



Community & Voluntary Service

Mid and North Bedfordshire

Accessibility

Accessibility is everyone's concern. It is organisational and environmental structures that most restrict an individual's participation in mainstream activities. Our 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 have to make '*reasonable adjustments*' to the physical features of your premises to overcome barriers to access of facilities, services and goods.

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 it 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: Access Audit

It is useful for both employers and service providers to carry out an access audit, taking into consideration the following:

- Approach and parking areas
- Routes and external level change, including ramps and steps
- Entrances, including reception and exits
- Corridors, internal doors and internal ramps
- Lifts, stair lifts and internal level changes
- Toilets and washing facilities
- Facilities for cooking or refreshments
- Fixtures and fittings
- Lighting and ventilation
- Emergency exits
- Public facilities, such as telephones and service desks
- Providing information

8: Good practice

DDA Codes of Practice

Codes of practice 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.

9: Further help

CVS – Mid & North Beds,

43 Bromham Road, Bedford, MK40 2AA.

Tel: 01234 354366.

Fax: 01234 347503.

Email: info@cvsmidandnorthbeds.org.uk.

Website: www.cvsmidandnorthbeds.org.uk

Reg. Charity No. 1091423; Company Limited by Guarantee No. 4312967

Disability Resource Centre - www.drcbeds.co.uk

Disability Rights Commission - www.drc-gb.org

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

Centre For Accessible Environments - www.cae.org.uk

This is one in a series of fact sheets produced by CVS – Mid & North Beds, on subjects of interest to voluntary and community groups. It is intended for guidance only and is not a comprehensive statement of the law.