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## **The Disability Discrimination Act (DDA) 1995 & (2005)**

**This Act** - places duties on all service providers and employers to meet the needs of disabled people where considered reasonable. As such, building design should consider fully the needs of people with disabilities to aid service providers and employers to meet their duties under the DDA. If you are a provider of goods, facilities or services, you have duties under the Disability Discrimination Act (DDA), which makes it unlawful to discriminate against members of the public on the grounds of disability. These duties came into force from 2 December 1996 on a phased basis. So if you employ staff within a building provide a service or facility, you need to know how the Act affects you and your premises.

***Key to the Act for service providers are the concepts that it is unlawful to Discriminate against disabled people by:***

- refusing to provide a service without justification;
- providing a service to a lesser standard without justification;
- providing a service on worse terms without justification;
- failing to make reasonable adjustments to the way services are provided for disabled people; and, since 1st October 2004,
- failing to make reasonable adjustments to the physical features of service premises, to overcome physical barriers to access.

***All organisations that provide goods, facilities or services to the public, whether paid for or for free, are covered by the DDA, no matter how large or small they are?***

**Those affected include:-**

- ✓ hotels, guest houses and hostels;
- ✓ shops, pubs and restaurants;
- ✓ estate agents and private landlords;
- ✓ accommodation agents, councils and housing associations;
- ✓ property developers, management agencies, investment companies and Institutions;
- ✓ banks and building societies;
- ✓ mail order or telephone order businesses;
- ✓ central and local government services;
- ✓ courts and law firms;
- ✓ employment agencies;
- ✓ hospitals and doctors' and dentists' clinics;
- ✓ churches or other places of worship;
- ✓ sport and leisure facilities;

- ✓ transport related buildings;
- ✓ amenities and places of interest such as parks and historic buildings;
- ✓ theatres and cinemas;
- ✓ libraries and museums;
- ✓ telecommunications and broadcasting services
- ✓ Non educational activities on school premises.

### **The duty to make reasonable adjustments**

Fundamental to the DDA is the duty to make “reasonable adjustments” to services or physical features. The duty to make reasonable adjustments comprises of a series of duties falling into three main areas:-

- changes to practices, policies and procedures;
- to provide auxiliary aids and services; and since October 2004 a duty will be placed on service providers and employers to take reasonable steps to:-
  - overcome a physical feature by:-
    - removing the feature;
    - altering it;
    - avoiding it; or by
    - providing services by alternative methods.

**Examples** of structural or physical changes that may be seen as a reasonable alteration include widening a doorway, providing a permanent ramp, relocating a shelf or door handle or providing sufficient contrast in the colours of décor of a room to assist blind and partially sighted people.

**Service providers** should not wait until a disabled person wishes to access their service before acting. It is recommended that service providers think about the accessibility of their services, undertake access audits to highlight any issues and respond to making access as easy as possible for potential customers and members with disabilities. It is also important not to solely look to the needs particular individuals with disabilities that might be known to the provider.

This Act requires service providers and employers to anticipate need to enable access and opportunity for all. Disabled people are a diverse group and consideration should be given to the needs of all disabled people, including those with sensory impairments, learning disabilities and people with mental health issues.