

Equality Act 2010: What does it mean for my club?



Before the Equality Act came into place in 2010, there were several different anti-discrimination laws in the UK. The Equality Act aimed to replace all of these with a single Act, making the law easier to understand.

The Equality Act encourages equal treatment of all people in society by outlining 9 characteristics that are protected from discrimination. That is, it is unlawful to discriminate against someone on the basis of their age, gender, gender reassignment, sexual orientation, marital status, pregnancy/maternity, race, religion/belief, or disability.

The Act sets out the different ways that unlawful discrimination can occur. We have listed some of the different types of discrimination below, with an example of what this may look like. The examples we have given relate to discrimination against someone who is disabled, however it is important to remember that you must not discriminate on the basis of any of the protected characteristics.

Unlawful Discrimination	What is it?	What might it look like?
Direct Discrimination	Treating someone less favourably than another person because they are disabled.	A participant with a disfigurement to her arm joins a gymnastics class, and the coach asks her to wear a shirt over her leotard to cover her arm, in case it scares any of the other children.
Associative Discrimination	Treating someone less favourably than another person because they associate with another person who is disabled.	A mother with a profoundly disabled child is not given a job within a club because that she will have extra responsibilities that may have an adverse effect on her work.
Discrimination by Perception	Direct discrimination against someone because other people think they are disabled.	A club's committee asks a coach to leave the club because they think that he may have depression, and they think this may cause a danger to the children.
Indirect Discrimination	Where a rule or policy applies to everyone, but unfairly disadvantages disabled people.	A club has a rule that no parents are able to enter the gym itself (but can watch from the viewing gallery). The rule is applied across the club, meaning that a hearing impaired gymnast who relies on his parent as a sign language interpreter experiences communication difficulties in his class.
Harassment	Behaviour that is offensive to a disabled person, even if it was not directed directly at them.	A coach mimics a gymnast's speech impairment, which is humiliating. Anyone within the class may be offended and claim harassment, not just the person directly affected.
Harassment by a third party	Harassment might not be caused by the club itself, but the club may be liable if they fail to take reasonable steps to prevent someone else from causing harassment.	A gymnast from another club repeatedly calls one of your disabled gymnasts names at competitions. If this happens on 2 or more occasions and your club is aware but has not taken reasonable steps to prevent it happening again (e.g. reporting it), you could be liable.
Victimisation	Treating someone unfavourably because they have made or supported a complaint or grievance under the Act.	A gymnast complains to the Head Coach that her coach does not treat her the same way as other gymnasts in the class. The Head Coach resolves this with the coach, but the gymnast is subsequently ostracised by the coach who was disciplined.
Discrimination arising from disability	Treating someone unfavourably because of something connected with their disability	A pre-school class has a rule that children must be toilet-trained to take part, so refuses entry to a disabled toddler whose disability means he doesn't have full bowel control. The refusal is not due to the disability itself, but because of something that is caused by the disability.

To fully support a disabled person to be included in activities within your club and ensure that you are not discriminating in any way, you may need to make some changes to the way you normally operate. With the introduction of the Equality Act, legislation now states that:

Reasonable adjustments **must** be made where a disabled person experiences a substantial disadvantage in accessing the service you provide.

'Reasonable adjustments' may include:

- Allowing the parent of a child with a learning and behavioural disability to assist them and support with their behaviour management within a session, even though you normally have a rule that parents should watch from the viewing area. By making this adjustment, the participant will get the one to one support that they need to enjoy the session, and other participants in the group are not distracted by the gymnast's behaviour.
- A club making minor improvements to their facility to improve accessibility for a visually impaired participant and ensure they are able to participate. For instance, the club might improve the level of lighting, ensure high contrast helpful colour schemes and put up clear venue signage.

British Gymnastics recognises that sometimes the adjustments needed to adapt a session or the service you provide for disabled people are not *reasonable*, and in these cases you would not be legally required to make the changes. For instance:

- A club may not be able to justify making major changes to a facility to accommodate a disabled person, if it would incur *unreasonable* levels of expenditure, service disruption or impracticality to make the change (e.g. installation of automatic entrance doors, ramps or wheelchair lifts).
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In Summary, the law states that as a service provider (providing gymnastics classes) you must not discriminate on the basis on a disability and must do everything you reasonably can to ensure a disabled person can access equal opportunities within your club.
