

The Disability Discrimination Act 1995

What you need to know about making changes to your premises

What the law says?

Part 3 of the Disability Discrimination Act makes it unlawful for service providers to discriminate against disabled people by failing to make reasonable adjustments. From 1st October 2004 this will include considering reasonable adjustments to the physical features of your premises so that goods, services and facilities are accessible for disabled people. The DRC have produced a Code of Practice on Part 3, which describes the law and what it might look like in practice (available from DRC and TSO).

Does the Act apply to me?

The Act applies to you if you provide goods or services to the public e.g. a retail outlet, bar, local authority, library, bank, health service, conference centre, cinema, restaurant, garage, hotel or dental practice. This list is not exhaustive.

Who is covered by the Act?

Disabled people are covered by the Act - about 1 in 5 of the adult population. Disabled people may include those with mobility or sensory impairments, learning disabilities, mental ill health, severe facial disfigurements and certain other conditions. It is important to recognise that not all disabilities are obvious.

Why should I make any changes?

It makes good business sense to make your premises accessible. If your premises are not accessible disabled people may not be able to use your services. You might also miss out on valuable custom from their families and friends. Making your premises more disabled-friendly will make more attractive for others including children, parents, older people and first time visitors.

Failing to make reasonable adjustments could mean you are acting unlawfully and might result in a court case, a fine and negative publicity for your business.

What are physical features?

Physical features are any features arising from the design or construction of a building and any fixtures, fittings, furnishings and equipment on the premises. This could include paths, entrances, exits, entry systems, car parking, public phones, changing rooms, service counters, doors, toilets, stairs, shelves, waiting areas, signage, floor and wall coverings. This list is not exhaustive but it shows the variety of features which can present barriers and for which solutions can be found. You will have to anticipate the types of problems that could arise so that when a disabled person requests a service, reasonable steps will already have been taken to overcome any access issues.

What are reasonable adjustments?

A reasonable adjustment means making changes to the building your services are delivered from or the way you deliver the service so that it is not unreasonably difficult for the disabled person to use your service. Reasonable adjustments vary from case to case. You can take into account the type of service being provided, its size and resources and the practicality of taking a particular step. The Act also says that you can provide a reasonable alternative method of providing a service if a disabled person cannot access it. This duty has been in force since 1999.

What can I do?

You can aim to take an inclusive approach when commissioning building or refurbishment work, aiming for equal access and best practice from the outset. You will need to identify the physical features that create barriers to access and find solutions and alternatives for them. You will need to plan to make improvements and ensure that once adjustments have been made that you and your staff are able to maintain access. It is good practice to let disabled people know about access to your premises. The organisations listed below and links provided on their websites are a good starting point.

How can building practitioners help?

Professional building practitioners include qualified architects, designers, surveyors and registered access auditors. One of your first points of contact may be your local authority planning or building standards departments. All of the above should have a good knowledge and understanding of what the law requires you to do. Voluntary organisations and local disability groups may also be

able to offer assistance and information. It will be important that you

Are there any other duties in the Act, which apply to me?

Yes. The Act already requires you to make reasonable adjustments in relation to auxiliary aids and services such as communication support or information in large fonts and to review your policies, procedures and practices. The Act also covers employment, education and transport. The Disability Rights Commission can provide more information on the Disability Discrimination Act.

Where can I find out more about physical adjustments to my premises?

You can use the following websites to find out more and to find links to other sources of helpful advice.

The Disability Rights Commission www.drc-gb.org

Centre For Accessible Environments www.cae.org.uk

The National Register of Access Consultants www.nrac.org.uk

The Employers Forum on Disability www.employers-forum.co.uk