

Section one

Access

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Foreword

I am delighted to introduce this publication which gives arts organisations practical information on how to make their product, their services and their buildings more accessible.

The first guide grew out of a series of seminars organised by the *Action for access* working party in autumn 2002, led by the North West Disability Arts Forum, which were attended by people working in a wide range of roles across arts organisations.

The participants said that they needed a user-friendly, down to earth practical guide specifically designed to help them increase their accessibility and to signpost them to further sources of information. The resulting guide helped arts practitioners and administrators begin to meet the access requirements which enable disabled people to fully participate in mainstream arts and cultural life.

Arts Council England has worked with the original editorial team to revise the guide and issue this second edition which has a national focus. The guide is called *Action for access* because it is about action, not theory, about making changes to improve access. This revised guide will continue the momentum and become a useful tool in the fight to ensure accessibility to our art, our services and our venues.

Tom Bloxham MBE

Chair

Arts Council England, North West

Introduction

I am pleased to introduce *Action for access*, a practical resource for arts organisations wishing to make their activities more accessible to disabled people.

Diversity lies at the heart of Arts Council England's vision of the arts in the 21st century. We can achieve much in diversity through persuasion, illustration and by identifying and sharing good practice. But we also need to take positive action if we are to share our riches and achieve greater equality of opportunity. We believe that full access to the arts goes hand in hand with artistic excellence.

The introduction of the Disability Discrimination Act has given all organisations an opportunity to take a close look at their openness to the requirements of disabled people. I anticipate that arts organisations will continue to be leaders in the fight for inclusion and that this will be much helped by the availability of guides such as *Action for access*.

I look forward to the time when disabled people are equally represented in the arts as board members, artists, technicians, writers, directors, administrators and audience members.

Peter Hewitt

Chief Executive

Arts Council England

Disability – the social model

This guide is about access and inclusion. It is about promoting what we already provide and recognising where changes are needed in attitude, policies and procedures, physical access and access facilities and services. However, it also recognises that progress cannot be made unless arts organisations embrace the **social model of disability**. Adopting and understanding the **social model** is key to opening up access to the arts.

Historically, disabled people have been regarded within the **medical model** or the **pity model of disability**.

The **medical model** focuses on the person's impairment, on their physical or mental medical conditions and regards them only in this light — as someone who is defined by their impairment.

Within the **pity/charity** or **tragedy model**, the disabled person is regarded with pity, as a 'brave sufferer' who manages to triumph in the face of adversity, as someone deserving of benevolence. The disabled person is expected to be grateful, pleased and apologetic. This model is prevalent in the world of fundraising for charities.

The **social model** recognises that disabled people are only prevented from playing a full role in society by the barriers created by that society. Disabled people are, in the main, active and participating members of the community, prevented from being included through multiple barriers.

Within the **social model**, for example, a wheelchair user is disabled by the flight of steps which prevents them from getting into a building. The wheelchair itself is a liberating and useful piece of equipment, while the disabling factor is the set of steps and the lack of physical access. Similarly, a hearing aid wearer requiring a loop in the theatre is at a considerable disadvantage if none is available. A person with cerebral palsy who is asked to leave a gallery by the staff who assume that they are drunk is disabled by the ignorance and attitude of the member of staff. These are examples of the 'disabling factors' which affect the lives of people with impairments.

The **social model** celebrates disabled people and calls for equal treatment and access.

By disabled people we refer to people with any impairment: physical and sensory impairments, learning disabilities and survivors of the mental health system. Their impairment is a part of them and of who they are.

The **social model** does not 'blame' the individual; it involves everyone in identifying solutions; it encourages cooperative problem-solving; it removes barriers for others as well as disabled people; it is an equal opportunities model; it acknowledges disabled people's rights to full participation as citizens.

The definitions of **impairment** and **disability** made by the Union of Physically Impaired Against Segregation (authors of the social model) and Disabled People's International are below:

'**Impairment** is the lack of all or part of a limb, or having a defective limb, organ or mechanism of the body.'

Disability is the loss or limitation of opportunities that prevents people who have impairments from taking part in the normal life of the community on an equal level with others due to physical, social, organisational and attitudinal barriers.'

The Disability Discrimination Act

The **Disability Discrimination Act** is the first legislation in the United Kingdom to address the issue of discrimination against disabled people. It has many critics and is not perfect; many disabled people take issue with its definitions and scope. Its implications, however, have far-reaching consequences for arts providers.

The **Disability Discrimination Act** defines disabled people as having: 'A physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities.'

The **Disability Discrimination Act** may cover people with learning disabilities, mental health issues, epilepsy, disfigurement, autism, asthma, dyslexia, fluctuating and progressive conditions, and other sensory and physical impairments, provided that their disability meets the definition above.

'Long-term' means a minimum of 12 months, and the Act also covers those who have had such an impairment in the past.

Overview of the Disability Discrimination Act

The **Disability Discrimination Act** (DDA) was passed in 1995 to introduce new measures aimed at ending the discrimination which many disabled people face. Full implementation will be in place by October 2004. The Act protects disabled people in the areas of:

- employment
- access to goods, facilities and services
- education
- the management, buying or renting of land or property

Access to services

Since December 1996 it has been unlawful for service providers (including arts organisations) to treat disabled people less favourably than other people.

To treat less favourably can mean delaying serving a disabled customer, limiting their choice, insulting or humiliating them, using offensive behaviour that draws attention to their disability, asking unnecessary personal questions, and charging them more.

By October 2004 service providers will have to have made reasonable adjustments to the physical features of their premises to overcome physical barriers to access.

Non venue-based providers, such as producers or touring companies, are usually dependent on other organisations – venues – in delivering their work. However, they should adopt the measures that are reasonable and achievable in overcoming barriers to access for their work.

Service providers must:

- change policies, practices and procedures which discriminate against disabled people
- provide extra practical/auxiliary aids and services (audio description, induction loops, captioned performances and British Sign Language interpretations come under the category of extra practical aids)

- provide an alternative means of service where physical features prevent people from using the service

With regard to 'reasonable adjustments' it is difficult to give guidance on how the legislation will be interpreted in different cases. The following factors may be taken into account when looking at what changes or adjustments are reasonable:

- the size and turnover of the company
- the effectiveness of the adjustment in overcoming the problem
- practicability
- the cost of the adjustment
- the extent of any disruption
- the extent of the service provider's financial and other resources
- the amount of resources already spent on making adjustments
- the availability of financial or other assistance
- the amount spent on general repairs, alterations and redecoration

If you cannot remove or alter all the physical features of your premises you should have an action plan and costings of when and how you are going to carry these alterations out.

When producing or presenting performances, exhibitions or other projects in unusual venues, the temporary nature of the projects, the nature of the art work, or the terms of your use of the location may preclude making physical alterations to the venue to overcome barriers to access. In such cases, you should make all reasonable provisions to extend access, and, if possible, provide an alternative means of access, for example through video link. If access is unavoidably limited, this information should be made clear in publicity for the event.

Service providers cannot:

- refuse to serve a disabled person
- offer a lower standard
- offer the service on worse terms

Under the Act, discrimination also occurs when anyone knowingly aids someone to discriminate against a disabled person, or victimises anyone who tries to make use of rights under the Act.

Refusing to serve a disabled person may be justified:

- if providing the same service would endanger either the disabled person, or other people
- if the disabled person could not legally consent
- if offering the service to a disabled person would completely ruin the service for others or jeopardise the service for everyone, perhaps because of the costs involved

A service provider can only refuse to serve a disabled customer so long as they are able to justify such action, and their reasons have nothing to do with the customer's impairment and they would refuse to serve other customers in the same circumstances.

The duty to make reasonable adjustments is an 'anticipatory' duty. Service providers must be pro-active in making changes and exercise a 'continuing duty'. So once adjustments are in place, they must be monitored and reviewed regularly and, if necessary, further changes must be made.

The goods, facilities and services code of practice cited in the Act recommends that service providers:

- produce a disability action plan (see [Self-audit](#))
- provide information for staff on the requirements of this section of the Act
- develop and implement positive policies to ensure inclusion of disabled people in all the services they deliver
- provide staff training for all staff, in the case of arts organisations, this includes cafe, bar, front of house, performers, security and technical staff
- have an accessible complaints procedure in place
- undertake consultation with disabled people (see [Consultation](#))
- have procedures for monitoring (see [Monitoring](#)) and reviewing any adjustments which are in place, to ensure they continue to be effective and can be updated as necessary
- audit physical and non-physical barriers which may make it impossible or unreasonably difficult for disabled people to access their services
(see [Self-audit](#) and [Questions, questions, questions](#))
- make adjustments and put them in place
- provide staff training on the adjustments
- draw adjustments to disabled people's attention
- tell disabled people how to request assistance

For more information on the code of practice, visit the Disability Rights Commission (DRC) website (see [Useful contacts](#)).

Employment

The **Disability Discrimination Act** part two Employment came into effect in December 1996. From 1 October 2004, part two is extended to all employers including small companies of 15 employees or less.

All employment policies and procedures should be reviewed to assess the potential impact on disabled applicants and staff. Employers are responsible for everything done by their employees in the course of their employment, unless they can prove they took reasonable steps to prevent the employee from carrying out the discriminatory behaviour in question (for example, through training).

It is unlawful for an employer to discriminate unjustifiably: by treating the disabled person less favourably; by not making reasonable adjustments if the employer is aware that the employee or job applicant is a disabled person; when the disabled person is caused substantial disadvantage compared to non-disabled people by work arrangements or physical features of the workplace.

[An employer should not discriminate](#)

against disabled job applicants:

- in recruitment and selection arrangements
- in the terms on which employment is offered
- by refusing to offer the disabled person employment, assuming they are the best candidate

against disabled employees:

- in the terms of employment offered to an employee
- in opportunities for promotion, transfer, training or receiving any other benefit
- by dismissing the disabled person or subjecting them to any other detriment for a reason related to their impairment

The DDA gives employment rights to disabled people who are self-employed, freelancers or employees, whether full-time or part-time on a permanent or short-term contract.

For examples of good practice see [Employment](#).

For more information on the Disability Discrimination Act contact the Disability Rights Commission (DRC) or disability arts organisations (see [Useful contacts](#)).

To see a copy of the full Act please visit www.legislation.hmsso.gov.uk/acts/acts1995

Summary of other pertinent legislation

The government has published the draft **Disability Discrimination Bill** for pre-legislative scrutiny. This will work to strengthen the Disability Discrimination Act and increase the rights of disabled people in the 21st century.

The draft Disability Discrimination Bill will amend the Disability Discrimination Act 1995 (DDA) in a number of very significant ways:

- the definition of disability will be extended to clearly include people with HIV, cancer and multiple sclerosis from the point of diagnosis (at present coverage of these conditions is not guaranteed)
- the Bill provides for the extension of the DDA to cover discrimination in relation to transport (at present only the transport infrastructure is covered)
- a duty to promote disability equality will be placed on the public sector (which parallels the Race Relations Amendment Act)
- the DDA will cover most functions of public authorities
- the DDA's duties on landlords and managers of premises will be extended
- any club with 25 or more members will be covered by the Act

For a copy of the bill see www.parliament.uk

The **Special Educational Needs and Disability Act 2001 (SENDA)** makes it unlawful for schools, colleges and other education providers to discriminate against disabled people. The main provisions came into force on 1 September 2002, through an amendment to the Disability Discrimination Act.

Schools, colleges, universities, adult education and youth services must take reasonable steps to amend any policies, procedures or practices that might discriminate. The law covers the way they

admit students, the way they teach them and the way they provide things like school trips or after school clubs. During school years, any additional aids that someone needs will be provided via the special educational needs system, not by an individual school. Colleges and universities must go further. They are required to provide 'auxiliary aids and services', which might include information in accessible formats, personal support and sign language interpretation. To see a copy of the full Act please visit: www.legislation.hms0.gov.uk/acts

Meeting a range of access requirements

Attendees and employees should never be asked about their impairments as such questions can be disrespectful and humiliating. What service providers and employers do need to know is how to meet their attendees' and employees' access requirements.

There are around 8.6 million disabled people in this country, according to the latest census information, which is about 15 per cent of the population. Around 6.8 million of these are of working age (Labour Force Survey 2002). The majority of disabled people have a hidden impairment.

It is thought that one in every four consumers is a disabled person or in close personal contact to someone who is. It is estimated that disabled people spend £45–£50 billion a year as consumers.

Disability can affect people at any age and from any background. Most disabled people are not born with their impairments, they acquire them in their lives. Help The Aged states that there are 9 million people aged 65 and over and 34 per cent of people aged 50-plus have an impairment.

Many people have multiple impairments and thus require a range of access provisions.

If people ask for access facilities or services then assume they need them. Remember you cannot tell from looking at someone what their requirements are.

Meeting the requirements of deaf and hearing impaired people

According to the RNID, 15 per cent of the adult population of the UK has hearing impairments. This includes 50,000–70,000 users of British Sign Language (BSL). BSL became recognised as an official language by the government for the first time in March 2003.

As BSL is a language in its own right, many deaf people consider themselves to be a linguistic minority rather than disabled people. English is likely to be sign language users' second language and they may therefore not be fluent in English.

Access services for hearing impaired people include BSL interpretation, captioning, hearing aids, an induction loop or an infra-red amplification system. Adequate lighting, clear (but not exaggerated) mouth movements and diction, and the lack of background noise will all help people who use lip reading to understand what is being said.

Meeting the access requirements of blind and visually impaired people

Visual impairments affect people in different ways. According to the RNIB and census data, 1.7 million people in the UK are visually impaired. Over 90 per cent of blind or visually impaired people have some sight. Only three per cent have no useable vision, others have varying amounts of residual vision, which may be a registering of light and shade, or tunnel, or peripheral vision. It is not possible to tell from looking at a person how much vision they have. Some people need bright light in order to make the most of the sight they have. Other people are adversely affected by changes in light levels. Some people can read if the print is large enough (see [Large print](#)) and about three per cent of blind people read Braille. Some people will need audio description, audio guides, tactile maps, diagrams and models to follow visual displays, presentations or exhibitions.

Meeting the access requirements of wheelchair users and people with mobility difficulties

People who have mobility impairments have different skills in getting around. There are 400,000 wheelchair users in the country who may always use a wheelchair or may walk or stand for short periods. Some people who use crutches, walking frames or walking sticks will be able to negotiate a couple of steps; for others the steps will present a barrier to attendance. Steps, the heights of counters, the heights of pictures and labels in galleries and the angle of the light on them, non-accessible toilets, handles at the wrong height, uneven floors, thick carpets, doormats, steep ramps, heavy doors, small lifts, doors that open towards you, doors that require two hands to operate, and narrow doors all present real barriers.

Health and safety regulations are often used as a blanket to hide behind when restricting the numbers of mobility impaired people allowed into a building. Examine your health and safety policies thoroughly and if necessary revisit them with the licensing authority.

Meeting the access requirements of learning disabled people

The number of learning disabled adults and children in the UK with learning disabilities is estimated at 1.2 million, which is two per cent of the population, according to Mencap. Learning disabled people find it harder to learn and understand than other people, so information needs to be as clear and concise as possible. Producing information that is accessible for people with learning disabilities is a complex task, needing more than just writing in Plain English. Time needs to be taken to find the words, pictures or photos that best support and explain the message.

Learning disabled people may not understand concepts such as queueing and may find noisy foyers overwhelming. They may also prefer to use an accessible toilet. Awareness and sensitivity from staff will help them feel more welcome.

There are many guides and organisations that can provide advice and assistance (see *Mind the Gap* cd-rom and Mencap in [Useful contacts](#)).

Meeting the access requirements of people with mental health issues and survivors of the mental health system

According to Mind, it is estimated that at any one time, 14 per cent of the population of the UK is experiencing mental health issues. People with mental health issues may have difficulties concentrating, learning or understanding, so information needs to be as clear and concise as possible, using Plain English and clear signs. They can find new environments intimidating and may need support adjusting to unfamiliar surroundings.

National and local groups such as Mind and Sane can provide help and advice (see [Useful contacts](#)).

Meeting the access requirements of people with coordination and dexterity related impairments

Improving physical access to and around your venue and offices will also ensure better access for the many people with dexterity and coordination impairments, which includes many older people.

- always provide straws at your cafe and bar for anyone who would rather use them
- make sure door handles are not awkward to use
- do not have entrances which require two hands to gain entry
- ensure any computer terminals which the public, or dexterity impaired staff use do not require good coordination and dexterity
- if displaying choice buttons on touch screens make sure they are large and uncluttered
- if running a seminar or event make sure people can be seated to carry out tasks or to eat food

