

The Disability Discrimination Act 1995

The Disability Discrimination Act, or DDA for short, came into force in December 1996 and deals with many areas of disability discrimination. It includes matters concerning employment, public transport, education, and the duties of those who provide a service to the public.

Part 3 of the Act came into force in October 2004 and specifically relates to the ability of disabled persons to use buildings in which services are provided to the public.

Those who provide services to the public, whether those services are free of charge or not, have a duty under the law to take reasonable steps to carry out reasonable adjustments to the physical features of their premises where they would prevent disabled persons using their services, or which would make it unreasonably difficult for them to do so.

Code of Practice : Rights of Access : Goods, Facilities, Services & Premises

The Government has produced a Code of Practice which gives guidance to those who provide services on their duties under the Act, both in relation to how they should respond to disabled persons and on their duties to alter their buildings.

“Code of Practice : Rights of Access : Goods, Facilities, Services and Premises” can be obtained from The Stationery Office. Telephone 0870 600 5522.

The Code gives much more detailed information than contained in this introduction summary and can be obtained from The Stationery Office, telephone 0870 600 5522.

Who is Disabled ?

The common misconception is that all disabled persons use wheelchairs. In reality only 5% of registered disabled persons are wheelchair users.

There are many types of disability, and the Disability Discrimination act covers all disabled persons, and not just those who are registered disabled.

The government has produced documentary guidance as to the definition of disability in the Act. Apart from wheelchair users the term disabled includes those who may have other impairment of mobility, as well as those with impairment in hearing, sight, dexterity, and speech. It also includes those who have learning difficulties, mental health problems or severe disfigurements. Those who suffer from long-term progressive conditions such as cancer HIV infection, multiple sclerosis, and muscular dystrophy are included, as well as conditions which may be hidden, such as diabetes or epilepsy.

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The Act applies to all those who have these disabilities and where the disability has a substantial and long-term effect on their ability to carry out normal day to day activities.

The Act also applies to those who have had one of these disabilities in the past.

In addition to adults, the Act covers children. It may be difficult to see or determine the effects of a disability on children below the age of 6, but there are also provisions

Generally excluded from the definition of disability are addictions or dependency on drugs/alcohol, seasonal allergic rhinitis such as hayfever, and tendencies towards certain acts such as setting fires, stealing or exhibitionism. Also excluded are effects which are not long-term, such as loss of mobility due to a broken limb or temporary infections which are not expected to last more than 12 months.

The list given here is not exhaustive. If more detailed information is required by service users they should consult the government guidance.

What are Reasonable Adjustments ?

Some of the factors which may be taken into account when considering which alterations are reasonable include the costs of making adjustments, the extent of the service-provider's financial and other resources, and the availability of financial or other assistance.

Much more detailed guidance and examples on the subject of what are reasonable adjustments are given in the government Code of Practice.

Churches and the Disability Discrimination Act

Many of our clients are Church organisations. Churches should be aware that they are specifically included within the scope of this legislation, in the same way as Doctors, Dentists, and others who provide a service to the public.

Whilst, as an architectural practice, we can deal with the physical aspects of a building, the duties of the church extend far beyond those of the physical building.

In this respect we recommend contacting the Christian organisation Through The Roof, who offer excellent information and resources with regard to including disabled persons within church life, details of the responsibilities and duties of church leaders and group leaders, guidance on how to deal with persons with specific disabilities or those unable to attend church, guidance for door stewards, and many similar related topics.

Further Information

Copies of the Act and the Code of Practice : Rights of Access : Goods, Facilities, Services and Premises, can be obtained from The Stationery Office, telephone 0870 600 5522

Further guidance relevant to church projects can be obtained from Through The Roof at www.throughtheroof.org.

Other guidance and publications on matters relating to disability can be obtained from The Centre for Accessible Environments at www.cae.org.uk