

Disability Law Service

Fighting injustice for disabled people

EQUALITIES AND EQUAL OPPORTUNITIES

Introduction

Disability Law Service (DLS) provides a service for disabled people across England and Wales who are some of the most disadvantaged and powerless in society. Many disabled people face additional barriers to the services they need, and to enforcing their rights and entitlements, because of their ethnicity, age, gender, sexual orientation or religion or belief. Others may face barriers due to geographical or social isolation. In order to provide an effective and high quality service to all disabled people, and to enable them to challenge discrimination and enforce their rights and entitlements, DLS recognises that it must work proactively to ensure that it reaches all who could potentially benefit from its service.

DLS is committed to substantive equality. This means that we recognize that people have different needs, and in order to achieve equality of outcome, particular measures may be needed at different times to help overcome barriers to our service.

DLS works within the social model of disability. This means that disabled people are not disabled by their impairment or condition, but by barriers that are created by society, that prevent them from benefiting from the opportunities afforded to non disabled people, and from accessing their rights and entitlements. DLS will use this model in its approach to equalities more widely. It will work proactively to remove barriers that make access to its service more difficult.

Key Actions

Therefore, in addition to the actions set out in the following Equal Opportunities Policy, DLS will undertake the following actions towards its aim of achieving substantive equality:

- Be mindful of equality of access and its associated costs when designing new services and applying for funding for such services
- Ensure that all DLS staff have the opportunity to attend at least one equalities related training event each year
- Use DLS' and external research and information to identify the needs of particular groups or categories of disabled people in order to ensure these needs are included in the design of services
- Work proactively, on a local, regional and national basis, with agencies and organizations working in other equalities fields, in order to share learning and expertise

Equal Opportunities Policy

DLS is committed to promoting equal opportunities and preventing discrimination. This policy applies to service procurement and delivery, and to our employment practices.

DLS recognises that as we progress towards this goal, the Equal Opportunities Policy will require regular review.

DLS is committed to opposing direct and indirect discrimination on the grounds of disability, ethnicity or national origin, colour, race, sex, marital status, age, HIV status, sexual orientation or religion and belief. DLS recognises there are people in society who are disadvantaged through discrimination. We will work to redress any inequality in our service procurement and delivery, and our employment practices.

This policy recognises and incorporates the implications of legislation relating to equal opportunities and recognises and takes into account DLS' existing policies. Nothing in this policy is intended to prevent DLS from following best professional practices.

DLS requires its staff, trustees and volunteers to comply with the policy.

Equal opportunities in service delivery

DLS provides a legal advice and casework service for disabled people, their families and enablers. Our aim is to make this service available to all disabled people on an equal basis. DLS aims to provide legal services to groups and individuals who, through reasons of disadvantage, have the least access to the law.

DLS will provide services to disabled people, their family and enablers without discriminating on grounds of disability, ethnicity or national origin, colour, race, sex, marital status, age, HIV status, sexual orientation or religion and belief. A worker may, however, decline to act for a service user who contradicts the principles of this Equal Opportunities Policy.

DLS will also work to ensure that Equal Opportunities are applied wherever the services of a third party are engaged.

Equality of Access

DLS recognises the importance of providing equal access to our services among our client group. We aim to:

- consult service users about accessibility of our service
- constantly monitor and review the accessibility of our service
- actively seek ways of improving access
- identify areas of service provision which are not being widely accessed
- identify groups within the wider community who are not accessing our service

We will monitor the users of our service in terms of gender, ethnic origin, age, geographical location, and nature of impairment or condition to measure our degree of success in achieving equal access.

Where this monitoring indicates the under-representation of a particular group in the users of our service, DLS will endeavour to adopt policies to make our services available to this group. In addressing these issues, DLS aims to achieve equality of access through:

- use of technology
- use of equipment
- adjustments to premises
- review of procedures
- advertising and targeted promotion of services
- review of the way in which information is presented

Managing Equal Opportunities in the work place

DLS will ensure that all employees are recruited, trained and promoted on the basis of ability, the requirements of the job and similar objectives and criteria.

Harassment

DLS will provide a safe working environment, in which harassment on the grounds of disability, ethnicity or national origin, colour, race, sex, marital status, age, HIV status, sexual orientation or religion and belief will be regarded as a disciplinary offence. If the level of harassment is sufficiently serious, it will amount to gross misconduct and dismissal will follow.

A formal complaint about harassment should be pursued through the process set out in the Grievance Procedure.

DLS will take action when an employee or user complains that he or she has been the victim of harassment. Those complaining will be protected against victimisation or retaliation for bringing the complaint.

Board of Trustees

The Board of Trustees is responsible for the management of DLS. Members of the Board are recruited because of their expertise in particular areas.

When recruiting new Trustees the Board recognises the additional contribution which disabled people, as the ultimate users of the service, are able to make.

When recruiting new Trustees the Board will also seek to ensure that the Board reflects the composition of the community in terms of ethnic minorities and gender balance.

Responsibility for Equal Opportunities

The Management Team is responsible for ensuring that Equal Opportunity policies are respected in the work place and applied during service delivery.

All staff members and members of the Board of Trustees who are involved in recruitment and selection should be trained in the DLS recruitment and selection procedures. Disciplinary sanctions will be applied when the accepted recruitment procedures are breached.

The Management Team is responsible for:

- the provision of advice on recruitment and selection procedures.
- administering the recruitment and selection training programmes.
- monitoring the quality of job descriptions, person specifications, advertisements, production of short lists, interview processes and the decision making procedures.

All equal opportunities related grievances should be treated appropriately. There should be no harassment, victimisation, or 'short-changing' of employees or members of the public who raise grievances under the DLS grievance procedures.

Definitions

Direct Discrimination is treating a person or group of people less favourably than other people in the same or similar circumstances. For example, refusing to employ people who meet the requirements for the job because they are black, married with children, deaf, lesbian or over 55, would all constitute direct discrimination.

Indirect Discrimination takes place when a recruitment or condition had the effect of discriminating unfairly and unjustifiably between one group or individual and another. This can happen quite unintentionally. For example, standard entry qualifications or age limits may lead to a situation where job applications are asked to meet requirements which indirectly discriminate between one group or individual and another.

Discrimination also covers actions both intentional and unintentional which amount to abuse or harassment of a customer or group of customers or an employee or group of employees on the grounds of disability, ethnicity or national origin, colour, race, sex, marital status, age, HIV status, sexual orientation or religion and belief.

Victimisation means treating a person less favourably because they may have asserted their rights under DLS's equal opportunities policy, or under equal opportunities legislation, have helped somebody else to do so or because they intended to take or is suspected of having taken such action. However,

victimisation provisions do not apply to anyone who has made allegations which are false and which are not made in good faith.

Positive Action for disadvantaged groups does not mean discriminating against others, but a sustained effort to identify areas and sectors of service delivery or employment where those groups are at a disadvantage, and take whatever steps are necessary to create equal opportunities.

