



**MISSION COUNCIL**

**13 – 15 MAY 2013**

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# **Synod of Scotland & URC Policy in relation to the Equality Act 2010**

The Equality Act 2010 brings together a number of pieces of legislation relating to discrimination in respect of age, race, sexuality, gender, disability, etc. In respect of people with disability the Act makes it unlawful to discriminate against disabled people in connection with employment, the provision of goods, facilities and services, or the management of premises.

Previous law on disability concentrated on employment issues rather than the broader issue of discrimination; by making discrimination unlawful, the Act aims at full inclusion of disabled people in society.

Previous legislation subsumed under the Act is primarily:

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976
- the Disability Discrimination Act 1995
- and 3 major statutory instruments protecting discrimination in employment on grounds of religion or belief, sexual orientation and age.

The Act protects people who have protected characteristics. The relevant characteristics are:

- Disability
- Gender Reassignment
- Pregnancy & Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Age
- Marriage & Civil Partnerships

## **Service Providers**

Duties under the Act are placed on 'service providers', the definition of which includes churches; it does not matter whether the service is provided free or not.

### **A THE CHURCH'S DUTY IN RESPECT OF DISABLED PEOPLE**

**This duty is covered in significant detail because of statutory implications.**

A church's primary purpose is for worship and in the eyes of the Act, this is regarded as a service which the church provides for all people. Additionally most churches also have wider activities, for example activities for groups (perhaps in a church hall), concerts, education, etc. All such are covered by the Act.

The Act covers many forms of disability such as hearing and visual impairment, reduced mobility, manual dexterity and learning disability. The Act is therefore about making activities accessible to everyone – a theme fully consonant with the Christian faith.

## Duties

**Provision in the Equality Act is built upon previous legislation in the Disability Discrimination Acts of 1995 and 2005.** Synod Guidelines in relation to Disability Discrimination, produced in response to these Acts, are included as an Appendix and should be read carefully and acted upon.

From October 2010 service providers have had to take reasonable steps to change a practice, policy, or procedure which makes it impossible or unreasonably difficult for a disabled person to make use of its services. For instance, if a person with impaired vision was unable to read a screen on which hymn words are projected at a church service, that is unlawful.

Service providers also have a duty:

- **to take reasonable steps to provide auxiliary aids where these would enable better use of a service by disabled people;**
  - Auxiliary aids are things like induction loops for hearing-aid users, handrails, or large print service sheets that enable people to take part in the service to the same degree as everyone else.
- **to have considered which physical features of a building inhibit use of services by disabled people and to take reasonable steps to remove the feature, alter it, provide a way of avoiding it, or provide a reasonable alternative method of making the service available;**
  - For churches this could include looking at access to the church and parts of the interior, use of WCs, noticeboards, churchyard, halls, etc.

The implications of these duties for churches have, understandably caused concern. However, only reasonable alterations are required, and it is quite lawful to make services available whilst avoiding physical features or providing a service in a different way. The important principle is that all people are included in the provision of the service.

**The Act does not remove the need for planning legislation and faculty process. A faculty for works will be required in the usual way. Likewise planning and building regulations approval will also be required where necessary.**

## Action Required

Initially an **Access Appraisal** of all premises should be undertaken. The appraisal requires an assessment of various factors, as follows:

- Service-provision: What services do we provide and how and where do we provide them?
- Accessibility: What are the barriers to people wishing to use our services?
- Significance: How is the church (along with its fittings and furnishings) significant?
- Experience: What do disabled people in your congregation or community feel would best respond to their needs?

These factors need to be balanced and a list of priorities for action drawn up; this becomes your **Access Plan**.

The Act also requires that you **anticipate** that disabled people will want to use your premises; you should not wait until a disabled person turns up and then make arrangements.

Similarly, the Act applies to **all church premises** – the church itself, the hall, and any other buildings that are used for church activities (including clergy housing if appropriate).

## Cost

The issue as to whether it is reasonable to undertake a particular scheme will be dependent on what can be afforded; this would need to be set against other priorities. **However, lack of funds is not an excuse not to think about what can be achieved and to investigate options.** It may be that, as a result of your **Access Plan**, it is agreed that various things can be phased in on a particular timescale relating to finances and other objectives. If this decision is made, however, it would need to set a realistic and justifiable timescale rather than putting things off indefinitely.

Many of the things that can be done will not necessarily be very expensive:

- providing large print copies of service sheets may make a big difference to a large number of people;
- reception of visitors at the door at a time of service may be very much part of plans for addressing the issues.

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 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 (Ø661) as well as United Reformed Church procedures.

## Access Appraisal

Access appraisal requires an audit process and the following may be consulted:

- *Widening the Eye of the Needle: Access to Church Buildings for People with Disabilities* John Penton: publication by the Church Buildings Council available from Church House Publishing, Church House, Great Smith Street, London SW1P 3AZ priced £16.99 (01603 785 923 for orders)
- Helpful documents and leaflets on approaches to considering access for disabled people and on audits and training from *Through the Roof* (PO Box 353, Epsom KT18 5WS Tel: 01372 749955) <http://www.throughtheroof.org>
- The Diocese of London has useful guidance and a model access audit form at [www.london.anglican.org/DACInDepthAdvice](http://www.london.anglican.org/DACInDepthAdvice)
- The Diocese of Chichester has a guidance document (*Getting to Grips with Disability*) and an Access Appraisal guide at [www.chichester.anglican.org/disability](http://www.chichester.anglican.org/disability)

More detailed advice on the audit process and a church's responsibilities under the Act is available in an advice note produced by the Church Buildings Council (formerly the CCC) and the Cathedrals Fabric Commission for England (CFCE): *Advisory Note 5 The Disability Discrimination Act 1995: Taking Account of its Implications for the Fabric of Churches and Cathedrals (2003)*

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

Information on providing access to historic buildings is available from:

Historic Scotland  
Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Telephone: 0131-668 8600

A booklet, "Easy Access to Historic Buildings" can be downloaded from: [www.english-heritage.org.uk](http://www.english-heritage.org.uk) or [www.historic-scotland.gov.uk](http://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](http://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  
4<sup>th</sup> Floor  
Holyer House  
20-21 Red Lion Court  
London  
EC4A 3EB

Tel: 020 7822 8232

[www.cae.org.uk](http://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](http://www.ciria.org)

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

Tel: 0141 226 4541

[www.enable.org.uk](http://www.enable.org.uk)

Mencap  
Mencap National Centre  
123 Golden Lane  
London  
EC1Y 0RT

Tel: 020 7454 0454

[www.mencap.org.uk](http://www.mencap.org.uk)

MIND  
15-19 Broadway  
London  
E15 4BQ

Tel: 020-8519 2122

[www.mind.org.uk](http://www.mind.org.uk)

RADAR – Royal Association for Disability and Rehabilitation  
12 City Forum  
250 City Road  
London  
EC1V 8AF

Tel: 020 7250 3222

[www.radar.org.uk](http://www.radar.org.uk)

RNIB Scotland – Royal National Institute of Blind People Scotland  
12-12 Hillside Crescent  
Edinburgh  
EH7 5EA

Tel: 0131 652 3140

[www.rnib.org.uk/scotland](http://www.rnib.org.uk/scotland)

RNID Scotland – Royal National Institute for Deaf People Scotland

## **Name changed 9 June 2011 to Action on Hearing Loss**

Tel: 0808 808 0123 (freephone)

Textphone: 0808 808 9000 (freephone)

[www.actiononhearingloss.org.uk/community/in-your-area/scotland.aspx](http://www.actiononhearingloss.org.uk/community/in-your-area/scotland.aspx)

### **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 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.

### **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.

It is important to think through what is provided for disabled visitors. Take a look at guidance under Welcoming Disabled Visitors

It is good practice to produce an Access Statement which gives information on the suitability of buildings for people with a wide range of disabilities. Such a statement can be published and displayed by the church and handed out with acknowledgements of church bookings or lets by outside organisations and wedding or baptism bookings, etc. so that people know what to expect when they arrive at church. In this way people know what the situation and provision is in advance and should not have unwelcome surprises.

### **Useful People and Places to Contact**

#### **ENABLE Scotland**

Leading the way in learning disability: Tel: 0300 0200 101; [www.enable.org.uk](http://www.enable.org.uk)

#### **Churches for All**

Telephone: 0118 9516971; [makeadifference@churchesforall.org.uk](mailto:makeadifference@churchesforall.org.uk)

## **The Baptist Union Initiative for People with Learning Difficulties (BUILD)**

David Buckingham, Secretary, 37, Sandon Avenue, Newcastle under Lyme, Staffs ST5 3QB

[buildtogether@northern.org.uk](mailto:buildtogether@northern.org.uk)

### **Disability Discrimination Information**

[www.directgov.uk/en/DisabledPeople/index.htm](http://www.directgov.uk/en/DisabledPeople/index.htm)

**The other Protected Characteristics deserve some mention here and are covered by the Equal Opportunities Policy of the United Reformed Church**

#### **B GENDER REASSIGNMENT**

where a person proposes, has started or has completed a process to change his or her sex

#### **C PREGNANCY & MATERNITY**

discrimination because of a woman's current or previous pregnancy

#### **D RACE**

- Race
- Colour
- Nationality
- Ethnic or National Origins

#### **E RELIGION or BELIEF**

- Religion means any religion
- Belief means any religious or philosophical belief
- A reference to religion includes a reference to a lack of religion, and
- A reference to belief includes a lack of belief

#### **F SEX**

Males and Females (Gender)

#### **G SEXUAL ORIENTATION**

- Persons of the same sex
- Persons of the opposite sex
- Persons of the same and of the opposite sex

#### **H AGE**

People belonging to a particular age group. Includes people of the same age and people of a particular range of ages

#### **I MARRIAGE & CIVIL PARTNERSHIPS**

- People who are married
- Civil Partnership
- People who are not married or civil partners

URC/ Synod Policy on Civil Partnerships should be consulted.



The Equality Act 2010 applies to all of the above and can be consulted at <http://www.legislation.gov.uk/ukpga/2010/15/contents>

**The Equality Act 2010 is the law which bans unfair treatment and helps achieve equal opportunities in the workplace and in wider society.** It is therefore central to the Church's work and practice both in being an employer and in its concern for people and society.

As an employer the Church seeks to care for and protect its employees, volunteers and members who take on positions and responsibilities within the fellowship.

In terms of its employment responsibilities the Synod of Scotland provides protection for employees and others under the **Guidelines for responding to allegations of bullying or harassment** as agreed by General Assembly in 2012 and published in the Book of Reports, pages 187-912 and under the **Synod Grievance & Discipline Policy** currently being finalised by the former Synod Clerk, Synod Moderator and College Principal.

The following Appendix completes this paper:

#### Appendix A: **United Reformed Church Equal Opportunities Policy (updated May 2011)**

This Appendix outlines the Equal Opportunities Policy of the United Reformed Church as agreed by General Assembly in 2008 and updated in May 2011, together with guidance in recognising responsibility and applying the policy

**Jim Merrilees**

**17 October 2012**

Jim Merrilees provided detailed information in the list below, but this has not seemed necessary to provide in full for Mission Council. Some of the documents Mission Council will have had at an earlier stage. The full texts can be provided when the document is in use.

#### **APPENDIX A:**

**United Reformed Church Equal Opportunities Policy (updated May 2011)**

**United Reformed Church Equal Opportunities and Diversity Guidance**

**ANNEX A Examples of particular disabilities or impairments and issues for consideration**

**ANNEX B Access/General Audit Assessment**

**ANNEX C Detailed Legal Explanations**

**Sources of further information**