

## **INTRODUCTION**

The Disability Discrimination Act 1995 (DDA) makes it unlawful to discriminate against disabled people in the provision of goods, services and facilities. Service providers should, where necessary, already have made reasonable adjustments to policies procedures and practices, ensuring equal access to these goods, services and facilities.

The final part 3 of the DDA takes effect from the 1<sup>st</sup> October 2004, and requires service providers to address those physical features, which make it impossible or unreasonably difficult for disabled people to use their services. If it is not possible to address physical features, the service may have to be provided in a different manner. This Access Policy sets out the Council's aspirations for providing inclusive and accessible services to all, whilst taking measures to prevent the risk of litigation against the Council for failure to meet the demands of disability discrimination legislation.

## **VISION**

To ensure that all goods, services and facilities provided by Calderdale Council are inclusive and fully accessible. This will provide support to vulnerable people, promote independent and healthy living, whilst continually improving customer service and supporting our diverse communities.

## **KEY OBJECTIVES**

The key objectives to fulfilling our vision that all goods, services and facilities provided by Calderdale Council are fully accessible to all, requires: -

- All Council buildings which are open to the public, from which Council goods, services or facilities are available to the public, and from which Council employees operate, to be accessible.  
**Implications:** Presently, many Council premises are not accessible due to a combination of topography, age, design, listed status and location. Resolving this issue will have major financial considerations.
- Full compliance with disability discrimination legislation.  
**Implications:** If service providers discriminate against an individual by reason of their disability, action may be taken against the service provider in the County Court, the impact of which may have major financial considerations for the service.
- Service providers ensure the adoption of appropriate policies, procedures and practices together with the provision of any necessary 'auxiliary aids or services' which enable the inclusive and accessible delivery of goods, services and facilities to service users.  
**Implications:** The creation and maintenance of appropriate management systems is an integral part of service management. Where existing quality systems exist, their amendment to prevent discrimination should generally have minor financial considerations.

- When current provision is not readily accessible, service providers to consider delivering the service by a reasonable, alternative method.  
**Implications:** Where a service provider uses an inaccessible property, which cannot be easily adapted to make it accessible, consideration should be given to how the service may be offered in another way. The potential 're engineering' of services may have major financial considerations.

## **ACCESS STRATEGY**

Our vision of providing accessible services can be achieved by a combination of awareness training regarding access issues and the demands of the Disability Discrimination Act, knowledge of the premises from which we provide goods, services or facilities and an understanding of how the various methods of service delivery interact with those premises.

Similarly, a link must exist between this Access Policy and the Council's Equality Policy and Asset Management Plans, to ensure the promotion of sustainable improvements in the quality of our service provision, utilizing accessible and appropriate premises, thereby minimising the risk of claims of discrimination from people with disabilities.

To implement the key objectives required to meet the vision of providing inclusive and accessible services, the following actions are proposed, as follows: -

### **1. Access Training**

Access awareness training, incorporating issues raised by the Disability Discrimination Act 1995, is being provided to the Corporate Management Team, Service Management and Service Providers to ensure the provision of quality, accessible goods, services and facilities to all service users. The training is being rolled out through Management Forum, to various Corporate working groups and will be supported by information on the Intranet and by articles in various internal and external newsletters and other publications.

### **2. Policies, Procedures and Practices**

Service management should create or amend existing documentation or systems and ensure the implementation of Policies, Procedures and Practices within Services that ensure the prevention of any discrimination against service users.

### **3. Service Provision Audits**

Service Management should undertake an audit of their service provision to gain knowledge of the manner in which a service is provided and the accessible state of any premises that are used, from which to provide services, to ensure the prevention of discrimination against service users. Building Consultancy has developed a standard questionnaire, which can be completed prior to an Access Audit of Service premises being undertaken by the Fire Safety and Access Team.

#### **4. Access Audits**

An access audit is to be undertaken of all Council buildings (by the Fire Safety and Access Team based within Building Consultancy), which are open to the public, all premises from which Council goods, services or facilities are available to the public, and all premises from which Council employees operate, to enable an understanding of how accessible they are or whether physical barriers exist that prevent access to the premises, and therefore prevent access to goods, facilities or services.

The audits are to be undertaken in prioritised order based on a risk assessment and national indicators such as BVPI 156. The outcome of an Access Audit will be communicated to the Service Provider to enable them to consider making appropriate changes to the services and premises, to ensure the prevention of discrimination against service users.

#### **5. Adoption of Accessible Standards**

It is essential that all newly acquired Council property is wholly accessible. Similarly that any extensions, alterations or modifications of existing premises are designed and constructed to remove existing physical barriers to access thereby creating more accessible and inclusive environments. The adoption of BS 8300 "Design of buildings and their approaches to meet the need of disabled people – Code of Practice" will ensure that Council premises support accessibility.

Additional guidance and advice is available from the [DPTAC] Disabled Persons Transport Advisory Committee document entitled "Inclusive Projects: A guide to best practice on preparing and delivering project briefs to secure access". This document provides guidance to those commissioning buildings and other developments to ensure their projects successfully deliver access for everyone, including people with disabilities.

Finally most building work that affects access to premises should comply with the statutory provisions of the Building Regulations, Approved Document M [2004 Edition].

#### **6. Promotion of accessible Council premises**

Prior to acquisition, alteration, adaptation, modification or extension of premises owned by the Council, consultation should take place, at the earliest possible stage with the Fire Safety and Access Team in Building Consultancy, to ensure that access requirements are considered.

#### **7. Disposal of inaccessible property**

Following completion of an access audit, where premises are found to be wholly inaccessible, inadequate and unsustainable, as part of the property rationalisation process, such premises may be disposed of, to avoid the need to make adaptations to make them accessible.

## **8. Planned alterations to premises**

Following completion of an access audit where premises are found to contain physical barriers that prevent access to areas, in which goods, services or facilities are provided, which can not be provided by other means, availability of funds should be investigated, which once established should enable Building Consultancy to plan alterations, which will make the premises more accessible.

Guidance on the creation of accessible premises can be found in BS 8300.

## **9. Property acquisition**

When new property is acquired as part of the property rationalisation process, such premises should be wholly accessible, allowing the opportunity to provide inclusive goods, services or facilities.

Guidance on the creation of accessible premises can be found in BS 8300.

## **10. Council Office Accommodation Standards**

Instigation of the 'Corporate Standards – Council Office Accommodation' [developed by Building Consultancy in September 2001] within work places, will ensure the safe and accessible layout of Council workplaces whilst ensuring an effective, safe and attractive work environment.

In addition to reviews of service provision being undertaken by service management in the light of DDA, to translate this strategy into action it's guidance should be incorporated in relevant Corporate planning documents (e.g. Equalities Policy, Asset Management Plan) and in Directorate and individual service improvement plans. This will help to ensure implementation of the strategy, and monitoring of progress against the key objectives.

## **FINANCIAL IMPLICATIONS**

Monies (approximately £700,000) have been made available in the Capital Works Programme to address DDA, Fire Safety and other Health and Safety related issues in council premises. Through the property rationalisation process the Council will be seeking to dispose of non-compliant and unsustainable premises.

Clearly, the proportion of monies available for DDA works will still fall well short of that needed to fund identified improvement works. On this basis a programme of improvement works, based on risk assessment and prioritisation, will be developed by Building Consultancy, carried out in tandem with information being gathered in respect of DDA and other issues. Efforts will also be made to address DDA related issues during procurement of other works schemes. Much emphasis will still need to be placed on service providers to review their policies, practices and procedures to prevent discrimination and potential criticism of the Council.

## **CURRENT SITUATION**

At the beginning of May 2004, 45 DDA audits had been completed on the Corporate Property portfolio (this equates to approximately 20 %). These figures do not include the 105 or so school premises.

Initial indications are that the majority of premises surveyed would need substantial works to make them physically accessible and much reliance will need to be placed on adaptations to methods of service delivery if the Council is to meet its obligations under the DDA.

## **CONCLUSION**

The anticipatory duties and responsibility for preventing acts of discrimination against people with disabilities lie with the service provider. The benefits of undertaking the tasks outlined within the above Strategy enable service providers to understand how their service and any associated property may be made more accessible. Similarly, the Strategy will promote the development of a portfolio of accessible property. This should enable service providers to attain the key objectives and meet the Council's vision of inclusive and accessible goods, services and facilities.