



THE DISABILITY DISCRIMINATION ACT

Under the Disability Discrimination Act 1995 (DDA) new duties regarding access and facilities for people with disabilities come into effect on **1 October 2004**. These will require that where a physical feature makes it impossible or unreasonably difficult for a person with disabilities to make use of a service, the service provider must take “reasonable” steps to either alter or remove such features of their premises or provide a reasonable means of avoiding them.

The term “reasonable” is not expressly defined. The extent of the duty on managing trustees takes into consideration their unique circumstances in relation to their premises and the financial resources available to make adjustments.

Deciding what to do:

Relevant considerations would include:

- would the changes overcome the difficulty that disabled people face in accessing your services?
- how practicable is it for you to take these steps?
- how much disruption would it cause you?
- what are your financial and other resources?
- how much have you already spent on making adjustments?
- what financial and other assistance is available to you?

Since 2 December 1996:

- it has been unlawful for a church to refuse to provide (or deliberately not to provide) a service to a disabled person which is offered to other people, unless the refusal (or non-provision) can be justified; and
- it has been unlawful for a church to offer a disabled person a lower standard of service than is offered to other people or to serve a disabled person in a worse manner, without justification.

From 1 October 1999:

churches have had a LEGAL DUTY to take such steps as are reasonable in the circumstances:

- to change a practice, policy or procedure which makes it impossible or unreasonably difficult for disabled people to take part in church activities;
- to provide a reasonable alternative method of making church activities available to disabled people where a physical feature makes it impossible or unreasonably difficult for them; and
- to provide an auxiliary aid or service if it would enable (or make it easier for) disabled people to take part in church activities.

Addressing the needs and requirements of disabled people and INCLUDING them in the life of the church is no longer an option, a desirable “extra”, “why should we?” – but is a LEGAL requirement and ignoring this will leave public service organisations (including churches) open to prosecution.

The World Health Organisation maintains “that disability concerns the whole of society, in terms of the legislation, education and services which should be promoted if the disabled persons are to be fully integrated; the environment should be adapted to their needs whenever necessary”

DISABILITY, often indicated by the “wheelchair” symbol (although only approximately 4% of disabled people are in wheelchairs) includes many forms of impairment, including:



- **MOBILITY** impairment
- **VISUAL** impairment (including all who wear glasses, not just those who are partially sighted or blind)
- **HEARING** impairment
- **LEARNING** disabilities
- **MENTAL** illness
- **SPEECH** difficulties
- **DYSLEXIA**
- others unable to attend church meetings

An "Access Audit" will establish how well your building performs in terms of access and ease of use – it is a useful starting point for an ongoing action plan and can be used to highlight areas for improvement.

An access audit can be carried out fairly easily with common sense and a simple check list but CHAD and other bodies also publish resources to help with this process and the development of your local action plans.

As churches, we should **WELCOME** and **INCLUDE** people with any disability and in **EVERY** aspect of our church life – AND their friends and families. We need to address the physical environment AND our attitudes; we need to encourage and equip disabled people for roles of responsibility and leadership.

Often the limitations of our buildings will mean that significant alteration and adaptation will be required for those with mobility impairment – ramped access – door widths – specifically designed and equipped toilet areas etc. – and the DDA requires that "reasonable steps" have been taken to achieve meeting those needs "in a way which respects dignity and values contribution". Other measures, for example requirements for those with hearing impairment, viz, the provision of an induction loop, are modest improvements but which will enhance considerably the quality of the "welcome" and "inclusion" achieved by the church.

This Guidance Note is not intended as the definitive manual for the issue. Much straight-forward and detailed advice is already available and we do not intend to "re-invent the wheel". However, we encourage all those seeking guidance on methods and attitudes to contact any of the organisations listed, to use their advice and to implement their recommendations.

The message for Church Councils is clear. Make your buildings accessible wherever possible and incorporate improvements into maintenance and refurbishment plans. This will not only indicate that you are conforming with the spirit of the Act (which will be a positive indicator if a problem goes to law), but you will also be making these changes in the most cost-effective way. It is far easier and cheaper to plan for

these changes now than have them forced upon us.

Accessible services

are attractive services. Changes which help people with disabilities also make services more convenient for everyone to use.

"Satisfied customers

tell their friends and family where it's good to shop!" (National Disability Council)

When considering the needs of the Church Family, or your community, our suggestion is to "Assume nothing – always ask!"

We use the term "**Access**" in this information leaflet with reference to physical, intellectual and spiritual access to our churches and to the ministry and activities that take place within them.



When your Church Council is ready to consider a scheme to improve facilities for the disabled we suggest that they should get in touch with your District Disability Advisor and/or:

- The Methodist Property Office Technical Section for general or specific guidance (including a wide range of information leaflets); and
- Church Action on Disability (CHAD) to obtain advice.
- Also, your Local Authority designated "Access Officer" (who in Unitary Authorities may be in the Social Services Department and in Non Unitary Authorities may be in Planning, Technical Departments or Community Services/Leisure/Housing Departments).

Your Local Authority should also be able to direct you to any sources of Local Authority grant assistance which may be available.

INFORMATION AND RESOURCES

1: Adaptation of buildings and equipment suitable for disabled people

Connexional Property Committee

(Technical Section)

Central Buildings Oldham St Manchester M1 1JQ tel: 0161 236 5194 fax: 0161 236 8908

(a range of information and Guidance Notes on specific disabled adaptations is available, together with advice on possible grant assistance) In the course of time such information will be available on our website www.methodist.org.uk . (The Churches Main Committee guidance "Rights of Access for disabled people" setting out the legal responsibilities of managing trustees was circulated to all churches in 1999 further copies are available price £1)

Church Action on Disability (CHAD)

50 Scrutton Street London EC2A 4PH
tel: 020 7452 2085 fax: 020 7452 2001

(CHAD can supply Information and Study Packs, an Access Audit with material on practical questions of access, exhibition material and a booklist)

Through the Roof

Global House, Ashley Avenue, Epsom, Surrey KT18 5AD
tel: 01372 749955

e-mail: info@throughtheroof.org

website: www.throughtheroof.org

Through the Roof state that they are the key organisation in the Christian arena aiming to meet the needs of disabled people who want to explore faith issues. Their "Roofbreaker Guides" (current price at time of publication £1.50) are recommended for much sound advice

Joint Mobility Unit (JMU Access Partnership)

224 Great Portland Street London W1W 6AA
tel: 020 7387 7109 e-mail: jmu@rnib.org.uk

Local Authority Access Officers

contact via your District/Borough Council Offices or Metropolitan/City Council Office

Centre for Accessible Environments

Nutmeg House 60 Gainsford Street London SE1 2NY
tel: 020 7357 8182 fax: 020 7357 8183

e-mail: info@cae.org.uk

website: www.cae.org.uk

(a technical information, training and consultancy resource)

1 cont/d

Disability Rights Commission

Regional Offices in Manchester, London, Edinburgh and Cardiff Contact DRC
helpline: 08457 622633

e-mail: enquiry@drc-gb.org

website: www-drc-gb.org

(advice on eliminating discrimination against disabled people)

Ricability

30 Angel Gate City Road London EC1V 2PT
tel: 020 7427 2469

(research and information for consumers with Disabilities)

people with learning difficulties, in identifying suitable study and worship material and in making worship more accessible to them

The Baptist Union Initiative for People with Learning Difficulties (BUILD)

12 Barford Crescent Kings Norton Birmingham B38 0BH tel: 0121 433 5417

Causeway Projects

P O Box 351 Reading RG1 7AL

tel: 0118 950 8781

Evangelical Concern for People with Disabilities

48 Peel Close Chingford London E4 6XU
tel: 020 8281 9682

Mencap

123 Golden Lane London EC1Y 0RT
tel: 020 7454 0454 fax: 020 7608 3254

e-mail: mencap.info@dial.pipex.com

website: www.mencap.org.uk

Mind

15-19 Broadway London E15 4BQ

tel: 020 8519 2122 fax: 0208522 1725

e-mail: contact@mind.org.uk

website: www.mind.org.uk

3: Information and resources about learning disabilities and organisations that work with and for people with learning disabilities

British Institute of Learning Disabilities
Wolverhampton Road Kidderminster
Worcestershire DY10 3PP
tel: 01562 850251 fax: 01562 851970
e-mail: bild@bild.demon.co.uk
website: www.bild.org.uk

Royal Society for Mentally Handicapped Children and Adults (MENCAP)

123 Golden Lane London EC1 0RT
tel: 020 7253 9433

2: Spiritual needs and development of

4: Information and resources about physical disabilities and organisations that work with and for physically disabled people

British Council of Disabled People (BCODP)
Litchurch Plaza Litchurch Lane
Derby DE24 8AA
tel: 01332 295551 fax: 01332 295580
e-mail: general@bcodp.org.uk
website: www.bcodp.org.uk
(an organisation providing a forum for discussion and action by disabled people)

Royal Association for Disability and Rehabilitation (RADAR)

12 City Forum 250 City Road
London EC1V 8AF
tel: 020 7250 3222 fax: 020 7250 0212
e-mail: radar@radar.org.uk
website: www.radar.org.uk
(a co-ordinating body with over 500 associations)

5: Information on ways of supporting those who care at home for a disabled person

The Carers' Christian Fellowship
14 Yealand Drive Ulverston Cumbria
LA12 9JB
tel: 01229 585 974

The Carers' National Association

20-25 Glasshouse Yard London EC1A 4JS
tel: 020 7490 8824

6: Information and resources about sight impairments and organisations that work with and for people with sight impairments

Royal National Institute for the Blind (RNIB)
224 Great Portland Street London W1N 6AA tel:
020 7388 1266 fax: 020 7388 2034
e-mail: helpline@rnib.org.uk
website: www.rnib.org.uk

Partially Sighted Society

The Sight Centre 9 Plato Place
72-74 St Dionis Road London SW6 4TU
tel: 020 7371 0289 fax: 020 7371 0289

The Torch Trust for the Blind

Torch House Hallaton Market Harborough
LE16 8UJ

tel: 01858 555 301

(this organisation will supply Christian literature in braille and other suitable formats)

7: Information and resources about hearing impairments and organisations that work with and for people with hearing impairments

Royal National Institute for the Deaf (RNID)
19-23 Featherstone Street London EC1Y 8SL
tel: 020 7296 8000 fax: 020 7290 8199
e-mail: helpline@rnid.org.uk
website: www.rnid.org.uk

British Deaf Association (BDA)

1-3 Worship Street London EC2A 2AB
tel: 020 7588 3520 fax: 020 7588 3527
e-mail: info@bda.org.uk
website: www.bda.org.uk

Christian Deaf Link

149 Woodgates Rd Lee London SE12 9JJ
e-mail: deaflink01@aol.com.uk

8: Information about dyslexia

British Dyslexia Association

98 London Road Reading RG1 5AU
tel: 0118 966 8271 fax: 0118 935 1927
e-mail: info@dyslexiahelp-bda.demon.co.uk
website: www.dyslexia.org.uk

9: Other relevant groups

Multiple Sclerosis Society

The Multiple Sclerosis Centre 372 Edgeward Road London NW2 6ND
tel: 020 8438 0700 fax: 020 0438 0701
e-mail: info@msssociety.org.uk
website: www.msssociety.org.uk

The Muscular Dystrophy Group

Natgrass House 7-11 Prescott Street London SW4 6BS
tel: 020 7720 8055 fax: 020 7498 0670
e-mail: info@muscular-dystrophy.org.uk
website: www.muscular-dystrophy.org.uk

National Association of Laryngectomee Clubs

Ground Floor 6 Rickett Street London SW6 1RU
tel: 020 7381 9993 fax: 020 7381 0025

The National Autistic Society

393 City Road London EC1V 1NG
tel: 020 7833 2299 fax: 020 7833 9666
e-mail: nas@nas.org.uk
website: www.oneworld.org/aytism_uk/

Scope

6 Market Road London N7 9PW
tel: 020 7619 7100 fax: 020 7619 7399
website: www.scope.org.uk

Stroke Association

Stroke Information Service
Stroke House 123 Whitecross Street London EC1Y 8JJ
tel: 020 7566 0300
e-mail: informationservice@stroke.org.uk
website: www.stroke.org.uk

Help the Aged,

Head Office, St. James' Walk, Clerkenwell Green, London, EC1R 0BE.
Tel: 020 0253 Fax: 020 7251 0747
Email: info@helptheaged.org.uk
Web: www.helptheaged.org.uk

10: Bibliography and Publications

In addition to the publications lists of each of the above organisations the following (though not exhaustive) may prove useful:

Government Publications: (HMSO)

- The Disability Discrimination Act 1990
- Code of Practice for the elimination of discrimination in the field of employment against disabled persons or persons who have had a disability
- Code of Practice: Rights of Access, Goods, Facilities, Services and Premises
- Code of Practice: Duties of trade Organisations to their Disabled members and Applicants
- Access to Goods, Services and Facilities: Regulatory Impact Assessment (1999)
- Workplace (Health, Safety and Welfare) Regulations 1992
- Overcoming physical barriers to access for disabled customers: a practical guide for smaller service providers
- Access to goods, services and premises: proposals for regulations (1999 consultation document)
- Access to goods services and facilities: Regulatory Impact Assessment (1999 consultation document)
- A number of booklets and fact sheets, in particular DL150 What Service Providers Need to Know – available from www.disability.gov.uk

BSI Codes of Practice:

- BS5395 Stairs, Ladders and Walkways
- BS8300:2001 Code of Practice for Access for the Disabled to Buildings
- BS5588 Part 8: Fire Precautions in the Design, Construction and use of Buildings: Code of Practice for Means of Escape for Disabled People 1988

The Building Regulations 1999

- Approved Document B Fire Safety
- Approved Document K Stairs, Ramps and Guards
- Approved Document M Access and Facilities for Disabled People
- Approved Document N Glazing Materials and Protection

For those churches and buildings which have Statutory Listing or are in Conservation areas

- Planning and the Historic Environment (Department of the Environment and Department of National Heritage, Policy Planning Guidance 15, 1994)
 - The Ecclesiastical Exemption, what it is and how it works (Department of National Heritage, 1994)
-

Select Church Measures and Official Publications (Church of England):

- Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 1994
 - Care of Cathedrals Measure 1990
 - Faculty Jurisdiction (Care of Churches and Ecclesiastical Jurisdiction) Measure 1991
 - Making changes to a Listed Church (the Care of Churches and Ecclesiastical Jurisdiction Measure Rule Committee 1999)
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Practical Handbooks:

- Barrier free Design by J Holmes-Siesdle (Butterworth Architecture 1996)
 - Buildings for All to Use: good practice guidance for improving existing public buildings for people with disabilities by Sylvester None (Construction Industry Research and Information Association 1996)
 - Designing for Accessibility: an essential guide for public buildings (Centre for Accessible Environments 1999)
 - Designing for the disabled: the new paradigm by Selwyn Goldsmith (Butterworth Heinemann 1997)
 - The Disability Discrimination Act: Inclusion by John Penton (RIBA Publications 1999)
 - Widening the eye of a Needle: Access to Church Buildings for People with Disabilities (Church House Publishing 1999)
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Design Guides:

- Building Sight by Peter Barker 1995 RNIB (design guide)
- Good Loo Design Guide and Wheelchair Template (Centre for Accessible Environments 1988 and 1991)
- A Guide to Church Inspection and Repair (Council for the Care of Churches 1995)
- Induction Loops in Public Places (RNID)
- Louder than Words by Alec Miskin (1995) RNID

- Sound Amplification in Churches (Council for the Care of Churches 1990)
 - Specifiers' Handbook 1, Electrical Controls (Centre for Accessible Environments 1990)
 - Specifiers' Handbook 2, Wheelchair Stairlifts and Platform Lifts (Centre for Accessible Environments 1990)
 - Many Local Authorities produce their own Design Guides
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Access Audits:

- Access Audits for Churches (2001) CHAD
 - Access Audits: a guide and checklists for appraising the accessibility of buildings (Centre for Accessible Environments)
-

General:

- Access to the Built Heritage: advice on the provision of access for people with disabilities to historical sites open to the public (Historic Scotland 1996)
 - Access to the Historic Environment by Linda Foster (Donhead 1997)
 - Disabled Access Guide (Disability Scotland 1993)
 - Easy Access to Historic Properties (English Heritage 1995)
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The Methodist Property Office information leaflets:

- Disability Access Provision in Historic Chapels
- Funding Sources provision for the less abled (pages 7 & 8)



Funding Sources Provisions for the Less-Abled

Churches are required to meet the conditions of the Disability Discrimination Act by providing access and provisions for the less-abled by 2004. Our technical notes detail the range of provisions required covering access, toilet facilities, sound loop systems and signage for sight impaired. Please ask our Technical Department for a technical pack on disability provisions.

How rigidly is the legislation applied?

There is a degree of discretion over the application of this Act. For example, access for the less-abled does not over-ride listed building restrictions. Many of our listed chapels are undertaking disabled adaptations in ways which are sympathetic to the buildings. A church being Listed, in a Conservation Area, or of historic importance should not be an excuse to do nothing.

Every church should be encouraged to create a wheelchair accessible toilet. However, as far as can be interpreted from the legislation, the phrase "best endeavours" may be applied and if installation is a physical impossibility (restricted access, no available land, etc) then we believe that, reluctantly, this will be accepted.

Sanctions/Fines:

If the church can demonstrate that they have explored the provision using their "best endeavours" then we believe that sanctions/fines would be difficult to apply. At the time of the Construction (Design and Management) Regulations - the Health and Safety legislation - there were many "grey" areas for mis-interpretation and it was suggested that the only way that they would be resolved would be by a Court case. It may very well be that some of the interpretation of the Disability Discrimination Act will only be resolved by legal judgement.

Government Funding

Although the legislation has been imposed by an Act of Parliament the Government have not, as

yet, backed this commitment with any financial support. There are rumours that government funding will become available as we approach the 2004 deadline, but few churches believe it could be worth the wait - whatever funding becomes available from Central Government is unlikely to be generous and competition may be fierce.

Local Authority - some local authorities are very generous in supporting disabled access and toilet facilities (giving grants up to the total value) but in many parts of the country funding dried up a couple of years ago. However, that is not to say it's not worth a try so do phone your local authority to see if there is any help available (ask for the Disabled Access Officer - they should have one). We find one of the greatest assets of the Local Government isn't the funding they can give you but the contacts they have of other charities, businesses and support agencies. Known contacts can prove to be a valuable resource.

Land fill tax credit scheme

You can apply to land-fill operators to repair and maintain the chapel and ancillary premises or to provide/improve a community centre (the hall for instance). Work required by legislation can also be funded from this source, so the installation of a ramp, sound-loop system and wheelchair-accessible toilets can be grant-aided by land-fill operators. Ask for our Land-Fill Tax Credit Information Leaflet for a lot more information on this government initiative.

National Lottery

The National Lottery will not support access and facilities within chapels if they believe it is only used for worship but they will for community buildings so you can seek grants for the hall and ancillary buildings. The Lottery will not fund the 'promotion of religion' but they will support schemes where churches are trying to provide facilities for the community. If your chapel is only used for worship it's unlikely grant aid will be available unless you are able to show it is a

multi-purpose space used for community events as well. The Awards for All programme is a good source of funding (open until March 2002) offering maximum grants of up to £5,000. The application form is relatively simple and straightforward and can be requested on 0845 6002040. Ask for our Lottery Information Leaflet which gives detailed information on applying to this source.

Church Action on Disability (CHAD) can send you information on applying to trusts specifically for provisions for the disabled. The contact is Mr Wayne Morris at 50 Scouton Street, London, EC2A 4XQ. However, they can only provide a few leads and those trusts they name will undoubtedly be swamped with applications. There have been varying reports on the standard of funding information from here.

Help the Aged do give grants for this sort of work occasionally but more lately have been very keen to support the provision of kitchen facilities - funding the equipment outright. They appear to prefer supporting a distinct piece of work.

Other Charities

Help the Aged,
Head Office, St. James' Walk, Clerkenwell Green, London, EC1R 0BE.
Tel: 020 0253 Fax: 020 7251 0747
Email: info@helptheaged.org.uk
Web: www.helptheaged.org.uk

VAT

Don't forget that works to provide provision for the less-abled or impaired are zero-rated for VAT purposes (in other words, you don't pay VAT). This applies not only to the ramp and toilet you might install but the work associated with that is zero is rated as well. For example, redecorating after installing a new toilet would not incur VAT. For example, one church who installed a wheelchair-accessible toilet couldn't match the new paint in the toilet with that of the hallway so

the redecoration of the hall was free of VAT too! Our VAT information leaflet can explain a little more about this area.

Grants from the Connexional Property Committee

If after all that you still haven't had any success, come to us. We want you to see these grants as a last option because there are so many who need our help and this option is the most certain.

Because of the lack of financial support for this work from the State or other organisations and the substantial level of need the Property Committee have established a Disability Fund. Grants are usually on the basis of £1,000 or £2,000 but applications will be considered on a need basis relative to others. We require more information on the local church's circumstances in order to judge how much we can offer and that information can be set out on the **Local Church Profile** form.

Other information leaflets produced by the Connexional Property Committee:-

Funding information leaflets:-

- Applying to Charitable Trusts
- Lottery information leaflet
- Land-fill Tax Credit Information leaflet

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