

## **Access Statement**

### *Reasons for an Access Statement*

Much of the guidance in Approved Document M to the Building Regulations is based on BS 8300:2001 'Design of buildings and their approaches to meet the needs of disabled people - Code of Practice' As such it is more prescriptive than other Approved Documents in the Building Regulations series. However the guidance contained in the AD is designed to indicate one way in which the Requirements may be met. There may be other, equally satisfactory, ways of meeting the Requirements. This may be particularly true when applied to existing buildings where constraints of structure and context may make generic solutions impracticable.

The Approved Document to Part M recommends that an Access Statement should be provided. Where a solution that departs from the guidance, either to achieve a better solution using new technologies or to provide a more convenient solution, or to address the constraints of an existing building, the Statement should set out the reasons for departing from the guidance and the rationale for the design approach adopted.

## **Background information**

The Disability Discrimination Act 1995 (DDA) introduced new laws and measures aimed at ending the discrimination that many disabled people face. Over time, the Act gives disabled people new rights in the areas of:

- Employment
- Access to goods, facilities and services
- The management, buying, or renting of land and property.

In addition the DDA:

- Allows the government to set minimum standards so that disabled people can use public transport easily
- Sets up the National Disability Council to advise the government on discrimination against disabled people.

The Act not only provides new rights but also places new duties on employers and service providers.

Duties in part 2 of the act were introduced on 2nd December 1996. From the same date it has been illegal for service providers to treat a disabled person less favourably than others when providing a service. From October 1999 Part 3 of the Act Section 21 came into force. This requires that service providers take reasonable steps to:

- Change practices, policies or procedures, which make it impossible or unreasonably difficult for disabled people
- Provide auxiliary aids or services which would enable disabled people to use a service
- Overcome physical barriers by providing a service by a reasonable alternative method

The final provisions of Part 3 came into force on 1<sup>st</sup> October 2004. By this date providers will have to make “reasonable” adjustments to the physical features of their premises to overcome physical barriers to access.

*An exemption from these duties is provided by Regulation 3 of the Disability Discrimination (Providers of Services) (Adjustment of Premises) Regulation 2001. These Regulations provide that, if the physical features comply with Approved Document M (1992 or 1999, 2004 editions), the service provider will not have to make adjustments to that feature, if 10 years or less has passed since construction.*

It is often the case that in considering access provisions for disabled people that only physical barriers are considered with the emphasis on ramps, steps and door widths. In actual fact the proportion of the disabled population who are wheelchair bound is less than 10%. Of much higher regard should be the provision of access to facilities and services by those with hearing or visual impairments, who make up a far greater proportion of the population. It should also be remembered that improvements to the accessibility of buildings and in access to goods and services will also benefit some groups who are not covered under the Act. Such groups include parents with young children and the elderly.