

The Disability Discrimination Act 1995

Obligations of Service Providers

All service providers must take reasonable measures to make sure that they are not discriminating against disabled people generally. It does not matter if the service in question is provided free, or in return for payment.

Disabled people include any adult or child who has a physical or mental impairment which has an effect which is substantial, adverse and long-term on his or her ability to carry out normal day-to-day activities.

It is unlawful to discriminate against a disabled person:

- in refusing to provide or deliberately not providing any service which you provide to members of the public
- in the standard of service you provide
- in the terms on which you provide a service

There are only limited circumstances in which you may be able to justify treating a disabled person less favourably.

As from October 1999, service providers have had to make reasonable adjustments to improve the accessibility of their goods, facilities or services as far as disabled persons are concerned. Specifically, they have had to take such steps as is reasonable to:

- provide an auxiliary aid or service if it would enable disabled people to make use of their goods, facilities or services (e.g. provision of information on audio tape to assist those with a visual impairment)
- change a policy, procedure or practice (e.g. a shop amending a "no dogs policy" to allow an exception for disabled people accompanied by a guide dog)
- provide a reasonable alternative method of making the goods or services available to disabled people where a physical feature makes it impossible or unreasonably difficult for disabled people to make use of them (e.g. a public entrance is accessible by a steep flight of stairs; a side (staff) entrance on the ground floor could be made accessible to disabled people)

As from 1 October 2004, Service Providers may have to make other "reasonable adjustments" to the physical features of their premises to overcome barriers to access.

So if premises have a physical feature which makes it impossible or unreasonably difficult for disabled people to make use of services, a Service Provider will have to have taken reasonable steps to:

- remove the feature;
- alter it so that it no longer has that effect;
- provide a reasonable means of avoiding it; or
- provide a reasonable alternative method of making the Services available.

The Disability Rights Commission (DRC) advise you to start planning now for these changes.

Structural or other physical changes were not be required before 1 October 2004, but may be necessary now. Examples of these are widening a doorway; providing a permanent ramp for a wheelchair user; relocating light switches, door handles or shelves for someone who has difficulty in reaching; providing appropriate contrasting décor to assist the safe mobility of a visually impaired person; installing a permanent induction loop system and providing tactile buttons in lifts.

All Service Providers should be aware of their responsibilities under The Disability Discrimination Act 1995. Free guidance booklets can be obtained by telephoning the Disability Rights Commission Helpline on 08457 622 633. There is also a Code of Practice on obligations under the Act. This is available by phoning TSO on 0870 600 5522.

This fact sheet is an outline of the position at the time of writing.

It offers general guidance only and should not be regarded as a complete or authoritative statement of law.

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