

Disability discrimination law for training centres

The Disability Discrimination Act (DDA) was passed in 1995, introducing new measures aimed at ending the discrimination which many disabled people face in their everyday lives. Here we offer guidance on the law and its effect on your training centre.

The DDA places obligations on service providers (training centres) to end discrimination against disabled people. Your key requirements are:

- not to treat disabled people less favourably for a reason related to their disability
- to make 'reasonable adjustments' for disabled people, such as providing extra help or making changes to the way you provide your services
- to make other 'reasonable adjustments' to overcome physical barriers to access.

Reasonable adjustments: but just what is reasonable?

Centres are required to make 'reasonable' adjustments to their services, and should try to anticipate the needs of disabled users. But what is reasonable? A straight answer does not exist. The law allows for different solutions in different situations.

What is reasonable may vary according to:

- the type of services being provided
- the nature of the centre, its size and resources
- the effect of the disability on the person

- whether taking particular steps would overcome the difficulty that a disabled person faced in accessing your centre
- how practical it is to take the steps
- the financial and other costs of this
- how disruptive it would be
- how much money and other resources you have to spend on it
- how much you have already spent on it
- what financial help is available.

Courses

You need to take into account:

- location, duration and type/nature of course
- effect on all course participants
- financial implications.

This list is not exhaustive and there may be many other factors.

While services should be made more accessible, it is understood that it might not always be possible, and in some circumstances this would not be considered discriminatory.

It may not be possible to cater for certain disabilities because of health and safety concerns. Cases should be considered individually, and a proper risk assessment carried out.

What issues should training centres consider?

Centres must consider the needs of disabled users in terms of how courses are provided and the physical features of the premises. Some alterations may relate to how the

centre is run. For example, if you have a "no dogs" policy, the policy could be amended to allow for guide or assistance dogs.

You must make changes when it is impossible or unreasonably difficult for a disabled person to use your centre. Consider the time, inconvenience, effort, discomfort or loss of dignity suffered by a disabled person, and whether it would be considered unreasonable by other people if they had to endure similar difficulties.

If you do nothing you could well be in breach of the law. Waiting until a disabled person cannot use your services before making changes is wrong. Think ahead: continually look at the way you operate and your premises and consider improvements for disabled people. Don't focus on stereotypes – consider the full range of access needs and the ways in which your centre may be difficult to use.

Practical guidance and advice

The Disability Rights Commission (DRC) has a guide to complying with the Act, with a range of practical suggestions. "Making access to goods and services easier for disabled customers" is aimed at small service providers and is freely available from the Commission.

The DRC recommends that service providers have an access audit carried out. Many local authorities employ access officers to visit your premises and offer advice. Alternatively the council might put you in touch with a Local Disabled Access Group. A starting point could be to contact disabled friends or relatives and ask what changes might benefit them.

Some local authorities may provide discretionary grants for improving facilities, but there is no central funding scheme.

How RYA Sailability can help

RYA Sailability may be able to provide assistance to training centres in complying with the duty of 'reasonableness'.



Many centres are already becoming more accessible in terms of access, sensory improvements and attending disability/equity awareness training. Some go on to become Foundation Sites.

This area of law is relatively new to everyone and yet to be tested in the courts from the point of view of service providers. Our advice and guidance will be constantly evolving. If you are working to enhance the facilities at your centre, please keep in touch with us so that we can offer you the very latest information.

Resources

RYA Sailability have a leaflet called: *Are your premises welcoming to disabled people?* backed up by a series of leaflets called *brief guidelines*, concentrating on areas such as pontoons & landing stages, accessible showers and toilets, ramps etc.

Disability Awareness courses are held throughout the UK. For details contact: Debbie Blachford on 02380 604246 or email debbie.blachford@ryasailability.org

The Disability Rights Commission run a helpline: DRC Helpline, FREEPOST, Mid 02164, Stratford upon Avon, CV37 9BR. Tel: 08457 622 633 Fax: 08457 778 878. Email: enquiry@drc-gb.org. Web: www.drc-gb.org.

The RYA's legal department produce a leaflet on this area of the law. Tel: 0845 3450373, Email: legal@rya.org.uk, Web: www.rya.org.uk (club area under 'working with us').

