

## Factsheet 25: Accessibility

Accessibility is everyone's concern. It is organisational and environmental structures that most restrict an individual's participation in mainstream activities. Your approach to design should be an inclusive one; designing for the widest range of people is of benefit to everyone.

### 1: What does the law say?

Since 1996 it has been unlawful for you to treat disabled people less favourably for a reason related to their disability. Since 1999 you have had to make *'reasonable adjustments'* for disabled people, such as providing extra help or making changes to the way you deliver services.

From 1 October 2004 you may have to make *'reasonable adjustments'* to the physical features of your premises to overcome barriers to access of facilities, services and goods. It is advisable for you to start planning now for these changes.

### 2: Who is a service provider?

Under the Disability Discrimination Act anyone who provides a service to the public or a section of the public is a service provider. There are a few exceptions and you should refer to the Act for details about these. If you aren't sure, then the safest option is to assume you should be adjusting your services.

### 3: What is a physical feature?

These include steps, stairways, kerbs, exterior surfaces and paving, parking areas, building entrances and exits (including emergency escape routes), internal and external doors, gates, toilet and washing facilities, public facilities (such as telephones, counters or service desks), lighting and ventilation, lifts and escalators. However, this is not an exhaustive list.

Your duty is not just to put a ramp at the front entrance of your building (although that may be a useful thing to do) but to look at all aspects of your services and consider what changes you can make to the full range of physical features. You may plan a number of changes as part of a refurbishment or a continuing access improvement programme. What might not be considered a reasonable adjustment now, could well be considered reasonable in future. Access should not be considered once and then forgotten.

### 4: What is reasonable?

Reasonable adjustments may be:

- Removal of a feature
- Alteration of a feature
- Provide means of avoiding the feature
- Provide the service by an alternative means

The Act does not require a service provider to adopt one way of meeting its obligations rather than another. The focus of the Act is on results.

Where there is a physical barrier, the service provider's aim should be to **make its services accessible** to disabled people. What is important is that this aim is achieved, rather than how it is achieved. If a service remains inaccessible, a service provider may have to defend its decisions.

### 5: Employers

An employer has a duty to *'take such steps as is reasonable'* in order to prevent an arrangement or physical feature having a discriminatory effect. The arrangement or adjustment agreed with the individual employee or potential employee (paid or unpaid) could be:

- adjustments to premises
- assign the person to a different place of work
- acquire or modify equipment
- terms of contract

### 6: Consents

The Act does not make unlawful anything done to comply with other legislation and the following consents are still required:

- Planning consent
- Listed building consent
- Third parties
- Landlord's consent

## **7: Good Practice**

### ***DDA Codes of Practice***

Codes of Practices issued under the act are prepared by the Disability Rights Commission. They give guidance on how to avoid discrimination against disabled people, explain the law and terms used and also present good practice examples.

### ***The Building Regulations - Approved Document M***

*Access and use* - Reasonable provision shall be made to ensure that buildings are accessible and usable by all those who could be expected to use the building.

*Audience or spectator seating* - If the building contains audience or spectator seating, reasonable provision shall be made to accommodate all those who could be expected to use the facility.

### ***British Standard 8300 : 2001***

The British Standard for design of buildings for the convenience and use by people with disabilities includes: car parking, setting down and approaching buildings, entering and horizontal circulation, vertical circulation, using the facilities and spaces within buildings, individual rooms, building types.

## **8: What Should You Do?**

You are expected to anticipate the reasonable adjustments you may need to make and plan ahead. Even though the section of the Act about physical features doesn't come into force until 2004 it makes sense to plan for them now. How you do this depends on your situation.

You could have an access audit done to examine the accessibility of services and facilities. Access audits are detailed inspections and reports on buildings undertaken by an experienced Access Consultant to identify where physical barriers may compromise access and offer practical solutions. Once you know which physical features may make it difficult for disabled people to use your service then the law gives you a choice. You can remove that feature, alter it, find a way of avoiding it or provide the service another way.

## **9: Further Help**

Disability Rights Commission 08457 622 633 [www.drc-gb.org](http://www.drc-gb.org) Email: [enquiry@drc-gb.org](mailto:enquiry@drc-gb.org)

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