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## Access for people with disabilities

### The Disability Discrimination Act

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#### Policy

The Disability Discrimination Act 1995 (DDA) brought in measures to prevent discrimination against people with disabilities. Those concerned with the provision of services to the public (service providers) must not discriminate against people with disabilities in the way they offer access to their services or buildings. The Church is a service provider within the meaning of the DDA, not just in relation to services in the sense of acts of worship, but also to all the other activities offered, such as meetings, concerts and displays. Since 1999 all service providers, including churches, have had a duty to make reasonable adjustments for people with disabilities in the way they provide their services: this might include, for example, making large print versions of hymn books available.

From 2004 the more onerous and potentially more expensive duty comes into force requiring service providers to make reasonable adjustments in relation to the physical features of their premises to overcome physical barriers to access. By October 2004, PCCs will have to be able to demonstrate that they have made every reasonable effort to comply with the law. By that date, PCCs should have completed reasonable adjustments to any physical features of their church buildings, which make it impossible or unreasonably difficult for people with disabilities to access the building and the services offered to the public there.

PCCs need to plan ahead and apply for the necessary consents before that date so that they are able to make any necessary physical alterations in time. To that end, the DAC recommends that every PCC undertakes an Access Audit of its churches as soon as possible. This will then expose the existing barriers to access and enable the PCC to consider how they might be overcome. An Access Plan should then be drawn up to establish priorities for improving access. PCCs must contact the DAC for advice about possible alterations, including what work would be realistic, whether a faculty will be needed and what other consents are required.

#### The Mission and Ministry of the Church

Disabled access is guaranteed by the general law but the whole Church should also understand that it is an issue which affects its ministry and mission. Providing for individuals with disabilities is a positive contribution to the Church's mission of bringing people closer to God and of enabling all members of the local community to participate fully in the worshipping life of the Church. Every community or congregation includes many people who will potentially benefit from the provisions of the DDA in terms of their experience of worship and all the other services that the Church provides.

About 15% of the population experience a permanent impairment which affects their daily living and 85% of us are likely to at some point in our lives. Much of what is suggested will help everyone feel the Church is more open and inclusive, including many who are not strictly speaking disabled within the terms of the DDA, such as the frail, the elderly and those with children in pushchairs.

#### Undertaking an Access Audit

- An Access Audit is not simply about getting wheelchairs in and out of the church. The definition of disability in the DDA is very broad. It covers people with a mental or physical impairment which affects their normal day-to-day activities in terms of their mobility, manual dexterity, physical co-ordination, continence, ability to lift and carry, speech, hearing or eyesight, memory or ability to learn and understand and their perception of the

risk of physical danger. The Access Audit should consider the needs of all these various aspects of disability. The duty is owed to the population at large so it is no excuse that, for example, there is no visually impaired person or epileptic in the congregation at the moment.

- "Widening the Eye of the Needle" and the "Through the Roof Roofbreaker Guides" (see below for details) both give helpful advice on how to undertake an audit and provide useful checklists.
- In undertaking an Access Audit, the PCC should seek the views both of experts and of local parishioners. People with visual, hearing or mobility impairments could be invited to say where they experience difficulties with the church building and suggest ways in which these might be overcome. For example, can they point to the seats with the better lighting and a good view of the preacher so lip-reading is a possibility if they cannot hear well?
- Don't think just about the building itself; consider wider issues such as hymn books, sound systems, use of contrasting colours, surfaces and lighting.
- Bear in mind all the services offered by the Church. These might include the Sunday worship, occasional services e.g. funerals, concerts, mother and toddler groups, visits from the local schools, bookstalls, displays and the ancillary facilities of toilet and kitchen. Bear in mind all the other uses of the building by community groups.
- The DAC, local access groups, the local government access officer, the conservation officer and the church architect can all offer advice in order to identify the full range of barriers present and suggest ways of designing a barrier free environment.

### **What are "reasonable adjustments"?**

Having completed the Access Audit, the service provider (PCC) is required by the DDA to make reasonable adjustments for people with disabilities in order to overcome barriers to access. From 2004, where a physical feature is a barrier to access, a service provider must take reasonable steps to remove the feature. If that proves impossible or unreasonable to achieve then it may be altered. If that alteration is unreasonable then a reasonable means for avoiding it should be provided. The last resort is to provide a reasonable alternative method of making the service available to disabled persons. However, it is much better always to achieve inclusive design whereby everyone is treated equally rather than making special provision for the disabled.

What then is it reasonable to require a PCC to do? The legislation is too new for this to have become firmly established but the Disability Rights Commission have published a Code of Practice setting out guidelines for good practice. In determining whether or not it is reasonable to require a service provider to make particular adjustments, the following factors may be considered: the practicality of making the adjustment and the disruption it would cause; the financial and other costs, bearing in mind the extent of the service provider's resources and availability of financial or other assistance. In other words, the larger the organization the more it will be expected to do. The failure to address the issue of disabled access, to plan and to budget even on the part of a small organization with limited resources is unlikely to be viewed sympathetically by a court.

The issue of reasonableness is also considered in a recent court case:

*I therefore conclude that there is a duty on churches to provide, if at all possible without unreasonable expense, full access to and from the church (by, for example, eliminating steps and doors that are difficult to open, or making it possible to avoid them without a major detour) and to and from all the principal parts of it (including the communion rail in the main worship area, all or at least most subsidiary areas such as side chapels, meeting rooms, toilets, and areas where refreshments are served) and as much as possible of the churchyard - since without such access the services offered by the church are not available to the disabled. There is not, however, an obligation to enable a disabled person to use every seat or pew in the church - provided that there is a degree of choice as to where he or she may sit.*

*On the other hand, it will not usually be acceptable for a disabled person to be forced to sit right at the back or the front.*

*What this means in any particular case must be a matter for judgement, to be exercised sensitively in each case - unless and until more detailed guidance is issued on the implementation of these provisions of the Act (possibly in the form of a further code of practice issued by the Secretary of State under section 51(2))*

*(re Holy Cross, Pershore [2001] 3WLR 1521)*

## **PCC responsibilities**

### **1. Getting permission**

In relation to listed buildings such as churches, one must also consider whether the proposed alteration adversely affects the historic, cultural or architectural character of the building. The duty to obtain a faculty and, in the case of external works, planning permission still applies. Access proposals, for example to widen an entrance or to fit textured warning surfaces to the top and bottom of steps may be refused the necessary faculties and consents because of concerns for the historic fabric or unique character of the building. In this case it will be necessary for the PCC to consider other ideas.

### **2. Responding constructively**

PCCs must think about the many changes that could be made relatively inexpensively and without delay. e.g.,

- Making notices and pew sheets available in large print format (i.e. font 16)
- ensuring that service books, bookstalls and display racks can be found and reached easily by the visually impaired or wheelchair user.
- ensuring that sidesmen and women know how to relate to and communicate with all kinds of people with disabilities including where they should sit, what books they need, how they receive communion.
- ensuring that the aisles and doorways are kept clear of furniture and equipment so that there are no hazards to access
- checking the sight lines and lighting in the church for members of the congregation who are visually impaired or need to lip-read.

### **3. Keeping records**

It is essential to keep a record of all discussions and documentation as evidence of the PCC's commitment to the DDA. Such documentation would include the Access Audit and Access Plan, PCC minutes, correspondence with the church architect, DAC, English Heritage and planning authority. This is particularly important where the PCC have identified a physical feature as a problem to access but have been unable to remove or alter it because the costs are prohibitive or a faculty has been refused.

## **How can the PCC respond to the DDA?**

- Do an Access Audit as soon as possible to identify the existing physical and communication barriers to access
- Examine the access needs of users
- Get advice from the local authority, DAC, Church Architect and English Heritage (where appropriate) about how access can be improved and whether faculties or other consents are required
- Draw up an Access Plan which addresses the accessibility problems, and prioritises them over the coming five years.
- Keep all relevant documentation which shows the PCC's commitment to addressing accessibility issues raised by the DDA

### **Example of the DDA in practice**

*The main entrance to a church is at the west end approached by steps. However, it is impracticable to widen this access because it is part of the medieval fabric and consent to install a ramp has been refused because the work would adversely affect the listed building. The church also has a door on the north side which is rarely used but is wider. The PCC could arrange for people with a mobility impairment to use this entrance. This is a reasonable step for the PCC to take. The PCC would need to ensure that the path up to this door was properly made (with a suitable surface and at least 1.2m wide). It would also be important to provide service books and a welcome at this entrance so that people using this door were not disadvantaged in relation to other members of the congregation. The church could of course go further and adopt an inclusive approach by making the north entrance the main entrance into the building.*

### **Further information**

The DDA 1995 Code of Practice, Rights of Access, Goods, Facilities, Services and Premises (ISBN: 0-11-702860-6; £13.95 The Stationery Office, PO Box 29, Norwich NR3 1GN. Tel: 0870 600 5522; [www.tso.co.uk](http://www.tso.co.uk))

*This is very clearly written, sets out the principles clearly and provides numerous examples.*

Widening the Eye of the Needle: Access to Church Buildings for People with Disabilities (John Penton, 2nd edition (2002), Church House Publishing, £10.95)

*An illustrated booklet aimed at incumbents, PCCs, congregations and church architects with useful checklists to assist the task of undertaking the Access Audit.*

Churches for All

*(pack available from Through the Roof, PO Box 353, Epsom, Surrey, KT18 5WS. Tel: 01372 749955; [www.throughtheroof.org](http://www.throughtheroof.org))*

Through the Roof Roofbreaker Guides

*(details as above)*

*Another guide containing useful checklists.*

Disability Rights Commission web site:

[www.drc.gov.uk](http://www.drc.gov.uk)

Centre for Accessible Environments web site:

[www.cae.org](http://www.cae.org)

### **Additional information and advice is available from the DAC team:**

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April 2005  
Reprinted April 2007  
Revised January 2014