



EQUALITY AND DISABILITY DISCRIMINATION

The Equality Act 2010

The Equality Act 2010 brings together into one Act the law that protects people on the grounds of disability, race, sex, etc. and in some areas has extended protection. It harmonises and in some respects extends equality law aiming to make it more consistent and clear.

Who is protected?

The Act protects people who have a “protected characteristic” and these are:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnership
- Pregnancy and maternity
- Race (including ethnic or national origins, colour and nationality)
- Religion or belief
- Sex
- Sexual orientation

This section in the handbook concentrates on our responsibility towards those who have a disability, but churches should be aware of the full implications of this Act, particularly if they employ anyone, or provide services to the community either directly or through an associated charity or organisation. Further information is available via the links at the end of the section.

Making everyone welcome

For many years it has been unacceptable in practice and in law for anyone to be deterred from entering our buildings and participating in church life as a result of a lack of adequate facilities where they could reasonably be provided. The Disability Discrimination Act 1995 had implications for churches in terms of internal and external adaptation of buildings but also wider implications in rethinking the way we carry out our activities. These provisions have been extended in this new Act.

Disability is defined as “a physical or mental impairment that has a substantial and long term adverse effect on the ability to carry out normal day-to-day activities”. The Act protects anyone who has or has had a disability, or who is associated with a disabled person, or who is mistakenly perceived as being disabled.

Think broadly, do not make assumptions, and consider those with less obvious disabilities. It is not just the obviously disabled such as the elderly, the ambulant disabled with their walking frame, or the wheelchair users but also those who have

EQUALITY AND DISABILITY DISCRIMINATION

poor strength or dexterity; have learning difficulties; have impaired vision or impaired hearing or who have an illness which gives rise to a disability or is likely to do so; and people who have a temporary disability.

In addition to those directly and obviously included in the legislation, churches should be aware that a difficulty in accessing certain facilities or services may also be experienced by people such as heavily pregnant women; those particularly large or small in stature (including children); parents or others in charge of small children; or those emotionally distressed or unstable.

Churches should think in terms of the concept of risk as people interact with their environment. The challenge is to assess and respond to that risk so that we may meet, as fully as possible, the needs of people as they really are and not as they might wish to be or as we might wish them to be.

Why does it affect the church?

In relation to people with disabilities the general principle is that individuals or service providers must not treat disabled people less favourably than they would treat other people, for a reason related to their disability, when offering or providing access to goods, facilities or services.

It makes no difference that the services provided by a church are free of charge, **churches are service providers**. We should recognise ourselves as such and make every effort to make our activities and buildings accessible to all.

What are our responsibilities?

The new Equality Act sets out three core responsibilities or requirements in relation to those with disabilities;

The first requirement is that, where the way that things are done puts a person with disabilities at a substantial disadvantage to people who are not disabled, then reasonable steps should be taken to avoid the disadvantage. In other words, this is about how things are done or how information is supplied. This might include such things as large print hymn books and notice sheets, people available to help someone from a car or into or around a building, and so on.

The second requirement is that, where a physical feature puts a disabled person at a substantial disadvantage compared to people who are not disabled, then reasonable steps must be taken to remove, alter or ensure users can avoid it. This might include such things as providing a ramp to allow wheelchair users to gain access to premises otherwise reached by steps, widening an entrance or providing a hand rail.

The third requirement applies specifically to employment and so applies only to churches where they employ someone, for example a caretaker, administrator or youth worker. This third requirement is that where a disabled person would be put at a substantial disadvantage compared to someone who is not disabled without the provision of an auxiliary aid, then reasonable steps must be taken to provide that aid. This might include special software to allow use of a computer by a visually impaired administrator.

EQUALITY AND DISABILITY DISCRIMINATION

What action should we take?

If you have not already done so you must review the access and facilities your church provides for ALL its users but particularly those with disabilities. You need to consider both the inside and outside of the church building including approaches to and from the building, movement around the building and all of the services inside the building as well as exit routes and means of escape in case of an emergency.

Some measures are relatively simple to implement now and will give immediate benefit. For instance, providing (and maintaining) colour contrast to assist the visually impaired (e.g. highlighting changes in level and the nosings on steps, etc), rearranging furniture such as desks or tables, making sure routes are well signed and clear of obstacles, providing handrails etc. Simple things like clear signs around your building, easy to use door handles, large print copies of your magazine and notice sheets can be implemented at little cost with some thought and modest effort.

Whenever you are planning and carrying out building or refurbishment works, such as extending premises or making structural alterations to an existing building, you should consider whether this is the opportunity to remove or alter any physical features which create difficulties for access or to provide a reasonable means of avoiding the feature.

For some buildings this may seem to present a considerable challenge, especially if your building is of historic interest but every church should have a prioritised, planned method of achieving the appropriate level of facilities in the longer term. This may be achieved by an access audit and through consultation with disabled users, the Local Authority's Access Officer or assistance from bodies or resources listed below.

What is an access audit?

An access audit involves a thorough site inspection and the preparation of a report which identifies the accessible, user-friendly features of a building as well as access problems. The report should recommend access improvements, prioritise action and indicate where improvements can be made through the building's maintenance programme. An access audit enables building owners to plan ahead for costly improvements and to have a plan that allows alterations to be made cost-effectively over time.

It is important to ensure that any access audit, whether professional or informal, includes consultation with existing disabled users of the church and any local disability groups.

Who carries out access audits?

A building surveyor may be able to offer this service. However, there is no formal recognised qualification for an access auditor so you will need to make sure that the person you entrust with the audit has relevant and up-to-date knowledge of construction and is familiar with the appropriate building regulations as well as disability issues. You may choose to check their credentials by speaking to previous clients or seek advice from the Synod Office. The Centre for Accessible

EQUALITY AND DISABILITY DISCRIMINATION

Environments and many of the major disability organisations offer training to access auditors and maintain a list of access auditors that they have approved.

Alternatively, “Widening the Eye of the Needle” (see below) provides guidance and a checklist of such an audit which could be used by suitably knowledgeable members of the congregation, perhaps with the advice of a relevant professional.

What happens when we need to make physical changes to the church building?

The normal Synod procedures relating to building alterations still apply.

What if the church is a listed building?

The Equality Act does not override other legislation. You will still have to comply with planning or Ecclesiastical Exemption procedure ([▶661](#)) as well as United Reformed Church procedures.

Financial assistance

See Section 851 ([▶851](#)).

Further information and advice

For ***all round good advice and practical guidance*** on improving accessibility for all disabled users:

Through the Roof, a Christian organisation provides a number of guides offering straightforward advice on how to make your church welcoming to disabled people. These are available from:

Head Office
Through the Roof
PO Box 353
Epsom
KT18 5WS

Tel: 01372-749955

or via the ‘Shop’ section on their website www.throughtheroof.org

For ***lots of helpful practical guidance*** on improving access to church buildings (especially older buildings) and carrying out access audits including a photocopyable form for assisting in access audits:

Widening the Eye of the Needle: Access to Church Buildings for People with Disabilities, £16.99 from:

Church House Publishing
Great Smith Street
London
SW1P 3AZ

Tel: 020-7898 1451

or via their website: www.chpublishing.co.uk

General advice on disability issues is available on the Government’s information website Directgov at: <http://www.direct.gov.uk/en/DisabledPeople/index.htm>.

EQUALITY AND DISABILITY DISCRIMINATION

Information on providing access to historic buildings is available from:

English Heritage
1 Waterhouse Square
138-142 Holborn
London
EC1N 2ST

or
Historic Scotland
Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Telephone: 020-7973 3000

Telephone: 0131-668 8600

A booklet, "Easy Access to Historic Buildings" can be downloaded from:
www.english-heritage.org.uk or www.historic-scotland.gov.uk.

General advice on the Equality Act 2010 is available on the website for the Government Equalities Office at: www.equalities.gov.uk. The section on "Equalities Act 2010 – What do I need to know?" is a useful starting point but if in doubt further advice should be sought from your Synod Office or a solicitor.

Other useful addresses and contacts

Centre for Accessible Environments
70 South Lambeth Road
London
SW8 1RL

Tel/textphone: 020-7840 0125

www.cae.org.uk

Construction Industry Research and Information Association
Classic House
174-180 Old Street
London
EC1V 9BP

Tel: 020-7549 3300

www.ciria.org

ENABLE Scotland
2nd Floor
146 Argyle Street
Glasgow
G2 8BL

Tel: 0141-226 4541

www.enable.org.uk

Mencap
Mencap National Centre
123 Golden Lane
London
EC1Y 0RT

Tel: 020-7454 0454

www.mencap.org.uk

EQUALITY AND DISABILITY DISCRIMINATION

(contact details for Mencap Cymru are on the website)

MIND
15-19 Broadway
London
E15 4BQ

Tel: 020-8519 2122

www.mind.org.uk

(contact details for Mind Cymru are on the website)

RADAR – Royal Association for Disability and Rehabilitation

12 City Forum
250 City Road
London
EC1V 8AF

Tel: 020-7250 3222

Minicom: 020-7250 4119

www.radar.org.uk

RNIB – Royal National Institute of Blind People
105 Judd Street
London
WC1H 9NE

Tel: 020-7388 1266

www.rnib.org.uk

RNID – Royal National Institute for Deaf People
19-23 Featherstone Street
London
EC1Y 8SL

Tel: 020-7296 8000

Textphone: 020-7296 8001

www.rnid.org.uk

(contact details for RNID Scotland and Wales are on the website)

SCOPE
6 Market Road
LONDON
N7 9PW

Tel: 020-7619 7100

www.scope.org.uk