

DISABILITY DISCRIMINATION

Services & Premises

Information Sheet 5 - Association of Disabled Professionals

Disabled people face unwarranted discrimination in all areas of life. This has been true for centuries. In 1995 the Disability Discrimination Act (DDA) was passed and for the first time disabled people have *some* protection against discrimination. But the DDA is *not* the comprehensive anti-discrimination legislation we know we need as it does not give rights to all disabled people, and only includes certain areas of life. This information sheet focuses on the supply of goods, facilities and services, and the sale and letting of premises.

It is a very complicated Act. Many parts will only become clear once disabled people have taken service providers to Court, initially the County Court. We cannot give legal advice about the DDA. See the end of this information sheet for where to go for more help and advice.

We believe, however, that it is important that disabled people are aware of the areas in which they may have rights.

The Supply of Goods, Facilities and Services

Any organisation supplying goods, facilities or services *to the public* must not *unjustifiably discriminate* against a disabled person *because of their disability* by refusing to provide a service or providing it on worse terms or at a lower standard. The manufacture of goods themselves is not covered unless this is the service.

Reasonable adjustments are steps service providers are required to consider to help ensure that they do not discriminate – the requirement to make them will be phased in from October this year.

The basis for **justifiable discrimination** is limited to a few specific reasons:

- the health or safety of the disabled person or of other customers
- the disabled person cannot enter a binding contract or give informed consent
- to enable other customers, or the disabled person themselves, to be served
- because of the additional cost of serving the disabled customer

provided this does not relate to a reasonable adjustment but it *must* be reasonable, in all the circumstances of the case, for the service provider to believe that they need to discriminate.

Education services (primary, secondary, further and higher) are *not* included – although an event at an educational premises that is not an education service probably will be. All the DDA provides for is the provision of certain information on facilities and policies for disabled students. The *means* of **transport** are also excluded, although the Government is to bring in regulations about access to taxis, buses and coaches, and trains. The problem is that any provisions introduced will not give rights to individual disabled people themselves. Enforcement will be in the control of Government.

The letting, sale and management of dwellings

People selling private dwellings, with a few very limited exceptions for people selling their own houses without advertising or resident landlord, will not be able to discriminate against disabled people. However, there is no requirement to make reasonable adjustments. This is most unhelpful in relation to landlords, for example.

More Help and Advice

As yet we have no Commission, as for race and gender, which can advise and take test cases. However, the Government is now setting up a Disability Rights Commission. In the meantime advice can be obtained from a number of organisations.

The Legal Documents are available from The Stationery Office and include the ***Disability Discrimination Act 1995***, a ***Code of Practice***: Rights of Access - Goods, Facilities, Services and Premises, a ***Code of Practice*** for employment, and ***Guidance*** the definition of disability

Free Information

The Government produced a range of booklets and factsheets on the DDA which are available free from **DDA Helpline** Freepost MIDO 2164, Stratford-upon-Avon CV37 9BR tel: 0345 622688 (recorded ordering service) 0345 622633 (operator) textphone: 0345 622644 fax: 0345 622611

Other Useful Resources

Take Action! is a pack produced by RADAR to assist disabled people to take action under the DDA. It provides clear information on rights under the DDA. It then goes through how they can be enforced. There are also useful appendices with sources of further help, standard forms used in the process, and sample letters to use. The cost is £20 including p&p and this covers updates until April 2000. For those interested in this area, or who are asked about enforcing rights, this would be a useful investment. If you can't afford it your local disability advice service (perhaps DIAL) or CAB may have a copy.

RADAR also produces **Disability Discrimination Act Factsheets** available from RADAR, 12 City Forum, 250 City Road, London EC1V 8AF

The DDA, a TUC guide TUC Equal Rights Dept. Congress House, Great Russell Street, London WC1B 3LS

More in depth books on the DDA and discrimination

Disability Discrimination Law and Practice Doyle. pub. Jordans 0 85308 403 3

Disabling Laws, Enabling Acts Gooding. Pluto Press 0 7453 0771 X

Disabled People in Britain and Discrimination Barnes. pub. Hurst 1 85065 127 2