

# A guide on implementation of the Disability Discrimination Act 1995

After consideration by the Church of Scotland General Trustees the following guidelines are given to help Congregations who are considering bringing their premises into line with the Disability Discrimination Act 1995 (giving rights of access for Disabled People) the third stage of which comes into force on 15<sup>th</sup> October 2004. The third stage of implementation deals with “Physical Features of Premises”. The General Trustees recognise that some Presbyteries have already produced excellent guidelines on these matters and that many Congregations have this matter well in hand.

## INTRODUCTION

1. Increasing access is central to the Church’s mission of bringing people closer to God. The purpose of these notes is to provide guidance for churches as to how to make their premises more accessible to disabled people, in accordance with new (and forthcoming) duties covered by the Disability Discrimination Act 1995. The “*duty of reasonable adjustments*” affects all providers to the public of goods, facilities and services and includes churches. It is due to come into effect in three stages. This paper outlines the initial stage which came into force on 2<sup>nd</sup> December 1996, stating the general duty not to treat disabled persons less favourably for a reason related to their disability; the second stage which came into force on 1<sup>st</sup> October 1999; and the third phase covering changes to the physical fabric of a building, which is due to come into effect next October.
2. The implementation of these changes offers Congregations a unique opportunity to take a lead in promoting the inclusion of disabled people in their communities. Ignoring the duties now laid on Congregations is not an option. Equally, the new duties will benefit everybody, including older people and young families, for whom poor access can be a challenge and sometimes a disincentive to attending church. Investment in improving access now, even in advance of duties relating to physical features, may be the most cost-effective approach. Minimising improvements to access is a false economy, which will cost Congregations more in the longer term. Good practice will help maximise the benefits of the new duties.

## THE DISABILITY DISCRIMINATION ACT (“the Act”)

3. The Act makes it unlawful for service providers, landlords and other persons to discriminate against disabled people in certain circumstances.
4. A ***disabled person*** is someone who has a physical or mental impairment that has an effect which is substantial, adverse and long-term, on his or her ability to carry out normal day-to-day activities. Physical or mental impairment includes a sensory

impairment. Hidden impairments are also covered by the Act. An effect is substantial if it is more than minor or trivial. An effect is long-term if it has lasted (or is likely to last) for at least a year, or is likely to last for the rest of the life of the person affected.

4. ***Discrimination against a disabled person*** occurs in two possible ways. One way is when a service provider treats the disabled person less favourably – for a reason relating to a person’s disability – than it treats (or would treat) others to whom that reason does not (or would not) apply, and the service provider cannot show that the treatment is justified. The other way in which discrimination occurs is when a service provider fails to comply with a duty imposed on it by section 21 of the Act (the duty to make “reasonable adjustments”) in relation to the disabled person; and cannot show that the failure is justified.
5. The duties on service providers have followed in three stages:
  - since 2<sup>nd</sup> December 1996, it has been unlawful for service providers to treat disabled people less favourably for a reason related to their disability;
  - since 1<sup>st</sup> October 1999, service providers have to make “reasonable adjustments” for disabled people, such as providing extra help or making changes to the way they provide their services; and
  - it is intended that, by 15<sup>th</sup> October 2004, service providers will also have to make “reasonable adjustments” to the physical features of their premises to overcome physical barriers to access.
6. Since 1<sup>st</sup> October 1999, in accordance with the second stage, churches as a service provider offering services to the public have had a legal duty to take such steps as is reasonable for that service provider to take in all the circumstances of the case in the three situations described immediately below.

Churches may have to:

- change a practice, policy or procedure which makes it impossible or unreasonably difficult for disabled people to make use of their services;
  - provide a reasonable alternative method of making their services available to disabled people where a physical feature makes it impossible or unreasonably difficult for disabled people to make use of them;
  - Provide an auxiliary aid or service if it would enable (or make it easier for) disabled people to make use of their services.
7. The duty to provide a service by a reasonable alternative method is only one element of the duty in relation to physical features. The Government intends that the other

elements of the duty (which will require a service provider to remove or alter a physical feature of its premises or to provide a reasonable means of avoiding the physical feature) will not come into force until 2004. However, it makes sense NOW for churches (as service providers) to plan ahead by taking any opportunities which arise, or bringing forward plans, to make alterations to their premises to benefit disabled people before October.

## IMPLICATIONS FOR CHURCHES

8. The third stage of implementation of the duty of reasonable adjustment, affecting physical features, is due to come into effect in October. This is designed to allow churches and other service providers to plan and, where possible, incorporate those plans into current projects (e.g. as part of a refurbishment programme). There is therefore nothing to prevent churches going beyond the duties introduced on 1<sup>st</sup> October 1999, in advance of next October.

The Act refers to BS 8300, which includes sections on the following subjects (*the words in italics are extracts from the various clauses from BS 8300:2001*):

- a) **Car Parking and setting down points – Clause 4.** *Car parking, setting down and garaging are important activities at the beginning or end of journeys. Car parks may be open or multi-storey; setting down points may be on- or off-street; journeys may end inside a garage or an enclosed car parking space.*
- b) **Access routes to and around buildings – Clause 5.** *It is important to restrict the number of barriers, restrictions, or other hazards that disabled people encounter on their approach to and from a building. Low level bollards and chain linked posts, for example, are particularly hazardous to blind and visually impaired people.*
- c) **Entering a Building – Clause 6.** *Unless suitably designed, the principal entrance to a building can often be a barrier to access for disabled people. The following factors should be taken into consideration in the design of the principal entrance to a building:*
  - i) *the prominence and visual relationship of the entrance with its surroundings;*
  - ii) *the type of threshold needed to allow convenient wheelchair manoeuvre;*
  - iii) *the ease of operation of the principal entrance door;*
  - iv) *the minimum effective clear width through the doorway.*
- d) **Horizontal Circulation – Clause 7.** *Suitable access to a reception point and clear signs indicating routes to other parts of the building are important.*
- e) **Vertical Circulation – Clause 8.** *People with impaired sight risk tripping or losing their balance if unaware of steps or a flight of stairs. For such people, the provision, (underfoot) of a timely warning, that there is a change in level, is essential.*

- f) **Surfaces and Communication Aids – Clause 9.** *The extent to which floor, wall, door and ceiling surfaces enable disabled people to find their bearings and maintain their independent use of a building, is influenced by:*
- i) *the colour, luminance and texture of surfaces;*
  - ii) *the treatment of components and finishing elements, such as doors, architraves, skirtings, cornices, handrails etc. which define, or are contained within, these surfaces;*
  - iii) *the correct use of surfaces to clarify location and direction and to identify objects;*
  - iv) *the acoustic environment;*
  - v) *the grip of floor surfaces, particularly at changes of level.*
- g) **Facilities in buildings – Clause 10.** *Ease of operation, visibility, height and freedom from obstruction are key factors that affect the use of building services by disabled people.*
- h) **Assembly Areas – Clause 11.** *Convenient access to counters and reception desks is essential for disabled people if they are to make full use of a building, whether as a visitor or as a member of staff proving a service.*
- i) **Rooms – Clause 12.** *Disabled people should be able to find and use suitable lavatory accommodation no less easily than non-disabled people. The space requirements for suitable lavatory accommodation are generally driven by the needs of wheelchair users, although it should be recognised that the facilities may also be used by people with other disabilities, such as visually impaired people with guide dogs.*

## **FUNDING**

Those Congregations seeking funding to implement this Act should apply for funding in the normal way. Funding may be available through the Central Fabric Fund for those Congregations unable to meet these costs. Further details may be obtained from the Secretary and Clerk, General Trustees Department, 121 George Street, Edinburgh, EH2 4YR (email: [gentrustees@cofscotland.org.uk](mailto:gentrustees@cofscotland.org.uk)). Congregations who have holdings in the Consolidated Fabric Fund would be able to apply such funds for these works.

## **HISTORIC SCOTLAND**

Congregations are reminded that advice from Historic Scotland should be sought when making alterations to listed buildings.

## **DO NOT DELAY – ACT NOW!**

## **PUBLICATIONS and OTHER SOURCES of INFORMATION**

### ***BS 8300:2001***

The Disability Discrimination Act refers to BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people – Code of Practice.  
Copy available from the Stationery Office Ltd, 71 Lothian Road, Edinburgh.

### ***For the full Act you can visit:***

[www.legislation.hmso.gov.uk/acts/acts1995/1995050.htm](http://www.legislation.hmso.gov.uk/acts/acts1995/1995050.htm)

### ***Designing for the Disabled*** by Selwyn Goldsmith

(First published in 1963 by the RIBA)

Has a lot of good basic information on space requirements.

### ***Open Church***

Produced by Committee on Artistic Matters updated March 2003.

Useful general information, especially on ramps.

Copies available at Committee on Artistic Matters, Church of Scotland, 121 George Street, Edinburgh.

### ***Building Standards Scotland***

These standards need to be referred to where alterations require a Building Warrant from the Local Council.

### ***Access to the Built Heritage*** – Historic Scotland Technical Advice Note 7.

This has a lot of useful information including dimensions required for ramps, toilets etc.

Available from Historic Scotland, Longmore House, Salisbury Place, Edinburgh.

### ***Access to the Historic Environment*** by Lisa Foster

Published 1997 by English Heritage

Pages 111 – 112 describe room size and layout for Accessible w.c.'s.

Good examples of historic building alterations.

### ***Churches Main Committee Circular No 1999/4 and 2001/5***

Both can be obtained electronically or in hard copy from the Law Department, Church of Scotland, 121 George Street, Edinburgh.

### ***Disability Rights Commission***

Website to be found [www.drc-gb.org](http://www.drc-gb.org) with a special Scottish section at [www.drc-gb.org/scotland](http://www.drc-gb.org/scotland)

### ***Widening the Eye of the Needle*** by John Penton

Published by Church House Publishing.

Good diagrams and a useful audit report checklist.