

Understanding the Disability Discrimination Act of 1995

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1 Introduction

Most of us will be aware of the Disability Discrimination Act 1995 (DDA), but many do not know the extent to which the Act affects us as Fellowships. Since October 1999 people who provide goods or services ('service providers') have been required to make "reasonable adjustments" for disabled people, such as providing extra help or making changes to the way they provide their services. Service providers were also required by October 2004 to make "reasonable adjustments" to the physical features of their premises to overcome physical barriers to access.

Quite apart from the legal requirement to make the property more accessible we as Christians should want to give disabled people (and those affected by disability, such as family members of disabled people) the same opportunity to hear the Gospel and to participate fully in the church's life as anyone else. Indeed, by not providing facilities and resources we imply that disabled people are not important to us or God and they will feel unwelcome.

Frequently people say that few, if any, disabled people attend their fellowship. This is very much a 'chicken and egg' situation. Experience of many churches has demonstrated that once a church provides such facilities (not just for wheelchair users but for people with other impairments), disabled people and their entire family, start to attend.

We can do so much to facilitate full participation by everyone, including disabled people. For example:

- Provision of level access and lightweight doors means parents with pushchairs and elderly people benefit as well as wheelchair users.
- A loop system means people with hearing aids have far greater opportunity to hear the spoken words.
- Good lighting benefits deaf people, hearing impaired people, lip-readers, partially sighted people and elderly people.
- Provision of helpful signs and information benefit us all.
- A venue with good acoustics helps people with speech difficulties to be heard as well as improving the sound of the music band/organ and congregational singing.
- A carpeted floor (providing the pile is smooth for wheelchair users) benefits many different groups of disabled people.
- Good colour contrast helps visually impaired people and can be an attractive design feature.

2 The Disability Discrimination Act

The Disability Discrimination Act 1995 (DDA) has been introduced in stages commencing 1st December 1996 (see Appendix 1 for the detail of the timetable).

2.1 Enforcement of the Act

The Act is not enforced by local authorities but is a civil action enforced by the Courts. Legal action may therefore be taken by an individual against a service provider for failure to comply with the Act and an award for damages for injury to a disabled person's feelings may be made.

2.2 The Disability Rights Commission

The Disability Rights Commission provides an advice and conciliation service and also financial backing in some cases for disabled people to take action in the Courts. If a service provider does not fulfil their responsibilities under the Act, legal action could be taken against it by a member of the public or the Disability Rights Commission. If an employer fails to meet their responsibility under the Act the employee may take them to an industrial tribunal.

2.3 Reasonableness

The Act is written around the word reasonable. Examples as to reasonableness are given in the Code of Practice (see Appendix 2) which accompanies the Act but broadly, when considering reasonableness we need to take into account:

- resources available
- practical effect of any changes
- disruption to the service (church activities)
- resources already spent on providing access
- availability of financial or other assistance

The standards of physical accessibility to buildings given in Approved Document M of the Building Regulations are considered to be a reasonable standard to achieve and therefore are the benchmark of what is deemed accessible. The full document can be purchased from The Stationery Office Ltd (telephone 0870 600 5522) or viewed/downloaded from www.safety.odpm.gov.uk/bregs/brads.htm. Advice on simple adjustments to services can be found on the Disability Rights Commission's website www.drc.gov.uk/publicationsandreports/pubsaccess.asp or on www.disability.gov.uk.

3 Service provider responsibilities

3.1 Currently a service provider must: -

- Not discriminate against a disabled person
- Not refuse to serve a disabled person
- Not offer a lower standard of service
- Take reasonable steps to change any practices (what the church actually does), policies (what the church intends to do) and procedures (how the church

implements the practices and policies) that prevent disabled people from taking part in church activities (e.g. not allowing Guide Dogs into the building).

- Make reasonable adjustments or provide reasonable alternative methods of making church activities available to disabled people where physical features prevent disabled people from enjoying them (e.g. spaces in the seating for wheelchairs).
- Take reasonable steps to provide auxiliary aids or services that will enable disabled people to take part in church activities. (E.g. hearing loops, sign language interpreter).

3.2 As from October 2004 a service provider must also: -

Make reasonable adjustments to physical features or provide reasonable alternative methods to enable a disabled person to take part in church activities. This may mean the provision of ramps, lifts, sufficient room to enable a toilet to be wheelchair accessible, etc.

4 Action

4.1 Audit

If this has not already been done we recommend carrying out an Access Audit, by going through the whole building and grounds (e.g. car park) to identify the often unsuspected barriers imposed on people with disabilities. (Further information is available from Churches Action on Disability (CHAD)). One way to do this might be to approach a secular organisation working with disabled people in your locality and invite them to help you with an audit, although they are unlikely to do so without charging. The British Council of Disabled People can put you in touch with such organisations. Our Property Services offer an Access Audit Service or you could try the National Register of Access Consultants (see later for details).

4.2 Examples

Here are some examples of points to review:

4.2.1 Car Park

- No hazards or obstructions to visually impaired people
- Is the surface suitable
- Disabled parking spaces near the entrance

4.2.2 Physical Access to & Within the Building

- Handrails or ramps to steps
- Width of access and doors (to allow passing)
- Clearing obstacles (at low level or not easily visible)
- Marking edge of steps

4.2.3 Toilets

- (Unisex) for disabled people with or without wheelchair
- Doors width
- Level and close to main meeting area

NB It is not discriminatory not to provide an accessible WC if one is not provided for anyone else either.

4.2.4 Seating

- Spaces for wheelchairs
- Chairs with arms (e.g. people with arthritis)

4.2.5 Lighting

- For access
- For book & lip reading

4.2.6 PA System

- Loop system or infra-red system
- Taping for people confined to home

4.2.7 Books & OHP

- Large print (Sans Serif typeface at 16 point)(and Braille)
- OHP acetates at 30 point type
- Visibility for people seated

4.2.8 Notice Board & Publicity

- Use upper and lower case
- Contrasting colour paper (e.g. black on white or black on pale yellow) on matt paper (helps people with dyslexia)
- Clear signs

4.2.9 Website

- Number of typefaces to a minimum
- Backgrounds white or pale pastel colours
- Sans Serif typeface not too small

Try using the RNIB website -

www.rnib.org.uk/xpedio/groups/public/documents/publicwebsite/public_seeitright.hcsp

4.2.10 Children

- Facilities for disabled children

4.3 Funding

There are various sources of funding for churches. It is worth contacting your local authority, Social Services Department and Churches Action on Disability (CHAD), who may all be able to provide names of grant making bodies.

5 Additional help

Advice on accessibility issues can be obtained from Local Authority Access Officers (usually based in Building Control Departments), Disability Action Groups or from the Government agencies (see list in Appendix 3). Advice on suppliers of specialist equipment can be obtained from Through the Roof (See Appendix 3).

Appendix 1: Disability Discrimination Act 1995 – Duties

Duty	DDA Date
Unlawful to treat a disabled person less favourably	1996
Unlawful for an employer to discriminate against disabled applicants and employees	1996
Employers to make reasonable adjustments and provide auxiliary aids	1996
Unlawful for service providers to discriminate against disabled people	1996
Unlawful to treat disabled people less favourable in connection with selling, letting and managing premises	1996
New rail vehicles to be accessible	1998
Service providers to provide auxiliary aids and services	1999
Service providers to take reasonable steps to provide an alternative method of supplying a service where there are physical obstruction	1999
Service providers to change policies, practices and procedures that discriminate against disabled people	1999
Service providers to make reasonable adjustments to physical environment to provide access	Oct 2004

NB "Service Providers" are people who provide goods or services and include Churches.

Appendix 2: Examples from Code of Practice

1. An assistant in a small shop refuses to serve a disabled person, arguing that a nearby shop can offer a better service to disabled people. This is a refusal of service and likely to be against the law.
2. A disabled person with a learning difficulty wishes to book a hotel room. The hotel receptionist pretends that all rooms are taken in order to refuse his booking because of his disability. This is likely to be against the law
3. A nightclub with low-level lighting is not required to adjust the lighting to accommodate customers who are partially sighted if this would fundamentally change the atmosphere or ambience of the club.
4. A video rental shop allows only people who can provide a driving licence as proof of their identity to become members. This automatically excludes some disabled people from joining because the nature of their disabilities prevents them from obtaining a driving licence (for example blind people or some people with epilepsy or mental health problems). The shop would be required to take reasonable steps to change this practice. It does so by being prepared to accept alternative forms of identification from its customers. This is likely to be a reasonable step for the shop to have to take.
5. A Hotel refurbishes a number of rooms on each floor which are fully accessible to disabled guests, however, the hotel's reservations system allocates rooms on a first come first served basis as guests arrive and register. The effect is that on some occasions the specially adapted rooms are allocated to non-disabled guests and late-arriving disabled guests cannot be accommodated in those rooms. The hotel decides to change its reservations policy so that the accessible rooms are either reserved for disabled guests in advance or are allocated last of all. This is likely to be a reasonable step for the hotel to take.
6. A building society provides information on an audiotape about its savings accounts. A customer with a visual impairment can use the audiotape at home or in a branch to decide whether to open an account. This is an auxiliary service
7. A petrol station decides that an assistant will help disabled people use the petrol pumps on request. It places a prominent notice at the pumps advertising this. This is an auxiliary service.
8. A cinema offers patrons a telephone booking service. Its booking office installs a text phone and trains staff to use it. This offers access to deaf patrons and is likely to be a reasonable step for the cinema to have taken.
9. A firm of solicitors is located in a building whose front entrance is only accessible by climbing a flight of stairs. At ground level there is a bell and a sign saying "Please ring for disabled access." However, the bell is not answered promptly, even in bad weather, so that a disabled person often has to wait for an unreasonable time before gaining access to the building. This is unlikely to be a reasonable means of avoiding the feature.
10. A service provider occupies premises under a lease, a term of which says that the service provider cannot make alterations to the staircase. When deciding whether or not it was reasonable for the service provider to make an alteration to the staircase in order to make it accessible to disabled people, a court will ignore the terms of the lease unless the service provider has written to the lessor for permission to make the alteration.

11. Although there are adequate means of escape, a cinema manager turns away a wheelchair user because she assumes, without checking, that he could be in danger in the event of a fire. Although she genuinely believes that refusing admission to wheelchair users is necessary in order not to endanger the health or safety of either the disabled person or other cinema goers, the cinema manager has not made enquiries as to whether there are adequate means of escape. Her belief is therefore unlikely to be reasonably held. In these circumstances, the refusal of admission is unlikely to be justified.

12. A restaurant changes its menu daily. For that reason it considers it not practicable to provide menus in alternative formats, such as Braille. However, its staff spend little time reading out the menu for blind customers and the restaurant ensures that there is a large print copy available. These are likely to be reasonable steps for the restaurant to have to take

13. A property company is marketing a new residential property development. It decided to hold detailed presentations for prospective buyers at the company's premises, at which there will be a talk illustrated with slides. However, the only meeting room available in the building is inaccessible to many disabled people. The property company obtains a quotation to make its premises more accessible, but the cost is more than anticipated, and it delays making the alterations.

When disabled people who are unable to attend a presentation, because the room is inaccessible to them make enquiries, they are merely sent copies of comparatively brief promotional literature. This is unlikely to be a reasonable alternative method of making the service available

If an issue arose under the Act as to whether the property company had failed to comply with its obligations to disabled people who were unable to make use of its service, regard might be had to the reasonableness of making the service available by any of the four different ways set out in the act for complying with the duty to make reasonable adjustments in relation to barriers created by physical features. In this case, this would involve consideration of whether it would have been reasonable to avoid the feature, such as holding the meeting at another venue, whether there was a more effective alternative method of providing the service that could reasonably have been adapted, or whether the cost the company would have incurred in altering its premises was such that this would have been a reasonable step for it to have to take.

Appendix 3: Useful Contact Details

Organisation	Telephone Number	Website Address
Department for Work and Pensions	020 7712 2171	www.disability.gov.uk
Disability Rights Commission	0845 762 2633	www.drc-gb.org
Deputy Prime Minister's Office	020 7944 4400	www.odpm.gov.uk
HMSO	020 2726 5210	www.hmso.gov.uk
National Register of Access Consultants	020 7735 7845	www.nrac.org.uk
Centre for Accessible Environments	020 7840 0125	www.cae.org.uk

Christian Deaf Link UK

The Olive Tree Centre
First Floor, 69 High Street
Rayleigh SS6 7EJ
Tel/fax: 01268 743261
Web: www.deafchristian.org.uk
Ministering to the deaf community through groups, renewal, access, churches and evangelism

Causeway PROSPECTS

PO Box 351
Reading
RG1 7AL
Tel: 0118 950 2722 Fax: 0118 939 1683
Web: www.prospects.org.uk
Working with adults with learning disabilities

Torch Trust

Torch House
Hallaton
Market Harborough
LE16 8UJ
Tel: 01858 555301 Fax: 01858 555371
Web: www.torchtrust.org
Providing resources for blind and visually impaired people

Hands Together

PO Box 212
Doncaster
DN2 5XA
Tel: 01302 369684 Fax: 01302 739660
Working with profoundly deaf people

Through the Roof

PO Box 353
Epsom
KT18 5WS
Tel: 01372 749955 Fax: 01372 737040
Web: www.throughtheroof.org
Training and raising disability awareness among churches and Christians and equipping disabled people for leadership

CHAD (Church Action on Disability)

50 Scrutton Street
London
EC2A 4PH
Tel: 020 7452 2000 Fax: 020 7452 2001
Web: www.chaduk.org
Education and awareness raising of disability in churches

Carers Christian Fellowship

14 Cavie Close
Nine Elms
Swindon
SW5 9XD
Tel: 01793 887068
Web: www.carerschristianfellowship.org.uk
Christian peer support for carers

Disearning

19 Mill Lane
Oversley Green
Alcester B49 6LF
Tel/fax: 01789 765439
Advice and training on access and service

additional information

If you found this briefing paper useful, you may also be interested in these other property-related papers produced by Stewardship:

Responsibilities of managing asbestos in buildings

VAT for churches – a guide to the issues (there is a charge of £8 for this publication)

building work to church premises – some legal and regulatory issues

Copies of the above papers can be obtained by phoning Stewardship on 08452 26 26 27 or e-mail enquiries@stewardship.org.uk The two free papers are also available as downloads on our website www.stewardship.org.uk/briefing_papers.htm

If you have any queries relating to property matters please contact Giles Arnold, Property Services Manager on 020 8502 8589 or e-mail giles.arnold@stewardship.org.uk.

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