



DISABILITY DISCRIMINATION LAW FOR SERVICE PROVIDERS

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There are over 10 million disabled people in the UK, some of whom will be involved in their local sports club either as participants or spectators.

The Disability Discrimination Act (DDA) was passed in 1995 to introduce new measures aimed at ending the discrimination which many disabled people face in their everyday lives. There have been many developments in Disability Discrimination Law over the last 10 years. Here, in the first of a three part series, we offer guidance on the law and its effect on your RTC.

The DDA (Part III) places obligations on service providers to end discrimination against disabled people. The fundamental purpose is that disabled people should not be treated less favourably because of their disability. The key requirements have been phased-in over 3 key dates: ·

- December 1996 - it has been unlawful for service providers to treat disabled people less favourably for a reason related to their disability;
- October 1999 - service providers have had to make 'reasonable adjustments' for disabled people, such as providing extra help or making changes to the way they provide their services; ·
- October 2004 - service providers may have to make other 'reasonable adjustments' to overcome physical barriers to access.

Anyone who provides a service to the public or a section of the public is a service provider.

WHAT ISSUES SHOULD TRAINING CENTRES BE CONSIDERING?

Practically training centres need to consider the needs of disabled users in terms of how services are provided and the physical features of premises.

The Disability Rights Commission has made clear that the Act only requires what is reasonable. However training centres should think about the needs of disabled users and make appropriate changes. Some alterations may be physical but others may relate to how the training centre is run. For example:

- A training centre may have a "no dogs" policy. The policy could be amended to allow guide or assistance dogs to enter.

A service provider must make changes not only when it is completely impossible for a disabled person to use their services but also when it is unreasonably difficult. They should think about whether the time, inconvenience, effort, discomfort or loss of dignity suffered by a disabled person using the service and whether it would be considered unreasonable by other people if they had to endure similar difficulties.

Your duties are anticipatory and continuing. In other words, service providers should be thinking ahead and continually looking at the way they provide services, their premises and the physical features and considering improvements for disabled people.

REASONABLE ADJUSTMENTS: BUT JUST WHAT IS REASONABLE?

Service Providers are required to make 'reasonable' adjustments to services, and should try to anticipate the potential needs of disabled users. But what is reasonable? This is something for which a straight answer does not exist. The law uses this phrase to allow different solutions in different situations.

The Code of Practice (produced by the Disability Rights Commission, which can be downloaded from its website <http://drc-gb.org/open4all/law/CodeofPractice.doc>) states that what is reasonable may vary according to:

- The type of services being provided;
- The nature of the service provider and its size and resources;
- The effect of the disability on the person.

The following are some of the factors that you might have to take into account:

- Whether taking particular steps would overcome the difficulty that a disabled person faced in accessing the service;
- How practical it is to take the steps;
- The financial and other costs of this;
- How disruptive it would be;
- How much money and other resources you have to spend on it;
- How much you have already spent on it;
- What financial help is available.

COURSES

Where courses are concerned it will be necessary for you to take into account the following factors:

- Location of course;
- Duration of course;
- Type/nature of course;
- Affect on all course participants;
- Financial implications.

This list is not exhaustive and there may be many other factors to take into account.

While services should be made more accessible for disabled people, it is understood that it might not always be possible, and in some circumstances this would not be considered discriminatory.

- In some sports it may not always be possible to involve people with certain disabilities because of health and safety concerns. Although clearly situations should be considered on a case by case basis, and a proper risk assessment carried out.

If, as a service provider, you do nothing you could well be in breach of the law. Believing that it is all right for you to wait until a disabled person cannot use your services before making changes is wrong. Your duties are anticipatory and continuing. In other words, service providers should be thinking ahead and continually looking at the way they provide services, their premises and the physical features and considering improvements for disabled people.

As a service provider you should not focus on stereotypes but should consider the full range of access needs of disabled people and the ways in which your services may be difficult to use.

PRACTICAL GUIDANCE AND ADVICE:

The Disability Rights Commission has produced a detailed guide on complying with the Act, which provides a range of practical suggestions and guidance. It is entitled "Making access to goods and services easier for disabled customers" and is aimed at small service providers. It is freely available from the Commission.

The guide deals with a number of common situations, for example:

- The entrance to the training centre is up a number of steps. Possible suggestions for action include: installing a ramp; fitting a handrail on both sides of the steps; even painting the edges of the steps in a contrasting colour might aid people with visual impairments.

The DCR has recommended that service providers have an access audit carried out.

Many local authorities will employ access officers who will visit your premises and offer advice. Alternatively the council might put you in touch with a Local Disabled Access Group. A starting point could be to contact disabled friends or relatives and ask what changes might benefit them. Although clearly people with different disabilities will have different needs.

FUNDING:

Some local authorities may provide discretionary grants for improving facilities, but there is no central funding scheme.

HOW RYA SAILABILITY CAN HELP PRACTICALLY:

RYA Sailability may be able to provide assistance to training centres in complying with the duty of 'reasonableness'.

Many training centres are already trying to become more accessible in terms of physical access, sensory improvements and also by attending disability/equity awareness training. This goes a long way into making more sites accessible. They become foundation sites. RYA Sailability ask all its groups, clubs and organisations to complete a Foundation questionnaire: this is an accreditation process to determine their level of accessibility for different

categories of disability. The questionnaire (with guidelines on how to complete) takes you through a virtual journey into the building and surrounding area.

RYA Sailability have a leaflet called : '**Are your premises welcoming to disabled people**', which explains the reasons behind the changes and why they are so desirable. This is backed up by a series of leaflets called '**brief guidelines**'. Concentrating on areas such as pontoons & landing stages, accessible showers and toilets, ramps and stairways and finally car parks and pathways.

Disability Awareness courses are held throughout the UK, provided by teams of volunteers. For dates and locations of courses and for copies of leaflets contact: Debbie Blachford on 02380 604246 or email debbie.blachford@ryasailability.org

USEFUL CONTACTS:

The Disability Rights Commission operate a helpline which can be contacted on:

DRC Helpline, FREEPOST, Mid 02164, Stratford upon Avon, CV37 9BR. Tel: 08457 622 633 Fax: 08457 778 878. Email: enquiry@drc-gb.org. Web: www.drc-gb.org.

For more information kindly contact the RYA Legal Team Tel: 0844 5569519 or Email: legal@rya.org.uk

Disclaimer:

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