Answers should include the following:

- Easier access to our buildings (ramps etc)
- Hearing Loop systems
- Lifts to all floors
- Large print information available on request
- Flexible working patterns
- More time for training
- Easy Read
- Textbox.



When you return to your office, find out how the Hearing Loop system works and what Large Print information,

audio etc is available.



Ask the learners if they have any questions before continuing with the next topic.

END OF TOPIC 03