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A to Z of Church Maintenance

DISABILITY DISCRIMINATION ACT 1995: what does it mean for you?

What is the Disability Discrimination Act?

The DDA makes it unlawful to discriminate against disabled persons in connection with employment, the provision of goods, facilities and services or the management of premises.

Why is the Act necessary?

Previous law on disability concentrated on employment issues rather than the broader issue of discrimination. By making discrimination unlawful, the Act aims at full inclusion of disabled people in society.

Does it affect us?

Yes: duties under the Act are placed on 'service providers', the definition of which includes churches. It does not matter whether the service is provided free or not.

'Service provider', what does that mean for us?

A church's primary purpose is for worship. However, most churches also have wider activities, whether concerts, education or tourism. All these are covered by the Act.

Is this just about wheelchair users?

No. The Act covers many forms of disability such as sensory, mobility, manual dexterity, hearing, sight and speech impairments and learning difficulties. The Act is therefore about making activities accessible to everyone: a theme fully consonant with the Christian faith.

So what do we have to do?

The Act has been brought into force in stages. Since 1999, service providers have had to take reasonable steps to change a practice, policy or procedure which makes it impossible or unreasonably difficult for a disabled person to make use of its services. For instance, if a disabled person were denied Communion at a church service, that would now be unlawful.

Also since 1999 service providers have had to take reasonable steps to provide auxiliary aids, where they would enable better use of a service by disabled people. Auxiliary aids are things like induction loops for hearing aid users, handrails and large print service sheets that enable people to take part in the service to the same degree as everyone else. Up until now no physical alterations to a building have needed to be made in order to provide these aids. However, from October 2004 service providers will have to have considered which physical features of a building inhibit use of services by disabled people, and will

need to take reasonable steps to remove the feature, alter, provide a way of avoiding it, or provide a reasonable alternative method of making the service available. For churches this could include looking at the access to the church and parts of the interior, use of WCs, notice boards, churchyards etc.

The implications of this new duty for churches have understandably caused concern. However, only *reasonable* alterations are required, and it is quite lawful to make services available whilst avoiding physical features or providing a service in a different way. The important principle is that all people are included in the provision of the service.

Does the DDA over-ride planning legislation and the need for a faculty process?

No. You will need to obtain a faculty for works in the usual way. Likewise planning and building regulations approval will also be required where necessary.

How do I go about working out what we should be doing in our church?

Do an access plan. This requires an assessment of various factors, as follows:

- Service Provision: What services do we provide and how and where do we provide them?
- Access Audit: What are the barriers to people wishing to use these services?
- Significance: How is the church (along with its fittings and furnishings) significant?
- Experience: What do disabled people in your congregation or community feel would best respond to their needs?

These factors need to be balanced and a list of priorities drawn up.

What about the cost of all this?

The issue of whether it is reasonable for a parish to undertake a particular scheme will be dependent, in part, on what it can afford; this would need to be set against other priorities. However lack of funds is not an excuse not to think about what can be achieved and to investigate options. It may be that as a result of your access plan it is agreed that various things can be phased in on a particular time-scale relating to finances and other objectives. If this decision is made, however, it would need to set a realistic and justifiable time-scale rather than putting things off indefinitely.

It should also be remembered that very many of the things that can be done will not necessarily be very expensive. For example, providing large print copies of service sheets may make a big difference to large number of people. Equally, the reception of visitors at the door at a time of service will be very much part of your plans for addressing the issues.

How do I do an access audit? Where can I get further help?

Information and help with audits:

‘Widening the Eye of the Needle’

publication by the Council for the Care of Churches available from Church House Bookshop priced at £10.95 (020 7898 1300)

Helpful documents and leaflets on approaches to considering access for disabled people and on audits and training from Through the Roof (Global House, Ashley Avenue, Epsom, Surrey, KT18 5AD; www.throughtheroof.org) and from Church Action on Disability, PO BOX 10918, Birmingham, B29 6WF, or email at coordinator@chaduk.org.

Process of assessing reasonableness:

More detailed advice on the audit process and a church's responsibilities under the act is available in an advice note produced by the Council for the Care of Churches (CCC) and the Cathedrals Fabric Commission for England (CFCE), available free of charge from the CFCE, Church House, Great Smith Street, London, SW1P 3NZ.

A longer version of this paper is available in the Churchwarden's Yearbook for 2004.

The Act:

A Code of Practice has been produced to accompany the Act and both this and the Act itself are available on the website of the Disability Rights Commission [www.drc-gb.org] or they can be purchased from The Stationery Office [020 7873 9090].

Useful people and places to contact:

Council for the Care of Churches, Church House, Great Smith Street, London, SW1P 3NZ
Diocesan Office and Diocesan Advisory Committees
Local Council for Voluntary Service or Community Council in your area
Local Authority Access Officer
Ministry Among Deaf and Disabled People, Church House, Great Smith Street, London. SW1P 3NZ

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