



## RYA RESPONSE TO DISABILITY DISCRIMINATION CONSULTATION

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17<sup>th</sup> March 2005

Dear Mr Manasseh

### **Royal Yachting Association: Response to the DWP Consultation on the Disability Discrimination Bill**

I enclose the Royal Yachting Association's (RYA) comments in response to the above consultation.

The RYA is the national body for all forms of recreational and competitive boating. It represents dinghy and yacht racing, motor and sail cruising, RIBs and sportsboats, powerboat racing, windsurfing, inland cruising and personal watercraft.

The RYA is recognised by all government offices as being the negotiating body for the activities it represents. The RYA currently has over 100,000 personal members, the majority of whom choose to go afloat for purely recreational non-competitive pleasure on coastal and inland waters. There are an estimated further 500,000 boat owners nationally who are members of over 1500 RYA affiliated clubs and class associations.

The RYA also sets and maintains a recognised standard for recreational boat training through a network of 2,070 RYA Recognised Training Centres in 20 countries. Over 143,000 people per year complete RYA training courses.

Please do not hesitate to contact me if you have any questions or queries arising from our response. On behalf of the RYA I shall be pleased to be involved in any future consultations or discussions.

Yours sincerely

**Mandy E Peters**  
**F.Inst.L.Ex**  
**Legal and Government Affairs**

### **RYA Response**

Overall, both the RYA and RYA Sailability support the moral and ethical intentions of the proposed legislation.

We understand that RYA Sailability has submitted its own substantial response to the Consultation through its umbrella body ACEVO.

What follows is the RYA's view on the Bill.

We believe that particular attention and consideration should be paid to the financial implications for the not-for-profit sector, which includes the majority of the RYA's affiliated clubs and organisations.

The Government is actively encouraging participation in sports activities and the not-for-profit sector is a major contributor in offering such facilities. We would hope that this legislation will not unduly or unreasonably penalise the grass roots sports sector and result in clubs being taken to tribunals unreasonably and without due cause over disputes on what is considered 'reasonable' in terms of adjustments, and as to the admittance of disabled persons generally: Such vexatious claims will expose not-for-profit clubs to unnecessary and unwarranted expenditure and liability, and may result in the closure of clubs on purely financial grounds.

We would like to work with the Disability Rights Commission in assisting private members clubs to comply with their duties; for example through providing guidance, and identifying how a club could obtain possible funding for meeting the cost of necessary adjustments.

Our detailed comments in response to the consultation document are set out below:

**Question 1:**

We agree that there is merit in framing the duty to make reasonable adjustments in the same way as those for service providers on the basis that many clubs already open their doors to the public and therefore comply with their existing duties and obligations under the Disability Discrimination Act ('the Act'). If the duty for service providers and private members clubs is analogous there will be less room for confusion and should avoid any unintentional breach of the duty.

**Question 2:**

We believe that the trigger point is intrinsically linked with the duty dealt with in Question 3 and, in our opinion, should mirror the trigger for that duty (see below).

**Question 3:**

It is unreasonable to expect not-for-profit clubs to have to be anticipatory in making reasonable adjustments. There are a number of different types of disabilities and each may require different types of adjustments. And with regard to recreational boating, adjustment for one disability may be detrimental to another and it would be unreasonable for a not-for-profit club to have to consider each and every possible type of disability and then act accordingly to accommodate them.

We believe that adjustments which come to light through an assessment/audit that do not carry unreasonable financial implications can and should be carried out. For those adjustments that carry more onerous financial obligations, we believe it would be reasonable for these to be considered further when: 1) a club is approached by a disabled user; 2) when considering refurbishment/repairs/purchase of a new building; and 3) when in receipt of funding for new premises/improvements.

**Question 4:**

We support the justifications for not making reasonable adjustments as set out in the consultation.

**Question 5:**

We believe the proposed timescale is too short for the introduction of the new duties under the Bill. Many not-for-profit clubs are not currently obliged or required to comply with the Act and, although some clubs will be aware of the obligations and may well be acting

in accordance with them, some clubs may be unaware of their duties under it. It will take some time to educate and train the necessary personnel in all clubs and bring them up to speed with the duties. Clubs will also need to incorporate possible adjustments into their long-term business plans and accounts and this will necessarily take some time and financial planning.

We believe a more realistic and fair timescale would be:

a) in respect of the duty not to treat disabled people less favourably, at least 12 months from the legislation coming into force; and

b) in respect of the duty to make reasonable adjustments, at least 24 months from the legislation coming into force.

**Question 6:**

We agree with the proposals regarding treatment of special circumstances, however, we cannot comment regarding political associations.

**Question 7:**

It is extremely difficult to assess the cost of the new duties to private members' clubs. We expect that many clubs will need to resort to the subjective test of '*reasonableness*' in terms of adjustments and '*justification*' in terms of refusal to admit to membership disabled persons, on the basis that the majority of clubs have few members and limited financial resources to enable them to cope with the duties. Even then the effect of making reasonable adjustments may be detrimental to clubs with limited resources. However, undoubtedly minor adjustments, especially in terms of process adjustments, will be capable of being implemented.

We assume that the Disability Rights Commission will produce guidance notes on the Bill and on what is to be considered 'reasonable' and this will be an important and useful guide to clubs countrywide.

**Questions 8-17:**

No comment.

The RYA is willing to meet and discuss any aspect of the consultation or any points contained in this response, if it would assist you.

**Royal Yachting Association**  
**17<sup>th</sup> March 2005**