

## People Matters:

# The Disability Discrimination Act 1995 (Part III)



## Access to Goods and Services

One of the main concerns at the moment, especially if you have a public facing business such as a supermarket, food store, pub, bar, restaurant, or cafe (the list is not exhaustive) is the final phase of the Disability Discrimination Act 1995 (DDA) which kicks in on 1<sup>st</sup> October 2004. How will you can deal with it and how it is going to affect the way you run your business – and make no mistake, you must comply or risk the possibility of very large claims being made against you.

Before you start groaning about the additional burden on your purse strings, consider this:

There are eight and a half million disabled people in the UK with considerable spending power. Degrees of disability vary from people who use wheelchairs, blind and partially sighted people, deaf people, people with arthritis, people with long term illnesses and people with learning disabilities. There are also people who have had a disability in the past such as severe depression but have since recovered. But they have one thing in common – they all have to eat! So there you have it, a potential market of almost one quarter of the population – huge, and the better you can accommodate them the greater your share of this market can be. So think about your abilities to deal with them – not the disabilities of those unfortunate enough to have special needs. Turn the requirements of the DDA around into a positive business strategy and you won't go wrong.

You will probably already be familiar with many of the issues surrounding the Disability Discrimination Act 1995 but let me explain further about the existing and new duties on businesses and organisations which are service providers. Here are the facts:

- Treating a disabled person less favourably because they are disabled has been unlawful since December 1996.
- Since October 1999, service providers have had to consider making reasonable adjustments to the way they deliver their services so that disabled people can use them.
- The final stage of the duties, which means service providers may have to consider making permanent physical adjustments to their premises, comes into force in October 2004.
- Part III of the DDA will affect all small and medium-sized business – there are no exemptions for service providers on the basis of their size. The aim of the DDA when it was introduced in 1995 was to introduce new laws aimed at ending the discrimination that many disabled people face, giving them new rights of access to goods, facilities and services, as well as in employment and buying or renting property.

*(Incidentally, while I am not focusing on employment here I thought it would be worth mentioning that the provisions of Part III includes all employers as well, when previously it applied only to those with 15 or more employees.)*

- As well as your main business, the DDA covers any subsidiary services you may provide for your customers, such as toilets, car parking, and information.

The core of the DDA is to eliminate the possibility that you, as a service provider, might discriminate against a disabled person in two ways:

- By treating him or her less favourably than other customers because of their disability or
- By not making reasonable adjustments to the way you deliver your services so that disabled people can use them.

Less favourable treatment means – refusing to serve him or her; providing him or her with a lower standard of service; providing him or her with a service on worse terms because of their disability. You cannot refuse to serve someone because of his or her disability. Here are a couple of examples:

- A publican refuses to serve a disabled person whom he knows has epilepsy. She is the only customer in the pub who is refused service. In the absence of a reasonable explanation – such as that she has no money – a court is likely to decide that there has been discrimination.
- A party of adults with learning disabilities has booked a restaurant for a special dinner. The staff spend the evening making fun of them and provide worse service than usual. Even though there were no other diners in the restaurant at the time, the disabled people were treated less favourably than others would have been. This was unacceptable behaviour – the awareness of the staff of how to deal with all types of disability needs to be raised.
- A disco ejects a person with an artificial arm because he has drunk too much and has become abusive and disorderly. The disco would have ejected any other customer in similar circumstances. The ejection, or refusal to serve, is not for a reason related to the disabled person's disability and is unlikely to be unlawful.

- Your duty as a service provider is to make reasonable adjustments to your business and take positive steps to make your services accessible to disabled people, anticipate their needs and what adjustments you may have to make. Publicise the fact that you can accommodate the needs of the disabled – wider aisles, extra handrails, ramps for wheelchairs, toilet/s which are large enough for wheelchair access - with handrails.
- Many of these adjustments are not costly and you should continue to review them possibly at the same time as you review the cost efficiency of your business as a whole and your working practices. You could talk to local or national disability groups or trade associations to find out what other firms have done.
- For example a restaurant/bar which has a policy of not allowing dogs may decide to amend its 'no dogs' policy by allowing an exception for blind people to be accompanied by a guide dog, and even have menus available, printed in Braille.
- Access can be a problem if you have stairs, so you should consider installing toilets on the ground floor and providing ramps if the stairs prevent a disabled person from using your establishment. Especially important is to train your staff on how to deal with disabled people, to be helpful and courteous and allow the disabled to retain their dignity at all times.

Finally, a checklist for you.

- Think and plan ahead to meet the requirements of your disabled customers and have them in place by 1 October 2004.
- Don't make assumptions about disabled people based on speculation or stereotypes. Think about the wide range of disabilities that there are when planning adjustments.
- Ask disabled people themselves how they can best be served. Listen carefully and respond to what they really want.
- Think about the way you treat disabled customers. Let them know how to request assistance, and have a customer complaints procedure that is easy for them to use.
- Ensure that you respect the dignity of a disabled person when providing them with your services.
- Establish a positive policy on providing services to ensure it includes disabled people. Communicate this policy to your staff and monitor its effectiveness
- Consider putting in place positive practices which will encourage disabled people and others to use your services.
- Make sure your staff training includes your policy towards disabled people with their legal rights, and disability awareness and disability etiquette training
- Regularly review whether your services are accessible to disabled people.
- Don't wait until October 2004 to remove any physical features of your buildings that create a barrier to access for disabled people. Consider doing this at the same time as any building or refurbishment work you are planning which could help reduce costs and disruption.

I hope you have found the above useful and that the requirements of the DDA do not have to be too onerous, especially when you consider the benefits you can enjoy through additional business.

If you visit [www.direct.gov.uk/en/DisabledPeople](http://www.direct.gov.uk/en/DisabledPeople) you will find additional useful information, some extracts of which appear in this article.

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*Source: DDA Introduction for Small and Medium-sized businesses*

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