

AN INTRODUCTION TO ACCESS AUDITS FOR PLACES OF WORSHIP

The legislative background

The *Disability Discrimination Act 1995 (DDA)* makes it unlawful for service providers to discriminate against disabled people in connection with the provisions of goods, facilities and services. Places of Worship are service providers within the meaning of the Act, though the nature of the services they provide will need consideration on a case-by-case basis.

The duties on service providers are being introduced in three stages:

- since 2 December 1996 it has been unlawful for service providers to treat disabled people less favourably for a reason related to their disability;
- since 1 October 1999 service providers have had to make 'reasonable adjustments' for disabled people, such as providing extra help or making changes to the way they provide their services; and
- from 1 October 2004 service providers may have to make other 'reasonable adjustments' in relation to the physical features of their premises to overcome physical barriers to access. (Page iii of *CoP*)

From October 2004, where a physical feature of a building, including one arising from its design or construction or the approach or access to it, makes it impossible or unreasonably difficult for disabled people to make use of any service which is offered to the public, then a service provider will have to take reasonable steps to:

- remove the feature; or
- alter it so that 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. (Paragraph 5.31 of *CoP*)

It is important for places of worship to understand that the *DDA* duties fall on them as 'service providers', and not directly on the historic building in which they worship, and that making physical alterations is only one of a number of options that they will have to consider.

The Access Audit/ Access Plan methodology as a response to the *DDA*

"Service providers are more likely to be able to comply with their duty to make adjustments in relation to physical features if they arrange for an access audit of their premises to be conducted and draw up an access plan or strategy.

Acting on the results of such an evaluation may reduce the likelihood of legal claims against the service provider.” (Paragraph 5.42 of *CoP*)

The first step toward satisfying these aims is a comprehensive assessment of (a Place of Worship’s) access requirements resulting in an ‘Access Plan’. The assessment (otherwise known as an Access Audit) should:

- identify the existing physical and communication barriers to access;
- examine the access needs of users;
- assess the impact of these on features of historic, architectural or archaeological interest, or their setting;
- devise solutions which reconcile access and conservation needs (and which will form the Access Plan itself). (Page 5 of *Easy Access to Historic Properties, 1995*)

An Access Plan will develop the Access Audit into a programme of identified reasonable action. What is a reasonable step for a particular service provider to have to take depends on all the circumstances of the case. It will vary according to:

- the type of services being provided;
- the nature of the service provider and its size and resources;
- the effect of the disability on the individual disabled person. (Paragraph 4.21 of *CoP*)

The Access Plan will seek to reconcile the access audit with both the costs of taking any identified action, and of the financial resources available to the Place of Worship.

The following are some of the factors which might be taken into account when considering what is reasonable:

- whether taking any particular steps would be effective in overcoming the difficulty that disabled people face in accessing the services in question;
- 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 extent of any disruption which taking the steps would cause;
- the extent of the service provider’s financial and other resources;
- the amount of any resources already spent on making adjustments;
- the availability of financial or other assistance. (Paragraph 4.22 of *CoP*)

Each Access Plan must be site specific, reflecting the unique limitations and opportunities inherent in the design, function and setting of the property, as well as the needs of its users.

Grant Eligibility

The costs of work necessary to comply with the DDA duties are not eligible under EH/HLF scheme for *Repair Grants for Places of Worship in England 2002-2005*, except that the cost of preparing an Access Audit is grant eligible as part of the stage one project development stage (although the cost of preparing an Access Plan based on the Audit does not qualify for grant).

Further guidance on Access Audits/Access Plans are set out in the EH leaflet *Easy Access to Historic Properties, 1995* (copies available from EH Customer Services Department - phone number 0870 333 1181) and in the *Code of Practice, 2002 (CoP)* issued by the Disability Rights Commission (copies available from The Stationery Office – phone number 0870 600 5522) and also downloadable from their website (<http://www.drc-gb.org/drc/InformationAndLegislation/Page331a.asp>).

There is a useful series of photocopiable Accessibility Audit Checklists in *Widening the eye of the needle: Access to church buildings for people with disabilities, 2001* published by the Council for the Care of Churches (copies available from Church House Bookshop – phone number 020 7898 1306). There is also a website (<http://www.chpublishing.co.uk>)

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