# RNIB Advocacy letter

## This is a standard letter

Dear Universal Credit,

## The Equality Act 2010 – what it means for Universal Credit

The Equality Act 2010 is a piece of legislation that aims to ensure we have a fair and equal society. This includes making sure everyone has an equal opportunity to use services. The Equality Act sets out specific duties with which “service providers” have to comply. You are receiving this letter because a blind or partially sighted person believes that you, as a service provider, have broken the law and discriminated against him or her. The Equality Act says that service providers are not allowed to discriminate against people by treating them less favourably because of their “protected characteristic”. This means disability, gender, race, sexual orientation, religion or belief or age (over 18 years old).

Any person who is registered sight impaired / severely sight impaired is automatically considered to be disabled within the meaning of this act (s.6 Equality Act 2010 (disability regulations 2010).

You are a service provider within the meaning of s. 29(1) of the Equality Act. Under s.20 of the Act, a service provider has a duty to make reasonable adjustments to any “provision, criterion or practice” that puts the disabled person at a substantial disadvantage when using the service. You must comply with this duty. If you do not make a reasonable adjustment, you are breaking the law.

This duty to make reasonable adjustments is anticipatory and DWP should have planned to comply with the law. A failure to provide a robust alternative system for claiming Universal Credit online is likely to be a breach of your duties outlined above as well as your Public Sector Equality Duty. Any suggestion that a family member or friend can provide assistance is not a reasonable adjustment and is incompatible with Article 8 of the European Convention of Human Rights.

As a public authority you must act compatibly with Convention rights. Article 8 of the Convention confirms that everyone has the right to respect for private and family life, including access to personal information and correspondence. Article 8 is engaged in relation to the provision of welfare benefits and the confidentiality of correspondence. Contained within this right is also the maintenance and promotion of independent livingfor a person with a disability.

Additionally, a failure to make a reasonable adjustment to the requirement to attend an interview at a Jobcentre, for a claimant who is unable to travel to such a location for a reason related to their disability, is likely to be a further breach of these duties.

We ask you to address this person’s complaint and ensure that you are complying with your obligations under the Act. If you fail to comply with the Equality Act, the individual can take you to court. If you lose, then the court could order you to pay compensation, and you could also be ordered to pay that person’s legal costs. Investigating the complaint and speaking to the individual or using independent accredited conciliation or mediation schemes may be a way to resolve the dispute without going to court.

Please respond to the person making the complaint as well as to the RNIB Legal Rights service, The Grimaldi Building, 154a Pentonville Road, London, N1 9JE.

**RNIB Legal Rights service**