

the Disability Discrimination Act



what is runningsports?

The **runningsports** programme has been created, and is funded, by Sport England for the benefit of volunteers working in sport.

The **runningsports** programme provides products and services in a variety of formats to support the work undertaken by volunteers and sports development officers. From Role Outlines, Top Tips and Quick Guides through to workbooks, workshops, e-learning and qualifications, the range of resources supports three key themes of club and volunteer development:

- governance and administration
- finance and funding
- volunteers and volunteer management.

For further information about runningsports, visit

www.runningsports.org

or call 0800-363 373.



Throughout this Quick Guide, reference is made to 'clubs'. This term is used to include all sports organisations, such as leagues, county and area associations and other community groups, that provide opportunities, whether in an organised setting or a more informal environment.

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background to the Disability Discrimination Act

This subject creates a great deal of fear for many small clubs and organisations, especially when they are run by volunteers. This Quick Guide will hopefully help to guide you on the key issues, and direct you to sources of further support.

There are over 10 million disabled people in Britain, of whom 4.6 million are over State Pension age and 700,000 are children (Family Resources Survey 2003–2004). Therefore, this group provides exciting opportunities for clubs to attract new members. Organisations that embrace the policy and ethos of the Disability Discrimination Act (DDA) will almost certainly go on to thrive in the future. In addition to meeting the legal requirements necessary to cater for disabled people, by improving the accessibility of your club services, you will also make it a more attractive place for everyone, including older people, parents with pushchairs, younger people, the 'not so fit' population, members with large bags of kit etc. Do you want to lose the opportunity to include all of these groups in your club's activities?

The following statements are often used to alert sports clubs to the importance of addressing the issue of access for disabled people:

- Since 2 December 1996, it has been unlawful for sports clubs to treat disabled people less favourably for a reason related to their disability.
- Since 1 October 1999, sports clubs have had to make 'reasonable adjustments' for disabled people, such as providing extra help or making changes to the way they provide their services.
- Since 1 October 2004, sports clubs have been expected to make other 'reasonable adjustments' in relation to the physical features of their premises to overcome physical barriers to access.
- The DDA 2005 makes some other requirements that have an impact on clubs. There is also further legislation, which came into effect in December 2006.

So what do the above statements mean, and how can you become a more accessible club?

If you would like to find out more about the DDA, visit www.opsi.gov.uk/acts/acts1995/1995050.htm where you can read the Act.

what is disability (according to the DDA)?

The DDA sets out the circumstances in which a person is 'disabled'. It says you are disabled if you have a mental or physical impairment that has an adverse effect on your ability to carry out normal day-to-day activities and the adverse effect is:

- substantial
- long term (meaning it has lasted for 12 months, or is likely to last for more than 12 months, or for the rest of your life).



how might clubs be discriminating against disabled people?

If your club takes little or no account of people who have an impairment* that, therefore, excludes them from mainstream club activity, you will be discriminating against disabled people. There are obvious ways in which a club may do this (eg physical access issues, lack of an accessible toilet). However, there are other ways in which you may discriminate; for instance, the response club members may give, and the language they may use, may be derogatory/negative, and perhaps club rules may restrict disabled people from taking part in some activities.

*People with an 'impairment' are defined as having a functional limitation of the body, and/or a physiological or cognitive impairment, visual or hearing impairment, a learning disability and/or experiencing mental distress.



so what is reasonable?

The DDA uses the term 'reasonable adjustments'. This is often a concern to those trying to implement the law since there is no definitive answer as to what these are. The term is used in the DDA to give some flexibility and allow different solutions for different situations. There is a code of practice and a revised code of practice on Part 3 of the DDA. These can be viewed at www.equalityhumanrights.com/advice-and-guidance/information-for-advisers/codes-of-practice/

The code of practice may affect your club, and it advises that the meaning of 'reasonable' may vary according to the:

- type of service being provided
- nature of the service provider and its size and resources
- effect of the disability on the individual.



so what does this mean?

Factors to bear in mind when considering what is 'reasonable' may include:

- whether taking particular steps would be effective in overcoming the difficulty that disabled people face in gaining access
- the extent to which it is practicable for the service provider to take the steps
- the financial and other costs of making the adjustment
- the amount of disruption caused by taking the steps
- the money already spent on making adjustments
- the availability of financial or other assistance.

So, for example, if you own or lease a small changing-room block, the changes you are expected to make will be different to those expected from a club with a large sports hall, ancillary facilities, outdoor pitches etc. You will not be required to make changes that are impractical or beyond your means. However, remember that failure or refusal to provide a service to a disabled person that is offered to a person without an impairment is discrimination, unless it can be justified.

NB: The information above is based on advice taken from the Equality and Human Rights Commission (EHRC) website – www.equalityhumanrights.com – and the government website www.direct.gov.uk/en/DisabledPeople/RightsAndObligations/index.htm



reasonable adjustments

Examples of reasonable adjustments include:

- installing an induction loop for people who have a hearing impairment
- giving the option to book tickets by email, as well as by phone
- providing disability awareness training for staff and volunteers who come into contact with the general public (eg Activity Buddy training)
- providing larger, well-defined signage for people with impaired vision
- putting in a ramp or lift at the entrance to a building instead of, or as well as, steps
- improving access to toilets or washing facilities.



role outline: Activity Buddy

The Activity Buddy will play a crucial role in providing additional support and encouragement to disabled members.



| Responsible to: Committee | Responsible for: Disabled members |
|---|--|
| <p style="text-align: center;">Main Duties</p> <ul style="list-style-type: none"> ●● To receive and complete the Activity Buddy training provided by the English Federation of Disability Sport (EFDS) ●● To accompany disabled member(s) and provide additional support for disabled people to participate within the organisation ●● To provide additional support during training sessions or as and when required by the disabled person (and when convenient for the Activity Buddy) ●● To motivate, encourage and befriend a disabled person, and support him or her in achieving his or her personal fitness and skills aims ●● To help break down barriers to participation for disabled people (ie access, communication, social and psychological). | <p style="text-align: center;">Skills Required</p> <ul style="list-style-type: none"> ●● Effective communication and interpersonal skills ●● Patient, friendly, approachable and a good listener ●● Confident and diplomatic ●● Enthusiastic, reliable and motivational ●● An interest in sport, health and fitness ●● Over 14 years of age, although this is at the discretion of the individual organisation ●● Committed to equal opportunities ●● Open-minded and proactive in his or her assistance. |

The commitment we are looking for

Make a regular commitment to support disabled members whenever they participate and require your support.

Our commitment to you

We pay (or do not pay) your expenses in accordance with our expense policy (give details). Where possible, mentoring and/or training will be made available (give details of any mentoring/training).

Other resources available

The **runningsports** website (www.runningsports.org) has useful resources including Top Tips (see especially Volunteers – Involving disabled people as sports volunteers, and Volunteer support for disabled people participating in sport).

Also check out the following websites for other available resources:

| | |
|--|---|
| EFDS | www.efds.co.uk |
| How to be An Activity Buddy Online Training | http://aabstraining.efds.co.uk/ |

This is one of a series of adaptable templates, which allow you to develop your own role outlines that best suit your organisation. Some fields are shown (in brackets) for you to complete, edit or delete as appropriate to your needs.

Role outlines are available to download free as editable Word documents from the **runningsports** website at www.runningsports.org

so what is the DDA?

This section gives a short summary of some of the issues raised by the Disability Discrimination Act 1995 (DDA 1995) and the subsequent additions to that law.

DDA 1995

The Act was introduced in 1995 with the aim of ending the discrimination that many disabled people face. This Act gives disabled people rights in the areas of:

- employment
- education
- access to goods, facilities and services
- buying or renting land or property.

Sports clubs can be involved in all of the above. However, the key area for them to address is the rights of disabled people to access goods, facilities and services. Sports clubs can also be very involved in delivering educational opportunities and working with education so it is important not only to think about access to tangible goods but, additionally, to the services you offer, particularly things like coaching courses, training events for volunteers etc.

DDA 1995 – Part 3 October 2004

The development of legislation to improve the rights of disabled people is an ongoing process. From 1 October 2004, Part 3 of the DDA 1995 has required businesses and other organisations to take reasonable steps to tackle physical features that act as a barrier to disabled people who want to access their services.

This may mean having to remove, alter or provide a reasonable means of avoiding physical features of a building that make access impossible or unreasonably difficult for disabled people (see the examples of reasonable adjustments on page 6 for an illustration).

Businesses and organisations covered by this legislation are called 'service providers' and include shops, restaurants, leisure centres and places of worship.

DDA 2005

In April 2005, a new Disability Discrimination Act (DDA 2005) was passed by Parliament, which amended or extended existing provisions in the DDA 1995, including the following aspects, which may affect your club:

- making sure that private clubs with 25 or more members cannot keep disabled people out just because they have an impairment
- ensuring that discrimination law covers all the activities of the public sector
- requiring public bodies to promote equality of opportunity for disabled people
- making it unlawful for operators of transport vehicles to discriminate against disabled people.

Some of the new laws came into force in December 2005. The Department for Work and Pensions (DWP) website – www.dwp.gov.uk/employer/disability-discrimination-act/ – has further information about the changes.

Other changes, which came into effect in December 2006, can be found on the EHRC website at www.equalityhumanrights.com

the DDA 2005 implemented in 2006

The DDA 2005 has some areas that were implemented in 2006. One of the main ones is called the Disability Equality Duty (known as the 'general duty'). This is aimed at 'public authorities', to ensure they build disability equality into everything they do. If you are a sports club, this will only affect you if the club is one of:

'those private organisations which may carry out some public functions (but only as far as those functions are concerned).'

For many sports clubs, the effect of these changes will only be minimal, but if you are taking on service level agreements to deliver activities on behalf of larger public authorities, you may wish to investigate the detail of the Disability Equality Duty further by contacting the EHRC (see Useful Contacts).

Equally, if your club uses local authority facilities or educational establishment facilities, the terms of your agreement to use these facilities must encompass the requirements of the DDA.

Finally, there is one other area to note. Since December 2006, it has been unlawful for a private club to fail to make reasonable adjustments and make it impossible or unreasonably difficult for a disabled person who is a member, associate or guest to make use of the club, or for a disabled prospective member to access membership.

access audits and access statements

There are many things you can do to ensure disabled people can access your services effectively, but one step you may wish to consider is an 'access audit'. An access audit, prepared by an experienced access consultant or auditor, identifies any physical features that make the approach to, and access within, an existing facility impossible or unreasonably difficult for disabled people. The report will recommend improvements that would overcome the existing barriers.

An 'access statement' identifies the philosophy and approach to inclusive design adopted for a facility, the key issues, and measures to overcome barriers. In the case of extensions or alterations to existing buildings, such a statement will allow clubs to identify the constraints imposed by the existing structure and its immediate environment, and to propose compensatory measures, including management procedures, where full access proves to be impracticable or unreasonable.

For information on accessing funds to help your club comply with the DDA, contact your EFDS regional office, county sports partnership or local authority.



useful contacts

CCPR – One Voice for Sport and Recreation

Burwood House
14–16 Caxton Street
London SW1H 0QT
Tel: 020-7976 3900
Website: www.ccpr.org.uk

Centre for Accessible Environments (CAE)

70 South Lambeth Road
London SW8 1RL
Tel: 020-7840 0125
Website: www.cae.org.uk

Child Protection in Sport Unit

NSPCC National Training Centre
3 Gilmour Close
Beaumont Leys
Leicester LE4 1EZ
Tel: 0116-234 7278
Website: www.thecpsu.org.uk

county sports partnerships

For a complete list of county sports partnerships, check out the Sport England website at www.sportengland.org and search for 'county sports partnerships'.

English Federation of Disability Sport

SportPark
3 Oakwood Drive
Loughborough
Leicestershire
LE11 3QF
Tel: 01509-227 750
Website: www.efds.co.uk

Equality and Human Rights Commission (EHRC)

3 More London
Riverside Tooley Street
London SE1 2RG
Tel: 0845-604 6610
Website: www.equalityhumanrights.com

National Association for Voluntary and Community Action (NAVCA)

The Tower
2 Furnival Square
Sheffield S1 4QL
Tel: 0114-278 6636
Website: www.navca.org.uk

National Council for Voluntary Youth Services

3rd Floor
Lancaster House
33 Islington High Street
London N1 9LH
Tel: 020-7278 1041
Website: www.ncvys.org.uk

national governing bodies of sport

For a complete list of national governing bodies, check out the Sport England website at www.sportengland.org and search for 'national governing bodies'.

National Register of Access Consultants (NRAC)

70 South Lambeth Road
London SW8 1RL
Tel: 020-7735 7845
Website: www.nrac.org.uk

SkillsActive

Castlewood House
77–91 New Oxford Street
London WC1A 1DG
Tel: 020-7632 2000
Website: www.skillsactive.com

Sport England

3rd Floor
Victoria House
Bloomsbury Square
London WC1B 4SE
Tel: 020-7273 1551
Website: www.sportengland.org

Sport Northern Ireland

House of Sport
2a Upper Malone Road
Belfast BT9 5LA
Tel: 028-9038 1222
Website: www.sportni.net

Sporting Equals

1301 Stratford Road
Hall Green
Birmingham B28 9HH
Tel: 0121-777 1375
Website: www.sportingequals.com

sports coach UK

114 Cardigan Road
Headingley
Leeds LS6 3BJ
Tel: 0113-274 4802
Website: www.sportscoachuk.org

sportscotland

Doges
Templeton on the Green
62 Templeton Street
Glasgow G40 1DA
Tel: 0141-534 6500
Website: www.sportscotland.org.uk

Sport Wales

Sophia Gardens
Cardiff CF11 9SW
Tel: 0845-045 0904
Website: www.sportwales.org.uk

Sports Leaders UK

23-25 Linford Forum
Rockingham Drive
Linford Wood
Milton Keynes MK14 6LY
Tel: 01908-689 180
Website: www.sportsleaders.org

Volunteering England

Regents Wharf
8 All Saints Street
London N1 9RL
Tel: 0845-305 6979
Website: www.volunteering.org.uk

Women's Sport and Fitness Foundation

3rd Floor
Victoria House
Bloomsbury Square
London WC1B 4SE
Tel: 020-7273 1740
Website: www.wsff.org.uk

Youth Sport Trust

SportPark
3 Oakwood Drive
Loughborough
Leicestershire LE11 3QF
Tel: 01509-226 600
Website: www.youthsporttrust.org

more help from runningsports

This Quick Guide is one of a series that has been created to provide information about some of the key sports volunteer roles, and information and solutions on topics that have an impact on sports volunteers.

Log on to the **runningsports** website to find everything you need to help you with:

- **governance and administration**
- **finance and funding**
- **volunteers and volunteer management.**

Network Members are able to download the guides for **free**. If you are already a Network Member, access the Quick Guides from the Network Member Intranet.

To become a Network Member, log on to the **runningsports** website and click on the 'Register as a Network Member' icon on the front page.

For further information on this or other titles in this series, contact **runningsports**:

- **telephone: 0800-363 373**
- **email: info@runningsports.org**
- **website: www.runningsports.org**



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