

Are you equal to the Equality Act?

Paradigm's Managing Director, Gavin Willis, suggests that practices may, unknowingly, be falling short

Few, if any of us would argue with an Act of Parliament that legally protects people from discrimination in the work place and in wider society.

And that, in brief, is exactly what the Equality Act of 2010 sets out to achieve. As I see it, the real problem however, lies in the fact that we do actually have no issues with such a law and, as a result, almost assume that we will never intentionally break it. Such an assumption can lead to a level of complacency, which, in turn, can be very costly indeed.

The Equality Act replaced previous anti-discriminatory laws with a single Act, making the law easier to understand and strengthening protection in some situations. Whilst the Act may be easy to understand, it makes little or no difference if you haven't read it and/or to some extent, at least, are aware of its implications.

Is my practice compliant?

As you will appreciate, this article cannot answer that question directly. What I am going to do is take you through some relatively straightforward steps that will help you ensure that, should your compliance be brought into question, you have taken every reasonable step to comply.

My first suggestion is that you take a look at www.gov.uk/guidance/equality-act-2010-guidance. Yes, it runs to five pages, but the pertinent provisions are succinctly covered and it will be time well spent. Forgive me if you have already done this, but in my experience, very few practices have a clear disability policy in place. I will come on to the subject of a practice audit later but here are a few questions to ask yourself:

1. Is it clearly evident that your practice and your staff are not discriminating against a disabled person by providing less favourable treatment such as:
 - refusing to provide any service which is available to other members of the public
 - providing service of a lower standard or in a worse manner
 - providing service on worse terms
 - failing to make reasonable adjustments for disabled persons, with the effect that it is impossible or reasonably difficult for the disabled person to make use of any such service
 - refusing or not offering employment based on disability
 - offering less favourable terms of employment

2. Is it clearly evident that you will not treat a disabled member of staff less favourably by:
 - failing to make reasonable physical adjustments to the working environment

- failing to make reasonable changes to working practices
- not affording the same opportunities afforded to other employees discriminating against the employee in any other way

What you need to take into account is whether:

- you have made changes to policies, procedures services and physical features of your premises wherever reasonable
- you can provide a reasonable alternative where it is unreasonable for you to make changes (for example, if your practice physically cannot provide disability access, are you able to treat a disabled patient in an alternative location?)
- you are inviting any suggestions and feedback so that you can continue to improve your service in this area

New build/renovation/extensions

Space does not permit me to cover this aspect of disability procedure and protocol in any detail. If you are considering any of these options then my advice would be to be sure you are working with a designer who understands how dentistry works and can seamlessly meet the requirements of compliance with the Equality Act. In addition to a total knowledge of Building and Planning Regulations your designer must understand practice workflow and how this must operate alongside easy access for disabled patients.

Do you need a practice audit?

Do you have to have one?

No.

Would it be sensible to have one?

Yes.

Why? Quite simply so that, in the event of any action being taken against you under the Equality Act, you will be able to prove you have undertaken a Disability Access Audit and (we hope!!) implemented its recommendations.

So what does an audit involve? Effectively it maps a journey through your practice as might be taken by a disabled person. This will highlight any potential problems and make you fully aware of your responsibilities. It will examine the accessibility of your practice, identify barriers and measure usability. It will also help you access a market with a purchasing power of over £80 billion per annum.

The cost of a summary access audit depends, of course, on the size of your practice. For the majority of practices a typical price would be no more than £1,200.00. For peace of mind I think this is a small price to pay. Whilst Paradigm is able to arrange audits in conjunction with one of its accredited partners, please do not think we are overtly advertising this

service. The real issue is the risk to your practice which is difficult to mitigate. Ignorance is no defence.

Gavin Willis is Managing Director of Paradigm Design Solutions, the UK's leading practice and surgery designers

Paradigm Design Solutions

Tel 01278 641074

info@paradigm-group.co.uk

www.paradigm-group.co.uk