

# Equality Policy for Customer Service Delivery

October 2017

## Introduction

The Canal & River Trust is a charity and statutory undertaker which manages a 2,000 mile network of historic canals and navigable rivers in England and Wales. Our network forms an important resource for tourism and recreation. People can access our waterways by boat or walk or cycle along the towpaths. Over 50% of the population of England and Wales lives within 5 miles of one of our waterways.

In this document we set out our commitment to promote equality for people with protected characteristics under the Equality Act 2010 and our approach to making reasonable adjustments to remove disadvantages for disabled persons in accessing and using our network.

As an organisation, we value the variety of different views, outlooks and approaches that a diverse customer base can bring. This assists us to provide improved services and increases our understanding of our customers. We will do all that we can to ensure that no one will receive less favourable treatment or is disadvantaged by requirements or conditions which cannot be shown to be justifiable. We encourage customers that feel that they have suffered any form of discrimination to raise the issue with us as soon as they can.

The Trust will ensure that all managers and supervisors with relevant responsibilities are provided with appropriate equality and equal opportunities training where necessary, which may be updated as required.

The Trust will monitor the effectiveness of this policy to ensure that it is working in practice and will review and update this policy as and when necessary.

The purpose of this policy is to ensure that we:

- Provide equality, fairness and respect concerning all aspects of the Trust's customer service delivery
- Do not unlawfully discriminate on the grounds of the Act's protected characteristics of age (so far as it relates to adults), disability, gender reassignment, pregnancy and maternity, race (including colour, nationality and ethnic or national origin), religion or belief, sex (gender) and sexual orientation (the "protected characteristics")
- Oppose and avoid all forms of unlawful discrimination.

The Trust takes seriously complaints of bullying, harassment, victimisation and unlawful discrimination by employees, customers, suppliers, visitors, the public and any others in the course of the Trust's work activities. Such acts should be reported under this policy or the relevant policy below and will be dealt with accordingly.

This policy is supported by a number of other Trust policies:

- Equality and Diversity Policy – this sets out the Trust’s commitment to equality and diversity in its employment practices
- Dignity and Respect Policy Statement – this sets out the Trust’s commitment to treating people with dignity and respect in the working environment and applies to employees, contractors, volunteers and anyone else wishing to engage with the Trust
- Working Well Together – this sets out the Trust’s approach to respecting and encouraging equality and diversity for anyone who represents or engages with the Trust
- Welfare Guidance – guidance for Trust staff who come into contact with vulnerable customers
- Training programme for staff and volunteers to safeguard young people
- Guidance for Boats without a Home Mooring
- Complaint Handling Policy

## **Legal Obligations under the Act**

The Trust’s provision of access to the inland waterway network is the provision of a service within the meaning of the Act.

As a service provider, the Trust has a number of key obligations under the Act:

- We will not unlawfully discriminate by way of less favourable treatment, victimise or harass a customer on the grounds of the “protected characteristics”. The Trust may lawfully apply a policy or practice that puts persons with a protected characteristic at a disadvantage if doing so is a proportionate means of achieving a legitimate aim;
- Where a physical feature of our network puts a disabled person at a substantial disadvantage in comparison with persons who are not disabled, the Trust will take such steps as it is reasonable to have to take to avoid the disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- We have a duty to make reasonable adjustments to our services, policies and practices where disabled people are placed at a substantial disadvantage in comparison with persons who are not disabled;
- In certain circumstances, an obligation may arise to provide an auxiliary aid for a disabled person; and
- We must not unfavourably treat a woman because of a pregnancy of hers, or, in the period of 26 weeks beginning with the day on which she gives birth, because she has given birth (which includes because she is breast feeding)

It should be noted that nothing in the Act requires any service provider to take any step which would fundamentally alter the nature of the service, the nature of the service provider’s trade or profession, or to take a step which the service provider lacks the power to take.

In addition to the specific duties we owe as a service provider, the Trust also has a wider duty to the extent that it exercises any public functions, to have due regard (in the exercise of these functions) to the need to eliminate discrimination and other conduct prohibited under the Act and to advance equality of opportunity and to foster good relations between people who do and people who do not share particular protected characteristics. There are also specific obligations in relation to people with disabilities. Collectively, these obligations are known as the public sector equality duty.

## How we deliver our services

This policy does not seek to explain how we will approach every situation, it is intended as a general statement of our policy and:

- explains how we fulfil the public sector equality duty when we are exercising public functions;
- shows how we avoid unlawful discrimination in relation to the protected characteristics under the Act;
- confirms our commitment to taking reasonable steps to remove substantial disadvantages arising from a physical feature to enable disabled persons to access and enjoy our network; and
- sets out our approach to making reasonable adjustments to our policies and guidance in relation to disabled and pregnant boaters without a home mooring.

To discharge our duties in respect of all protected groups under the public sector equality duty, to avoid unlawful discrimination in relation to the protected characteristics under the Act and specifically in consideration of what we can do to overcome any substantial disadvantage to disabled people in the provision of our services, we will adopt the following general approaches:

- Review relevant proposed policies, strategies and practices that fall within our public functions (e.g. our boat licensing activities) to assess whether such proposals could have the potential to cause any indirect discrimination in relation to the protected characteristics under the Act and to seek to eliminate or mitigate that discrimination, where appropriate;
- Where we identify that any proposal has the potential to cause indirect discrimination that cannot be eliminated or adequately mitigated, to consider whether this can be objectively justified by reference to the legitimate aims of the proposal;
- Ensure that all those working for the Trust are aware of this policy;
- Provide training for those working for the Trust who are likely to deal with customers with protected characteristics;
- Undertake disability access audits as part of our visitor management planning process;
- Ensure that, where possible, our key visitor sites are developed and managed to recognised standards and current best practice;

- Ensure that the needs of people with disabilities are built into major programmes of restoration, regeneration and refurbishment, including those implemented with external partners;
- Identify and implement measures that can be easily and cost-effectively put into place to reduce access restrictions for people with disabilities through on-going maintenance work;
- Review the need for barriers on towpaths (e.g. those aimed at deterring users such as motorcyclists) and seek to ensure that appropriate alternative access opportunities are available for people with disabilities;
- Actively promote sites and services with good accessibility to people with disabilities, through links to local access groups, promotional material and web site information
- Ensure that the needs of people with disabilities are taken into account in the delivery of services, promotional material, interpretation, education initiatives and special events;
- Consult with people with disabilities to ensure that local needs are taken into account in the management of the waterways;
- Where appropriate, gather information to better understand who our disabled customers are and what their needs are; and
- Encourage the provision of boats and other facilities catering for people with disabilities.

## **Physical Adjustments to Our Facilities**

We will consider individual circumstances in respect of further specific reasonable adjustments where particular physical features on our network places a disabled person at a substantial disadvantage.

Whether a particular adjustment is “reasonable” will depend on a number of factors such as:

- Whether the adjustment would be effective in overcoming the substantial disadvantage;
- Whether it is practicable for the Trust to make the adjustment;
- The financial and other costs of making the adjustment in the context of the Trust’s financial and other resources;
- The extent of any disruption (to other customers or to the wider delivery of our functions) which making the adjustment would cause;
- The amount of any resources the Trust has already spent on making adjustments; and
- Whether a reasonable alternative to the adjustment is available.

# Adjustments to our Guidance for Boats without a Home Mooring

## Making Reasonable Adjustments for Disabled Boaters Without a Home Mooring

We have a specific process for making reasonable adjustments to our normal cruising requirements for disabled boaters without a home mooring.

“Disability” is defined in the Act as a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities.

An impairment is “long-term” if it has lasted for at least 12 months, it is likely to last for a least 12 months, or it is likely to last for the rest of that person’s life.

Regulations under the Act specifically provide that addiction to alcohol and non-prescription drugs is excluded from the definition of disability, although it is accepted that persons who have become addicted may still have a qualifying physical or mental disability arising from their addiction.

If the Trust becomes aware of a boater without a home mooring with a disability, it will make that boater aware of our duty to make reasonable adjustments and offer to review our usual requirements for that boater.

If a boater requests a review we may request the following information:

1. Evidence of disability in the form of letters from GP or other medical professionals; and
2. Further information from the boater covering the nature of the disability, the impact of the disability on compliance with our Guidance and the wider circumstances of the boater, which may take the form of a questionnaire

The Trust may then carry out an assessment (which may involve an independent third party assessment provider) of the disability and the impacts on compliance with our Guidance, and may involve a face-to-face interview.

We would ordinarily expect to then identify what adjustments to our usual Guidance it is reasonable to make. The following factors may be relevant:

- The disability of the boater and the impact this has on the boater’s ability to comply with our Guidance;
- The boater’s circumstances in terms of healthcare needs, availability of assistance from friends and family etc.;
- The characteristics of the relevant part of our inland waterway network (e.g. number of locks, availability of hard edged moorings, congestion caused by proliferation of towpath moorings); and

- The extent to which the adjustment would cause disruption to others or interference with our other legal duties – for example it would not be reasonable to expect the Trust to allow a customer to moor a boat anywhere that would cause any obstruction or interference to navigation.

Examples of the reasonable adjustments that we may offer are as follows:

- Reduced range and/or pattern of movement along a defined stretch of the waterway;
- Permission to moor longer than the stated stay time limits (for example at short stay visitor moorings with hard edges); and
- Assistance in navigating, operating locks, mooring and getting on and off the boat.

### Other Provision for Boaters Without a Home Mooring

The Trust will allow all pregnant boaters without a home mooring to stay in one mutually convenient location (to be agreed with the Trust) for 1 month either side of the birth. In addition, the Trust is willing to agree further adjustments ordinarily for up to 26 weeks after the birth. These will be agreed on a case-by-case basis.

We are also aware that boaters without a home mooring who have school-aged children may find it more of a challenge to comply with the requirements of our Guidance if they wish their children to attend a particular school on a long-term basis.

Whilst we note the specific exemption in section 28(1) of the Act as regards claims for indirect discrimination against under 18s being made, we accept the need to have due regard to this factor as part of our public sector equality duty.

We have considered whether there needs to be a special adjustment to our usual requirements in these cases, however we do still expect these boaters to comply with our Guidance.

## **Monitoring and Review**

The Trust will record and monitor cases giving rise to equality considerations and review how the Trust has responded. This will allow us to review the services we provide and help us identify whether there are any additional improvements we can take to improve our facilities and services.

## **Dealing with complaints about our service**

If someone is dissatisfied with the arrangements we have made for providing reasonable adjustments, or with the Trust's approach to protected groups more generally, we will respond in accordance with our complaints handling policy. Further information about our complaints policy is available at <https://canalrivertrust.org.uk/contact-us/making-a-complaint>.