

Equality Commission

FOR NORTHERN IRELAND

What Service Providers Need to Know



The Disability Discrimination Act 1995

This publication is available in a range of alternative formats and languages on request. Please contact the Equality Commission, contact details for which can be found on the back page of this booklet.

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1. Introduction

Does the Disability Discrimination Act affect me?

The Disability Discrimination Act (DDA) 1995 is divided into a number of sections. Part III of the DDA deals with the rights of access to goods, facilities, services and premises. It places a number of key duties on businesses and organisations and affects a wide variety of different types of businesses and organisations referred to collectively as 'service providers'. The DDA applies to you if you are involved in any business or organisation which:

- provides a service
- offers facilities
- supplies goods to the public

All service providers are covered by the DDA, large and small, private and public sector, whether the service is free or paid for. This includes services and facilities such as:

- Shops and restaurants
- Doctors and dentist surgeries
- Sports and leisure facilities
- Tourist attractions
- Property letting/management
- Pharmacies and opticians
- Bus and railway stations
- Broadcasting services
- Cinemas
- Banks and building societies
- Hotels and guest houses
- Churches or other places of worship
- Insurance companies
- Libraries and museums
- Hospitals
- Government departments
- Post offices
- Theatres

At present, there are a small number of exemptions from Part III of the DDA, for example, the use of any means of transport is currently excluded. However, the services connected to or the infrastructure surrounding transport is covered by the DDA. Please see Part 4 for further details.

Do I have disabled customers/service users?

It is estimated that 20% or approximately one in five people in Northern Ireland have a disability. That is one fifth of all people who may use or access your service! This includes people with a wide variety of different conditions, including;

- Wheelchair users or mobility impairments
- Deaf / hearing impairments
- Medical conditions e.g. epilepsy
- Progressive conditions e.g. cancer, HIV
- Visual impairments
- Learning disabilities
- Mental ill health
- Dyslexia

The Disability Discrimination Act defines a disability as a '**physical or mental impairment which has a substantial, adverse, long term effect on a persons ability to carry out normal, day-to-day activities**'. It is important for service providers not to focus on whether a person meets the legal definition of disability and concentrate on meeting the needs of all customers / service users.

The business case

Businesses and organisations should not just be meeting their duties under the DDA solely because they have a responsibility to do so, but because it makes good business sense. Disabled people and their family and friends have significant spending power and will choose to spend money accessing services and purchasing goods which are accessible and welcoming to disabled people.

Making improvements to your business will not only benefit existing disabled customers and attract new ones, but could be of benefit to customers with pushchairs or heavy shopping, customers with young children and older customers who appreciate easier access. For example, clear, easy to read signage benefits all customers, not just people with visual impairments.

2. Discrimination under the DDA

What is disability discrimination?

Service providers have clear duties not to discriminate against a disabled person by providing **less favourable treatment** or failing to make **reasonable adjustments**.

Service providers must not:

- **refuse** to serve a disabled customer
- offer a disabled customer a **lower standard** or **worse manner** of service
- offer a disabled customer **less favourable terms**

Service providers must:

- make **reasonable adjustments** or changes to policies, practices or procedures to enable disabled people to use your services
- **remove, alter or avoid any physical features** which make it impossible or unreasonably difficult for disabled people to access the service.

Refusing to serve a disabled customer

Service providers cannot refuse to provide or deliberately not provide a service it offers to disabled people for any reason relating to their disability.

For example

A hotel receptionist pretends that all of the rooms are taken in order to refuse a booking to a customer with Downs Syndrome because she does not think that people with learning disabilities should be staying in hotels unaccompanied.

You also cannot refuse to serve a disabled customer because you think that another service provider may cater better for them. You could still be breaking the law even if you think you are being helpful to the disabled customer.

There are some occasions where service providers are able to refuse to serve disabled people. However, the reason for refusing service must have nothing to do with the person's disability and you would refuse to serve non-disabled customers in the same circumstances.

For example

A publican could refuse to serve a disabled customer because they are drunk and abusive. As long as the refusal is nothing to do with the person's disability, the publican is not breaking the law.

Lower standard or worse manner of service

Service providers must not offer a disabled person a **lower standard** of service than they would offer other customers, for example serving disabled people last in a restaurant. This includes being less polite to a disabled customer because of their disability and making assumptions about disabled people.

For example

A theatre manager allocates a seat with an obstructed view, despite others being free, to a customer with a visual impairment on the assumption that they would not be able to see the whole stage anyway.

Less favourable terms

Service providers also must not offer disabled customers or service users worse terms than they would offer non-disabled customers. You cannot charge more for the same service or restrict the way that the service is used because of a customer's disability.

For example

A deafblind person is booking a holiday to America. The travel agent asks for a larger deposit than it would other customers because they believe, without good reason, as a result of their disability, this customer is more likely to cancel their holiday.

More favourable treatment

The Disability Discrimination Act allows service providers to make disabled customers or service users feel particularly welcome and indeed do more for them than they would for other customers. For more details about improving access to your service for disabled customers see Part 5.

Reasonable adjustments

The duties placed on service providers towards disabled people are **anticipatory**. This means that service providers need to consider the requirements of disabled people in general and not the individual requirements of each disabled customer that may come to use their service. Disabled people's needs should be considered in advance, rather than waiting until a disabled person wants to use the service you offer.

For example

A leisure centre installs a textphone in its reception to ensure that deaf and hearing impaired customers are able to contact the centre regarding opening times, exercise classes or other facilities. The leisure centre advertises the textphone on brochures and its website.

It is important to note that disabled people are a diverse group with different requirements, which service providers need to consider. Service providers must take reasonable steps to change any **policies, practices or procedures** within your service if they make it **impossible** or **unreasonably difficult** for a disabled person to use your service.

For example

A restaurant has a policy of not allowing dogs onto its premises. A customer arrives with an assistance dog and a reasonable adjustment is made to this policy, allowing the dog in the restaurant.

Service providers also need to take reasonable steps to provide **auxiliary aids and services** that would enable or make it easier for disabled people to access their service. This could include providing one to one assistance for disabled people.

For example

A petrol station decides that an assistant will help disabled people use petrol pumps on request and places a prominent notice on all of the petrol pumps advertising this additional service.

Or it could be the provision of equipment or information in alternative formats.

For example

A customer with a visual impairment would like to open a savings account at his local bank, but wishes to find out more information about the account. The bank provides information about its accounts and services on audiotape to enable customers with visual impairments or reading difficulties to access such information.

Physical features

Where a physical feature makes it unreasonably difficult or impossible for a disabled person to make use of a service offered to the public, the service provider will have to consider:

- **removing** the feature, or
- **altering** the feature so it no longer has that effect, or
- provide a reasonable means of **avoiding** the feature, or
- provide a reasonable **alternative method** of making the service available to disabled people.

A physical feature is defined under the DDA as '*anything on the premises arising from a building's design or construction or the approach to, exit from or access to such a building; fixtures, fittings, furnishings, equipment or materials and any other physical element or quality of land in the premises...whether temporary or permanent*'. This includes:

- steps, kerbs, stairways, exterior surfaces and paving
- parking areas
- building entrances and emergency exits
- internal and external doors, gates
- toilet and washing facilities
- public facilities (telephones, counters, service desks etc.)
- lighting and signage
- lifts
- floor coverings

For example – Removing physical features

Display units at the entrance of a small shop restrict the ability of wheelchair users to enter the shop. The owner decides that, without any significant loss of selling space, the units can be removed and repositioned elsewhere in the shop.

For example – Altering physical features

A prayer group holds meetings in a building entered by steps. The room in which the prayer meetings are held has a narrow entrance door. To ensure the meetings are accessible to people with mobility impairments, the group installs a permanent ramp at the front entrance and widens the door to the room.

For example – Avoiding physical features

A museum is accessed by a flight of stairs at its front entrance. The building is listed and has not been able to obtain consent to install a ramped entrance. A side entrance for staff use has full access and always open. The museum arranges for people with mobility impairments to use this entrance.

For example – Alternative method of making the service accessible

A small self service fruit and veg shop has goods displayed on high shelving, separated by narrow aisles. It is not practicable to alter this arrangement. To ensure all goods are accessible to disabled customers, on request, a member of staff locates the goods and brings them to the till.

Although the Disability Discrimination Act does not require a service provider to adopt one way of meeting its obligations in relation to the physical environment, the focus of the DDA is on results. Where there is a physical barrier, service providers should aim to make their services accessible to disabled people. Good practice would be to remove or alter a physical feature where possible. Removing or altering barriers is a much more inclusive way of making reasonable adjustments, ensuring that the service is available to everyone in the same way.

What is reasonable?

When making adjustments for disabled people under the DDA, the law requires service providers to do what is '**reasonable**' in all of the circumstances. What is reasonable for an organisation or business to do will depend on a variety of factors, including:

- the service being delivered
- the size of the service provider
- finances and resources available

- the extent of any disruption caused by the adjustment
- the amount of money already spent on reasonable adjustments

What may be reasonable for one service provider to put in place may not be reasonable for another. In considering what is reasonable, service providers must consider a range of options and think ahead to what adjustments could be made in the future, if not at present.

If a service provider decides it is not financially possible to put an adjustment in place right away, the service provider should plan for the future and look at what can be put in place over a period of time.

For example

A small beauty salon has a step at the front door and limited space inside. The owners employ only one beautician and have already put handrails by the front step and lowered the height of the entrance bell. They have met their local access group and drawn up a list of changes that need to be made over a period of time. Immediately they decide to remove the large mirrors in the foyer as they confuse people with visual impairments. They have also decided that when they redecorate they will improve the colour contrast and other facilities such as door handles, signs and facilities in the toilet.

3. Justifying discrimination under the DDA

Justification

Under the Disability Discrimination Act, there are a small number of limited circumstances in which it can be justifiable to discriminate against disabled people. The reasons for the treatment must be genuine and **must** relate to one of the following issues:

- health and safety
- incapacity to contract
- it would no longer be possible to provide the service
- the nature of the business would be fundamentally altered
- there is a greater expense in providing a special service for a disabled customer.

Health and safety

If serving a disabled person or making an adjustment for a disabled customer would endanger the health and safety of anyone, including the disabled person, it may be justifiable to treat the disabled person less favourably or not make the adjustment. The reasons must be genuine and based on fact, not assumptions made about disabled people.

For example

An amusement park operator refuses to allow a person with muscular dystrophy into a physically demanding high speed ride. Because of their disability, the person uses walking sticks and cannot stand unaided. The ride requires users to brace themselves using their legs. Therefore, the refusal is based on genuine concerns for the health and safety of the disabled person and other users.

It should be remembered that each disabled person is an individual and blanket policies about certain types of disabilities should not be used. There must be a balance between protecting against the risk and restricting disabled people from using the service. Disabled people are entitled to make the same choices and to take the same risks within the same limits as other people.

Incapacity to contract

The DDA does not require a service provider to contract with a disabled person who is incapable of entering into a legally enforceable agreement or giving an informed consent. If a disabled person is unable to understand a particular transaction, a service provider may refuse to enter into a contract.

For example

A person with a learning disability wishes to buy a new television on a hire purchase agreement. After discussing the agreement fully with the disabled person, the owner of the electrical store genuinely believes that the person does not understand the full details of the contract and what they are entering into. On this occasion, the service provider decides not to enter into a contract with the disabled person.

It is important to remember that although a customer may not be able to understand a complicated transaction, they may have no difficulties with more simple transactions and these should not be refused. Unless a service provider has clear evidence to the contrary, a service provider should assume that a disabled person is able to enter into any contract.

No longer being able to provide the service

A service provider can refuse to serve a disabled customer if they reasonably believe it is necessary to do so because otherwise the service provider would be unable to provide the service to other members of the public. Refusing the service to a disabled person is only justifiable if other people would be effectively prevented from using the service at all.

For example

A theatre manager could refuse entry to a performance to someone with tourettes syndrome who shouts and swears, if this would make it impossible for others to follow the performance.

However, it should be stressed that it is not justifiable to refuse to serve a disabled customer because other customers would be put out or delayed because it took a longer time to serve a disabled customer.

Nature of the business being fundamentally altered

Service providers are not under a duty to make reasonable adjustments, if doing so would fundamentally alter the nature of the business or service being delivered.

For example

A nightclub with low level lighting would not be required to adjust the lighting to accommodate customers who are partially sighted as it is likely that this would fundamentally change the atmosphere and ambience of the club.

Greater expense for a specialist service

While a service provider can not charge a disabled customer more for the same service or goods that are supplied to other customers, it is possible to justify charging a disabled person for specialist or tailor made services. This is only justified where the higher charge reflects the additional cost or expense of meeting the disabled person's specification.

For example

A disabled customer orders a bed which is specifically made to accommodate their disability. The store charges more for this bed than it does for a standard one, as the specially made bed costs more to make.

4. Key issues for specific services

Transport

At present, under the Disability Discrimination Act, the use of any means of transport is excluded, for example taxis, hire cars, buses, coaches, trains, aircrafts and ships. Therefore, there is currently no duty on transport providers to ensure that these are fully accessible to disabled people.

However, it is important to note that transport providers are not wholly exempt from the DDA and the services connected to or the infrastructure surrounding transport is covered by the DDA. This means that there is still a duty to avoid discrimination against disabled people and to make reasonable adjustments, for example, accessible timetables, booking facilities, waiting rooms, airports, ferry terminals and bus and train stations.

For example

There is no duty under Part III of the DDA to ensure that a ferry is accessible for a wheelchair user to travel on. However, if a wheelchair user is refused service at the buffet bar in the ferry terminal, because of their disability, this is likely to be unlawful.

Specific regulations also exist in relation to public hire taxis and the carriage of assistance dogs. It is unlawful for licensed public hire taxis to refuse to carry or to make any additional charge for disabled passengers who are accompanied by an assistance dog. A driver who fails to comply with this duty may be guilty of a criminal offence and subject to a fine.

The Disability Discrimination Act is being extended to cover more aspects of transport in the future, in particular regulations to make means of transport accessible to disabled people. It is anticipated that all buses will have to be fully accessible by 2017 and all trains by 2020. A detailed Code of Practice on Transport and the DDA will be produced by the Equality Commission in the near future. For up to date details on these and other forthcoming changes to the DDA, please contact the Equality Commission.

Education

Educational institutions, that is schools, colleges and universities, have specific duties towards disabled people under the **Special Educational Needs and Disability Order (NI) 2005 (SENDO)**. SENDO places duties on schools, colleges and universities not to treat disabled pupils and students or prospective pupils or students less favourably and also to make reasonable adjustments to all policies, procedures and practices to ensure that a disabled person is not at a substantial disadvantage.

For example

In anticipating the needs of disabled students, teaching staff in a college of further and higher education produce all their handouts in electronic form thus ensuring that they can easily be converted into large print or put into other alternative formats.

For further information regarding the duties regarding schools, please see the **Disability Discrimination Code of Practice for Schools** and for information regarding the duties for Further and Higher Education, please see the **Disability Discrimination Code of Practice for Further and Higher Education**, both of which can be obtained from the Equality Commission.

While SENDO covers the provision of education and associated services, schools, colleges and universities still have duties under the Disability Discrimination Act in relation to any services that are provided to the public. This includes open days, parent's evenings, fund-raising events, plays or musical performances.

For example

A deaf parent, who is a sign language user, is attending a parents evening for their child. They request that the school arrange and pay for a sign language interpreter to attend the meeting. This is likely to be a reasonable adjustment under Part III of the DDA.

Insurance

There are specific rules for the provision of insurance in relation to the Disability Discrimination Act. Insurance companies have to distinguish between the different risks presented by different people and set their premiums according to the type and degree of risk.

In some circumstances, the fact that a person is disabled may be a relevant factor in deciding whether to provide insurance services, including life assurance. **The Disability Discrimination (Services and Premises) Regulations (Northern Ireland) 1996** deal with such circumstances.

Disability-related less favourable treatment in the provision of insurance can be deemed justified if all of the following conditions are satisfied:

- it is in connection with insurance business carried out by the service provider
- it is based on information which is relevant to the assessment of the risk to be insured
- the information is from a source from which it is reasonable to rely
- the less favourable treatment is reasonable having regard to information relied on and any other relevant factors.

For example

Where there is evidence that a person with a terminal illness has a limited life expectancy, it may be possible for an insurer to refuse to provide life insurance to that person.

Information which is relevant to the assessment of risk to be insured includes actuarial or statistical data or a medical report. The information must also be current and from a reliable source. Insurers cannot rely on untested assumptions, stereotypes or generalisations about disabled people.

For example

An insurance company would not be able to charge a blind person a higher premium for home contents insurance because they thought there was an increased risk of accidental damage, unless there was reliable evidence to support that opinion.

Selling, letting or managing premises

It is also unlawful to discriminate against a disabled person in relation to the selling, letting or management of land or property and there are duties under the Disability Discrimination Act for:

- Estate agents
- Councils
- Hostel owners
- Property developers
- Property investment companies
- Accommodation agents
- Housing associations
- Private landlords
- Property management agencies
- Banks and building societies

The DDA makes it unlawful for anyone selling, letting or managing property or premises to discriminate against a disabled person:

- in the terms on which they offer to dispose of those premises
- by refusing to dispose of those premises
- in their treatment of the disabled person in relation to any list of persons in need of premises of that description
- in the way they permit the disabled person to make use of any benefits or facilities
- by refusing or deliberately not permitting the disabled person to make use of any benefits or facilities or
- by evicting the disabled person or subjecting them to any other detriment.

For example

A tenant of a house has recently been diagnosed with AIDS. The landlord gives the tenant one weeks notice to quit the house, although the tenant is not in arrears of rent or otherwise in breach of tenancy. This is likely to be unlawful.

The duties for those involved in letting and managing are being extended in the near future to include the duty to make reasonable adjustments to policies, practices and procedures for disabled tenants or prospective tenants.

For further details regarding the DDA and the selling, letting and managing of premises, please see the **Code of Practice Rights of Access Goods, Facilities and Premises**, Part 9, which can be obtained from the Equality Commission or contact the Commission directly.

5. Improving access for disabled customers

Service providers are more likely to comply with their legal duties under the DDA and minimise the risk of legal action being taken against them if they implement anti-discriminatory policies and practices. This will improve access for disabled customers and service users and make your business or organisation open to a greater number of customers/service users.

There are a number of practical steps that service providers can take to improve access for disabled customers and some key areas for consideration are detailed below. This is not an exhaustive list and it is recommended that service providers refer to the Code of Practice Rights of Access Goods, Facilities and Premises for further details.

Developing a disability policy

In order to improve access and to prevent discrimination, service providers should establish a disability policy. This should outline the business' or organisation's commitment to meeting its duties under the DDA. It should be endorsed at the highest level and communicated to all employees and agents.

All employees and agents should be aware that any conduct which breaches the anti-discrimination policy will not be tolerated. Complaints procedures should be easy for disabled people to access and should be designed to remedy issues effectively. In developing any disability policy, it is recommended that service providers talk to existing disabled customers about the service that is being provided and what improvements could be made.

All policies, procedures and practices should be monitored and reviewed by service providers to ensure that they are inclusive of disabled people, paying particular attention to policies regarding:

- emergency evacuation
- equipment, IT systems and websites
- information provision and communication
- service standards.

For example

A town hall has procedures for the evacuation of the building in the event of a fire or emergency. Visitors are required to leave the building by designated routes. The town hall modifies the procedure (with the agreement of the local fire safety officer) to enable visitors with mobility or sensory impairments to be evacuated safely.

Training for staff

In order to assist staff in meeting the needs of disabled customers and to avoid discrimination, service providers should look at providing disability equality and awareness training for all employees. Such training would be particularly relevant for 'front line' staff or those dealing directly with customers either face to face or over the telephone. It should cover topics such as language and etiquette and the DDA. Many disability organisations based in Northern Ireland can provide free training for service providers, for further details see Part 7.

For example

As part of an in-house training day, a bank arranges for someone from a local disability organisation to come and deliver disability awareness training to staff, including language, etiquette and improving access for disabled customers.

Physical features

Improving physical features and access to premises is a key way for service providers to improve the overall service they deliver to disabled customers. A good starting point when assessing the physical features of premises is to conduct an **access audit**. An access audit establishes how well a particular building performs in terms of access and ease of use by a wide range of potential users, including people with mobility and sensory impairments and people with learning disabilities.

An access audit is usually divided into two main stages: gathering information and making recommendations. Ideally, both activities should be carried out by the same person or team, who will bring their technical knowledge to the auditing process. In order to meet best practice when assessing access requirements of disabled people, it is useful to refer to **British Standard 8300:2001, 'Design of buildings and their approaches to meet the needs of disabled people – Code of Practice'**.

While it may not be reasonable for a service provider to make significant and costly changes to physical features all at once, service providers should be planning for the future and developing an access plan to make improvements over time.

Sign language interpreters

Service providers may need to provide either a British or Irish sign language interpreter as an auxiliary service to a deaf or hearing impaired customer. It is estimated that there are around 3,000 British Sign Language (BSL) users in Northern Ireland and approximately 1,000 Irish Sign Language (ISL) users. An interpreter is someone with the necessary qualifications and accreditation and only a fully qualified interpreter should be used to interpret for a deaf person.

Due to the nature of the anticipatory duty on service providers, service providers should ensure that access arrangements have been fully considered with regard to deaf or hearing impaired people's needs in advance and should consult with deaf people or local deaf organisations.

For example

A GP refers a deaf patient to a consultant in a hospital for further examination. In the referral letter the GP writes that the patient is deaf and that the hospital will need to arrange an ISL/English interpreter. The GP tells the patient about this note.

Service providers should be aware of the notice period needed for booking an interpreter and the fact that, due to the shortage of qualified interpreters in Northern Ireland, it can be very difficult to book interpreters at short notice. It is important to give deaf customers the opportunity to let you know that they may require an interpreter and there should be mechanisms to do this, for example information on booklets or posters about requesting an interpreter.

The DDA does not permit the additional cost of arranging and providing an interpreter as part of a service to be passed on to the deaf person. Such costs should be part of the service provider's general expenses and running costs. As with any reasonable adjustment, service providers may have to consider whether it is reasonable for them to provide an interpreter, based on the nature of the service, its size and resources.

For further information and advice about sign language interpreters, please see the Equality Commission publication '**Guidance on providing British Sign Language/English and Irish Sign Language/English interpreters under the Disability Discrimination Act**'.

Assistance dogs

Disabled people often use assistance dogs for a variety of reasons, guide dogs for the blind, hearing dogs for the deaf, dogs to assist those with mobility difficulties or dogs to assist people with medical conditions such as epilepsy. They are easily recognisable by the harness they wear and a special tag on their collars.

Assistance dogs are highly trained and skilled dogs that are used to assist disabled people in a variety of situations. Because of their skills and training, the Institute of Environmental Health Officers has stated that assistance dogs are exempt from the usual hygiene rules that apply to dogs, including those which relate to areas where food is being served.

Service providers should not refuse entry to their services to any disabled customers who may be accompanied by an assistance dog. This is likely to amount to discrimination under the DDA. Service providers should also make reasonable adjustments to any policies, practices or procedures that make it impossible or unreasonably difficult for assistance dog users to make use of the goods, facilities or services in question. This may mean not enforcing a no dogs policy or amending a no pets policy to ensure assistance dogs are exempt from the policy.

For example

A butcher changes their no pets policy to allow a customer who is blind and has a guide dog to bring their dog into the shop.

For further information regarding assistance dogs, please see the Equality Commission's publication '**Assistance dog owners – your rights, Employers & service providers – best practice**'.

Information provision

When looking at improving access for disabled customers, service providers should look at the way in which they provide information to customers or service users. Information should be accessible to all customers, including those with visual impairments, learning disabilities or

specific learning difficulties. Service providers should offer to provide all of the information they make available to customers in a range of alternative formats, including large print, Braille, electronic or audio. Service providers should also look at their websites and ensure that they are accessible to disabled customers, in particular that they are compatible with screen reading software.

For example

A hotel details on the first page of its new brochure that it is available on request in a range of alternative formats. The hotel makes arrangements with a local disability organisation to produce the brochure in large print, Braille and audio should any requests be made.

Adopting a flexible approach

Many of the adjustments that disabled customers or service users may require will cost little or nothing and may only really involve some additional time or assistance from staff; for example, extra time to read and explain written forms for someone with a reading difficulty. Service providers should endeavour to adopt a flexible approach and think creatively about the way in which they serve disabled customers to meet their needs.

6. Legal redress

Making a complaint under Part III of the DDA

If a disabled person feels that they have been discriminated against by a service provider, they have **six months** to make a complaint under the Disability Discrimination Act. Complaints under Part III of the DDA are heard in a County Court and if a disabled person wins their case, they could win compensation for financial loss, injury to feelings or both. Any DDA complaint made against a service provider can result in bad press and can be damaging to the business.

Many disabled people will discuss any difficulties they may have accessing a service with the service provider directly, either face to face, over the telephone or via a letter. Service providers should deal with any complaints as promptly and effectively as possible and most service providers already do this as a matter of course.

Service providers may wish to seek assistance or advice from a trade association or their own legal adviser. Service providers can also contact the Equality Commission for information and advice about their duties under the DDA or one of the many disability organisations listed in Part 7 for detailed information about meeting the needs of disabled customers.

Cases/Settlements in Northern Ireland

Service providers should take their responsibilities under the DDA seriously and endeavour to meet the needs of disabled customers as far as possible. Failure to do so could result in a successful DDA complaint being made. Below are the details of some recent legal cases under Part III of the DDA in Northern Ireland:

Example one

A Chinese restaurant refused entry to a disabled customer who was accompanied by her hearing dog. A member of staff told the customer that they were too busy to take her and her friend for dinner. However, while discussing the situation with the member of staff other customers were shown to free tables. The case settled before going to the County Court. The disabled person was awarded £1,000 for injury to feelings, an apology and the restaurant had to undertake a review of all of its policies, practices and procedures and provide disability awareness training for all staff.

Example two

A solicitors firm refused to provide a deaf customer with an interpreter when they requested an interview with their solicitor as the firm would not agree to cover the costs of providing the interpreter. The deaf person made a complaint under the DDA to the County Court. The Judge held that the company had failed to make reasonable adjustments for the person and that it should have been more proactive in this duty. The deaf person was awarded £750 in compensation.

Example three

A golf course refused permission to a disabled person who was a non-member with mobility difficulties to use his own motorised golf buggy on the course when playing a round of golf. The club said that it could not do so for health and safety reasons. This case settled before going to court but as a result of the case the golf course agreed to implement a policy whereby a buggy and driver will be provided for use by disabled non-members, free of charge.

7. Further information

Publications

A number of Codes of Practice exist to support the DDA and SENDO and for a more detailed explanation of the disability discrimination law, these publications should be consulted. These Codes of Practice can be obtained free of charge from the Equality Commission:

Disability Code of Practice: Employment and Occupations

Disability Code of Practice: Trade Organisations and Qualifications Bodies

Disability Code of Practice: Rights of Access: Goods, facilities, Services and Premises

Disability Discrimination Code of Practice: Further and Higher Education

Disability Discrimination Code of Practice: Schools

A number of other publications about the DDA and SENDO are available **free** from the Equality Commission looking in more detail at topics such as employment, access to goods, facilities and services, education and the provision of sign language interpreters.

All publications are available in alternative formats on request. Publications can also be downloaded from our website, which can be found at www.equalityni.org

Useful contacts

The Equality Commission for Northern Ireland

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Fax: 02890 248687
Textphone: 02890 500589
Email: informaxxx@xxxxxxxxxxx.xxx
Website: www.equalityni.org

British Standard 8300:2001

“Design of buildings and meeting the needs of disabled people – Code of Practice”

Tel: 020 8996 9002

Fax: 0208996 7001

Website: www.bsi-global.com

Centre for Universal Accessibility

School of the Built Environment

University of Ulster at Jordanstown

Newtonabbey

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Tel: 02890 368505

Fax: 02890 366875

Email: g.kane@ulster.ac.uk

ADAPT NI

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Textphone: 02890 234391

Fax: 02890 240878

Email: csheils.adaxxxx@xxxx.xx.uk

Disability Action

189 Airport Road West

Belfast

BT3 9ED

Tel: 02890 297880

Fax: 02890 297881

Textphone: 02890 297882

Email: hq@disabilityaction.org

Website: www.disabilityaction.org

Royal National Institute for the Deaf (RNID)

Wilton House
College Square North
Belfast
BT1 6AR
Tel/Textphone: 02890 239619
Video Phone: 02890 438534
Email: informationline@rnid.org.uk

Royal National Institute for the Blind (RNIB)

40 Linenhall Street
Belfast
BT2 8BA
Tel: 02890 329373
Fax: 02890 278119
Email: rnibni@rnib.org.uk
Website: www.rnib.org.uk

Mencap

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Fax: 02890 640121
Email: mencapni@mencap.org.uk
Website: www.mencap.org.uk

Equality Commission

FOR NORTHERN IRELAND

How can we help?

The Equality Commission for Northern Ireland can give advice and information on the Disability Discrimination Act 1995 through training, telephone and textphone advice, booklets and leaflets or we can meet with you.

For further information, please contact us at:

Promotion and Education Division
Equality Commission for Northern Ireland
Equality House
7-9 Shaftesbury Square
Belfast BT2 7DP



Telephone: 028 90 500 600



Textphone: 028 90 500 589



Fax: 028 90 248 687



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