



# **EQUALITY & DIVERSITY POLICY**

**September 2018**

## **1. INTRODUCTION**

The purpose of this policy is to set out the IFA's commitment to the Equality Act 2010 and also explains what the Act covers and how all participants in IFA Qualification(s); Centres, their staff and any additional site personnel apply it. Centres are responsible for ensuring they are familiar with the contents of this document which should be read in conjunction with the IFA's Reasonable Adjustment and Special Considerations Policy.

## **2. OUR COMMITMENT**

The IFA aims to ensure that learners can expect a fair and accessible route to IFA Qualification(s) and future Qualification(s) and make its course content and assessment methods as accessible and diverse as possible, containing no bias in language content for any group of learners sharing a particular characteristic other than those that specifically apply to the purpose of the Qualification. In all instances where restrictions apply the reason will be clearly explained. The IFA is committed to complying with all the relevant UK legislation and regulatory requirements in force prior to or at the time this document was created. All IFA assessments and examinations are undertaken and graded without bias or prejudice. The IFA provides guidance to all its staff and contractors on equality and diversity during induction and other training and monitoring activities.

This policy will be reviewed on an annual basis.

## **3. CENTRE RESPONSIBILITIES**

Centre staff will advise prospective learners which IFA Qualification(s) is most appropriate to enable the learner to achieve their maximum potential and have their own Equality Opportunity and Diversity Policy made accessible to learners.

## **4. WHAT IS THE EQUALITY ACT?**

The Equality Act 2010 applies to everyone who accesses, buys or uses your goods, facilities or services. All service providers and those providing goods and facilities in Great Britain are covered by the Act. The Act protects anyone who accesses your services from discrimination on the basis of a 'protected characteristic'. The Act also protects people from being discriminated against or harassed because of a protected characteristic they do not personally have. The nine protected characteristics are:

- Age;
- Disability;
- Gender reassignment;
- Marriage and civil partnership;
- Pregnancy and maternity;
- Race – this includes colour, nationality and ethnic or national origins;
- Religion or belief;
- Sex.;

- Sexual orientation.

Protection from age discrimination in relation to the provision of goods and services came into force on 1 October 2012. The Act still specifically excludes protection from marriage and civil partnership discrimination in the provision of goods and services. Although it is not explicitly laid out in the Act, if a couple in a civil partnership were to be treated less favourably than a couple in a marriage, outside of their work, it is likely that this would be discrimination based on sexual orientation.

## 5. TYPES OF DISCRIMINATION UNDER THE ACT:

### **Direct discrimination**

Direct discrimination occurs when a person is treated less favourably than another person because of a protected characteristic they have or are treated as though they had it or because they associate with someone who has a protected characteristic.

### **Discrimination by association**

Discrimination by association occurs when a person is treated less favourably because they are linked, or associated, with a person who has a protected characteristic.

### **Discrimination by perception**

Discrimination by perception happens when a person is discriminated against because they are thought to have a particular protected characteristic or are treated as if they do. People are protected from this sort of discrimination even if someone who discriminates knows that the other person does not have the particular protected characteristic.

### **Indirect discrimination**

The Act makes indirect discrimination by businesses unlawful. This will take place when a business applies a policy, criterion or practice in the same way to all individuals, but that policy, criterion or practice is discriminatory in its effect on, for example, one particular sex or racial group. The business would need to show that the policy can be objectively justified. In other words, it must be a fair, reasonable and proportionate way of achieving a legitimate aim. A legitimate aim might be any lawful decision you make in running your business or organisation, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful. Being fair, reasonable and proportionate includes showing that you have looked at whether there are other ways of achieving the same aim which would avoid discrimination.

### **Harassment**

Harassment means unwanted conduct related to a protected characteristic which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

### **Victimisation**

Victimisation occurs when a person is treated badly because they have brought proceedings under the Act, or supported any action taken for the purposes of the Act.

### **Age discrimination**

From 1 October 2012, it is unlawful to discriminate on the basis of age unless the practice is covered by an exception from the ban, or good reason can be shown for the

differential treatment (i.e. objective justification). The exceptions include:

- Age-based concessions;
- Age-related holidays;
- Age verification;
- Clubs and associations concessions;
- Financial services;
- Immigration;
- Residential park homes;
- Sport.

These specific exceptions are in addition to the general exceptions already allowed by the Act, positive action measures and the ability to justify age discrimination by showing, if challenged, that there is a good reason for the differential treatment (objective justification).

### **Disability discrimination**

The law recognises that specific provisions need to be put in place for disabled people in order to put them on a more equal footing with other people. So the Act creates three forms of discrimination protection that apply only to disabled people. These are:

- Discrimination arising from disability;
- Direct discrimination because of disability in relation to goods, services and facilities;
- Indirect disability discrimination.

Businesses have a duty to make reasonable adjustments to assist disabled individuals in accessing their goods, services and facilities. See Reasonable Adjustment and Special Considerations Policy.

A disabled person is someone who has a physical or mental impairment which has an effect on his or her ability to carry out normal day-to-day activities. That effect must be:

- Substantial (more than minor or trivial);
- Adverse, and;
- Long-term (having lasted or is likely to last for more than a year).

Physical or mental impairments include sensory impairments that affect sight, sound and touch. Hidden impairments are also covered and this would include mental health problems, learning disabilities and conditions such as diabetes or epilepsy.

### **What is discrimination arising from disability?**

Discrimination arising from disability occurs when a disabled person is treated unfavourably because of something connected with their disability and the unfavourable treatment cannot be justified.

Discrimination arising from disability is different from direct discrimination. Direct discrimination occurs when a service provider treats someone less favourably because of the disability itself. In the case of discrimination arising from disability, the question is whether the disabled person has been treated unfavourably because of something connected with their disability.

Treatment can be justified only if it can be shown that it is intended to meet a legitimate objective in a fair, balanced and reasonable way. In other words, the treatment itself will not amount to discrimination if it is a proportionate means of achieving a legitimate aim. If this can be shown, it will be lawful. Service providers must therefore strike a careful balance between the negative impact of a decision on the disabled person and any lawful reasons for applying it. It is important to understand the need to apply this flexible approach when it is clear that a rule or practice disadvantages a disabled person.

In addition, discrimination arising from disability will not be unlawful if the service provider can show it did not know, or could not be reasonably expected to know, that the person was disabled. This means that service providers should take reasonable steps to find out whether someone is disabled, though care should be taken to ensure that any enquiries do not infringe the disabled person's privacy or dignity.

### **Direct discrimination because of disability**

This is where a person is treated less favourably than someone else because they have a disability. The Equality Act does not allow any justification for direct discrimination.

### **Indirect disability discrimination**

An example would be when a business applies a policy or criteria in the same way to all individuals but the effect is that it particularly disadvantages disabled people. In this example the business will have to be able to show that their policy can objectively be justified.

### **What is discrimination because of a failure to make reasonable adjustments?**

Businesses are under an obligation to make reasonable adjustments where, if the adjustment were not made, a disabled person would be at a substantial disadvantage compared to people who are not disabled. The question is whether the adjustment is a reasonable one to make in all the circumstances.

The Act sets out three requirements for making reasonable adjustments:

- 1. Adjustments to a policy or procedure (referred to in the Act as a provision, criterion or practice)**

Ensure you monitor your policies and procedures to ensure that they are not putting disabled people at a substantial disadvantage in comparison to non-disabled people when accessing goods, facilities and services, and take reasonable steps to ensure that any policies or procedures that do not comply are changed or ended.

- 2. Adjustments involving the provision of auxiliary aids and services**

Try to anticipate what reasonable adjustments you need to make, and auxiliary aids or services you need to make available, to disabled individuals who would otherwise be at a substantial disadvantage compared to non-disabled people.

### **3. Adjustments to physical features**

Consider making reasonable adjustments to the physical features of your business premises, to better enable disabled people to access your goods, facilities and services. This can include, for example, reasonable adjustments to stairways, steps, parking areas, entrances, exits, doors and gates, toilets and washing facilities and lifts and escalators.

Official guidance suggests that the effectiveness of the adjustment, its cost and the size and resources of the organisation should all be considered in deciding whether an adjustment is reasonable. If the adjustment involves making alterations that are prohibited or restricted by the lease, the Act provides that the lease will have effect as if it permitted the alterations, subject to the landlord's consent, which cannot be unreasonably withheld.

#### **What are reasonable adjustments?**

Where a physical feature of a service provider's premises makes it impossible or unreasonably difficult for disabled persons to make use of those services, it is the duty of the service provider to take such steps as are reasonable in all the circumstances to:

- Remove that feature;
- Alter it so that it no longer has that effect, or
- Provide a reasonable means of avoiding the feature.

This is the reasonable adjustment requirement. There is no single definition or example of what a reasonable adjustment might be because every situation and scenario needs to be looked at and assessed by its own individual set of circumstances.

The Act requires service providers to make reasonable adjustments and the key word here is 'reasonable'. What is reasonable must be put into context. A small 'one man band' on a tight budget would not be able to finance the same level of structural alteration that a national chain of qualification providers would be able to afford. Clearly, in these circumstances, it would not be reasonable to expect the same level of change. Many of the adjustments you can make will not be particularly expensive and you are not required to do more than it is reasonable for you to do. As well as the size and nature of your organisation, the nature of the goods, facilities or services you provide may be relevant.

No service provider will be expected to make large-scale changes that are totally impractical or lead to their financial ruin. If, however, a disabled person can show that there were barriers you should have identified and reasonable adjustments you could have made, they can bring a claim against you in the Civil Courts, and you may be ordered to pay them compensation as well as make the reasonable adjustments. Finding examples of what could be reasonable adjustments requires a common sense and imaginative approach.

There are many examples of adjustments that might require consideration:

- Is it practical to install either a temporary or permanent ramp to provide easier access for wheelchair users?
- Is it possible to widen doorways to accommodate wheelchairs or provide a low level doorbell so that trained staff can go to assist?

- Would a lift or escalator provide better access to different levels for the physically infirm or can you provide trained staff to assist if installing a lift would not be practical?
- Does shelving require re-adjustment for easier access or can trained staff help customers?
- Would different lighting make it easier for partially sighted customers?
- Would large print or Braille on signs or literature assist the partially sighted?

The list of possibilities is endless. Without doubt you will almost certainly overlook something that will only be brought to your attention when a disabled customer makes a complaint about being discriminated against. "I hadn't thought about it" will not be a defence. What will be a good defence is to show that you had considered every aspect of the way you provide services to the public and how improvements and reasonable adjustments could be made.

One way of doing this would be to instruct a specialist firm of professionals who can carry out what is known as an access audit. Details of where you might find such companies are included in the links section at the end of this document. You may also wish to consider obtaining a copy of the Code of Practice published by the Equality and Human Rights Commission (EHRC) which gives detailed guidance on compliance with the Act. Contact details are again given in the links section below.

Once you have made a reasonable adjustment, don't forget to tell people about it. For example, put up a sign at your premises, include it in information you publish (make sure you provide alternative formats if appropriate) and put it on your website. This is not just because it will bring more customers; it is an essential part of meeting the duty. If the adjustment is not reasonably apparent to disabled people, they may still think they cannot use your services and, in some circumstances, this could mean you have not met the duty.

### **Positive action**

The duty is 'anticipatory'. This means you cannot wait until a disabled person wants to use your services, but you must think in advance (and on an ongoing basis) about what disabled people with a range of impairments might reasonably need, such as people who have a visual impairment, a hearing impairment, a mobility impairment or a learning disability. As well as being something you are required by equality law to do, making reasonable adjustments will help a wider range of people use your services.

#### **4. Who can make a claim?**

Any person who feels they have been discriminated against may bring a claim against the service provider in the County Court. They may seek damages which could include an award for injury to feelings where, for example, they feel humiliated by being refused service or by not being able to obtain the same level of service as a customer without the relevant protected characteristic.

#### **5. Links**

Equalities Act 2010: legislation

[Equality Act 2010](#) on the [legislation.gov.uk](http://legislation.gov.uk) website

[Explanatory notes](#) on the [legislation.gov.uk](http://legislation.gov.uk) website

The EHRC is an independent body set up by the government to promote awareness on all areas of discrimination and human rights issues. The EHRC have produced a Code of Practice that gives detailed explanation on how the Equality Act 2010 is likely to be interpreted. They also produce various leaflets and guides specifically designed to help small businesses meet their obligations under the Act. EHRC telephone helpline: 0845 604 6610

[www.equalityhumanrights.com/](http://www.equalityhumanrights.com/)

The Centre for Accessible Environments is an information provider who can be contacted for expert opinion on how the built environment can be designed and/or adapted to best accommodate the needs of disabled users. They can be contacted by visiting [www.cae.org.uk](http://www.cae.org.uk)

If you need help finding a reputable company to undertake an access audit you can contact the National Register of Access Consultants at [www.nrac.org.uk](http://www.nrac.org.uk)

How the Equality Act 2010 defines disability and how this applies to businesses:

<https://www.gov.uk/government/publications/equality-act-guidance>

Equality Act 2010: What do I need to know? Quick-start guide for businesses who sell goods and services:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/85008/business-quickstart.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85008/business-quickstart.pdf)

ACAS Equality Act guidance for employers:

<http://www.acas.org.uk/media/pdf/8/a/Equality-Act-2010-guide-for-employers.pdf>

The descriptions in this document have been provided with best practices in mind, however this is not a substitute for taking legal advice on your own individual circumstances.