

Building Control Solutions

Homeowner Guide 19

The Equalities Act 2010

(Formerly the Disability
Discrimination Act
(DDA)1995 and 2005)



The Equalities Act 2010

What does the law say?

The Equality Act 2010 (EA) came into force October 2010 providing a single legal framework to more effectively tackle disadvantage and discrimination. The former Disability Discrimination Act (DDA) has been extended by the EA and remains the benchmark within the framework. Guidance on accessibility and reasonable adjustment for disability equality to goods, services and facilities are available from the Equality and Human Rights Commission.

Does the Act apply to me?

The Act applies to you if you provide goods or services to the public e.g. a retail outlet, bar, local authority, library, bank, health service or dental practice. This list is not exhaustive.

Who is covered by the Act?

Disabled people are covered by the Act-about 1 in 5 of the adult population. Disabled people may include those with mobility or sensory impairments, learning disabilities, mental ill health, severe facial disfigurements and certain other conditions, It is important to recognise that not all disabilities are obvious.

Why should I make any changes?

It makes good business sense to make your premises accessible. If your premises are not accessible disabled people may not be able to use your services. You might also miss out on valuable custom from their families and friends. Making your premises more accessible will make them easier to use for others including children, parents, older people and first time visitors.

Failing to make reasonable adjustments could mean you are acting unlawfully and might result in a court case, a fine and negative publicity for your business.

What are physical features?

Physical features are any features arising from the design or construction of a building and any fixtures, fittings, furnishings and equipment on the premises. This could include paths, entrances, exits, entry systems, car parking, public phones, changing rooms, services counters, doors, toilets, stairs, shelves, waiting areas, signage, floor and wall coverings. This list is not exhaustive but it shows the variety of features which can present barriers and for which solutions can be found. You will have to anticipate the types of problems that could arise

so that when a disabled person requests a service, reasonable steps will already have been taken to overcome any access issues.

What are reasonable adjustments?

A reasonable adjustment means making changes to the building your services are delivered from or the way you deliver the service so that it is not unreasonably difficult for the disabled person to use your service. Reasonable adjustments vary from case to case. You can take into account the type of service being provided, its size and resources and the practicality of taking a particular step. The Act also says that you can provide a reasonable alternative method of providing a service if a disabled person cannot access it. This duty has been in force since 1999.

What can I do?

You can aim to take an inclusive approach when commissioning building or refurbishment work, aiming for equal access and best practice from the outset.

You will need to identify the physical features that create barriers to access and find solutions and alternatives for them. You will need to plan to make improvements and ensure that once adjustments have been made that you and your staff are able to maintain access. It is good practice to let disabled people know about access to your premises.

The organisations listed on the back and links provided on their websites are a good starting point.

How can building practitioners help?

Professional building practitioners include qualified architects, designers, surveyors and registered access auditors. One of your first points of contact may be your local authority planning or building control services. All of the above should have a good knowledge and understanding of what the law requires you to do. Voluntary organisations and local disability groups may also be able to offer assistance and information.

Are there any other duties in the Act, which apply to me?

Yes. The Act already requires you to make reasonable adjustments in relation to auxiliary aids and services such as communication support or information in large fonts and to review your policies, procedures and practices.

The Act also covers employment, education and transport.

The Equality and Human Rights Commission can provide more information on the rights of disabled people and access to the built environment.

Where can I find out more about physical adjustments to my premises?

You can use the following websites to find out more:

- Government Information www.disability.gov.uk
- The Disability Rights Commission www.equalityhumanrights.com
- Centre For Accessible Environments www.cae.org.uk
- The National Register of Access Consultants www.nrac.org.uk
- The Employers Forum on Disability www.efd.org.uk
- Disabled Living Foundation www.dlf.org.uk
- RADAR www.radar.org.uk
- RNIB www.rnib.org.uk
- RNID www.rnid.org.uk

Providing Guidance

This is one of a number of Homeowner Guides to help you through the Building Control Process. Copies are available either through our website or by contacting our business support team on 0300 790 0580.

Visit our Website

For a wealth of information including application forms, guidance on charges and latest news, visit www.bcsolutions.org.uk



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