# The Equality Act 2010 – what does it mean for blind and partially sighted people?

## What is the purpose of the Equality Act?

The Equality Act covers “protected characteristics”. These are age, disability, gender reassignment, being married or in a civil partnership, race, religion or belief, sex and sexual orientation.

This means that if you experience discrimination on any of these grounds, the Equality Act can help you challenge that treatment.

The Equality Act 2010 replaced the Disability Discrimination Act 1995 (DDA) in Great Britain in October 2010. The DDA is still the law in Northern Ireland. Disabled people have the same level of protection under the Equality Act as the DDA provided. It also brings in some new rights for disabled people and fills gaps in protection.

## Will I be protected under the Equality Act?If as a result of your disability you are treated worse than another person in a similar situation, or find it difficult to access services because reasonable changes have not been made, you can challenge the treatment under the disability discrimination law.

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Your rights also apply if you have had a disability in the past.  For example:   If you were disabled by mental ill health in the past but are now fully recovered you can challenge unfair treatment under the disability discrimination law.

If you have been certified as severely sight impaired (blind) or sight impaired (partially sighted) by a consultant ophthalmologist, then you are automatically protected under the Equality Act.

If you have not had your sight loss certified, but believe you have been discriminated against because you have sight loss, you may still be protected under the Equality Act. Call our Legal Rights Service through our Helpline on 0303 123 9999 for more information and to discuss your circumstances with us.

## What is considered discrimination under the Equality Act?

The Equality Act protects you from different kinds of discrimination. These apply in a range of different situations and include:

### Direct discrimination

This is where you have been treated less favourably than another person because of your disability. For example, a cinema insists you sit in the back row because they assume you cannot see anything and say you are taking up a better seat for someone who can see.

### Failure to make a reasonable adjustment

If your sight loss means you need help to carry out a job, access services, or require being served in a certain way, service providers and employers should attempt to make “reasonable adjustments” to make sure you are not treated less favourably than someone who doesn’t have sight loss.

A failure to make a reasonable adjustment for a disabled person can be considered a type of discrimination.

For example, if you have difficulty reading your bank statements in standard print, you should be able to ask your bank to send these in your preferred format. If your bank refuses, or continues to send you information in a format you can’t read, this can be a form of discrimination.

It is important to bear in mind though what is reasonable will not necessarily be the same as what you want.

### Victimisation

Thisis where you have been treated unfavourably because you made a complaint about your treatment as a disabled person, or helped someone else make a complaint under the Equality Act, and suffered as a result.

## I think someone has discriminated against me. What can I do?

How you should respond to an act of discrimination will depend on what sort of service you were trying to access or where you were at the time.

If you have been discriminated against when trying to buy goods, access facilities or use a service, making a formal complaint should be your first step.

Also, the owner or manager of the service provider might not know about the situation you encountered and a complaint is a way to let them know. It could mean that a company provides refresher training to front-line staff and improves their customer service for all customers with a disability.

If a complaint doesn’t resolve the situation, then there are other actions you can take. Court proceedings are different, depending on where the discrimination took place. If the discrimination happened in England and Wales, your final step could be to start court proceedings in the County Court. If it happened in Scotland, you can start court proceedings in the relevant Sheriff’s Court. This must be done within **six months less one day from the date of the discrimination**. We highly recommend you should seek advice if you get to this stage.

## Further information

Our Legal Rights Service has produced an Equality Act Toolkit that can help you challenge discrimination by service providers directly. The Toolkit guides you through making an effective complaint and includes a standard letter that you can send to service providers with your own complaint letter. The Toolkit and other information we have to help you is available to download from [**rnib.org.uk/equalityact**](http://www.rnib.org.uk/equalityact) or by calling our Helpline on 0303 123 9999.

As well as putting you in touch with our specialist advice services, our Helpline is your direct line to all the other support, advice and products available from RNIB.

If you contact our Helpline, we can:

* give you information about your eye condition and available treatments
* provide emotional support from qualified counsellors
* let you know about the people, services and organisations available to help people with sight loss in your local area
* help you join and use our library service of over 40,000 titles in braille, Moon, giant print and audio.

We’re ready to answer your call Monday to Friday 8am to 8pm and Saturday 9am to 1pm. You can also email us at[**helpline@rnib.org.uk**](mailto:helpline@rnib.org.uk)

The Equality and Human Rights Commission can also give you information on the Equality Act – including guides for service users, workers and businesses. The Codes and Guidance are from [**www.equalityhumanrights.com**](http://www.equalityhumanrights.com)**.**

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