

Deaf friendly Services

**Al Isharah Equality & Diversity Policy
For service users**

This policy sets out the charity's commitment to making our services accessible to all service users set out in our constitution, across the whole range of protected characteristics included in the equalities legislation.

1. The Law:

Al Isharah is committed to eliminating discrimination, encouraging diversity, promoting equality and recognising the value of every individual in all aspects of our work. In accordance with the Equality Act 2010, we will:

1.1 - take all reasonable steps (and make **reasonable adjustments** where needed) to not unfairly discriminate amongst service users set out in our constitution in any way, for example on the grounds of age, disability, gender reassignment and gender identity, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, gender, or sexual orientation, in terms of opportunities for engagement.

1.2 - prevent indirect discrimination by ensuring our policies and practices do not unfairly or unjustifiably limit opportunities for anyone, including people belonging to the above mentioned 'protected characteristics', unless this treatment can be "objectively justified" (i.e. can be proven to be a proportionate means of achieving a legitimate aim).

1.3 - take all complaints, as well as occurrences of harassment or victimization seriously and take appropriate actions.

1.4 - under Section 158 of the Equality Act 2010 and where appropriate, the charity will promote **positive action** in the form of proportionate measures to help a particular group of deaf children and adults who are disadvantaged or under-represented to achieve the same chances as other deaf people (for example, Muslim deaf children and adults to access religious education or opportunities for pilgrimage).

1.5 - There is a rule in the Equality Act 2010 that allows a charity to discriminate by limiting the group of people it helps. '**The charities' exception**' allows a charity to limit its benefits to people who share a protected characteristic if:

a) the charity's governing document/constitution only allows people who share a protected characteristic to benefit, and

b) the restriction can be justified using either of two tests described in the appendix



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Al-Isharah's constitution (revised in Feb 2018) enables it to limit its beneficiary groups to members of the Deaf community (adults and children) in its provision of faith based support, education, employment advice and other services.

Al Isharah meets Test A (Tackling Disadvantage) because:

- a) Our governing document restricts benefits to people with a shared protected characteristic (i.e. deafness) and,
- b) The benefits are provided in order to tackle a particular disadvantage or need linked to that protected characteristic (i.e. the barriers faced by people because of their deafness).

Our governing document places no other restrictions on our beneficiary groups. This means we cannot discriminate against deaf children and adults with any of the other protective characteristics listed in the appendix, like another disability, race or gender etc.

2. Our commitment:

In order to ensure equality of opportunity for our service users, we will

2.1 - Ensure that our staff and volunteers recognise the diverse range of people using our services and support them in making full use of their strengths and resources.

2.2 - Ensure that all staff and volunteers are fully aware of their obligations and duties under the Equality Act 2010.

2.3- Not tolerate discrimination, harassment or bullying in any form from staff, volunteers and people using our services and will take prompt action to eliminate it. This will include taking appropriate action with the individuals concerned and/or addressing any issues or learning at an organisational level.

2.4- Review and develop our services in such a way that all reasonable steps are taken to ensure they are accessible to our beneficiaries. This will remove any barriers, linked to their disabilities, language, religion and/or any protected characteristic.

2.5- Deliver our services in such a way that:

- a) They promote dignity and respect.



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- b) Create an environment where the people using our services are valued and individual differences embraced, recognised and celebrated.
- c) People using our services feel comfortable discussing their personal family circumstances, are able to express their diverse lifestyle choices and have confidence that their preferences will be respected by staff, volunteers and other service users.

2.6- Encourage feedback from people using our services on how they can become fully inclusive and accessible.

2.7- Take positive action to ensure people using our services with protected characteristics other than their deafness are represented in the uptake of our services.

2.8 - Take all reasonable steps and measures to ensure the people who use our services are not treated less favourably because of their protected characteristics. If some services are not fully accessible for all we will ensure there is a clear and justified explanation why there are no measures that can be taken to avoid this happening (e.g. health and safety concerns about the participation of some children in certain activities).

2.9- Ensure our website and publicity material reflect the diversity of people who use our services and promote an inclusive ethos.

2.10 - Record complaints and concerns linking to a record of any action taken in response to matters of equality and accessibility.

Appendix: As below

Date approved by trustees: 31 May 2018

Next review date: May 2021



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Appendix

Protected characteristics under the Equality Act 2010

The law identifies nine protected characteristics, previously known as ‘equality strands’ or ‘grounds’ for discrimination.

Characteristic	This protects:
Age	People of a particular age or in a particular age range
Disability	People with a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities or, from the time it is diagnosed, people with HIV/AIDS, multiple sclerosis or cancer
Gender reassignment	People undergoing the process of transitioning from one gender to another
Marriage and civil partnership	Couples who are registered as married (man and woman) or in a civil partnership (same sex)
Pregnancy and maternity	Women who are expecting a baby (pregnant) or on maternity leave (in the context of employment) or 26 weeks after giving birth (in a non-work context), and includes unfavourably treatment because a woman is breastfeeding
Race	People of any race, colour, nationality (including citizenship), ethnic or national origins
Religion or belief	People of any religion or religious or philosophical belief that affects their life choices or the way they live, or lack of belief
Sex	Men and women
Sexual orientation	People whose sexual attraction is towards their own sex, the opposite sex or to both sexes



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Types of discrimination

The legislation outlaws the following types of unlawful behaviour:

Behaviour	Description	Example
Direct discrimination	Someone is treated less favourably than another person because of a particular protected characteristic	It is unlawful for an organisation to recruit a male receptionist because men are under-represented in this area of work when there are better qualified female applicants for the job.
Discrimination based on association	Direct discrimination or harassment of someone because they associate with another person who has a particular protected characteristic	It is unlawful for an organisation to refuse to appoint a person to a full-time post because they have a disabled child.
Discrimination based on perception	Direct discrimination or harassment of someone because the other person thinks they possess a particular protected characteristic	It is unlawful for staff to make unwelcome 'jokes' about someone being a Muslim because of the way they look.



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<p>Indirect discrimination</p>	<p>Can occur when an organisation has a rule or policy that applies to everyone but disadvantages people with a particular protected characteristic</p>	<p>It is unlawful for an organisation to specify that applicants for an administrative post must have GCSE English as this excludes most people who left school before 1988 (when GCSEs were introduced) and most people from outside England and Wales who would not have the qualification.</p>
<p>Discrimination arising from disability</p>	<p>Someone with a disability is treated unfavourably because of something arising in consequence of their disability.</p>	<p>It is unlawful for an organisation to discipline a staff member with HIV for having a high absence record which is due to them taking a number of days off work for visits to their clinic and GP, psychological counselling and the side effects of new medication related to their HIV.</p>
<p>Harassment</p>	<p>Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment for that individual</p>	<p>It is unlawful to spread rumours about a person by word of mouth, e- mail, text, phone or on the web because they are gay.</p>



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<p>Victimisation</p>	<p>Someone is treated unfairly because they have made or intend to make a complaint about discrimination or harassment or they have supported someone making a complaint about discrimination or harassment</p>	<p>It is unlawful for an organisation to refuse to promote a suitably experienced and qualified worker because they are viewed as a ‘trouble-maker’ for making a complaint about racial discrimination in the past.</p>
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Positive Action in service provision:

Measures targeted at protected groups are permitted by the Act if they are a proportionate means of enabling persons to overcome or minimise disadvantage; meeting the different needs of the protected group; or enabling or encouraging persons in protected groups to participate in an activity.

The positive action must be proportionate. It can include providing additional or bespoke services, separate facilities, accelerated access to services, targeting resources or induction, or training opportunities to benefit a particular disadvantaged group.

Reasonable adjustments for disabled people:

Equality law recognises that bringing about equality for disabled people may mean changing the way in which services are delivered, providing extra equipment and/or the removal of physical barriers. This is known as the duty to make reasonable adjustments.

The duty is intended to enable a disabled person to use an organisation’s services in a similar way as it is reasonably possible to get to the standard usually offered to non- disabled people.

Hence if we find there are barriers to disabled people in the way we do things, then we must consider making adjustments (in other words, changes). If those adjustments are reasonable for us to make, then we must make them.



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The duty is ‘anticipatory’. This means we cannot wait until a disabled person wants to use its services, but must think in advance (and on an ongoing basis) about what disabled people with a range of impairments might reasonably need, such as a deaf child who also has physical difficulties or a parent who has a visual impairment.

What’s different for charities?

The 2010 Act recognises that charities sometimes restrict the kind of people they benefit because this helps prevent or compensate for disadvantage, or is a justifiable way to achieve a beneficial aim. Therefore, the 2010 Act includes a ‘**charity exception**’, which allows a charity to limit its benefits to people who share a protected characteristic if:

- a) the restriction of benefits is specified in its governing document (constitution) and
- b) the restriction can be justified using either of the following two tests:

Test A - tackling disadvantage. This test is met if a charity’s aim is to tackle a particular disadvantage faced by people who share a protected characteristic e.g. the barriers faced by deaf children and adults

Test B - achievement of a legitimate aim. This test applies where a charity is not tackling a particular disadvantage but is seeking to achieve some other legitimate aim in a fair, balanced and reasonable (‘proportionate’) way.

For more information on the Equality Act 2010, visit <https://www.gov.uk/guidance/equality-act-2010-guidance>

