

PROPERTY BRIEFING JULY 2005

THE DISABILITY DISCRIMINATION ACT 1995

About 20% of the adult population in the UK (i.e. 12 million people) are estimated to be covered by the Disability Discrimination Act 1995 (as amended by the Special Educational Needs and Disabilities Act 2001).

By 2004 40% of the population will be over 45 and the incidence of disability increases with age.

What Is The Objective Of The Legislation?

To prevent discrimination against disabled people in the areas of employment, provision of goods and services and facilities, the sale or letting of property, education and transport.

How Is “Disabled” Defined?

A disabled person is defined under the legislation as someone who:

“Has a physical or mental impairment which has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities, or has had an impairment in the past.”

When Does Discrimination Occur?

When a disabled person is treated less favourably than someone else for a reason relating to their disability or when there is a failure to comply with the duty of “reasonable adjustments”.

What Are Reasonable Adjustments?

DDA has the following definitions:

- changing policies, practices and procedures that may discriminate;
- Providing auxiliary aids and services to facilitate access;
- Providing services by “other means” if there are physical barriers to access;
- Taking reasonable measures to remove physical access barriers.

An employer is obliged not to permit “unjustifiable” discrimination against disabled job applicants or disabled employees. All employers regardless of size will be covered from next year. Currently these employment provisions apply to employers with more than 15 staff.

How Are Service Providers Defined

Anyone who provides goods, services and facilities to the public or a section of the public with or without any payment. These include, for example, retailers, banks, hotels, local authority services, theatres and libraries.



The position with regard to a multi-let office building is unclear. The landlord may or may not be a service provider in terms of the common areas and this will need to be assessed on a case-by-case basis.

Issues to look at include whether tenants that are service providers are providing services “in” rather than simply “from” the building.

It is important to note that it is the service provider that has to comply with the DDA.

The Next Step

Service providers should develop a strategic approach to meet their obligations under the DDA. This may include a clarification of the services the organisation provides to the public. An audit should be undertaken detailing each aspect of the service and identifying existing and potential barriers.

The Disability Rights Commission provides the following as a checklist:

- Information Barriers: In providing information to the public is a full range of accessible formats available?
- Attitudinal Barriers: Is staff training provided and do all staff understand their responsibilities under DDA?
- Communication Barriers: Are text phone and minicom available? Are staff members trained in deaf awareness issues?
- Physical Access: Have premises accessed by members of the public been audited by a suitably qualified person? Have disabled people been involved and consulted?
- Physical Barriers: Have policies, procedures and practices within public areas been audited to ensure discrimination does not exist?
- Is there an efficient system of regular feedback from staff and customers regarding accessibility of services for disabled people?

WHO CAN HELP US?

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