



# Guidelines for providers of goods, facilities and services on developing an equality policy for service provision

Equality Commission

FOR NORTHERN IRELAND

## Status of guidance

This guidance aims to help those who provide goods, facilities and services to develop an equality policy on the provision of their services.

The Guidance does not attempt to describe in detail the various pieces of legislation and should not be taken as an authoritative statement of the law.

## Availability of model policy and guidance

This document is available in a range of accessible formats on request from the Equality Commission. If you would like a copy in an alternative format please contact us and state which alternative format you require.

It may also be downloaded from the Equality Commission's website.

The Equality Commission can give advice and information to service providers on the implications of equality legislation through telephone and textphone advice, booklets and leaflets or we can meet with you. Our advisory services are free of charge and we can also provide training for service providers.

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# EQUALITY IN SERVICE PROVISION

## Section One

### Introduction

1.1 This guidance is aimed at all organisations, whether large or small, public or private sector, which provide services to the public. It has been brought together to provide organisations with practical advice and assistance in developing a policy to ensure equality in the provision of services.

Anti-discrimination legislation prohibits service providers from discriminating against or harassing customers or potential customers on grounds of disability, sex (including pregnancy or maternity), gender reassignment, religious belief or political opinion, race (including colour, nationality, ethnic or national origins, belonging to the Irish Traveller community), and sexual orientation.

1.2 Service providers include:

- shops, petrol stations, restaurants, pubs and clubs, hotels and guesthouses including self catering, theatres, cinemas, sports and leisure facilities, bus/railway stations and airports;
- local councils, government departments and agencies, hospitals, clinics, doctors' and dentists' surgeries, libraries and museums (including places of interest, such as historic buildings);
- financial institutions including banks, post offices, building societies and insurance companies;
- services by solicitors and advice agencies;
- property letting and management agencies and accommodation providers.

This list is for illustration only and does not cover all service providers.

## What is an equality policy on service provision?

- 1.3 Anti-discrimination legislation covers providers of goods, facilities and services in the areas of race, sexual orientation, sex, gender reassignment, religious belief or political opinion and disability<sup>1</sup>.
- 1.4 An equality policy on service provision is a statement by an organisation which wishes to demonstrate its commitment to the provision of services to the public as part of an overall equality strategy under the various pieces of equality legislation. It identifies areas of activity to be developed to prevent discrimination, to accommodate diversity and non discrimination for customers or service users and to promote equality in the provision of goods, facilities and services.
- 1.5 An equality policy demonstrates a service provider's commitment to promoting equality of opportunity and his/her commitment to endeavour to eliminate unlawful discrimination and harassment in relation to the services he/she provides.
- 1.6 The model policy developed by the Equality Commission in Section Four, can be used by organisations in all sectors; amended and applied in a way that is appropriate to the size and structure of their organisation and the type of service that they provide. It may be particularly relevant for small and medium sized organisations to omit or amend some of the practical steps around implementation. Larger organisations may wish to include more detail in some sections.

## Why have an equality policy on service provision?

- 1.7 Many organisations have, in their role as employers, already adopted equal opportunities policies in the area of employment in order to demonstrate to employees that the organisation takes equality issues seriously. A policy on service provision has specific focus on customers. Organisations which provide goods or services to the public will wish to adopt a similar policy towards customers and service users to show their commitment to equality of opportunity.

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<sup>1</sup> It should be noted that legislation in Northern Ireland does not cover age discrimination in the provision of services. However the Equality Commission recommends that it is good practice not to discriminate on grounds of age.

- 1.8 Developing a policy on the provision of services is an important element in a planned and systematic approach to equality in an organisation. Any policy developed should:
- be integral to the business and should focus on achieving equality objectives for both employees and customers;
  - help to avoid unlawful discrimination;
  - eliminate bias in service provision;
  - help an organisation to identify the needs of customers and develop quality service;
  - send a positive message to customers and to the community, (which could result in an increase in trade by attracting more service users/ customers);
  - outline what behaviour is and is not acceptable for staff. The policy should encourage staff to be positive in their attitudes to customers which will have benefits for staff as it can be seen as an investment that ensures greater morale and commitment.
- 1.9 Development of a written policy is merely one step in the continued process of promoting equality of opportunity. Service providers should continually take reasonable practicable steps to fulfil the commitments that are expressed in the policy document.
- 1.10 If the policy is not implemented effectively then the commitments made in it are empty. In the event of a discrimination complaint, a County Court may take the view that a failure by an organisation to implement a written policy is evidence of a failure to take such steps as were reasonably practicable to prevent employees from committing acts of unlawful discrimination.
- 1.11 Consequently, an organisation in this position is likely to find it difficult to establish a “reasonable practicable steps defence” in order to avoid legal liability for the discriminatory acts of employees. Conversely, an organisation which can demonstrate that it has effectively implemented an equality policy on service provision will have considerable advantage when it comes to defending a complaint.

## Liability for harassment by customers/clients

- 1.12 Under sex discrimination legislation, employers are liable if they fail to take reasonably practicable steps to prevent the repeated harassment of employees by third parties (such as client/customers). An employer is not liable for a failure to take such steps unless they know that the employee has been subjected to harassment during the course of their employment on at least two other occasions by one or more third parties. The harassment can be carried out by the same third party or different third parties.
- 1.13 Service providers' (who are employers) liability for third party harassment applies not only to sex harassment, but also to sexual harassment and gender reassignment harassment<sup>2</sup>.
- 1.14 Service providers who are employers remain liable for the actions of employees carried out in the course of their employment, whether or not they knew of these acts, or approved or them.

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<sup>2</sup> Further information on sex equality legislation and the implications for service providers can be found in the Equality Commission's publications 'Sex Equality Legislation – Update for Employers' (October 2008) and 'Sex Equality Legislation – Update on the provision of goods, facilities, services and premises' (October 2008). These publications can be obtained from the Equality Commission's website [www.equalityni.org](http://www.equalityni.org).

## Section Two

### Developing an equality policy on service provision

2.1 It is recommended that the following steps are taken when developing and implementing a policy on the provision of services:

#### Development Stage:

1. Allocate responsibility for developing the policy.
2. Review all current policies and practices.
3. Draft the policy with a statement from senior management.
4. Consult on the policy, if appropriate.
5. Finalise policy.

#### Implementation Stage:

1. Communicate policy to staff, customers, agents, contractors.
2. Provide training.
3. Review and develop customer complaints procedure.
4. Review and update disciplinary procedure.
5. Accessibility - carry out an access audit.
6. Monitor and review.

## **Allocate responsibility for developing the policy**

- 2.2 The organisation should appoint a senior person with responsibility for the development of the policy demonstrating the commitment of the organisation to equality of service provision.
- 2.3 Depending on the size of an organisation and if reasonably practicable, it may be useful to appoint a working group to support the individual developing the policy. The working group could involve some or all of the following; management, union representatives, employees, customers, and representative groups experiencing inequality.

## **Review all current policies and procedures**

- 2.4 A policy on service provision makes explicit the commitment of an organisation to equality and diversity for its customers across all of the grounds covered by anti discrimination legislation. It is good practice to review other related policies and practices that the organisation has in relation to promoting equality for its customers/clients. This will ensure that any policy developed will build on existing policies in the organisation and identify any deficiencies, barriers or issues to be addressed.
- 2.5 Over time, a service provider will establish a particular way of delivering services to its customers, users or beneficiaries. Its practices (including policies and procedures) may be formal or may have been established informally or by custom. A service provider might have a practice which unintentionally discriminates against individuals on one of the discrimination grounds. In such a case, the service provider would need to change the practice so that it no longer exists or has this effect.
- 2.6 During the review process it is useful to explore the manner in which services are currently offered to customers/clients, and ask whether current procedures meet the needs of customers. Questions such as: 'are all groups/areas of business covered?'; 'are policies effective?'; 'is there evidence of issues/complaints?'; 'has there been an assessment of the need to make reasonable adjustments for disabled customers?' should be asked.

- 2.7 If reasonably practicable, it may also be useful to approach similar organisations which may be able to share their experience of developing and implementing a service provision policy. Trade unions and representative bodies should also be approached to determine if there are any policies in existence that could be of use to the organisation.

## **Consult with staff, trade unions, representative bodies, etc**

- 2.8 It is good practice to obtain views of other people when developing policies and this can be achieved through effective consultation. Such consultation could be with staff, employee representatives, trade unions, representative groups, trade organisations and any other interested parties.
- 2.9 Staff and trade unions (if appropriate) may be able to provide valuable information or ideas for inclusion in the policy. Staff at different levels may hold different information. For example, front line staff, who meet and greet customers (whether face to face or on the telephone) will have a particular contribution to make as they will have particular awareness of customers, the barriers they face and how they can be accommodated.
- 2.10 The development of a service provision policy could result in a change for the organisation, such as how they treat customers and service users, and staff should feel they have ownership of this.
- 2.11 If feasible, organisations may wish to consult with customers, as they can be a valuable source of information and expertise. The consultation process will also serve as a means of communicating the organisation's commitment to equality of service provision. Contact can also be made with interest groups and appropriate bodies representing groups of individuals, such as disability groups, or representatives of the lesbian, gay and bisexual community. The organisation may also wish to use customer surveys as a means of obtaining views.

## Communicate the policy

2.12 To create an inclusive culture it is vital that service providers effectively communicate all policies relating to the provision of their services to clients/ customers, employees, agency staff, contractors, tenants, and users.

2.13 Ways to communicate the policy to groups can include:

- Staff: the policy can be communicated through staff briefings, contracts of employment, staff handbooks, notice boards, circulars, written notifications, customer service training, management training, and other methods appropriate to the nature of the organisation.
- Tenants/residents: through meetings, tenant handbooks, tenancy contracts, circulars, individual notification.
- Clients/customers: through booking procedures for use of facilities, notices, brochures, circulars annual reports, information packs and advertising material.
- Everyone: through the organisation's website.

Organisations should make any policy on service provision available if required in alternative formats and languages.

## Training

2.14 As employers, service providers may be liable for the actions of their staff. Therefore it is important to make sure that all employees, particularly those who have contact with the public, are aware of and receive initial and ongoing training and guidance on:

- current equality legislation that applies to the provision of services, ensuring that employees understand their responsibilities under the various pieces of legislation;
- company policies, procedures and practices, such as their customer service (provision) policy, customer complaints procedure, equal opportunities policy and harassment policy;

- the development of skills to enable staff to promote equality, combat discrimination and accommodate diversity in their interaction with customers;
  - the development of skills to enable staff to assess the needs of customers such as those with disabilities, or on grounds of race.
- 2.15 It is recommended that all training and guidance is regularly provided, relevant and up-to-date. By itself, training is not sufficient and will only be successful if it is backed up by appropriate policies and procedures and commitment from senior management in the organisation.
- 2.16 Training should not just cover employees. Where practicable, organisations that are involved in providing goods, facilities and services should consider providing training for service user representatives, tenants, contractors, and agency workers.
- 2.17 The Equality Commission can provide free training to service providers on all, or particular areas of, goods, facilities and services provisions of equality law. Where, possible we will provide training that is tailored to the particular needs of the organisation. Further information on training is available from the Equality Commission's Enquiry Line 90 890 890, the Promotion and Education Division and/or the website at [www.equalityni.org](http://www.equalityni.org).

## Customer complaints procedure

- 2.18 It is essential that service providers take seriously and deal effectively, promptly, sympathetically, and confidentially with all complaints of discrimination as covered by equality legislation. By dealing with complaints in this way organisations are reinforcing the message to all employees, service users, tenants, their agents, customers, clients, that they consider any complaint of discrimination a serious matter.
- 2.19 Businesses should develop a customer complaints procedure. As part of the procedure, individuals who believe that they have been discriminated against on one of the equality grounds could raise a complaint of discrimination. The procedure should ensure that individuals who raise complaints are not victimised because of their complaint. Any procedure

developed should involve a fair investigation of all complaints and incorporate timescales within which a complaint will receive a response.

- 2.20 Dealing with complaints informally (as part of the organisation's procedure), promptly and seriously is likely to minimise the risk that a complainant will remain aggrieved and will go elsewhere to seek a remedy, such as by consulting a solicitor and initiating formal legal action in the County Court.
- 2.21 It is strongly recommended that any complaints procedure is accessible to all customers, clients, tenants, and service users.

## **Disciplinary procedure**

- 2.22 As service providers are usually also employers it is essential that they develop disciplinary rules and/or procedures to ensure that any acts of unlawful discrimination on the grounds of sex, disability, religion and/or political opinion, sexual orientation, age and race are regarded as misconduct and could lead to disciplinary proceedings. As a service provider appropriate disciplinary action should be taken in relation to employees who discriminate contrary to any equality legislation.
- 2.23 For further guidance on drawing up and implementing disciplinary procedures see the Labour Relations Agency (LRA) 'Code of Practice' and the 'Harassment & Bullying in the Workplace' joint publication by the Equality Commission and the Labour Relations Agency.

## **Agreements with contractors**

- 2.24 Service providers may have contracts with agents/contractors to provide goods, works, services and staff. Such contractors should be made aware of the organisation's service provision policy and that they are expected to comply with it. Service providers should try to ensure that any company with which contracts are established have similar policies in place.
- 2.25 Service providers who are public authorities have additional duties under Section 75 of the Northern Ireland Act and the Disability Discrimination Act. Further information may be found in the Equality Commission's guidance 'Section 75 Monitoring Guidance for use by public authorities' (2007) and

‘Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life – guide for public authorities’ (2007).

- 2.26 Service providers who are public authorities may enter into a large number of contracts with voluntary and private organisations for goods, works, services and staff. As procurement is a function of public authorities, the Equality Commission, in conjunction with the Central Procurement Directorate of the Department of Finance and Personnel, has developed separate guidance on procurement which sets out how public authorities can build on good practice and capture opportunities, learning and experience to date. For further information please refer to the publication, ‘Equality of Opportunity and Sustainable Development in the Public Sector Procurement’ (2008) which is available on the Commission’s website [www.equalityni.org](http://www.equalityni.org).

## Accessibility

- 2.27 Under the Disability Discrimination Act service providers have clear duties not to discriminate against a disabled person by providing less favourable treatment or failing to make reasonable adjustments.

To make services accessible for disabled people, service providers must:

- make reasonable adjustments or changes to policies, practices or procedures to enable disabled people to use services;
- remove, alter or avoid any physical features which make it impossible or unreasonably difficult for disabled people to access the service.
- provide an auxiliary aid or service to enable (or make it easier) for disabled people to use services.

The action required by a service provider will depend on the size and nature of the organisation and the type of services that they offer. Service providers are also expected to anticipate any reasonable adjustments that would be required to make their services accessible. Further information on service providers duties under Part Three of The Disability Discrimination Act (DDA) is available from the Equality Commission’s publication ‘Code of Practice – Rights of Access Goods, Facilities, Services and Premises’ (July 2003).

- 2.28 Service providers are more likely to comply with their duty to make reasonable adjustments in relation to physical features if they draw up an access plan or strategy. An access audit will identify any physical barriers and auxiliary aids and services for disabled people using the service. The audit should only be carried out by accredited access auditors.
- 2.29 The access audit will consist of a site visit to the organisation which will identify any access problems in the service being offered (from car parking facilities, to reception, to use of rooms). It will describe practical solutions required. Each service and site may require different solutions. Access audits need to consider adjustments for people with different disabilities and this can be achieved by drawing on the experience of disability organisations.
- 2.30 Recommendations will usually be prioritised and estimated costs may also be included. It is recommended that advice is sought if refurbishment or extensions to premises are planned. Under the Disability Discrimination Act, service providers should not wait until a disabled person wants to use a service, they should anticipate the requirements of disabled persons and the adjustments that may have to make for them.
- 2.31 Often organisations will use Part R (as amended) of the Building Regulations along with the BS8300 Code of Practice for the Design of Buildings and approaches to meet the needs of disabled people produced by the British Standards Institute. Although BS8300 is primarily for new builds, it can be used as guide in assessing the accessibility of existing buildings. Further information on these guides can be sought from local Building Control officers.
- 2.32 Organisations could also take the opportunity to look at access for other groups such as women/men, minority groups, those with language difficulties and old/young people.

## Monitor and review

- 2.33 It is recommended that any equality policy on service provision and its implementation in all areas covered by discrimination legislation is regularly monitored and reviewed.
- 2.34 Monitoring enables the organisation to identify or keep under review the existence or absence of equality of opportunity or treatment between different categories of persons. The basic purpose is to highlight possible inequalities, help investigate why these might be occurring and whether action needs to be taken to remove any discrimination or disadvantage.
- 2.35 An appropriate equality monitoring strategy for service providers will provide data useful for developing and improving customer services in terms of accessibility and equality of services as well as helping to identify customer markets for service development. Monitoring services to different segments of the public helps the service provider to better understand what people want.
- 2.36 Monitoring can be carried out in a number of ways. For example, small businesses could encourage customers to provide feedback through a suggestion box and monitor any complaints they receive. Larger organisations may wish to issue equality monitoring questionnaires.
- 2.37 Public authorities have obligations under Section 75 to monitor for adverse impact of services which they provide to the public. Proactively reviewing any practices and procedures and monitoring these services will assist authorities in projecting a positive image. Where any changes are identified as a result of a review they need to be incorporated into policies and consulted upon as appropriate. Any resultant modifications to procedures in relation to handling or dealing with customers should be communicated to all employees, contractors, etc, by way of formal training or briefings.
- 2.38 For further information on monitoring and the process involved please refer to the Equality Commission's guidance for public authorities "Section 75 of the Northern Ireland Act 1998 Monitoring Guidance for Use by Public Authorities" (July 2007). This is available from the Commission's website [www.equalityni.org](http://www.equalityni.org).

## Section Three

### Drafting an equality policy on service provision - key elements

- 3.1 The Equality Commission has included a model policy on equality in service provision in section four of this document. The model policy contains the key elements that should be incorporated in all policies on equality in service provision. The Commission recommends that service providers use the model as a template for developing their own written policies. Service providers will need to make appropriate amendments to it in order to suit their own particular needs.
- 3.2 When drafting an equality policy the following key elements should be incorporated:

### Statement of policy

- 3.3 This section of the policy outlines the intention of the policy in relation to the promotion of equality and diversity and the position of the organisation.

Included in this section of the policy should be:

- a statement of commitment of the organisation to the policy. (An essential first step in implementing the policy is for senior management to acknowledge and effectively demonstrate support);
- an outline of the areas of discrimination that are covered by the policy and equality legislation – sex, including pregnancy and breast feeding, gender reassignment, religious belief or political opinion, race (including colour, nationality, ethnic or national origins, being an Irish Traveller), disability, sexual orientation and age<sup>3</sup>;
- definitions of terminology used in the policy to describe service users, and goods, facilities and services.

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<sup>3</sup> It should be noted that current legislation in Northern Ireland does not extend cover to age discrimination in the provision of services (providers of vocational training and institutions of further and higher education, including universities are covered by present legislation). However, the Equality Commission would recommend that any policy developed by an organisation should cover age. At the time of publication legislation already covers age in the Republic of Ireland. It is planned to introduce legislation in Great Britain to cover discrimination on grounds of age in services and it is likely that similar legislation will be extended/introduced in Northern Ireland at some point.

## Scope of policy

3.4 This section of the policy looks at who the policy applies to and may list groups such as customers, service users, beneficiaries, clients, tenants, patients and any other interested parties.

## Commitment of the organisation

3.5 Any policy should contain details the organisation's commitment to equality in that it:

- will not tolerate discrimination against, harassment or victimisation of customers by employees and non employees (such as clients, customers or contractors). It will also state that such behaviour may lead to disciplinary action (in the case of employees) or to other sanctions such as exclusion of customers from premises or suspension of contracts;
- will refer to making reasonable adjustments for disabled customers;
- will refer to other policies that exist in the organisation and that the policy will operate in conjunction with those policies.

## Implementation

3.6 This section of the policy will list the steps involved in implementing the policy such as communication, training and guidance where appropriate.

3.7 Reference should also be made in this section to incorporating the policy as part of equal opportunity notices and the general promotion of equality by the organisation.

3.8 The policy will also need to make reference to ensuring that resources are made available to fulfil the objectives of the policy.

## Monitoring and review

- 3.9 Any policy adopted will only be effective if it is monitored and reviewed periodically. This section should detail information on the monitoring systems the organisation will adopt to ensure effective implementation of the policy.

## Complaints

- 3.10 Any policy developed should refer to the areas that are covered by equality legislation and how customers can make complaints of discrimination.
- 3.11 The policy should also contain a reference that any complaints procedure should be accessible to all customers, clients, and service users/staff and to the availability of the complaints procedure in different formats and languages if required.

## Section Four

### MODEL POLICY

#### EQUALITY POLICY FOR THE PROVISION OF GOODS, FACILITIES AND SERVICES

##### 1. Statement of Policy

This organisation supports the principle of equality of opportunity and is committed to the elimination of discrimination in the provision of and access to goods, facilities and services. The organisation is also committed to accommodating diversity for our customers and service users.

We recognise, therefore, that it is both good practice and in the organisation's best interests to have an equality policy that covers not only our employees but also all our customers, potential customers, suppliers and users of our products and services.

The aim of this policy is to communicate the commitment of the Chief Executive, Board of Directors and Senior Management Team [*delete or amend titles as necessary*] to the promotion of equality of opportunity in the provision of goods, facilities and services in \_\_\_\_\_ [*insert name organisation*].

It is our policy not to discriminate or harass a person on any of the grounds of discrimination and to provide our goods, facilities and services (*delete as appropriate*) equally to all, irrespective of:

Disability

Race (including colour, nationality, ethnic or national origins, being an Irish Traveller)

Sexual orientation

Religious belief and/or political opinion

Sex, pregnancy or maternity (including breast feeding)

Gender reassignment

Age

Marital or civil partnership status<sup>4</sup>

Having or not having dependants<sup>5</sup>

We are opposed to all forms of unlawful discrimination. All customers, service users and suppliers will be treated fairly and will not be discriminated against on any of the aforementioned grounds. Decisions relating to customers, service users and suppliers will be made objectively and without unlawful discrimination.

We fully acknowledge our duty under the Disability Discrimination Act 1995 to make reasonable adjustments to enable disabled people to access our services. This organisation will take steps to assess the needs of disabled customers. We will anticipate the requirements of disabled customers generally and the adjustments that we may have to make for them.

Reasonable adjustments may mean changing practices, policies or procedures, providing an auxiliary aid or services, or overcoming a physical feature which make it impossible or unreasonably difficult for disabled people to access our services.

## Definitions

- *Customers*: those who buy or use our products, goods or services. Those with whom we deal on a day-to-day basis.
- *Service users*: those who buy or use our services (as opposed to products). It does not matter whether the service is paid for or provided free of charge.

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<sup>4</sup> Marital and civil partnership status and having or not having dependants - neither of these are statutory discrimination grounds in relation to goods, facilities, services or premises. However all public sector organisations will have obligations in these areas under Section 75. <sup>5</sup>See footnote 4 above.

- *Suppliers*: those who provide the organisation with raw materials for manufacture, equipment for use in the manufacturing process or general.
- *Materials*: (such as office supplies) for day-to-day use.
- *Services*: covers help or work from one person or group that benefits another. The way in which we meet the needs of our customers.
- *Goods*: covers the ordinary meaning of the term, i.e. items for sale.
- *Facilities*: covers anything from resources for doing something (such as hire of meeting rooms, hire of equipment, entertainment facilities for functions) to facilities for saving money.

## 2. To whom does the policy apply (scope)

This policy applies to:

- Customers, including online customers
- Service users, including online service users
- Suppliers
- Visitors
- Members of the public who enter our premises
- Patients [*delete as appropriate*]
- Clients and beneficiaries
- Tenants [*delete as appropriate*]

Delete or add as appropriate.

### 3. Statement of commitment

This organisation is committed to ensuring that services are provided to customers/services users:

- in an environment which promotes equality of access for all persons and implementing any positive action where necessary;
- free from unlawful discrimination, harassment and victimisation;
- accommodating diversity and fulfilling all our legal obligations across all of the grounds as covered by equality legislation and associated Codes of Practice including our duties under Section 75 of the Northern Ireland Act 1998 [delete if not relevant];
- making reasonable adjustments for disabled people;
- complying with our own policy for the provision of goods, facilities and services, and associated policies, such as health and safety policies.

The organisation will not tolerate discrimination against customers by employees or non employees, over whom we have some control, such as customers, suppliers, clients, or beneficiaries. Any discrimination may lead to disciplinary action for employees and to other sanctions for non employees such as suspension of contracts or exclusion from premises. Any breaches of this policy could constitute misconduct which could lead to disciplinary proceedings.

This policy is fully supported by senior management and has been agreed with \_\_\_\_\_ . *[insert name of trade union(s) or workplace representatives, if relevant]*

This policy has been developed in consultation with staff, trade union representatives and with organisations representing groups that experience inequality. *[Insert if relevant]*

## 4. Implementation

The Chief Executive/Managing Director [*specify job title*] has specific responsibility for the effective implementation of this policy. Each director, manager and supervisor [delete if not relevant] has responsibilities to ensure that customers do not experience discrimination and diversity is accommodated. We expect all our employees, customers, suppliers and service users to abide by the policy and help create the equality environment which is its objective.

In order to implement this policy we shall:

- Communicate the policy to customers, service users, business contacts, agency workers, trade unions, organisations representing groups experiencing inequality, patients, tenants, suppliers, subcontractors, employees, job applicants, and relevant others [delete as appropriate];
- Provide the policy, information and any other promotional materials to customers in an accessible format such as different formats, languages and media such as websites and videos;
- Display the service policy and associated complaints procedure in all accessible areas;
- Incorporate specific and appropriate duties in respect of implementing this policy into job descriptions and work objectives of all staff;
- Provide equality training and guidance as appropriate, including training on induction and management courses;
- Incorporate equal opportunities notices into general communications practices (e.g. staff newsletters, intranet, website, correspondence with customers, suppliers, subcontractors and other relevant bodies);
- Obtain commitments from other persons or organisations such as subcontractors and suppliers that they too will comply with the policy in their dealings with our organisation;
- Ensure that adequate resources are made available to fulfil the objectives of this policy.

## 5. Monitoring and review

We will establish appropriate information and monitoring systems to ensure the effective implementation of this policy on the provision of goods, facilities and services.

In particular we will:

- Carry out a review of how we provide our services as a starting point for identifying any areas for action.
- Carry out a disability audit of our premises and make reasonable adjustments as appropriate. We will consider the needs of disabled people in advance and not wait until a disabled person wants to use our services.
- Examine our existing practices in service delivery not only for existing customers and service users but also for new and potential customers including those who may wish to use our products and services sporadically /temporarily.
- Take into account the entire spectrum of service delivery incorporating after sales service.
- Formulate a plan of appropriate remedial action, in partnership with the relevant trade union or other employee representatives, to implement any changes to existing practices *[if relevant]*.
- Inform employees at each stage of the process how any new practices will work.
- Carry out periodic monitoring of the impact of our practices by undertaking regular reviews and monitoring any customer complaints.

The effectiveness of this policy will be reviewed regularly *[at least annually]* *[in consultation with the relevant trade union(s) if appropriate]* and action taken as necessary.

## Complaints

Individuals who believe they have suffered any form of discrimination in the provision of services, including failure to make a reasonable adjustment, are entitled to raise the matter through the agreed complaints procedures<sup>5</sup> [*specify*]. A copy of these procedures is available from \_\_\_\_\_ [*specify job title*]. All complaints of discrimination will be dealt with seriously, promptly and confidentially.

In addition to our internal procedures, service users including those citing failure to make a reasonable adjustment have the right to pursue complaints of discrimination to the County Court under the following legislation:

- The Sex Discrimination (Northern Ireland) Order 1976, as amended
- The Fair Employment and Treatment (Northern Ireland) Order 1998, as amended
- The Race Relations (Northern Ireland) Order 1997, as amended
- The Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006, as amended
- The Disability Discrimination Act 1995, as amended
- The Special Educational Needs and Disability (NI) Order 2005 as amended (for example in schools)

Claims of unlawful discrimination in the provision of goods, facilities and services and in relation to premises must be made **within six months** of the act complained of.<sup>6</sup>

Under disability discrimination legislation, the law allows complaints about goods, facilities and services to be resolved by **conciliation**, where this is what **both** parties want. Conciliation may be desirable for many people as it is less adversarial than court action and most disputes can be resolved more quickly. The Equality Commission has engaged [an organisation]<sup>7</sup> to run its independent **Disability Conciliation Service Northern Ireland**.<sup>8</sup>

<sup>5</sup> Specify here, the relevant complaints procedures.

<sup>6</sup> Referring a complaint to the Disability Conciliation Service will extend the time limit for issuing proceedings in the County Court or SENDIST (Special Educational Needs and Disability Tribunal) by a further two months.

Time limits for taking a complaint of discrimination may be extended by two and three months under various pieces of equality legislation. For further details please contact the Equality Commission.

<sup>7</sup> The contract to run the Commission's Disability Conciliation Service is periodically reviewed and at the time of printing (March 2010) is with Mediation Works.

<sup>8</sup> Referrals to this service are made via the Equality Commission.

Every effort will be made to ensure that individuals who make complaints will not be victimised. Any complaint of victimisation will be dealt with seriously, promptly and confidentially. Victimisation will result in disciplinary action and may warrant dismissal.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Chief Executive

Signature: \_\_\_\_\_ (trade union or workplace representative)

## Section Five

### Looking for more information?

The Equality Commission has a range of information and advisory services for employers, service providers, employees and the general public.

The Commission has published a number of publications in the area of goods, facilities and services which are available either to download from our website [www.equalityni.org](http://www.equalityni.org) or you can request a hard copy from the Commission.

- Disability Code of Practice: Rights of Access Goods, Facilities, Services and Premises (2003).
- 2004 - Improving access to goods and services for disabled customers. A practical guide for small businesses and other small service providers (2004).
- What Service Providers Need to Know – The Disability Discrimination Act 1995 (2006).
- Eliminating Sexual Orientation Discrimination in Northern Ireland: A Guide on the Provision of Goods, Facilities, Services and Premises (2008).
- A series of five short sector specific guides on discrimination on grounds of sexual orientation in goods, facilities and services provisions in the following areas; Education, Health & Social Care, Hospitality & Leisure, Housing and Financial (2009).
- Sex Equality legislation – update on the provision of goods, facilities, services and premises (2008).
- Guide for tourism sector on service provision (2010).
- A series of short guides relating to disability discrimination in accessing transport services in Northern Ireland and the provision and use of transport vehicles comprising bus and coach, rail, taxi, vehicles rental, and breakdown recovery operators. (2010).
- Draft Code of Practice: Provision and Use of Transport Vehicles (October 2009)<sup>9</sup>.

<sup>9</sup> At the time of publication the draft Code of Practice is available on the Equality Commission's website [www.equalityni.org](http://www.equalityni.org) and it is anticipated that the final code will be published in April 2010.

The Commission produces information and advisory materials covering many aspects of equality in Northern Ireland. Further information can be found on the Equality Commission's website [www.equalityni.org](http://www.equalityni.org) or by contacting the enquiry line, 028 90 890 890.

## **Useful Contacts**

A list of organisations and bodies that can provide further advice and information may be found on the 'links' section of the Equality Commission's website [www.equalityni.org](http://www.equalityni.org).





The Equality Commission can provide further information on a range of equality issues including advice and guidance on promoting equality in the provision of goods, facilities and services. The information is free and confidential.

The Commission can also provide training for employers and service providers. All the Commission's publications can be downloaded from the website at [www.equalityni.org](http://www.equalityni.org) and are available in alternative formats if required. For further information please contact:

### **Equality Commission for Northern Ireland**

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BELFAST  
BT2 7DP

Enquiry line: 028 90 890 890 (for all information and advice enquiries)  
Telephone: 028 90 500 600 (switchboard)  
Text phone: 028 90 500 589  
Fax: 028 90 248 687  
Email: [information@equalityni.org](mailto:information@equalityni.org)  
Website: [www.equalityni.org](http://www.equalityni.org)