

DISABILITY DISCRIMINATION ACT
Press Lines to Take

Background

- The Disability Discrimination Act was adopted in 1995 and aims at ending discrimination against disabled people. Its provisions have been progressively implemented, and the final aspects of the Act – requiring physical changes to premises and thus of most concern to operators – took effect on 1 October 2005.
- The Act imposes three main duties on service providers:
 - not to treat disabled people less favourably for a reason related to their disability
 - to make “reasonable adjustments” to the service where it places disabled people at a substantial disadvantage in comparison with persons who are not disabled
 - to make “reasonable adjustments” in relation to the physical features of premises to overcome physical barriers to access .
- The Act applies to anyone providing a service. This may include landlords, tenants and owners of commercial property as well as retailers themselves. For full details of the Act and further information on the impact for licensed retailers see ***ALMR briefing note Disability Discrimination Act Update August 2005***

Leonard Cheshire

- The Leonard Cheshire organisation, a disability charity, undertook an audit of various types of service provider after the Act was fully in place – October 2005 – to see whether its introduction had made a difference to disabled people.
- The findings of this audit were released in February 2006 and focused on access to pubs and bars. The survey is far from comprehensive and there are glaring holes in the report – for example, the sites surveyed were all in one location but the results are extrapolated nationwide, the sample size is small. It is difficult to use this against a disabled charity, however, without appearing as callous big business and diverting the story away from disabled access and towards getting around the accusations.

Comment and Lines to Take

- We should be reactive in this area and focus on our role in advising and assisting members in complying.
- If asked specifically about the Leonard Cheshire research we should avoid being critical but could suggest that the journalist look at the sample size and remind the journalist of the legal obligations the Act imposes eg “reasonable” adjustment no requirements.
- Moreover, the pubs involved are not actually breaking the law nor are they doing anything wrong in complying with the Act – in fact they are following Government best practice and guidance which is to train staff to deal with disabled customers sensitively and helpfully.

“We encourage all retailers to respond imaginatively and fully to the obligations of the Disability Discrimination Act and have issued guidance and advice to assist them in this.

Responsible retailers are sympathetic to the needs of all of their customers, particularly those with a disability. In many cases, the most effective way of doing this is by ensuring that staff are trained to listen and respond to customers – a friendly face and helpful attitude can often show more genuine concern and understanding than a different menu format.

The Leonard Cheshire survey should be seen as a positive endorsement of the efforts pubs and bars have made in this area and the true welcome disabled customers will receive in most outlets.”

If pressed on physical changes to premises eg disabled toilets, the following comments may be helpful.

“But we need to bear in mind that retailers are required only to make reasonable adjustments to their service. Many of the things on the Leonard Cheshire shopping list may fall outside that definition or may only be reasonable for large companies.

Many of the pubs and bars surveyed will be small businesses struggling to remain viable in today’s competitive environment. What is more reasonable in those circumstances – a disabled toilet of the continued existence of an outlet which serves the whole community as well as its disabled customers.”