

Equality Act 2010: what do I need to know

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Record details

The new Equality Act came into effect on 1st October 2010 and applies to all services in Great Britain, including childcare providers. It protects anyone who has, or has had, a disability from discrimination and harassment. It also protects a person from being treated less favourably because they are linked or associated with a disabled person.

- Direct discrimination occurs where, because of a disability, a person received worse treatment than someone who does not have a disability.
- Discrimination from a disability occurs when a disabled person is treated unfavourably because of something connected with their disability and the unfavourable treatment cannot be justified.
- Indirect disability discrimination happens when there is a policy or practice that applies to everyone, but which particularly disadvantages people with a disability, and that it cannot be shown to be justified as being intended to meet a legitimate objective in a fair, balanced and reasonable way. A lack of financial resources alone is unlikely to be a sufficient justification.

The act also introduces protection from harassment and victimisation relating to a disability.

What reasonable adjustments do you have to make for disabled people?

There is a legal requirement to make reasonable changes to the way things are done, to the built environment and to provide auxiliary aids and services – which includes additional staff support when using a service. Service providers cannot charge disabled customers for reasonable adjustments. What is reasonable will depend on all the circumstances, including the cost of an adjustment, the potential benefit it might bring to other customers, the resources an organisation has and how practical the changes are. The act also asks service providers to think ahead and take steps to address barriers that impede disabled people.

What is different from the previous acts

- It has been extended to protect those who are mistakenly thought to be disabled.
- It extends direct discrimination in the workplace, to also cover goods and services.
- A service provider would now have to show that it had a genuine reason for its treatment of the disabled person and that the treatment was an appropriate response.
- It introduces protection from indirect discrimination, harassment and victimisation.
- Adjustments must now be made where disabled people experience a 'substantial disadvantage.' This means that service providers may have to make more adjustments, and the only question is whether the adjustment is a reasonable one to make.

Additional information and support can be found on the [Equality Act 2010: Guidance site \(opens in new window\)](#)