

Legislation

1. Disability Discrimination Act 1995
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5. Regulatory Reform Order 2005

1. Disability Discrimination Act 1995 (DDA 1995)

The Disability Discrimination Act 1995 imposes a duty on service providers not to discriminate against disabled people in the provision of goods or services, or in employment.

The Act has several sections:-

Part I Identifies who is covered by the Act

For a person to be covered by the Act, their impairment has to have a substantial and long term effect on daily activities, and includes:-

- People with long term health conditions, such as diabetes
- People with progressive conditions, such as Multiple Sclerosis, HIV or Cancer (DDA 2005 covers these conditions from point of diagnosis)
- People with learning disabilities
- People with mental health conditions
- People with mobility difficulties, including wheelchair users
- Blind and partially sighted people
- Deaf and hearing impaired people

Remember - it is not always obvious that someone is disabled when you meet him or her.

Elderly people, who think of their impairment as part of the ageing process, may also be covered by the DDA

Part II Covers the employment of people with a disability, and applies to ALL employers.

This section imposes a duty to carry out physical adjustments to a place of work or adjustments to work duties for an employee with a disability.

Work only needs to be **reactive** i.e. -carried out when an employee requires it due to their disability.

Funding is available to meet most of the costs over £300, administered via the local Job centre plus.

Part III Covers the duties of Service Providers.

The duties of service providers are:-

- Not to treat disabled people less favourably than others for a reason relating to their disability
- Not to provide services on worse terms than for other people (e.g. charge more)
- To make 'reasonable adjustments' policies, practices and procedures
- To provide auxiliary equipment where appropriate
- To make reasonable adjustments to premises to facilitate physical access

Service providers should anticipate that goods and services will be required by people with a disability, and make **anticipatory adjustments**, not wait until a disabled person advises that the service can't be used by them.

Information produced by the service provider, web sites, and means of communication all need to be designed with all users in mind.

The final duties imposed by the Act came into force on 1st October 2004, and require 'reasonable' adjustments to be made to services to give access to people with physical, sensory or learning impairment.

There are no grants available to cover the cost of work, but costs may be claimed as a revenue or capital expense by a business.

Individual disabled people who have been discriminated against can bring a civil action through the court, and may receive support from the Equality and Human Rights Commission (EHRC).

Advice and guidance is available from the EHRC - see our "[Useful Links](#)".

Part V Covers means of Transport - Coaches, buses and trains. There are extensive technical requirements for the design of new vehicles, with time frames extended to 2016-2020 for all vehicles to comply with these requirements.

Train and bus stations, and other infrastructure are covered by part III of the Act.

2. SENDA 2001

Part IV Covers the duties of Education Providers, and has been re-enforced by the **Special Educational Needs and Disability Act. (SENDA 2001)**

Duties imposed under SENDA are similar to those under part III of the Act, and came fully into force in October 2005.

3. The Disability Discrimination Act 2005 (DDA 2005)

The DDA 2005 introduces a duty on all public bodies to promote equality of opportunity for disabled people.

This means that they must take account of the needs of disabled people as an integral part of their policies, practices and procedures, and not as something separate or as a tag-on.

Public Bodies will have to have due regard to the need to:

- eliminate unlawful discrimination and disability-related harassment;
- promote equality of opportunity and positive attitudes to disabled people
- encourage disabled people to participate in public life.

These duties apply to anyone carrying out functions of a public nature, and if perceived as failing to comply with these duties then anyone, and the DRC, could apply to the High Court for judicial review.

Disability Equality Scheme

Many public bodies, including Government departments and local councils, will be required to produce a Disability Equality Scheme explaining how they intend to fulfil the duty to promote equality.

This will mean that public bodies will have to think through the implications of the duty, and gather appropriate evidence to demonstrate the effectiveness of their schemes. They will also need to demonstrate that disabled people have been involved at the centre of planning their policies.

Private Clubs

DDA 2005 also extends part III duties to private clubs with more than 25 members.

Transport

Transport operators will need to meet Part III duties for transport services i.e. - using a bus or train, though air and sea transport is currently regulated by a voluntary agreement of the carriers.

The new legislation came into full effect on the 4th December 2006.

Building Regulations Approved Document Part M 2004 (ADM)

ADM - access and use of buildings extends the scope of inclusive design, requiring buildings submitted for building control approval after May 2004 to include many additional access features to enable all to use the buildings easily.

Designers of new buildings should note that compliance with building regulations is not the same as complying with DDA legislation - The DDA is about services, ADM is about new buildings, or extensive alteration or refurbishment.

4. New developments: Town & Country Planning Act 2004 Section 42

T&CPA 2004 requires new non- domestic buildings to be accompanied at planning stage by a 'Design & Access statement' to outline the inclusive design of the proposal - this can be developed through the building control, construction and occupation stages of the development to demonstrate the provisions made for people with a disability.

Guidance on design and access statements is available for designers from [CABE](#), and for planning authorities from [PAS](#).

5. The Regulatory Reform Order (Fire Services) 2005 (RRO)

From the 1st October 2006, the RRO will change the statutory duties of the fire service, requiring that the 'responsible person' in charge of premises carries out a risk assessment, to ensure that fire risk is minimized and that all users of a building are effectively evacuated in case of fire.

Existing building managers will need to ensure that a fire risk assessment is carried out, and acted upon - including the evacuation of any person with mobility, hearing, vision or learning disability.



Guidance is published by Communities and Local Government Office at www.communities.gov.uk

New developments should have a preliminary risk assessment carried out by the designers and engineers, to include all users of the building.