

BS8300:2001 Design of buildings and their approaches to meet the needs of disabled people – code of practice

BS8300:2001 is a comprehensive design guide which updates a great deal of technical information and dimensions from Part M Building Regulations, and fills in a number of gaps left by Part M. Intended to apply to new build, this is also a valuable benchmark, with detailed dimensions and design considerations that can apply to recommended adaptations to existing buildings.

Disability Discrimination Act 2005 – a brief guide

The Disability Discrimination Act (DDA) was passed in 1995 to end the discrimination that many disabled people face.

The DDA 2005 amends the DDA 1995 to place a duty on public bodies to promote equality of opportunity for disabled people. The Disability Equality Duty came into force on 5th December 2006.

The Act is divided into five parts:

I: Definition.

II: Employment.

III: Access to goods, services and facilities.

IV: Education.

V: Public transport.

Some of the legislation became law for employers in December 1996. Others were introduced over time. For service providers:

since December 1996 it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability.

since October 1999 they have had to make reasonable adjustments for disabled people, such as providing extra help or making changes to the way they provide their services.

since October 2004 they have had to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access.

The following is a brief guide to the DDA with emphasis on Part III Access to goods, services and facilities and Part IV Education. For greater detail on specific parts of the Act, please refer to the relevant websites listed at the end of the guide.

Part I : Definition

This deals with the question “What constitutes a disabled person?” The definition given by the Act is as follows:

A disabled person under the Act is someone with a physical or mental impairment which has a substantial and long term effect on his/her ability to carry out normal day-to-day activities.

Part II : Employment

This deals with employment provision for the disabled and applies to employers regardless of how many employees they have.

It aims to cover disabled people when they apply for jobs as well as when they are in employment.

Part III : Access to goods, services and facilities

This deals with access to goods and services that are offered to the general public. It aims to give disabled people the right to access everyday services others take for granted. The final stage of the duties that service providers must adhere to came into force in October 2004.

A service provider discriminates against a disabled person where it:

- fails to comply with a duty to make reasonable adjustments imposed on it in relation to the disabled person;
- and can not show that the failure to comply to the duty is justified.

The Act does not prohibit positive action in favour of disabled people (unless this would prove unlawful under the legislation). Therefore, service providers may provide their services on more favourable terms to a disabled person.

The phrase reasonable adjustments consists of a series of duties:

- changing practices, policies and procedures;
- providing auxiliary aids and services;
- overcoming a physical feature by:
 - removing the feature; or
 - altering it; or
 - avoiding it; or
 - providing services by alternative methods.

The duties have been introduced in two stages.

- Since 1 October 1999, a service provider has had to take reasonable steps to:
 - change a practice, policy or procedure which makes it impossible or unreasonably difficult for disabled people to make use of its services;
 - provide an auxiliary aid or service if it would enable (or make it easier for) disabled people to make use of its services;
 - provide a reasonable alternative method of making its services available to disabled people where a physical feature makes it impossible or unreasonably difficult for disabled people to make use of the services.
- Since 1 October 2004, if a physical feature makes it impossible or unreasonably difficult for disabled people to make use of services, a service provider will have to take reasonable steps to:
 - remove the feature; or
 - alter it so it no longer has that effect; or
 - provide a reasonable means of avoiding it; or
 - provide a reasonable alternative method of making the services available.

Part IV : Education

This part of the Act requires educational services to provide information to prospective students on the access in place for disabled people. It works alongside the Special Educational Needs (SEN) Code of Practice, the Education Act 1996 and The Disability Act. All the obligations under this came into force in September 2002 and so aspects of education and associated services, school trips and extra-curricular activities, are covered. This also includes non-statutory youth services like clubs and activities run by voluntary organisations, scouts, guides or church youth clubs.

The buildings of under-16 educational premises are not covered under the DDA although further-education buildings are covered by planning duties to change the environment over time to become more accessible. Non-educational services that the school provides are likely to be covered under Part III. This means that the school needs to make sure that the place they attend are accessible to everyone.

An example of when Part III cannot be ignored is if a parent-teacher association is holding a fund raising event in the school hall. This is open to the public so they need to ensure the school hall is accessible.

Schools cannot wait for a disabled pupil to actually start at the school before making reasonable adjustments. They should be planning to put things in place so they will be ready should a disabled pupil want to attend. They should also keep all their policies under review and be willing to adapt policies to the needs of disabled children.

There is a clear expectation under the Education Act that pupils with statements of special educational needs should attend mainstream schools rather than special schools.

Part V : Public transport

Bus and railway stations and other public transport infrastructure are already covered by the provision of Part III of the Disability Discrimination Act. This means they have a duty to avoid discriminating against disabled people and to make reasonable adjustments in matters such as timetables, booking facilities, waiting rooms and at airports, ferry terminals and coach and rail stations. Part V covers technical standards for vehicle accessibility, meaning it covers the actual bus, train, aircraft etc.

The role of the ironmonger

It is not the role of the ironmonger to design the building to meet the various regulatory requirements but it is their responsibility to respond to such needs and provide the appropriate fittings to meet those requirements, either current or anticipated.

Edward Steel & Craig Ltd assists the service provider to meet their obligation under the DDA by offering a complete design specification for door sets; architectural hardware and access control systems regardless of the size or nature of the project.

Further information:

Government disability policy division: www.disability.gov.uk

Disability Rights Commission: www.drc.org.uk

Special Education Needs (SEN) Code of Practice: www.direct.gov.uk

Office of Public Sector Information: www.opsi.gov.uk

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