



# **SOUTHERN FEDERATION of MODEL ENGINEERING SOCIETIES**

## **INFORMATION SHEET No. 2**

**DATE: SEPTEMBER 2006**

**SUBJECT: DISABILITY DISCRIMINATION ACT**

### **Introduction**

These guidelines have been produced by the Southern Federation to help its member organisations take appropriate action to enable people with a disability to enjoy the hobby of model engineering in all its forms in a safe environment.

People who provide services are not allowed to treat a disabled person less favourably than they would others without a justifiable reason. They should make reasonable adjustments to make their services accessible.

The “Service Provider” is the Club/Society providing services to the public and its members.

### **1. Justification:**

A Code of Practice (Rights of access – Goods, Facilities, Services and Premises) gives examples of when discrimination could be justified. These include:

- Where the discrimination is necessary in order not to endanger the health and safety of any person,
- When the service provider would be prevented from offering the service to others by providing a service to the disabled person.

### **2. Reasonable adjustments:**

- changing policies, practices or procedures that make it impossible or unreasonably difficult for a disabled person to make use of a service,
- providing help (aids, services) to enable a disabled person to use a service,
- providing the service by a reasonable alternative method where there are physical features that make it unreasonably difficult for a disabled person to use.

### **What constitutes disability?**

Under the Disability Discrimination Act (DDA) the definition of a disabled person is ‘someone who has a physical or mental impairment which has substantial and/or long term adverse effect on their ability to carry out normal day to day activities’.

The word ‘substantial’ means more than a minor or trivial effect.

The definition of ‘long term adverse effect’ includes where the disability:

- Has lasted 12 months.
- Is likely to last 12 months or more.
- Will affect the rest of the life off the person.
- Is a progressive and recurrent condition.
- Is a past disability which is likely to re-open.

**Since December 1996** it has been unlawful for people who provide a service:

- To refuse to provide or intentionally not provide a service to a disabled person that would normally be provided to members of the public.
- To provide a lower standard of service to a disabled person,
- To provide a service on less favourable terms to a disabled person.

**From 2004** service providers also have to make reasonable adjustments to physical features or buildings, where these present barriers and make it impossible or unreasonably difficult for a disabled people to use a service.

Making buildings where services are provided more accessible includes:

- Removing a physical feature.
- Altering it so that it no longer is inaccessible.
- Providing a reasonable means of avoiding a feature.

Physical features are defined in regulations; generally they are things such as steps, furniture, signs attached to the wall etc.

### **So what is disability discrimination?**

Discrimination can happen where reasonable changes to procedures or surroundings are not made and result in the disabled person being at a substantial disadvantage in comparison to those who are not disabled. Reasonable changes include:

- Making adjustments to premises e.g. ramps, wheelchair access, induction loops etc.
- Acquiring or modifying equipment.

### **So, what is disability discrimination?**

Discrimination can happen where reasonable changes to procedures or surroundings are not made and result in the disabled person being at a substantial disadvantage in comparison to those who are not disabled. Reasonable changes include:

- Making adjustments to premises e.g. ramps, wheelchair access, including loops etc.
- Acquiring or modifying equipment.

### **What are the “reasonable” steps that service providers have to take?**

The Act doesn’t specify what factors should be taken into account when considering whether or not a step is a “reasonable” one to take.

The Code of Practice states that what is reasonable will vary according to:

- The type of service being provided.
- The nature of the service provider and its size and resources.
- How person’s disability affects them in that context.

It also says that some of the following factors might be taken into account when considering what is reasonable:

- How effective any steps would be in overcoming the difficulty that disabled people face in accessing the services.

- How practicable it would be for the service provider to take these steps.
- How disruptive taking the steps would be:
- The extent of the service provider's financial and other resources.
- The amount of any resources already spent on making adjustments.
- The availability of financial or other assistance.

### **Action**

To implement the act it is necessary to carry out an Access Audit to determine the work that needs to be done to make access acceptable. Information can be obtained from the website given in this document or you can have an auditor come and visit your site and give advice on what needs to be done.

After the Access Audit has been carried out you will need to draw up an Access Plan. This details the work that you intend to carry out with a time scale for each item. This document would be required in the event of a complaint from a member of the public. If this procedure had been implemented it is very unlikely that prosecution would result.

### **Access Audit**

The problem that exists is that every miniature railway site is different and the requirements to meet the act are different in every case. In some clubs they have large numbers of the public attending every weekend, in others, a few once in a while, so here are a few guidelines:

- If you own a toilet one of the cubicles should be suitable for disabled people, it should also be labelled.
- Provide dedicated parking adjacent to the clubhouse for a disabled person clearly labelled.
- When constructing a building, ensure that the doorway will accommodate a wheel chair.
- Paths around the site should be fairly smooth and suitable for those who find it difficult to walk or are in a wheelchair.
- Steep slopes should have a handrail.
- Access should be made available to all of the areas of interest where the public normally go. It may not be financially feasible to construct expensive bridges or ramps, but it is possible to have an electric bell (properly labelled with the disabled sign) that would summon a member of the club to come and give a hand so that access can be gained or a service given.
- It would not be wise to provide special passenger cars for wheelchairs in our gauges; this would be overruled by Health and Safety.

### **Conferences and Lectures**

If you should get involved in giving lectures or holding a conference, which is open and advertised to the general public, we would advise that you click onto the website

[www.cae.org.uk](http://www.cae.org.uk)

and go to the check lists for advice on setting up the venue. You will need to ensure there is access for wheelchairs, may be a disabled toilet and car parking close to the venue. Have you thought about the deaf, you could be involved in arranging for a signing interpreter? You as a service provider must ensure that access is available to all. Check out the website.

## **Useful addresses and contacts**

There is an organisation that can offer assistance in planning and giving advice on the work that you may need to do to meet the requirements of the act:

Centre for Accessible Environment (CAE) Website

[www.cae.org.uk](http://www.cae.org.uk)

Disability Rights Commission (DRC) website:

[www.drc.org.uk](http://www.drc.org.uk)

National Register of Access Consultants (NRAC) website:

[www.nrac.org.uk](http://www.nrac.org.uk)

## **Summary**

In summary, the requirements are not too onerous, and largely a matter of common sense.

The requirements of the Act are real, and each Club/Society should carry out an audit and seek advice from the relevant body if necessary and take whatever remedial actions are practicable.

If you have the public on your site you must go through these procedures to protect your club and to ensure access for the disabled people, DO NOT put it to one side and hope it goes away, it will not. There are people out there who are willing to assist you and it should not cost your club/society a lot of money. By this means, our members and visitors will be able to enjoy our hobby in safety.