

LEGAL FRAMEWORK:

The Disability Discrimination Act 1995 (Part III) places obligations on service providers, and potentially sports clubs, 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 at 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.

DISABLED PEOPLE AND SPORTS CLUBS:

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.

Many clubs facilities will already be accessible to the disabled persons. Clubs will have often made changes without really noticing, the handrails in the toilet or in the clubhouse for example. However further adjustments might still need to be made, and clubs are encouraged to view these in a positive way, as a route to involving people more in their activities.

WHAT ISSUES SHOULD CLUBS BE CONSIDERING:

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

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

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

WHAT IS REASONABLE:

Clubs are required to make 'reasonable' adjustments to services, and should try to anticipate the potential needs of disabled users. When considering what is reasonable, factors such as the size of the club, costs, and staffing would be taken into account. A small volunteer run local club would not be expected to make the type of changes that a large sports centre would.

Also the legislation does not require sports clubs to change the fundamental nature of their services. ·

- For example a cricket club would not have to significantly change the nature of the game to accommodate a fielder who is a wheelchair user. Conversely a lawn bowls club could accommodate a visually impaired player by making some practical provisions for guide dogs or by making some small adjustments to the game.

Furthermore 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 contacts 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.

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 club 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.

Many local authorities will employ access officers who could visit 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 provides assistance to clubs in complying with the duty of 'reasonableness'.

Many clubs 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, 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. All written in user friendly language.

Many clubs are finding it hard to recruit new members, including disabled people in your club can help to raise membership numbers, if you are interested in becoming a Sailability Foundation Club or site and actively promoting sailing to disabled people.

RYA Sailability may be able to arrange for a member of its Team or Regional Organiser to visit your club/school to provide advice on what may be needed at your premises and how other bodies may assist.

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

It may be the case that clubs are fearful of the subject, however; the RYA and RYA Sailability believe that we can do much to allay your fears and point you in the direction of solutions.

We hope that together we can help your club to achieve the aims of the legislation.

THE DISABILITY DISCRIMINATION ACT 2005:

The 2005 Act extends the Disability Discrimination Act 1995 coverage to include private members clubs with 25 or more members. Its application relates to Part III of the Disability Discrimination Act 1995 which imposes measures to prevent discrimination against disabled people by service providers and those involved in the disposal or management of premises.

Further information on the 2005 Act is available in the club section of the website.

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 Legal Department on 0845 3450373 or legal@rya.org.uk

Disclaimer:

The RYA Legal Department provides generic legal advice for its members, affiliated clubs and RTCs. This leaflet represents the RYA's interpretation of the law. It takes all reasonable care to ensure that the information contained in this leaflet is accurate. The RYA cannot accept responsibility for any errors or omissions contained in this leaflet, or for any loss caused or sustained by any person relying on it. Before taking any specific action based on the advice in this leaflet, members are advised to check the up to date position and take appropriate professional advice.

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