

Requirements of:

The Disability Discrimination (DDA) Act 1995

&

The Disability Rights Commission (DRC) Act 1999



In relation to Churches

In the

**BRITISH UNION CONFERENCE**

# REQUIREMENTS of the The Disability Discrimination Act 1995 and The Disability Rights Commission Act 1999 – DRC Code of Practice

## Legislation and Good Practice

Churches are aware of legislation in relation to health and safety, food preparation and hygiene, and child protection but many are not aware of legislation concerning the rights of children and adults with disabilities, namely **The Disability Discrimination Act (DDA) 1995** and **The Disability Rights Commission (DRC) Act 1999**.

The DDA 1995 gives people with disabilities certain rights in the areas of employment, buying and renting land or property. It also, under part III of the Act, makes it unlawful for providers of goods, facilities or services to discriminate against people with disabilities. The Church is a service provider; it doesn't matter for the purpose of the Act that the Church provides a service free of charge.

Under the DRC Act 1999 the Disability Rights Commission was established, with similar investigative and enforcement powers to the Equal Opportunities Commission and the Commission for Racial Equality.

NB By 'services' the DDA means the facilities and activities the church provides. It does not refer only to church services of worship.

## The Disability Discrimination Act 1995 and Your Church

The duties of The Disability Discrimination Act have been introduced in three stages:

**Since December 1996** it has been unlawful for churches to treat children and adults with disabilities less favourably for a reason related to their disability.

**Since October 1999** churches, under Section 21 of the DDA, have had to make 'reasonable adjustments' for people with disabilities, such as providing extra help or making changes to the way they provide services. The 'adjustments' the Act requires are to policies, practices and procedures which could exclude people with disabilities.

**Since October 2004** churches will have had to make 'reasonable adjustments' to the physical features of the premises to overcome barriers which make it impossible or unreasonably difficult for disabled people to have access to the building or service.

The extent to which it is reasonable for a church or church-based activity to undertake changes requiring expenditure depends on its size, resources and its particular circumstances.

The Act is imprecise as to what is reasonable and it is likely that future case law will determine this. Churches may find, particularly those using listed buildings, that they are complying with the law in that the expenditure required for changes to the building can seem prohibitive and would not be regarded as reasonable, due to the excessive cost. In looking at what is reasonable the church should ask: What message does that give to the individual with a disability? Do we reject because of cost? Churches should look at making 'reasonable adjustments' now and not wait until someone with special needs comes into the church building, only to find that the church is not able to meet their needs.

## **The Disability Rights Commission Act 1999 - DRC Code of Practice**

The DRC has issued a Code of Practice. In this it states that the duty of service providers to make reasonable adjustments 'is a cornerstone of the Act and requires service providers to take positive steps to make their services accessible to disabled people. This goes beyond simply avoiding treating disabled people less favourably for a disability-related reason.'

The Code of Practice states that churches should endeavour to enact the following:

- Change practices, policies or procedures which make it impossible or unreasonably difficult for people with a disability to use the service.
- Overcome the physical features which make it impossible or unreasonably difficult for people with a disability to use the service, by providing the service with a reasonable alternative method.
- Provide auxiliary aids or services which would make it easier for or enable people with a disability to use a service

### ***Practices, Policies and Procedures***

Churches should review all their policies and procedures and alter any which may be regarded as restrictive for anyone with special needs.

### ***Physical Features***

Physical features can include steps, stairways, kerbs, exterior surfaces, paving, parking areas, building entrances and exits, internal doors, gates, toilets and washing facilities, lifts, etc. Where a physical feature is a barrier, churches should look to finding a reasonable alternative and, for example, change the Sabbath school room from the first floor to the ground floor, if accessibility is an issue.

### ***Auxiliary Aids***

Churches could consider providing information on cassette, installing a loop system, or employing the service of a sign language interpreter.

## **Action Points**

Your church management or board could use the points below as a launch pad for their discussions.

### ***Duties of the Church Council/ Leadership Team and Minister***

- The church council or management team needs to be aware of its obligation under the DDA
- Each church council or leadership team should arrange to discuss the issues raised by the DDA, so that they are aware of the wider range of disabling conditions which are found in the community.
- The council or leadership team needs to inform the church members and community users of their buildings and facilities that it is illegal to discriminate against disabled people.
- The council or leadership team should conduct an audit of the church's facilities and draw up a strategy to ensure that the church is open to everyone. The audit should address both physical and non-physical barriers to access for people with disabilities and special needs.
- Once the audit has been completed they should consult with an architect to see how any necessary changes can be made and how to fit them in with the ongoing maintenance of the church.
- The church council or leadership team could start with Through the Roof's 'Churches for All' scheme which will be able to assist churches in their task of maintaining the church buildings while meeting with requirements of the Act. There may also be denominational resources available; with the Church of England, for example, the Council for the Care of Churches can advise.
- The church council or leadership team should contact the Access Officer at the local council, or speak with local associations of disabled people, to discuss the building's accessibility.

- The church council or leadership team should then install appropriate equipment and make any necessary changes to accommodate the different special needs of the individuals attending.
- Members of the church council or leadership team should receive disability awareness training.
- The church council or leadership team should have regular reviews of their services to ensure that they are accessible to people with disabilities.
- The church council or leadership team should ensure that disabled individuals and those with other special needs are aware of any new provisions; for example, that there are signs at the church entrance and on notice boards, and that all publicity and advertising clearly states what provision is made.
- In planning any new buildings, ensure that they meet the requirements of Part M of the Building Regulations which covers access for disabled people.

## The Whole Church Benefits

In responding to the requirements of the DDA we can help individuals with special needs feel part of the church family. Others too will benefit from making our churches more open and accessible including:

- Individuals of all ages with disabilities and special needs
- Parents or carers with young children in push chairs and buggies
- Women in the latter stages of pregnancy
- Older adults
- Those in our congregations who have an illness or a temporary impairment, for example someone who has broken a leg or had surgery

## Useful Sources of Information

Further information on **The Disability Discrimination Act 1995** can be obtained from:

DRC,  
 Freepost MID02164,  
 Stratford-upon-Avon,  
 CV37 9BR.  
 Tel: 08457 622 633  
 Textphone: 08457 622 644  
 Fax: 08457 778 878  
 email: [enquiry@dcr-gb.org](mailto:enquiry@dcr-gb.org),  
 web site: [www.disability.gov.uk](http://www.disability.gov.uk)

*The Disability Rights Commission Code of Practice on rights of access, facilities, services and premises (price £13.95, ISBN 01170 2860 6)* is available from:

The Stationary Office  
 Tel: 0870 600 5522  
 DRC web site: [www.drc-gb.org](http://www.drc-gb.org)