

DIOCESE OF SALISBURY



DISABILITY DISCRIMINATION ACT GUIDANCE NOTES

DISABILITY DISCRIMINATION ACT

Definition of disability

The Disability Discrimination Act (or DDA) covers many forms of disability; a person has a disability if he or she has a physical or mental impairment which has a substantial and long-term adverse affect on their ability to carry out normal day-to-day activities in one one of the following areas:

- Mobility
- Manual dexterity
- Physical co-ordination
- Continence
- Ability to lift, carry or otherwise move everyday objects
- Speech, hearing or eyesight
- Memory or ability to concentrate, learn or understand
- Perception of the risk of physical danger

Handicapping conditions of varying degrees of severity will also arise for :

- Elderly people
- Those of excessively large or small stature
- Children
- Mothers-to-be in the later stages of pregnancy
- Parents and others in charge of small children, particularly those using pushchairs
- Those who are temporarily injured
- Those who are sick or ill
- Those who are emotionally distressed or unstable

People who have had a disability but have recovered are covered by the Act.

It has been estimated that 20% of the adult population are categorised disabled and that a further 30% would benefit from improved access.

Disability Discrimination Act 1995

The DDA aims at full inclusion of disabled people in society by making it unlawful to discriminate against disabled persons in connection with employment, the provision of goods, facilities and services or the management of premises. **Duties under the Act are placed on 'service providers', which include churches.** A church's primary purpose is for worship but many churches also have wider activities including concerts, education and tourism. All these are covered by the Act whether the service is provided free or not.

Since Dec 1996 the Act has required that service providers should not discriminate against disabled people by:

- Refusing service
- Providing a worse standard of service to disabled people than it provides to able-bodied people
- Offering services on worse terms

Since Oct 1999 service providers have had to take reasonable steps to:

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

From Oct 2004, the Act requires that service providers will have to take **reasonable** steps to remove, alter or provide means of avoiding physical features that make it impossible or unreasonably difficult for disabled people to use its services.

The implications of the new duty for churches have caused concern, however, the act requires that **reasonable steps** should be taken and it is quite lawful to make services available whilst avoiding physical features or providing a service in a different way. The DDA gives a disabled person the right of equal access, on non-discriminating terms to 'services', not buildings. As equal access is not necessarily the same as identical access, alternative access can be considered.

It is therefore important that churches undertake an access plan which should include

- an assessment of the services provided,
- an *access audit to identify physical features that have to be dealt with
- an assessment of the architectural and historic significance of the church (including its fittings and furnishings) and churchyard
- the experience of disabled members of the congregation and community.

The **accessibility plan should be developed to show the ways of dealing with the physical features, or the way in which a reasonable alternative method of making the service in question available to disabled persons will be provided. The needs of regular worshippers as well as secular visitors should be taken into account. Planning for these events should be done as soon as possible so that suitable alterations or removals may be carried out in conjunction with maintenance work.

There are likely to be some **constraints on what is possible**, English Heritage guidance proposes '... In devising an accessibility plan for an historic property, the key conservation principle should be minimum intervention in the historic fabric:

- measures which avoid or minimise the need for alteration should be considered first
- alterations which adversely affect a property's special character should be avoided
- alterations should form part of a long-term strategy for use
- alterations should be reversible wherever possible ... '

Faculty permission for certain works will still be required and planning and building regulations approval may also be necessary.

*Copies of the Access Audit (John Penton *Widening the Eye of the Needle*, 2nd Edition, Church House Publishing) are available from the DAC Office.

** see the *DDA 1995 Code of Practice*

Publications

There are a number of very useful publications available offering helpful advice and guidance including –

Widening the Eye of the Needle (2nd Ed) by John Penton – Church House Publishing
Access to the Historic Environment Donhead Publishing
Easy Access to Historic Properties English Heritage
Access Audit for Churches (2nd Ed) Church Action on Disability (CHAD)
Roofbreakers Guides Through the Roof

Useful contacts include

The Council for the Care of Churches ('Churchcare' website : www.churchcare.co.uk)
Inspecting architects who can offer advice and draw up plans

As already stated, in trying to meet the requirements of the Disability Discrimination Act, it is likely there will be many constraints on a church's ability to provide for disabled persons. The process may require compromise and will often be partial and incomplete, not least because of funding issues. However, it is important that churches embark on the process without delay.

Advice and Faculty procedures

Before starting the formal application for a faculty for any works proposed, parishes may find it helpful to ask for informal advice from the Diocesan Advisory Committee for the Care of Churches (the DAC) or the Registry. 'Out of Court' advice can also be sought from the Chancellor of the Diocese. But it must be remembered that if a faculty is not granted for any proposals, the parish is still obliged to investigate alternative ways of providing for disabled persons.

USEFUL CONTACTS

Alzheimer's Society helpline 0845 300 0336 – 8:30 – 6:30 Monday to Friday, for help, support and advice on all forms of dementia. Alzheimer's Society, Gordon House, 10 Greencoat Place, London, SW1P 1PH. Tel: 020 7306 0606. E-mail: info@alzheimers.org.uk
Website: www.alzheimers.org.uk

Association for the Care of the Blind Offering leisure programmes, craft classes and revision of equipment for those who are visually impaired. 3 Bassett Avenue, Southampton, SO16 7DP. Tel: 023 8076 9882. Fax: 023 8076 7930. E-mail: carol@sotonblind-freeserve.co.uk

Association for Deaf and Hard of Hearing People in Dorset, Wiltshire and Swindon, Audley House, Crane Street, Salisbury SP1 2QA. Tel: 01722 411977. E-mail: deaf.assoc@salisbury.anglican.org. **Chaplain to the Deaf and Hard of Hearing** – the Revd Helen Begley, Tel: 01985 850019. E-mail: begley@avonrd.freeserve.co.uk

Association for Pastoral Care in Mental Health (APCMH) provides information, training and other support for those with mental health needs and their carers / families. Edward Wilson House, 26 Queen Anne Street, London, W1M 9LB. Tel. 020 7636 8116.

Association for Spina Bifida and Hydrocephalus offers practical help to individuals and families. 42 Park Road, Peterborough, PE1 2UQ. Tel: 01733 555988

Benefit Enquiry Line Advice on all sickness and disabilities and carer benefits. Helpline: 0800 243355.

British Diabetic Association Information and support on Diabetes. 10 Queen Anne Street, London, W1M 08D. Tel: 0207 3231531. Helpline: 0207 6366112. Website: www.diabetics.org.uk

Careers National Association Ruth Pitter House, 20-25 Glasshouse Yard, London, EC1A 4JS. Tel: 020 7490 8818. Carers Line: 08457 573369.

Centre for Accessible Environments provides advice and information on design. Have a database of local architects and surveyors with experience of design for people with disabilities. Nutmeg House, 60 Gainsford Street, London, SE1 2NY. Tel: 020 7357 8182. E-mail: info@cae.org.uk Website www.cae.org.uk

Church Action on Disability 50 Scrutton Street, London, EC2A 4PH. Tel: 020 7452 2085.

Cystic Fibrosis Trust offers range of support and information. 11 London Road, Bromley, Kent, BR1 1BY. Tel: 01814 647211. Fax: 02083 130472. E-mail: enquiries@cftrust.org.uk

Disability Rights Commission offer a range of advice and information. 7th Floor, 222 Gray's Inn Road, London, WC1X 8HL. Tel: 08457 622633. E-mail: enquiry@drc-gb.org Website: www.drc-gb.org

Disabled Living Foundation offers information and advice on aids and equipment. 380 – 384 Harrow Road, London, W9 2HU. Tel: 020 7289 6111. E-mail: advice@dlf.org.uk Website: www.dlf.org.uk

Epilepsy Action provide wide range of services and information. Epilepsy Action, New Anstey House, Gate Way Drive, Yeadon, Leeds, LS19 7XY. Tel: 0113 210 8800. E-mail: epilepsy@epilepsy.org.uk

Guild of Church Braillists translate orders of service, etc. into braille. 321 Feltham Hill Road, Ashford, Middlesex, TW15 1LP. Tel: 01784 258040

Hampshire Autistic Society 1634 Parkway, Solent Business Centre, Whiteley, Hampshire, PO15 7AH, Tel: 01489 880881. E-mail: hautsoc@interalpha.co.uk

Hampshire Deaf Association - 1 and 2 Carlton Commerce Centre, Dukes Road, Southampton, SO14 0SQ. Tel: 023 80 516 516, Fax: 023 80 516 517 Minicom: 023 80 516 518.

Hampshire Dyslexia Association range of advice and information. 135 St Mary's Street, Southampton, SO14 1MX. Tel: 023 8033 3345.

Down's Syndrome Association provide support and information to families and individuals with Down's Syndrome. 155 Mitcham Road, London, SW17 9PG. Tel: 020 8682 4001. Website: www.downs-syndrome.org.uk/

L'Arche was founded by Jean Varnier in 1964. There are many communities which integrate adults with learning disabilities through shared lifestyle. General enquiries: L'Arche, 10 Briggate, Silsden, Keighley, West Yorkshire, BD20 9JT. Tel: 01535 656186. E-mail: info@larche.org.uk Website: www.larche.org.uk

MS Society 25 Effie Rd, Fulham, London, SW6 1EE. Helpline tel: 0808 800 8000.
www.mssociety.org.uk

MENCAP produce guidelines for accessible information for people with learning disabilities. Contact: Lynn Grieveson, Accessibility Officer, Mencap National Centre, 123 Golden Lane, London EC1Y 0RT. Tel: 020 7696 5575. E-mail: lynn.grieveson@mencap.org.uk

MIND for advice, publications and local contacts. Granta House, 15-19 Broadway, London E 15 413Q. Tel: 08457 660163 (outside London) or 020 8522 1728 (inside London). E-mail: contact@mind.org.uk Website: www.mind.org.uk

National Schizophrenia Fellowship (NSF) 28 Castle Street, Kingston upon Thames, Surrey KT1 1 SS. Tel: 020 8547 3937. Advice service 0208 974 6814. E-mail: nsf@nsf.org.uk
Website: www.nsf.org.uk

Prospects for People with Learning Disabilities provides residential and day services, as well as spiritual ministry. PO Box 351, Reading RG1 7AL. Tel: 0118 950 8781. E-mail: -
info@prospects.org.uk Website: www.prospects.org.uk

RADAR gives general information on the needs of people with disabilities, and on legislation. 12 City Forum, 250 City Road, London EC1V 8AF. Tel: 020 7250 3222. E-mail: radar@radar.org.uk Website: www.radar.org.uk

Royal Association for Deaf People covers the South East and provides a wide range of services, including information, advice, interpreting and pastoral care to deafblind people and deaf people with learning difficulties.

Royal National Institute for the Blind (RNIB) 224 Great Portland Street, London W1N 6AA. Tel: 0207 388 1266. E-mail: helpline@rnib.org.uk Website: www.rnib.org.uk

Royal National Institute for Deaf People (RNID) 19-23 Featherstone Street, London EC1Y 8SL. Tel: 0207 296 8000. E-mail: helpline@rnid.org.uk Website: www.rnid.org.uk

SCOPE for information on cerebral palsy or any aspect of living with a disability, you can call Scope's [Cerebral Palsy Helpline](http://www.scope.org.uk), which offers free and confidential advice, initial counselling and information on 0808 800 3333 9am-9pm weekdays, 2pm-6pm weekends. You can also email cphelpline@scope.org.uk

Social Responsibility Officer Mrs Kathleen BenRabha (Wiltshire) or Mr Colin Brady (Dorset), Church House, Crane Street, Salisbury SP1 2QB. E-mail: kathleen.ben.rabha@salisbury.anglican.org or colin.brady@salisbury.anglican.org

The Stroke Association for advice and information about Strokes. The Stroke Association Office, Highcroft, Romsey Road, Winchester, Hampshire, SO22 5DH. Tel: 01962 863 511.

Through the Roof produces comprehensive information on accessibility in churches; has also developed a scheme for "Churches for All" awards. Director: Paul Dicken; Churches for All Co-ordinator: Jane Young. Global House, Ashley Avenue, Epsom, Surrey KT18 5AD. Tel: 01372 749955. E-mail: info@throughtheroof.org Website: www.throughtheroof.org

Torch Trust for the Blind a Christian organisation providing specific material and information on this disablement and the Church. Torch House, Hallaton, Market Harborough, Leics. LE16 8UJ. Tel: 01858 555301. Fax: 01858 555371

Wiltshire County Council – Hearing and Vision Team services for people who are deaf or hard of hearing, blind or partially sighted. The House, Southfield, Victoria Road, Devizes, Wilts, SN10 1EY. Tel: 01380 725201 (Voice and text) / 01380 729002 (Fax and text, answerphone)

Wiltshire County Council - Wessex Sight Centre working with NHS Partners Optima Low Vision Services Ltd. Salisbury District Hospital, Salisbury SP2 8BJ. Tel: 01722 425175

