



## **S4C'S DISABILITY EQUALITY SCHEME**

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## PART 1 - INTRODUCTION

### 1. KEY PRINCIPLES

- 1.1 *We are committed to promoting and maintaining equality of opportunity in all aspects of our business in accordance with our Equal Opportunities Policy. We are committed as an employer and in the provision of goods, facilities and services to fulfilling our obligations under the Disability Discrimination Act and Communications Act and to have due regard to our general duty (in relation to our public functions).*
- 1.2 *This policy sets out our obligations under the Disability Discrimination Act and Communications Act and how we intend to fulfil those obligations and promote and maintain equality of opportunity for disabled people in everything we do. In so doing we intend to meet the expectations of our employees, viewers, suppliers and the regulatory authorities.*
- 1.3 *Part 1 of this policy introduces the key principles and the relevant legislation. Part 2 relates to our commitment as an employer. Part 3 relates to our commitment as a provider of services, goods and/or facilities. Part 4 relates to the obligations of our employees. Part 5 relates to the arrangements for the review and publication of this policy and our related commitments. Part 6 of this Scheme sets out how we will consult with disabled persons in relation to our duties and activities. A separate Action Plan is also published annually.*

### RELEVANT LEGISLATION

- 1.4 **The Disability Discrimination Act 1995 and the Disability Discrimination Act 2005** (an Act to amend the Disability Discrimination Act 1995; and for connected purposes) (**“Disability Discrimination Act”**)
- 1.4.1 The Disability Discrimination Act makes discrimination on the grounds of disability unlawful in most circumstances. We have a duty in two key areas:
- Employment; and
  - the provision of goods, facilities and services.
- 1.4.2 The Disability Discrimination Act defines a disabled person as *“someone who has a physical or mental impairment which has a substantial or long term adverse effect on his/her ability to carry out day-to-day activities”*. Further guidance on the meaning of disability is set out in the document entitled *“Appendix: The Meaning of Disability”* appended to the Code of Practice on Rights of Access Goods, Facilities, Services and Premises issued by the Disability Rights Commission.
- 1.4.3 In relation to the disability equality duty included in the Act we must publish a Disability Equality Scheme and when carrying out our functions have due regard to the need to:
- promote equality of opportunity between disabled people and other people;
  - eliminate discrimination that is unlawful under the Disability Discrimination Act;
  - eliminate harassment of disabled people that is related to their disability;
  - promote positive attitudes towards disabled people;

- encourage participation by disabled people in public life; and
- take steps to meet disabled people's needs, even if this requires more favourable treatment.

'Due regard' means that authorities should give due weight to the need to promote disability equality in proportion to its relevance.

## 1.5 **The Communications Act 2003 (“Communications Act”)**

The Communications Act provides that in relation to Disability Discrimination we have a duty:

- 1.5.1 To observe the code for the time being in force drawn up by Ofcom relating to television services for persons with hearing or visual or dual sensory impairments. (The code currently in force is the Code on Television Access Services);
- 1.5.2 (After consultation with Ofcom) To make arrangements for promoting, in relation to employment, the equalisation of opportunities for disabled people; and
- 1.5.3 (After consultation with Ofcom) To publicise, review and (at least annually) publish our observations on the current operation and effectiveness of such arrangements.

## **PART 2 – S4C’S COMMITMENT AS AN EMPLOYER**

### **2.1 Key Principles**

We value all staff and are committed to ensuring equality of treatment for all employees. We will **not treat employees less favourably** for reasons connected with a disability except if this can be shown to be justified.<sup>1</sup> Our commitment to equality of treatment covers all aspects of employment including recruitment, training opportunities and promotion and benefits such as pensions and social facilities and working conditions.

### **2.2 Working Conditions**

We will make reasonable adjustments to **premises or to working arrangements** where they put employees with a disability at a disadvantage. Reasonable adjustments can mean anything from putting in a ramp to changing an employee’s role statement.

### **2.3 Recruitment**

We will:

- 2.3.1 Interview all applicants with a disability who meet the minimum criteria for a vacancy and consider them on abilities;
- 2.3.2 Ensure there is a mechanism in place to discuss, at any time, but at least once a year, with disabled employees, what we and they can do to make sure they develop and use their abilities;
- 2.3.3 Make every effort when an employee becomes disabled to make sure they stay in employment;
- 2.3.4 Take action to ensure that all employees develop the appropriate level of disability awareness needed to make our commitments, as set out in this Policy work;
- 2.3.5 Each year, review these five commitments and what has been achieved, plan ways to improve them and let employees and the Employment Service know about progress and future plans.

*S4C holds the two tick disability symbol which is awarded by the Employment Service to employers who have made the five commitments set out above and S4C is committed to achieving this award on an annual basis.*

### **2.4 Training and Information**

In addition to any specific matters set out in our Action Plan we will provide the following information and training to staff:

- 2.4.1. Job specific disability awareness related training for relevant HR personnel and other relevant personnel by Head of Personnel;
- 2.4.2. Training/work experience placement opportunities;
- 2.4.3. Ensuring external training venues have disabled facilities (where they are needed) as well as induction loops etc; and
- 2.4.4. Take account of the recommendation in Ofcom’s toolkit for broadcasters in employment and training.

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<sup>1</sup> Less favourable treatment will only be justified under the Disability Discrimination Act where certain limited conditions are satisfied and advice should be sought from Human Resources in all circumstances where it is believed less favourable treatment may be justified prior to taking or failing to take any action.

## **PART 3 – S4C’S COMMITMENT AS A SERVICE PROVIDER**

### **3.1 The Provision of Goods and/or Facilities**

The provision of services includes the provision of goods or facilities. This includes provision in the UK of services to the public, or to a section of the public.

### **3.2 No Discrimination**

3.2.1 We will not discriminate against a disabled person by treating a disabled person less favourably, for a reason relating to the disabled person’s disability, than we treat others, where the treatment cannot be shown to be justified. (See 2.1 above)

3.2.2 Examples of discrimination could include refusing to provide any service which we provide to members of the public, providing a lower standard of service to a disabled person or offering a service on worse terms than those offered to other people.

### **3.3 Reasonable Adjustments**

3.3.1 We will make reasonable adjustments to enable disabled people to use our services where failure to do so cannot be shown to be justified. This duty to make reasonable adjustments where failure to do so cannot be shown to be justified comprises of:

- (i) Changing practices, policies and procedures;
- (ii) Providing auxiliary aids and services;
- (iii) Overcoming a physical feature by removing, altering or avoiding it or by providing services by alternative means.

3.3.2 Broadly, consideration of whether an adjustment is reasonable would include an assessment of the following:

- (i) The effectiveness of the adjustment;
- (ii) The cost and availability of resources and any unreasonable disruption it might cause.

3.3.3 In each year we will prepare the Action Plan setting out our commitments for the year ahead and the current action plan is annexed to this Policy as Annexure 2. In each year we will provide an equal opportunities report to Ofcom.

3.4 The Ofcom Code on Television Access services applies to S4C. We regularly report to Ofcom and the S4C Authority on success and compliance with the code. We will include further targets on access to our services by Disabled Persons in our Corporate Plan and in our Action Plan.

### **3.5 Consequences Of Non-Compliance With The Disability Discrimination Act.**

The consequence of non-compliance applies to both S4C and its employees. A breach of the disability act is actionable as a tort and damages awarded may include compensation for injury to feelings. Failure to publish and implement a Disability Equality Scheme may also lead to legal action against S4C.

## **PART 4 - OBLIGATIONS OF EMPLOYEES**

### **4.1 Awareness of this Policy**

We will ensure that all of our employees are aware of this policy and our Equal Opportunities Policy. Staff must support this policy actively by accepting that there is equal opportunity for everyone in all aspects of work life and by promoting the principles of inclusion and equal opportunity for all of our viewers and everyone to whom we supply services. Staff should not be party to situations that could lead to unjustified discrimination or harassment. All Staff will have to demonstrate that they have read and understood this Policy.

### **4.2 Operate in accordance with this Policy**

All employees have a responsibility for ensuring that the principles of inclusion and of equality of opportunity are upheld and for the implementation of best equality practices. Any infringement or report of infringement of this policy or the Equal Opportunities Policy by any member of staff will be treated seriously and in accordance with our Disciplinary and Grievance Procedures.

### **4.3 Inform Human Resources of Disability**

All employees are requested to inform Kay Walters, Head of Human Resources in the event that they are or become disabled in order that we can ensure that we meet our obligations, including where appropriate the obligation to make reasonable adjustments to premises or working arrangements to ensure that such employees are not disadvantaged.

Such information will be processed only to the extent necessary to satisfy our statutory obligations and will be held and maintained in accordance with our Data Protection Policy.

### **4.4 Dealing with the Public**

All members of staff who deal with the public or are involved in any way in the provision of services to the public are expected to:

- treat disabled people fairly, with respect and not less favourably than other members of the public unless different treatment can be justified on health and safety grounds or is otherwise justifiable;
- consider in respect of the provision of services the accessibility of those services to the public and the reasonable adjustments which might be made to make such services more accessible, consulting with disability interest groups/organisations where relevant;
- consider and where appropriate refer and/or action any requests by disabled people for any reasonable adjustment to be made e.g. for information to be provided in a particular format or for help in completing a complaints form.

## **PART 5 - PUBLICATION, REVIEW AND REPORTING**

### **5.1 Publication**

We will publish a Disability Equality Scheme every 3 years. We will publish an Action Plan in relation to Disability Equality annually. In addition our commitments and targets in relation to our programme services will be published in our annual Programme Policy Statement. Further commitments will be published in our Corporate Plan.

We will publish the findings of our review on the progress made in fulfilling our commitments and achieving our targets in relation to our programme service in our annual review of the Programme Policy Statement for the preceding year and in the quarterly updates published on-line in relation to our Corporate Plan and in relation to this Disability Equality Scheme in our Annual Report (which is laid before Parliament)

### **5.2 Review**

The S4C Authority will conduct an annual review which will measure the impact of our activities on disability equality and which will follow consultation with stakeholders and information about our performance. The S4C Authority will make recommendations where appropriate for improving performance. We will set out in our annual Action Plan the arrangements in any particular year for gathering information but the review by the S4C Authority will include:

5.2.1 An annual review of this Disability Equality Scheme. The review will be assessed by the Personnel and Remuneration Committee of the S4C Authority and contain details on:

- Impact of the Action Plan for the preceding year.
- **Recruitment practices** (to ensure that job opportunities are accessible to disabled people (e.g. advertising, selection and assessment procedures).
- **Equal opportunity information** from existing and new employees. The purpose of which is to ensure that S4C monitors numbers of employees with a disability and ensure that those employees with a disability are adequately supported and to assess and put in place any reasonable adjustments.
- **Result of Internal Audit** by independent auditors of all policies and practices to ensure that they are fully inclusive.
- The steps taken to involve disabled people in the development of the Scheme and the result of information gathering and use of such information.
- The effectiveness of the operation of our Action Plan in the preceding year and recommendations for subsequent plans and schemes.

5.2.2 Regularly review progress in meeting the commitments and targets set out in the Disability Equality Scheme (and its Annual Action Plan), the annual Programme Policy Statement and in the Corporate Plan and publish the results of our review as stated at 5.1. above.

5.2.3 In addition to the annual review the S4C Authority will undertake a detailed review of the Disability Equality Scheme and publish a revised Disability Equality Scheme every 3 years.

5.3. **Reporting**

We will report to Ofcom at least annually on our arrangements for promoting, in relation to employment, the equalisation of opportunities for disabled people and on the operation and effectiveness of such arrangements.

S4C report to the S4C Authority every quarter and annually on our compliance with the target set in the Action Plan, the Corporate Plan in relation to this policy.

The S4C Authority will publish within its Annual report (which is laid before Parliament) the result of the review, setting out the matters noted at 5.2 above, and any other relevant matters.

5.4 **Versions of Policy**

This policy is available in Welsh and English and a copy in large print is accessible on-line or can be provided on request. We will, on request, arrange for a braille copy of this policy to be prepared.

5.5 Our Disability Equality Scheme is approved by the S4C Authority.

## **PART 6 - CONSULTATION**

In each year we will look at the extent to which this Scheme, our Action Plan and the services we provide take account of the needs of disabled people. To enable us to fulfil these duties we will consult with stakeholders and persons representing the needs and views of disabled person to gather evidence about the extent to which our services meet the needs of disabled people. These consultations and other reviews and impact assessments will feed into the annual review of the S4C Authority.

In preparing this scheme we took account of the information provided to us by the Employment Service in relation to equality of employment of disabled persons and to the guidance issued by Ofcom in their toolkit for broadcasters and in their code on access services. Our Access Services team are in regular contact with disabled groups in relation to their views on our access services. We regularly hold public meetings with viewers and at least one of those meeting during the year was targeted at persons with a disability.

## **ANNEXURE 1**

### **THE MEANING OF DISABILITY (AS APPENDED TO THE CODE OF PRACTICE ON RIGHTS OF ACCESS GOODS, FACILITIES, SERVICES AND PREMISES ISSUED BY THE DISABILITY RIGHTS COMMISSION WITH A COMMENCEMENT DATE OF MAY 27 2002)**

#### **The meaning of disability**

This Appendix is included to aid understanding about who is covered by the Act. A Government publication 'Guidance on matters to be taken into account in determining questions relating to the definition of disability' is also available.

#### **When is a person disabled?**

A person has a disability if he has a physical or mental impairment, which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.

#### **What about people who have recovered from a disability?**

People who have had a disability within the definition are protected from discrimination even if they have since recovered. (Though those with past disabilities are not covered by the provisions relating to improvements to dwelling houses detailed in Chapters 18 and 19).

#### **What does 'impairment' cover?**

It covers physical or mental impairments; this includes sensory impairments, such as those affecting sight or hearing.

#### **Are all mental impairments covered?**

The term 'mental impairment' is intended to cover a wide range of impairments relating to mental functioning, including what are often known as learning disabilities.

#### **What is a 'substantial' adverse effect?**

A substantial adverse effect is something which is more than a minor or trivial effect. The requirement that an effect must be substantial reflects the general understanding of disability as a limitation going beyond the normal differences in ability which might exist among people.

#### **What is a 'long-term' effect?**

A long-term effect of an impairment is one:

- which has lasted at least 12 months,
- where the total period for which it lasts is likely to be at least 12 months, or
- which is likely to last for the rest of the life of the person affected.

Effects which are not long-term would therefore include loss of mobility due to a broken limb which is likely to heal within 12 months and the effects of temporary infections, from which a person would be likely to recover within 12 months.

#### **What if the effects come and go over a period of time?**

If impairment has had a substantial adverse effect on normal day-to-day activities but that effect ceases, the substantial effect is treated as continuing if it is likely to recur; that is if it is more probable than not that the effect will recur.

#### **What are 'normal day-to-day activities'?**

They are activities which are carried out by most people on a fairly regular and frequent basis. The term is not intended to include activities which are normal only for a particular person or group of people, such as playing a musical instrument, or a sport to a professional standard or performing a skilled or specialised task at work.

However, someone who is affected in such a specialised way but is also affected in normal day-to-day activities would be covered by this part of the definition. The test of whether impairment affects normal day-to-day activities is whether it affects one of the broad categories of capacity listed in Schedule 1 to the Act. They are:

- mobility
- manual dexterity
- physical co-ordination
- continence
- ability to lift, carry or otherwise move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand, or
- perception of the risk of physical danger.

**What about treatment?**

Someone with impairment may be receiving medical or other treatment which alleviates or removes the effects (though not the impairment). In such cases, the treatment is ignored and the impairment is taken to have the effect it would have had without such treatment. This does not apply if substantial adverse effects are not likely to recur even if the treatment stops (i.e. the impairment has been cured).

**Does this include people who wear spectacles?**

No. The sole exception to the rule about ignoring the effects of treatment is the wearing of spectacles or contact lenses. In this case, the effect while the person is wearing spectacles or contact lenses should be considered.

**Are people who have disfigurements covered?**

People with severe disfigurements are covered by the Act. They do not need to demonstrate that the impairment has a substantial adverse effect on their ability to carry out normal day-to-day activities.

**Are there any other people who are automatically treated as disabled under the Act?**

Anyone who has HIV, cancer or multiple sclerosis is automatically treated as disabled under the Act. In addition, people who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist, are automatically treated under the Act as being disabled. People who are not registered or certified as blind or partially sighted will be covered by the Act if they can establish that they meet the Act's definition of disability.

**What about people who know their condition is going to get worse over time?**

Progressive conditions are conditions which are likely to change and develop over time. Where a person has a progressive condition he will be covered by the Act from the moment the condition leads to an impairment which has some effect on ability to carry out normal day-to-day activities, even though not a substantial effect, if that impairment is likely eventually to have a substantial adverse effect on such ability.

**Are people with genetic conditions covered?**

If a genetic condition has no effect on the ability to carry out normal day-to-day activities, the person is not covered. Diagnosis does not in itself bring someone within the definition. If the condition is progressive, then the rule about progressive conditions applies.

**Are any conditions specifically excluded from the coverage of the Act?**

Yes. Certain conditions are to be regarded as not amounting to impairments for the purposes of the Act. These are:

- addiction to or dependency on alcohol, nicotine, or any other substance (other than as a result of the substance being medically prescribed)
- seasonal allergic rhinitis (e.g. hay fever), except where it aggravates the effect of another condition
- tendency to set fires
- tendency to steal
- tendency to physical or sexual abuse of other persons
- exhibitionism
- voyeurism.

Also, disfigurements which consist of a tattoo (which has not been removed), non-medical body piercing, or something attached through such piercing, are to be treated as not having a substantial adverse effect on the person's ability to carry out normal day-to-day activities.