

Access to services for people with Tourette Syndrome



Access to goods, services and facilities should be equal to everybody, regardless of whether they have a disability. This factsheet outlines what Equality law requires of service providers to make sure that disabled people are not put at a disadvantage to non-disabled people; and also explains what action to take if you do experience barriers to accessing a service. A list of organisations offering specialist advice and information on Equality law can be found at the end of the document.

What does Equality law say?

According to Equality law in the UK, if an organisation providing goods, facilities or services to the public or a section of the public, or carrying out public functions, or running an association finds there are barriers to disabled people in the way it does things, then it must consider making adjustments. If those adjustments are reasonable for that organisation to make, then it must make them. There are limits on the duty of the service provider, i.e. “they will not be required to take any steps which would fundamentally alter the nature of the service”. (Taken from the Equality Act Code of Practice on Services, Public Functions and Associations).

Examples of services include going to a restaurant, shopping for clothes or food, using the local library, going to church or visiting your solicitor or doctor.

Although the duty for service providers to make reasonable adjustments is anticipatory, (i.e. the service provider must think in advance about what disabled people with a range of impairments might reasonably need), some disabilities can go unnoticed. In this instance discrimination may not have been intentional; but none the less it is still discrimination and should be brought to the service provider’s attention.

What reasonable adjustments can a person with TS expect from service providers?

In practice, particularly in relation to people with Tourettes Syndrome, making a reasonable adjustment is likely to mean simple changes that may make it easier for people to use their service. This could be giving you extra time to discuss an issue in a bank or being flexible about a policy that says people must be silent, for example in a library.

The following information has been extracted from the Equality Act Code of Practice on Services, Public Functions and Associations, published by the Equality and Human Rights Commission, and explains the duty that is required of service providers in making sure that disabled people are not put at a disadvantage to non-disabled people who use their service. Please refer to the full Code of Practice for more information:

www.equalityhumanrights.com/uploaded_files/EqualityAct/servicescode.pdf

Service providers have an anticipatory duty to consider and take action in relation to barriers that impede people with one or more kinds of disability prior to an individual disabled person seeking to use the service.

Service providers should therefore not wait until a disabled person wants to use a service that they provide before they give consideration to their duty to make reasonable adjustments. They should anticipate the requirements of disabled people and the adjustments that may have to be made for them because this is a duty to disabled people at large, it applies regardless of whether the service provider knows that a particular person is disabled or whether it currently has disabled customers.

Service providers are not expected to anticipate the needs of every individual who may use their service, but what they are required to think about and take reasonable steps to overcome are barriers that may impede people with different kinds of disability.

Once a service provider has become aware of the requirements of a particular disabled person who uses or seeks to use its services, it might then be reasonable for the service provider to take a particular step to meet these requirements. This is especially so where a disabled person has pointed out the difficulty that they face in accessing services, or has suggested a reasonable solution to that difficulty.

Being pro active

People with a disability can write to a service provider and ask for a reasonable adjustment to be made to their service so that they can access it. The service provider will decide whether or not this adjustment is reasonable, you can challenge the decision should you think it unreasonable. Template letters to request reasonable adjustments from service providers can be found on the Equality Advisory Support Service (EASS) website: www.equalityadvisoryservice.com/app/answers/list/session/

What to do if you feel you have been discriminated against

Where a service provider does not comply with the duty to make reasonable adjustments it will be committing an act of unlawful discrimination.

If you experience discrimination by a service provider, you can write to the service provider and ask them to explain their reasons for carrying out the act for example, if a shop keeper refuses to serve you.

The Equality Advisory Support Service provide template letters for these types of circumstances which can be downloaded on their website:

www.equalityadvisoryservice.com/app/answers/list/session/

The service provider will need to write to you explaining their reasons for refusal. If you feel that their reasons are not legitimate then you can choose to take the proceedings further by going through a court of law.

If you feel you have been discriminated against by a service provider because of your TS, contact the Equality Advisory Support Service (EASS) who provide information advice and support on discrimination and human rights issues to individuals in England, Scotland and Wales.

www.equalityadvisoryservice.com/app/ask

Telephone number: 0808 800 0082

Opening Hours: Monday - Friday 9am - 8pm and Saturday 10am - 2pm