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Disability Discrimination – Access to premises

The Disability Discrimination Act 1995 (DDA) is a wide-ranging piece of legislation covering discrimination in the workplace, in access to products and services, in education and transport. This article seeks to outline the impact of the DDA's provisions as they relate to Fires and Fireplaces' readers with retail outlets and showrooms. A companion article on the DDA's employment provisions will appear in a future edition of the magazine.

At the heart of the DDA are 'equality, dignity and respect', the desire that all people should have access to products and services regardless of disability – and 'disability' in this context has a very broad and liberal definition. The DDA identifies someone as disabled if they have a mental or physical impairment that has an adverse effect on their ability to carry out normal day-to-day activities. In practical terms, this means that for an individual to be considered disabled they must be badly affected in at least one of the following areas: mobility, manual dexterity, physical co-ordination, continence, ability to lift and carry objects, speech, hearing or eyesight. The DDA also embraces people with learning difficulties and those unable to understand the risk of physical danger. On April 7th 2005 the Disability Discrimination Act 2005 Chapter 13 received royal assent and extended the definition of disability to cover people with 'progressive conditions' such as HIV, multiple sclerosis and cancer. Taken together, these definitions apply to almost 9 million people in the United Kingdom or, put another way, over 1 in 6 adults: almost 20% of your target market!

The ability to tap in to a bigger target audience for your products and services is a pretty persuasive one, regardless of legal and ethical questions. Furthermore, the possible changes and alterations to premises are likely to benefit other groups such as mothers with children in pushchairs, and elderly people for whom mobility, hearing and eyesight may be problematic without being formally described as a disability.

Physical features such as steps, kerbs, doors and lighting may create barriers that make it extremely difficult for disabled people to access your showroom. To overcome barriers such as these, the DDA suggests either removing the feature, changing it, allowing disabled people to avoid using it, or providing an alternative method of making your products and services available. The Disability Rights Commission (DRC) has produced an excellent practical guide for small businesses on access issues which can be downloaded from its website: www.drc-gb.org.

The DRC guide runs through a series of scenarios and gives example of 'reasonable' steps that a business could take to improve accessibility. The question of what is reasonable is very important and could be central to any civil proceedings in the event of non-compliance. Factors that come into play when deciding what is reasonable include the effectiveness of the proposed changes in mitigating the access problem, practicability, and disruption to ongoing business. Cost is also taken into account in conjunction with the extent of financial resources available, sums already spent on adjustments, and the availability of financial or other assistance.

The range of possible physical alterations to premises is endless and specific to each building. Many changes, however, can be made at low or no cost and I've listed one or two examples below:

- Rethink the use of space to provide unhindered access throughout the showroom.
- Install a handrail alongside external and internal steps, and consider the practicalities of having an access ramp. Is there an alternative entrance that could be used by disabled people? Is it clearly marked?
- Fit doors which can be opened by disabled people. Key factors include the shape and positioning of the door handle.
- Avoid tripping hazards by ensuring entrance mats are flush.
- Good lighting can be a great assistance to those with a visual impairment.
- Legible signs are a benefit to all customers. Are your signs easy to read? Are they simple, short, on a well contrasted background, and supplemented by visual or pictorial symbols?
- Counter and service desks are areas that can often be changed to assist disabled people. Suggestions include creating a lowered section of the counter or service desk so that cheques and documents can be signed. Alternatively the provision of lap trays or clipboards could be a solution.

The DDA does not just tackle physical barriers, it also addresses the practices, policies and procedures of a business. The Business Link website – www.businesslink.gov.uk – defines practices as what a business actually does, policies as how a business regulates what it does, and procedures as the systems set up to ensure the policies are achieved. An example of making an exception to a policy to accommodate the needs of disabled customers could be the waiving of a 'no dogs' rule to allow assistance dogs to enter your showroom.

Positive and well-trained staff can make a huge difference to the perception disabled people have of a business or service. There are many simple steps that can be taken to improve customer service including encouraging staff to look straight at customers and not cover the mouth when they are speaking to them, separating quiet and noisy areas so that a help desk is away from noisy equipment, and assisting visually impaired customers by describing and explaining products to them.

Many 'Fires and Fireplaces' readers will have showrooms in properties which are leased or rented rather than owned outright. The application of DDA legislation to leased and rented property raises numerous questions including what to do if a landlord refuses a request for a modification to a building to improve access, who should bear the cost of any changes, and can a lessee request a reduction in lease payments if a change reduces the effective retail floor space? There are a number of useful articles on the Centre for Accessible Environments' website – www.cae.org.uk – which offer insights into such issues. The conundrum faced when dealing with these issues is that DDA legislation requires services to be made accessible, not buildings – although the difference can often appear little more than a tautological nicety. Once again actions will be judged as to whether they are 'reasonable' or not and it is my

understanding that the recently introduced DDA 2005 Chapter 13 legislation increases the onus on landlords to provide premises which meet accessibility criteria.

This has been a concise review of how DDA legislation could impact on retail outlets. Whilst some major alterations may require planning consents and need to meet building regulations, the majority of changes are common sense with only marginal cost implications. Furthermore, the vast majority of changes will benefit all and help you gain a reputation as a retailer that really does value its customers.