

Disability Discrimination Act Part III Good Practice Guidance For LEA and Schools

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Disability Discrimination Act 1995 Part III:

Good Practice Checklist and Guidance

The Disability Discrimination Act 1995 (DDA) has made discrimination unlawful against disabled people in access to goods, facilities and services.

From October 2004, service providers have to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access or provide a reasonable alternative method of delivering services without a disabled person facing less favourable treatment.

The Checklist covers:

- Awareness of the DDA
- Measures already taken to improve access for disabled people
- Awareness of remaining disabling barriers
- Actions already taken to improve accessibility
- Planning to remove the remaining barriers for disabled people

The guidance includes a brief overview of the Disability Discrimination Act's requirements on service providers and frequently asked questions including:

- Who is a service provider?
- What is a physical feature?
- What is reasonable?

Good Practice Checklist

Action	✓	X
<ul style="list-style-type: none"> Are you familiar with the requirements of the Disability Discrimination Act 1995 Part III? 		
<ul style="list-style-type: none"> Has anyone been given lead responsibility for ensuring compliance with the Act? 		
<ul style="list-style-type: none"> Have employees been made aware of their responsibilities under the Act? 		
<ul style="list-style-type: none"> Have employees been trained on their responsibilities under the Act? 		
<p>If you have answered NO to any of the above actions, please refer to the Disability Discrimination Act Part III Overview on Page 5-6.</p>		
<ul style="list-style-type: none"> Would you be interested in training on the Disability Discrimination Act Part III? 		
<ul style="list-style-type: none"> Have you already taken any steps to assist disabled people in being able to have equal access to your services? <p>This may include, providing information in Large Print, home visits, making physical adjustments or altering disabling features to premises, providing a reasonable means to avoid the feature or using a reasonable alternative method of providing the service.</p>		
<ul style="list-style-type: none"> Where you have avoided the disabling feature or provided an alternative method of delivery, have you assessed the adjustment for any adverse impact on disabled people? 		
<ul style="list-style-type: none"> If you have found an adverse impact, please list what steps you have taken to remove the adverse impact. 		
<ul style="list-style-type: none"> Do you know of any remaining obstacles in your physical environment that may present a barrier to disabled people accessing services? <p>Please tick which of the following may be possible barriers to access:</p> <ul style="list-style-type: none"> Steps Stairways 		

Action	✓	X
<ul style="list-style-type: none"> • Kerbs • Parking areas • Building entrances and exits • Internal and external doors • Gates • Lighting • Signs • Furniture • Display racks • Toilet and washing facilities • Public facilities (such as telephones, counters or service desks) • Lifts and escalators <p>Please list any further physical barriers that you are aware of:</p>		
<ul style="list-style-type: none"> • Please tick which of the following access improvements that you have carried out: <ul style="list-style-type: none"> • widened doorways? • ensured adequate disabled parking? • relocated light switches, door handles or shelves for someone who has difficulty in reaching? • provided appropriate contrast in decor to assist the safe mobility of a visually impaired person? • installed a permanent induction loop system? • provided tactile buttons in lifts? 		

Action	✓	X
<ul style="list-style-type: none"> • ensured that premises are well lit? • provided clear signs? • provided an induction loop for a person with a hearing impairment? • provided seating? • installed a permanent ramp and a handrail at the entrance to a building where there are steps? • lowered a reception desk so that it is more accessible for people who use wheelchairs? • used colour contrast to ensure entrances and exits are easier to use? • colour coded areas within buildings? • met mobility-impaired person in a more accessible venue or at their home if the premises can only be reached by stairs? • ensured that entrances and exits to the building are accessible? • ensured that toilets and washing facilities are accessible to everyone? • ensured that furniture and displays are not obstructive? • ensured that all disabled people have full access to information? <p>Please list any further access improvements that you have carried out or will be carrying out:</p>		
<ul style="list-style-type: none"> • Have you compared the steps you have taken so far with your list of remaining barriers and what gaps if any have you identified? 		
<ul style="list-style-type: none"> • Have you used data gathered from comments and complaints on access to remove disabling barriers? 		

Action	✓	X
<ul style="list-style-type: none"> Have you sought any external advice or information on the DDA? 		
<ul style="list-style-type: none"> Has an audit and risk assessment of the current position against the potential responsibilities under the DDA been carried out? 		
<ul style="list-style-type: none"> Have school improvement planning processes taken into account the need to make adjustments? 		
<ul style="list-style-type: none"> Have resources been identified to make reasonable adjustments? 		
<ul style="list-style-type: none"> Has an action plan with measurable targets and deadlines been developed to ensure that accessibility is improved? 		
<ul style="list-style-type: none"> Have you reviewed how effective your services and the reasonable adjustments made are accessible to disabled people? Have you acted on the review findings? 		

AN OVERVIEW

- **Introduction**

The Disability Discrimination Act 1995 (DDA) has made discrimination unlawful against disabled people in access to goods, facilities and services.

From October 2004, service providers have to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access.

The DDA defines disability as:

A physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

- **Discrimination**

The DDA means discrimination to involve the unjustifiable treatment of a disabled person less favourably than another person would be treated, by refusing or failing to provide a service; providing a service at a lower standard or on worst terms; not making reasonable adjustments which either prevent a disabled person from using services or make it unreasonably difficult for them.

- **Who is a service provider?**

The DDA affects everyone in the public, private or voluntary sectors who is concerned with the provision of services to the public or to a section of the public. The DDA covers services which are free as well as those requiring payment.

- **What is reasonable?**

The DDA itself does not specify what is reasonable, however, the Code of Practice states that the term 'reasonable' is dependent upon the type of service being provided, the size of the service provider and the effect of the disability on the individual disabled person. There are a number of factors which could be taken into consideration in determining if an adjustment is reasonable, these include whether it will work, cost, the level of disruption, the size of the service provider and whether there is any assistance available. This allows different solutions to different situations.

- **The October 2004 Requirements**

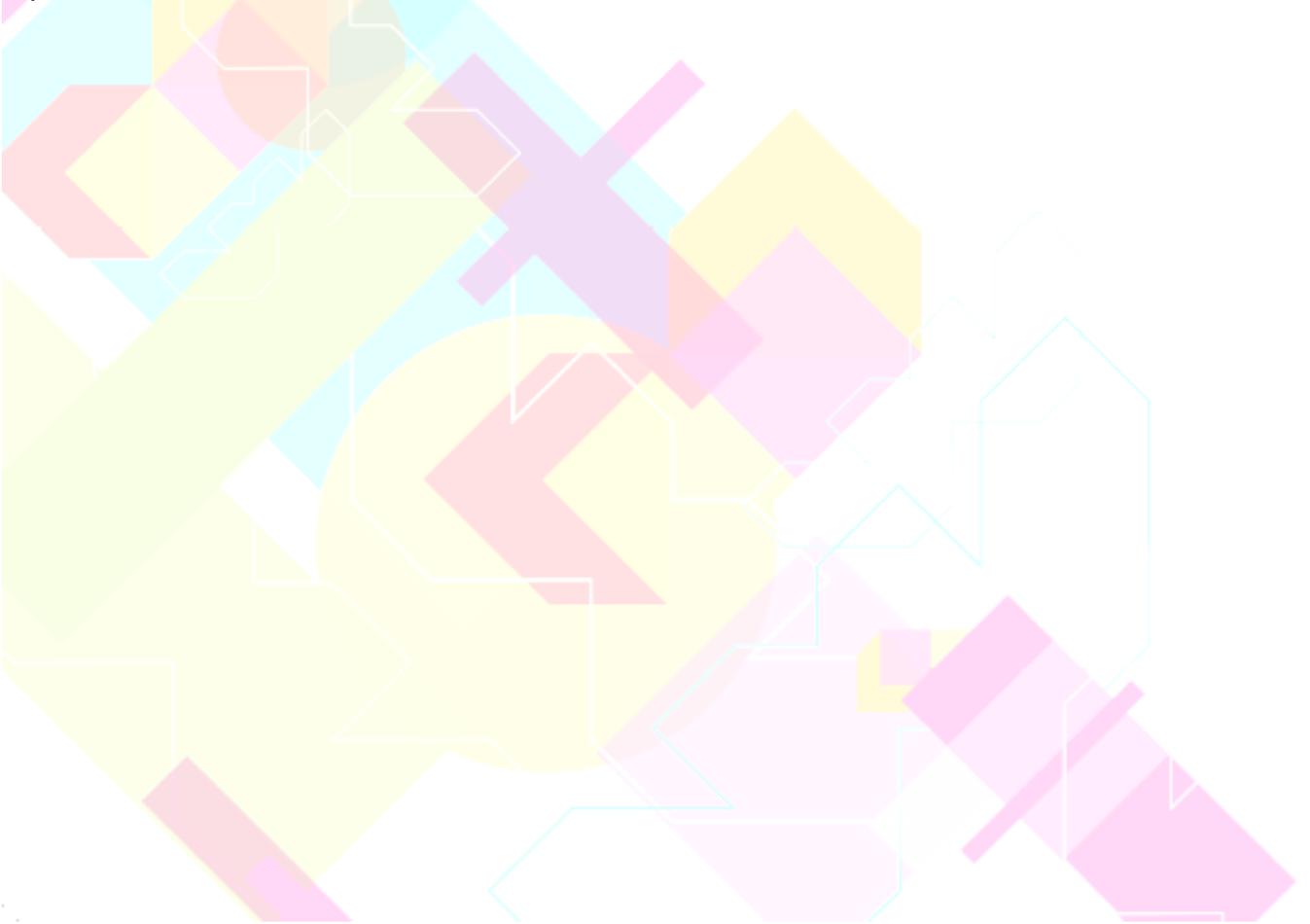
Under the DDA Part III, from 1 October 2004 where a physical feature makes it impossible or unreasonably difficult for disabled persons to access goods or services, the service provider is required to take reasonable steps to:

- Remove the feature; or
- Alter it so it no longer has that effect; or
- Provide a reasonable means of avoiding the feature; or
- Provide a reasonable alternative method of making the service available

Whilst the DDA does not expect that all premises will be fully accessible, it does expect that measures be in place to achieve full accessibility.

Removing or altering a physical feature is likely to make the service more accessible for disabled people who will then receive the services in the same way as others. Where a service provider decides to avoid a feature or provide a service in another way, the service must not be unreasonably difficult for a disabled person to use. Whilst the DDA does not require a service provider to adopt one way of meeting its obligations, the DDA does require a service to be accessible to disabled people.

Whilst physical alterations are an important step in increasing accessibility, small steps such as ensuring that information on services is accessible, meeting a disabled customer in an accessible room is equally important.



DISABILITY DISCRIMINATION ACT: FREQUENTLY ASKED QUESTIONS

- **Who is a service provider?**

Under the DDA, everyone in the public, private or voluntary sectors who is concerned with the provision of services to the public or to a section of the public is classed as a service provider.

- **What is a physical feature?**

Physical features include the following:

- Steps
- Stairways
- Kerbs
- Parking areas
- Building entrances and exits
- Internal and external doors
- Corridors
- Gates
- Signs
- Furniture
- Display racks
- Toilet and washing facilities
- Public facilities (such as telephones, counters or service desks)
- Lifts and escalators.

- **How does the DDA Part III affect schools?**

Part III of the DDA applies to schools when they provide a service to members of the public, for example the use of school premises for community and social events, fates, PTA meetings.

- **What is reasonable?**

The DDA itself does not specify what is reasonable, however, the Code of Practice states that the term 'reasonable' is dependent upon the type of service being provided, the size of the service provider and the effect of the disability on the individual disabled person.

There are a number of factors which could be taken into consideration in determining if an adjustment is reasonable, these include whether it will work, cost, the level of disruption, the size of the service provider and whether there is any assistance available. This therefore allows different solutions to different situations.

- **How does the new law affect me?**

Physical alterations to premises are often seen as the only way of making services accessible to disabled people. Minor measures will often help disabled people to use a service, for example meeting the customer in an accessible office. Carefully listening and responding to the individual disabled person's needs is the most effective way of providing a service.

- **What do I need to do?**

As everyone must ensure that they are aware of how a service might be delivered in a different way, you need to look at how you can make reasonable adjustments in providing services. Don't wait until a disabled person tries to use the service and then cannot do so. Adjustments which could be made include, meeting in another part of the office and providing documents in alternative formats.

- **What can I do in the short term?**

You should consider ways in which the service can **so** be offered in a different way before a disabled person tries to use the service. Where an adjustment takes less than an hour of your time, costs up to £100 and removes a barrier you should let your line manager know of what you intend to do.

- **How should I deal with a physical feature that is making it difficult for disabled person to use a service?**

Once a service provider has identified the physical features that may make it difficult for a disabled person to use its service, it can remove that feature, alter it, find a way of avoiding it or provide the service another way.

Where a service provider decides to avoid a feature or provide the service in another way, then the service must not be unreasonably difficult for a disabled person to use.

- **How should I plan?**

An access audit which is a detailed inspection and report on buildings undertaken by an experienced access auditor can highlight the barriers for disabled people and will form the basis of an action plan with prioritised actions.

- **The building is Part M compliant**

Some newer buildings already meet the Part M Building Regulations under the powers provided in the Building Act 1984. However, service providers may need to still consider alterations under the Act, for example, although the approach to the front door and its width should have already met the detailed requirements of these building regulations other aspects, such as the handles or colour contrast may still need to be adjusted.

- **Won't making physical alterations or adjustments cost money?**

Some of the changes that could be made are fairly straightforward, for example lowering the height of the reception, easy to use handles on doors and ensuring good signage will add to the investment being made in the building. Some changes, such as automatic doors or lifts are more expensive but will only be required where reasonable and will usually benefit everyone.

Managing Comments and Complaints

Comments and complaints about the accessibility of a service can provide valuable information and feedback to employees, Headteachers, Senior Leadership Team and managers and should be welcomed.

1. When a disabled customer challenges the accessibility of the service, the employee receiving the comment or complaint should listen carefully to the customer's views.
2. The comment or complaint should be positively welcomed.
3. Where possible, the service should take immediate steps to resolve the issue, for example removing obstacles that are blocking an entrance.
4. Employees should discuss with their line manager whether a 'reasonable adjustment' can be made to provide an alternative service.
5. Where it is not possible to immediately resolve the comment or complaint, the employee receiving it should:
 - Take the parent's or the customer's details and the nature of their comment or complaint
 - State that the issue will be investigated
6. The customer must be offered a copy of the council's 'Tell Us What You Think' comment and complaint form. Where appropriate, the employee should assist the customer to complete the form.
7. The service manager should look at what 'reasonable adjustments' can be made, and respond to the customer accordingly.
8. Where an access issue that is the subject of the comment or complaint is well known, for example accessibility difficulties associated with particular buildings, managers should ensure that employees have sufficient information available so that they can explain the steps being taken to improve access or provide the service in a different way.

Sources of Useful Information

- **Disability Rights Commission Helpline**

The DRC helpline can provide information to employers and service providers regarding the Disability Discrimination Act (DDA) legislation and can advise on very general DDA issues.

Telephone: 08457 622 633

Textphone: 08457 622 644

(You can speak to an operator at any time between 8am and 8pm, Monday to Friday)

Fax: 08457 778 878

Post: DRC Helpline
FREEPOST MID021 64
Stratford upon Avon
CV37 9BR

- **Circulars**

What the Disability Discrimination Act (DDA) 1995 means for Schools and LEAs:
DfEE Circular 20/99

- **Guidance**

Accessible Schools: Planning to increase access to schools for disabled pupils
Ref: LEA/0168/2002