

Foundations Bulletin 5th Nov 2004

New Provisions of Disability Discrimination Act 1st Oct 2004

News

Introduction

On the 1st October 2004 new provisions of the Disability Discrimination Act (DDA) came into force. They have implications for all service providers, and employers with less than 15 staff, thus encompassing the whole HIA sector. There are 9.8 million disabled people in the UK according to the following definition contained within the Act:

“An individual has a disability if they have a physical or mental impairment that has a substantial, long term adverse affect on their ability to carry out normal day-to-day activities”.

From November 2004, the definition of disability will include progressive conditions such as multiple sclerosis, cancer and HIV.

Access to services provided by HIAs

Organisations providing a service already have duties under the DDA as they cannot refuse to serve a disabled person or provide a lower standard of service to a disabled person. However, from 1st October, physical barriers that may prevent a disabled person accessing an office have to be minimised. In the words of the Act ,“employers and those providing services to the public” will be required to make “reasonable adjustments” to their premises to overcome physical barriers to access. It will be left to the courts to establish whether or not this standard has been met if action is brought against service providers. The affordability of making adaptations to premises will be considered when deciding what is *reasonable*.

HIA services are generally delivered to clients in their own home, which might imply that physical access to an office is not an issue that should concern the sector. However, the question each HIA should ask is: are there barriers that prevent disabled people hearing about or making first contact with the service? For instance, are there situations when a client might wish to visit the HIA office in person and how easy would this be? If the initial assessment is always carried out at home, frontline staff need to be skilled and confident about communicating with disabled people. This might include using minicom services, talking to clients via email, using sign language interpreters or understanding protocols for communicating with visually impaired people.

As well as looking at physical access under the Act, other access issues need to be reviewed. For example, information about HIA services is provided in leaflets or flyers and it is necessary to avoid discrimination through careful design using plain language and offering a variety of formats. The Internet is being used more frequently by HIAs to present information about their services and these websites also need to comply with the Act.

To improve web accessibility an online tool is available to run a first audit on a site. This can be found at <http://bobby.watchfire.com> . More advice on web design can be obtained from the RNIB at www.rnib.org.uk .



Foundations has produced a Good Practice Guide detailing issues affecting people with visual impairments in conjunction with the Thomas Pocklington Trust. The guide is available to order from our website wwwFOUNDATIONS.UK.COM . E-government guidance can be found at <http://e-government.cabinetoffice.gov.uk> and the World Wide Web Consortium Web Accessibility Initiative's guidelines can be found at www.W3.ORG/WAI .

Duties of Employers

Perhaps more significant for the HIA sector are the provisions covering employers with fewer than 15 staff. This means organisations need to ensure they do not discriminate against disabled employees or job applicants because of their disability. Again *reasonable* adjustments to the working environment should be considered to overcome any discriminatory practices. The types of things to consider are:

- Removing physical barriers to accessing the place of work
- Allowing someone to work more flexible hours
- Allowing time off for rehabilitation or treatment
- Providing information in an accessible format such as large print, Braille or audio tape.

Reasonable adjustments also have to be made to the recruitment process by:

- Making job applications available in different formats
- Providing a sign language interpreter for interviews

This list is not exhaustive and more information can be found on the Government disability website www.DISABILITY.GOV.UK . Help and advice is also available from the Department for Work and Pensions which has produced an information pack including a video on the DDA. To order this information pack, phone 0845 124 9841, textphone 1 800 1 0845 124 9841, email DDAinfopacks@meads-ltd.co.uk .

The Disability Rights Commission has also published a statutory code of practice to help employers comply with the DDA. This code of practice: Employment and Occupation, priced £15, is available from the Stationary Office PO Box 29, Norwich, NR3 1GN.