

THE DISABILITY DISCRIMINATION ACT (2005)

INFORMATION FOR SERVICE PROVIDERS

September 2006

A copy of this document can be provided in large size print. Please contact Amani Robinson 020 8820 7293

Consult www.disability.gov.uk or www.drc.org.uk for more information.

What the law says

The Disability Discrimination Amendment Act (DDA) 2005 amends the Disability Discrimination Act 1995. It widens the **definition of disability** and introduces a **general duty to promote disability equality** for public sector bodies.

The **definition of a disability** under the DDA 2005 is: A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.

This definition of disability differs from the definition of 'learning difficulty' within the Special Educational Needs and Disability (SEN) framework. **Not all disabled students will have learning difficulties or additional educational needs.**

The general duty is based on a **social model approach to disability in which the organisational and environmental issues are seen as the barriers to inclusion rather than a medical model which identifies the impairment or disability as the barrier.**

The duty requires disability equality to be considered at the beginning of the process, rather than make adjustments at the end. It is a new approach to tackling discrimination in a practical way by introducing policies, practices and services that actively promote disability and so prevent discrimination taking place, enabling The Learning Trust, educational setting/school or partner to become a proactive agent of change.

What this means for service providers

The Disability Discrimination Act (DDA) 1995 gives disabled people rights in the way they receive goods, services or facilities. If services are difficult for disabled people to use then service providers should change the way they deliver their services.

These changes are known as reasonable adjustments.

Since 1 October 2004 service providers have had to make other “reasonable adjustments” to physical features or to the way services are provided so that there are no physical barriers stopping or making it unreasonably difficult for disabled people to use services.

For employers the actions will be focused on the requirement to make reasonable adjustments to **employment practices and policies** to encourage those with disabilities, to ensure staff currently in post who may have a disability are able to work effectively and to demonstrate a commitment potential staff. These areas include:

- recruitment and retention
- advertising
- terms and conditions of service
- induction
- dismissal
- training methods
- opportunities for promotion and transfer

Service providers should aim to take an inclusive approach when developing a new service or practice by aiming for equal access and best practice from the outset. Identify the features that create barriers to access and find solutions and alternatives for them.

What are reasonable adjustments?

Reasonable adjustments vary from case to case as they aim to address the barriers disabled people may experience.

Adjustments can be covered by:

- making changes to practices, policies and procedures;
- providing auxiliary aids and services;
- overcoming a physical feature by removing it, altering it, or providing reasonable means of avoiding it
- by providing a reasonable alternative method.

A reasonable adjustment can also be an alternative method of providing a service if a disabled person cannot access it.

Reasonable adjustments will be identified through analysing monitoring information. It is important to work to the **Data Protection Act 1998** which sets out principles as to how personal data must be handled.

It is not possible to predict all the needs to be met all of the time. However, by letting the public know that reasonable adjustments can be provided, if requested in advance, you can ensure access issues will be addressed.

What is a 'disability' under the DDA?

The definition of a disability according to the Disability Discrimination Act 2005 is: "A physical or mental impairment which has a substantial and long term adverse effect on a person's ability to carry out normal day to day activities." Long term in this definition is taken to mean more than 12 months.

Examples include:

Hearing (deaf, partially deaf or hard of hearing)

Vision (blind or factional/partial sight. Does not include people whose visual problems can be corrected by glasses/contact lenses).

Mobility (wheelchair user, artificial lower limb(s), walking aids, rheumatism or arthritis etc).

Speech (speech impairments)

Mental illness (substantial and lasting more than a year; severe depression, psychoses etc.)

Learning difficulties (eg dyslexia)

Physical Co-ordination (manual dexterity, muscular control eg cerebral palsy)

Reduced physical capacity (inability to lift, carry or otherwise move everyday objects, debilitating pain and lack of strength, breath, energy or stamina eg asthma, angina or diabetes)

Severe disfigurement

Long term illness (such as cancer, HIV, multiple sclerosis)

It is important to recognise that disabilities are not just physical or visible.

Suggestions for ways to improve services

Policy and practice

- Consider having disability awareness training and providing it for your team and partners.
- Talk to disabled people about the service you provide and what might help to improve accessibility.
- Ensure when booking premises the extent to which they are accessible.
- Let the public know the kinds of reasonable adjustments you are able to provide and who to contact, e.g. 'If you need this document in large print, audio, Braille, alternative format, contact _____. We will do our best to help'.
- To make reasonable adjustments, you may have to share personal data.
- Ensure you obtain permission to disclose. A copy of a disclosure statement can be found in The Learning Trust Equalities and Diversity Policy.
- Collect and analyse monitoring information on application forms, surveys, etc. to identify barriers and anticipate problems that could arise.
- Improve the access routes within the premises and ensure that they are free of clutter, or redecorate part of your premises to provide better contrast to someone with a visual impairment.
- Use modified equipment, e.g. a telephone with text display for use by deaf customers or an induction loop.

Communication with disabled customers and applicants

- Treat disabled customers like any other customers – with respect.
- Don't make assumptions about disabilities. Ask the person if they would like help and what would be the best way to help them.
- Provide a reader or interpreter for meetings, interviews or consultations.
- Modify instructions, application or assessment procedures – allow applications to be made in forms other than hand written.
- Don't forget that some disabilities are hidden, for example epilepsy and mental illness.
- Talk to the disabled person directly if they are with someone not to the person with them. This also applies to a deaf person accompanied by a sign language interpreter.
- When talking to a deaf person, find out whether they lip-read, in writing if necessary. If they do, make sure your face is in the light, look directly at the person, speak clearly and naturally, remembering to keep your hands away from your face.
- Introduce yourself when you first meet a person who is blind. When you are going to move away tell them so that they are not left talking to an empty space.
- When you are talking to someone who has difficulties speaking clearly, concentrate on what is being said, be patient and don't try to guess what they want to say. If you don't understand, don't pretend that you do.
- Be patient. If someone has difficulty understanding you – perhaps because they have a learning disability – be patient and be prepared to explain something more than once. Concentrate on using clear and simple language.
- When talking to a wheelchair user, try to ensure that your eyes are at the same level as theirs, perhaps by sitting down. Don't lean on the wheelchair – it is part of the user's personal space.
- Only refer to a person's disability if it is relevant.

- Avoid asking personal questions about person's disability, such as 'Were you born like that?' Though it would be acceptable to ask 'Does your disability affect your ability to use our service?'

Written documents and signs

- Signs should be:
 - clear**
 - concise**
 - consistent**
- People with learning disabilities can find it difficult to read signs. It is worth evaluating current signage to see if there is any way it can be made clearer.
- A successful sign system should minimize anxiety and confusion and prevent people from getting lost.
- When building displays, consider the location and height at which items are displayed.
- Many people, including those with learning disabilities, would benefit from an increased use of pictures on signs. This might include:
 - pictograms such as those used for male and female toilet signs;
 - symbols, such as a coat hanger to indicate a cloakroom;
 - "story-board" style pictures depicting people doing things, such as a picture of people drinking tea or coffee to indicate a cafeteria, but only in addition to text.
- The colour of signs is an important factor in people with learning disabilities recognising them.
- Colour can also be extremely beneficial when used for directional signs. For example, using different colours to indicate different departments and using the colours consistently.
- Make service literature and instructions more accessible, e.g. in Braille, large size fonts, effective colour contrast or audio, use simple English.

