

DISABILITY EQUALITY GUIDE



NOTHING
MATTERS
MORE

INTRODUCTION

In this document we will focus on disability rights under the Equality Act 2010, but remember, any improvement made for a disabled person will also benefit older people, parents with young children, carers and support workers and those with a temporary disability.

The requirements of the Equality Act should not be considered as onerous, but an opportunity for positive improvement. An organisation that provides services to meet the diverse needs of its users should find that it carries out its core business more efficiently. Equally, employees that have a supportive and versatile working environment are usually more productive. Overall it can lead to services that are more appropriate to the user.

However, the true value of making improvements, whether physical or related to policy, procedure or social change, is about much more than box-ticking to comply with legislation; it is about improving lives! Everyone should have the right to choose how they live and what social activities they would like to participate in or be part of. 'We' as a society are responsible for making this happen through inclusive models of operation and developments, and improving the physical environment, where we do all we can to remove the barriers that exist to enable such choice.

The Scottish Football Association (Scottish FA) promote a model of inclusion and are supportive of positive change. The Scottish FA have included various requirements in their Club Licensing criteria which encourages members to provide or work toward the provision of accessible stadia. More detail on this can be found in the Scottish FA Club Licensing criteria, Section 5.1.5.

The Scottish FA also encourage the engagement of specialised personnel, usually Disability Access Officers (DAOs), at stadia to ensure all is done to work toward inclusion. Knowledgeable and experienced personnel can help management and staff to understand their legal obligations, help with strategic planning to seek improvement and assist with day-to-day enquiries.

The Scottish FA and Access Alba hope that this document will provide information to further your understanding of your obligations under the Equality Act 2010, why we should aspire to be fully inclusive, and how you can make a difference!



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SECTION ONE: THE EQUALITY ACT 2010 AND OTHER RELEVANT LEGISLATION



The Equality Act 2010 brought together all anti-discrimination legislation into one 'Act'. It includes the following protected characteristics; age, sex, religion or belief, gender reassignment, disability, race, sexual orientation, marriage and civil partnership and pregnancy and maternity. It supersedes the Disability Discrimination Act (DDA).

The purpose of the Equality Act is to tackle inequality, eradicate discrimination, victimisation and harassment and foster good relations to build an equitable society/ achieve equality for all.

The Equality Act is an anticipatory duty which is not compliance based and not prescriptive in its requirements. Anticipatory can be described as happening or performed. Service providers should therefore take a positive and active role to seek continual improvement to ensure that they are meeting their obligations under the Act for all protected characteristics.

However, the Equality Act does place a specific duty on employers and service providers to make "reasonable adjustments" to premises or services, to overcome barriers that disabled employees or visitors may face. This specific duty is to ensure that a disabled person is not disadvantaged. This can include the removal or alteration of physical barriers and review of policies, practices and procedures; and, the provision of auxiliary aids.

The Equality Act 2010 applies to all organisations, including clubs and associations who provide a service to the public or a section of the public (Service Providers). It also applies to anyone who sells goods or provides facilities. It applies to all services, whether a charge is made for that service or not.

The Equality Act 2010 also applies to employers and workplaces regardless of whether this is a fixed location or involves various locations.

Unlike other statutory law, there is no Local Authority or Government Officer who enforces the legislation. It is the responsibility of an individual disabled person to bring a civil action against a service provider where they feel aggrieved.

The Equality Act 2010 has differing requirements depending on whether you are an employer, service provider, or an educational establishment. It is, therefore, recommended that you seek legal advice or that of a suitably qualified professional to establish the requirements and responsibilities of your business if there is any doubt.

SECTION 3 — SERVICES AND PUBLIC FUNCTION

This section of the Equality Act protects people from discrimination when being provided with a service on the basis of a protected characteristic. Whilst this guidance focusses on disability we should be aware that disabled people may have one or more protected characteristics. In discrimination, the law prohibits:-

- Direct Discrimination — Example: Treating someone with a protected characteristic less favourably than others
- Indirect Discrimination — Example: Putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage
- Discrimination by Association — Example: Discrimination via a third party
- Discrimination by Perception — Example: When someone is treated unfavourably because others believe they have a protected characteristic
- Harassment — Example: Unwanted behaviour that the individual finds offensive where the person has a protected characteristic or there is a connection with a protected characteristic
- Victimisation — Example: Treating someone badly because they have done a 'protected act', or because an employer, service provider or other organisation believes that an individual has done or is going to do a 'protected act.' For example, someone is making a claim or complaint or helping someone else make a claim or complaint of discrimination (under the Equality Act). The reason for the treatment does not need to be linked to a protected characteristic.

Disability Discrimination can come in many forms. Discrimination is often due to lack of understanding rather than intentional. Common areas of discrimination are attitudes, the built or physical environment, information and communications; and, access for assistance dogs, carers and support workers.

SECTION 5 — EMPLOYMENT

Employers must not unjustifiably discriminate against current employees or job applicants on the basis of a protected characteristic and may have to make reasonable adjustments to their employment arrangements or premises, to ensure a person with a disability is not disadvantaged. This might include a review of the recruitment process as an example.

REASONABLE ADJUSTMENT

The Equality Act refers to reasonable adjustment as a means by which a service provider can ensure the environment is suitable to meet the needs of a disabled person. The term reasonable adjustment can be considered as subjective and might be perceived in differing ways by individuals.

In terms of the Equality Act 2010; The duty to make reasonable adjustments aims to remove barriers that prevent disabled persons from integrating fully in day-to-day life. Employers, for example, are required to make reasonable adjustments to any of their provisions, criteria, or practices, that place a disabled person at a disadvantage compared to a non-disabled person.

In more detail — Reasonable adjustment has three requirements:

- Where a provision, criterion or practice puts a disabled person at substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as is reasonable to have to take to avoid the disadvantage
- Where a physical feature puts a disabled person at substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as is reasonable to have to take to avoid the disadvantage
- Where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as is reasonable to have to take to provide the auxiliary aid

The Act describes reasonable adjustments as:

- Changing policies, procedures & practices that may discriminate
- Providing auxiliary aids & services to facilitate (help) access
- Providing services by "other means" if there are physical barriers to access
- Taking reasonable measures to remove physical barriers

The definition of reasonable adjustment could be considered as: 'A way in which buildings and services can be adjusted to meet the needs of disabled people'
or
'having sound judgement, fair and sensible' or 'as much as is appropriate or fair, moderate'.

In many cases it can be achieved by a change to management procedure or a minor adaptation.

SECTION ONE: THE EQUALITY ACT 2010 AND OTHER RELEVANT LEGISLATION

The Equality Act 2010 places a 'duty' on employers to carry-out 'Reasonable Adjustment'. This includes a disabled person who:

- Works for you, or
- Applies for a job with you, or
- Tells you that they are thinking of applying for a job with you

It applies to all stages and aspects of employment. In some cases, even after employment has ended.

When assessing 'Reasonable Adjustment' the following can be considered:

- How effective the change will be in avoiding any disadvantage?
- Its practicality
- The cost
- Your organisation's resources and size
- The availability of financial support
- Business needs of the organisation
- Financial capability of the organisation
- Whether the organisation provides services to the public or is just an employer
- Duty of the organisation to meet the requirements of the Equality Act

Restrictions to making reasonable adjustments:

- Physical constraints imposed by the existing fabric or structure of the building
- Planning Consent required
- Listed Building Consent required
- Conservation area consent may be required

As a service provider it is recommended that you:

- Review the accessibility of environments on a regular basis (include the views of disabled people)
- Provide regular training to all staff, including the use of auxiliary and other aids
- Review the effectiveness of reasonable adjustment
- Carry out and act on the findings of any such review

TOP TIP:

Engaging an Architect and/or Access Design Consultant with experience of such issues and inclusive design training will help you enormously as they can consider the restrictions that apply and recommend the best solutions (see also Section Three).

Importantly, taking positive and preventative action will reduce the likelihood of legal claims against you under the Equality Act 2010.

UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (UNCRPD)

The UNCRPD specifically aims to strengthen respect of human rights for disabled people. It seeks to change attitudes and approaches to disabled people.

It is an international agreement in two-parts:

- The Convention which describes the rights of disabled people
- The Optional Protocol which adds two procedures, intended to ensure the treaty is implemented and monitored

In February 2009 the UK signed optional protocol, demonstrating a commitment to having the obligations contained in the Convention implemented and monitored. In June 2009 the UK ratified the UNCRPD meaning it becomes part of the law of the national country concerned. This means both parts of the Convention can be used as part of the legal system in Scotland, England, Wales and Northern Ireland.

The UNCRPD contains 50 Articles, the following — although not exclusively, would apply to any person providing services such as the Scottish FA and its member clubs:

- Article 5; Equality and non-discrimination
- Article 9; Accessibility
- Article 19; Living Independently and being included in the community
- Article 27; Work and employment
- Article 30; Participation in cultural life, recreation, leisure and sport

Article 30, Section 5, which is perhaps the most relevant Article for the purposes of this document refers as follows:

'With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, states Parties shall take appropriate measures:

- To encourage and promote the participation, to the fullest extent possible, of person with disabilities in mainstream sporting activities at all levels;
- To ensure persons with disabilities have an opportunity to organise, develop and participate in disability specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis of others, appropriate instructions, training and resources;
- To ensure the persons with disabilities have access to sporting, recreational and tourism venues;
- To ensure that children with disabilities have equal access to participation in play, recreation and leisure and sporting facilities, including activities in the school system;
- To ensure that persons with disabilities have access to services from those involved in the organisation of recreational, tourism, leisure and sporting activities.

THE HUMAN RIGHTS ACT 1998

In 1948 one of the most famous rights charters was drafted; the Human Rights Act. The purpose of the original charter was to prevent future atrocities and oppression, like those experienced in the Second World War. The rationale for its existence is quite simple and is based on the theory that we are human and entitled to basic rights and freedoms.

The Human Rights (also known as 'the Act' or the 'HRA') came into force in the United Kingdom in October 2000. All bodies, such as courts, police, local governments, hospitals, public funded schools and other bodies carrying out public functions must comply with the Convention rights.

The five principles on which human rights are based are fairness, respect, equality, dignity and autonomy.

Human rights are relevant to the everyday lives of many different people in the UK — they come into play in care settings, hospitals and in the work the police do to protect everyone from serious harm. Human rights work in practical and straightforward ways, bringing common sense into situations where bureaucratic procedures and systems might lose sight of people and their individual needs. Human rights require that a balance is struck between the rights of the individual and the needs of wider society.

Perhaps the most pertinent, but not exclusive Article to this guidance is Article 14: Prohibition of discrimination:

'The enjoyment of the rights and freedoms set forth in the European Convention on Human Rights and the Human Rights Act shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

As a general note on legislation, it is entirely possible that a disabled person might raise a legal action under more than one legislative power. It is, therefore, important that those providing public services consider all relevant legislation and ensure due diligence is applied. As with the Equality Act 2010, it is recommended that you seek further legal advice, or that of a suitably qualified professional, to establish the obligations and responsibilities under the above legislative powers if there is any doubt.



SECTION TWO: UNDERSTANDING DISABILITY



SOCIAL MODEL OF DISABILITY

It is the environmental, attitudinal, institutional, and legal barriers within society at large that cause disability. For example, disabled people are disabled due to the lack of accessible employment and learning opportunities; poorly designed housing and transport; or policies that result in higher incidences of exclusion and rates of poverty etc. Disability can therefore be overcome by changing society to be more flexible, equal and inclusive.

Scottish Government (2016),
A Fairer Scotland for Disabled People:
Our Delivery Plan to 2021

THE SOCIAL MODEL OF DISABILITY

The Social Model of Disability is a person-centred approach, which promotes societal change to remove the barriers that exist for disabled people and prevent them from exercising the same choice and control as others. This is opposed to the Medical Model of Disability which considers the individuals 'condition', and therefore their ability to manage their day-to-day life.

The social model of disability identifies systemic barriers, negative attitudes and exclusion by society (purposely or inadvertently), which means society then becomes the main contributory factor which 'enables' equality of opportunity.

TOP TIP: 💡

Ask your management team if you can hold a Disability Awareness Training session where the Social Model of Disability can be promoted, and all involved can be encouraged to embrace the Social Model to ensure positive change.

ACCESSIBLE — WHAT DOES IT MEAN?

This is about making society — any space, place or experience that we enjoy, accessible. For example, online advice may not be provided in an accessible format. Accommodation or venues may not be considered accessible to all. An external environment may not be easy to navigate for many.

For some disabled people, disability is something they have lived with from birth; for others it may be a condition which occurs later in life. The psychological impact of becoming disabled suddenly can drastically impact a life which has been lived without previous barriers to access; therefore, the process of adapting can be frightening and frustrating. Similarly, a person who has lived with a disability from birth may well have been subject to lifelong disadvantage through a lack of access to opportunity, education, travel, work, adequate housing or social interaction. Understanding that accessibility means different things to different people is a good place to start. However, the final goal should be learning about what you can do to ensure an individual's experience is the best it can be.

The journey of a disabled person is a beginning to end process, which many of us forget. Consider this when you ask yourself what is accessible? The journey can include the timing of an event to allow for support to get up, get dressed and get there. Further considerations may be travel arrangements, access to the venue, the ability to navigate the venue and make use of all its facilities. For some, it is the fear of crowds, noise or attitudes that will impact on their enjoyment. For others it will be the provision of auxiliary aids or position in the stadia that will maximise their experience.

We cannot hope to understand how differently disability affects each individual. However, we can work towards informing others as to how we can develop good practice in inclusion and awareness. Creating a more integrated society which enables disabled people, their needs and aspirations to be heard and heeded.

TOP TIP: 💡

Involving disabled people in everything you do will help, whether it be improving the physical access of a venue or changing policy or procedure. To achieve the best possible outcome, make sure any group that you invite to consult with is representative of varying disability. It is also helpful to ensure that the individuals involved understand the barriers to change that exist for you and that these are clear from the outset, i.e. financial or other legislative requirements.

INCLUSIVE COMMUNICATION

Inclusive Communication is a two-way process, understanding and being understood. It is often the case that service providers consider access as the physical environment and forget about the information they provide on websites and information leaflets.

Inclusive Communication forms part of all service delivery whether it be wayfinding & signage, service information or emergency procedures. As a society, we also often assume that people understand, and often don't 'test' the way we communicate, whether verbal or written.

TOP TIP: 💡

Do an accessibility check on your website. There are free services online that enable this, and it is a great way to check that you are getting things right.

PLAIN ENGLISH AND EASY READ

From a ticket to policy documents, it is important that all people have access to and can understand information that you provide.

Plain English is about writing a document in a language which can be easily understood by most people, even when your first language is not English.

Easy Read translation is quite different from Plain English and is where the document is translated into short paragraphs and usually has pictorial images which complement the text. A document written in an Easy Read format is helpful for individuals with learning difficulty or other neurological conditions.

Simple changes to the way you communicate will make an enormous difference!

TOP TIP: 💡

Did you know that a sentence should be no more than 14 words long? Check the next email or letter that you write for long sentences. Also, did you know that individuals with learning difficulty will almost always take things literally? Therefore, to make a statement like 'Awa' an bile yer heid' may not deliver the outcome you thought it would!

SECTION THREE: PLANNING FOR CHANGE



INCLUSIVE DESIGN

“An inclusive environment is one that can be used by everyone regardless of age, gender or disability. It recognises and accommodates differences in the way people use the built environment and provides solutions that enable all of us to participate in mainstream activity equally, independently, with choice and dignity”.

Commission for Architecture (CABE).

The following can be used to describe an inclusive environment:-

- Inclusive — so everyone can use it safely, easily and with dignity
- Responsive — taking account of what people say they need and want
- Flexible — so different people can use it in different ways
- Convenient — so everyone can use it without too much effort or separation
- Accommodating for all people — regardless of their age, gender, mobility, ethnicity or circumstances
- Welcoming — with no disabling barriers that might exclude some people
- Realistic — offering more than one solution to help balance everyone's needs and recognising that one solution may not work for all

There are many mechanisms which can support inclusive design, but possibly the most important thing to remember is that nothing should be changed or improved without going through due process. We should consider inclusive design from the outset, whether it be a new build or a desire to improve. Strategic planning and consultation are essential to positive outcomes. We should consider legislative requirements, recommended guidelines and make best use of technical support. This may include a Design Appraisal for a new build or an Access Audit of an existing building to deliver best practice and inform an evidence-based approach using recommended guidelines. Inclusive design makes good business sense. Anecdotal evidence would suggest that disabled people become loyal and regular customers once they have found an inclusive and accessible environment.

TOP TIP:

Stop! Have you engaged disabled people from the beginning of the process? You will be amazed at how informative and useful the knowledge and lived experience of disabled people can be. You might prevent costly mistakes by consulting at the outset but remember even individuals with the same disability can have very different ideas of what the best solution might be. Fully accessible may be in the eye of the beholder, you are seeking the best-case scenario, with a balanced outcome, based on multiple factors.

DESIGN APPRAISALS

A Design Appraisal is commonly known as a process where you will consider the design of your new build or improvement to an existing building, from the outset, with the assistance of suitably qualified personnel. The process involves carrying out a desktop accessibility appraisal of the design at various stages from concept design through to detailed design. The process encourages engagement with the designers and ensures that potential barriers to access can be identified, and solutions incorporated into the design, prior to works commencing.

A Design Appraisal is not exclusive to physical attributes but might also consider interactive technology, websites and other communicative means, i.e. wayfinding and telecommunications. Design Appraisals are incredibly helpful as they provide an opportunity to achieve the best possible outcomes based on early intervention avoiding retrofitting of accessible features once a building is completed and operational.

ACCESS AUDITS

An Access Audit is a means of assessing accessibility of an environment, building or service, by which barriers to access can be identified. The Audit report will make prioritised recommendations for improvement based on legislative requirements and recommended guidelines. It also helps you to understand your obligations under the Equality Act 2010 and can inform strategic planning to enable you to improve accessibility, in a planned way, over a period of time.

The term 'Access Audit' can be defined by providers in different ways. It is important that you understand what you want to achieve, what you are receiving, by whom, and how the content of any report or the provider will stand if required to assist if challenged, legally or otherwise. The following questions may help you to determine whether you are acquiring the services you need to achieve your aims and to ensure a qualitative and credible response:-

- Does the provider have a holistic understanding of disability and differing need?
- Does the provider have suitable knowledge of current legislation, recommended guidance and its implementation?
- Does the provider have a full understanding of your business operations, needs and restrictions which might apply?
- Is the provider able to make evidenced based recommendations and reasonable solutions to any issues?
- Will the report allow you to transfer recommended improvements into a cost effective, short, medium and long-term planning process?
- Is the person a member of an accredited organisation where a quality assured service is provided, and they can be held accountable?
- Does the provider have suitable Public Liability and Public Indemnity insurance?

An experienced auditor will talk to the client before they carry out an Access Audit. This ensures that they fully understand your business requirements, the use of the building, the environment, the customers and the service. The audit can then be tailored to meet the clients' needs. An access audit will typically cover the following elements of a building and environment, including:

- Public Transport, Approach and Car Parking
- Entrances
- Receptions
- Horizontal Circulation — corridors and doors
- Vertical Circulation — Lifts and Stairs
- Toilets
- Signage and Wayfinding and other Communications
- Means of Escape for Disabled People

WHY DO I NEED AN ACCESS AUDIT?

The Equality Act Code of Practice states that the completion of an Access Audit by a 'suitably qualified person' will 'help service providers' to meet their obligations under the Act.

Many service providers consider their environment, building or services to be accessible. However, changes to legislative requirements can mean that buildings or improvements have been designed or improved to a previous standard. An Access Audit will help you to determine whether any further improvements should be made to ensure that you are providing services that meet with current statutory regulations and recommended guidelines. It will also help you to determine 'reasonable adjustment' which can be subjective. However, suitably qualified personnel will have the knowledge and experience to assist in determining best practice.

Important: An Access Audit will highlight critical areas where there are substantial barriers or risk. This risk may increase where premises has large numbers of people of different ages and abilities attending or where diverse activities take place. An audit and subsequent action to improve will assist greatly in reducing the potential for a legal challenge and the probability of a higher expense.

Although there is no obligation to carry out Access Audit reviews within a set timescale, a review should be considered, but not exclusive to:

- Where a substantial change or improvement to the environment, building or service is proposed
- Multiple or regular issues arise, or complaints are received
- In the event of legislative change

SECTION THREE: PLANNING FOR CHANGE

ACCESS STATEMENTS

An Access Statement can be used as a term for a report which will provide information that can be useful to inform service users.

It will normally provide information similar to the Access Audit but will be written in a user-friendly way with less technical information. Pictorial images of the environment or building will be included to inform service users of the accessible features and any barriers which may exist. This informs disabled people, their carers and support workers and enables them to make choices about their visit and what support arrangements, if any, they might need to make. This type of Access Statement can be added to a website or provided to individuals as a hard copy.

An Access Statement is also the terminology used for planning applications. Most planning authorities will require that an Access & Design Statement be lodged to accompany and support planning applications. This becomes a public document and is used by the planning authority to understand the approach, background and philosophy that guided the design — including accessibility. Planning authorities often share this document with local disabled groups, commonly known as Access Panels, to obtain their views on the inclusive and accessible features.

Local authorities may also seek an Access Statement to inform a Building Control application, where it may be used, for example, to acquire a justifiable relaxation within the Building Regulations.

As with Access Audits, it is critical that you understand what it is you want to achieve from an Access Statement and ensure that any provider is suitably qualified to provide the report required and that it is fit-for-purpose.

DISABILITY ACCESS AUDITORS AND CONSULTANTS

Access for disabled people is more than the physical environment. It includes how we communicate, how we behave and how we treat disabled people. Disability Access Auditors and Consultants should take a person-centred approach, considering inclusive solutions to find improvements which will take account of these factors.

It is important that you ensure your business use and needs are fully understood and that you are content that the Auditor or Consultant is suitably qualified, as aforementioned in this guidance document, prior to agreeing any commission. A building may have different uses at different times, for a football match or concert for example, so it is critical that the audit not only assesses the building, but the differing uses and people who use it.

It is advised that any Auditor or Consultant that you use is a member of an accredited organisation, so that you can be confident that you have received a qualitative report with assurance guaranteed. This will also provide you with a body to approach in the event that you are required to seek independent advice or make a complaint. The National Register of Access Consultants (NRAC) is such a body, which provides experienced and knowledgeable professionals who are required to go through a peer review system.

TOP TIP:

Don't always go for what appears to be the quickest, convenient or cheapest audit option; it may end up costing you more in the longer term, both in terms of financial output and reputation.

SECTION FOUR: MAKING A DIFFERENCE



DELIVERING IMPROVEMENTS

The Equality Act places a duty on employers and service providers to make “reasonable adjustments” to premises or services, to overcome barriers that disabled employees, or visitors may face. However, the term reasonable is subjective and it can be difficult to determine what improvements should be made and when.

Reasonable adjustment has been explained earlier in this guidance document (see Section One) and compromise will be required to meet both the needs of the service provider and the service user. However, whilst delayed or postponed improvements may be justifiable in the short-term due to cost, disruption or other reasons, such rationale should not be used as an excuse for the status quo to remain. It is recommended that a strategic improvement plan is considered, whereby the short, medium and long-term planning can be considered in a sensible way. Such a plan will enable improvement over time with the ability to consider financial commitments, other priorities and will allow for effective consultation with relevant personnel.

The following definitions may help you to develop a strategic plan:-

HIGH PRIORITY

Where there are significant barriers to access which may prevent a disabled person accessing the service. This category may require immediate or short-term reasonable adjustments to be made to overcome significant physical barriers to access which make the provision of the service impossible or unreasonably difficult. Significant Health & Safety issues should also be considered as high priority. High Priority works should be actioned as soon as is reasonably possible.

MEDIUM PRIORITY

Where improvement to the accessibility of the building or service are desirable and can normally be reasonably achieved through refurbishment or alteration schemes, and/or through general maintenance or management procedures. This would be considered as medium-term and these works should be carried out within a 1-3 year period where feasible.

LOW PRIORITY

Where items do not prevent access to the building or service but may have been constructed or provided to previous standards and/or which do not meet current “best practice”. These items may be considered as long-term and should generally be improved as part of a future refurbishment.

APPENDICES



APPENDIX 1: CASE STUDY 1 — THE EQUALITY ACT 2010; A LEGAL CHALLENGE

A legal case brought against the promoters of a concert for one of the UK's most popular bands highlights the risks to businesses if they do not make their services accessible to all. The BBC reported that the promoters of LHG Live have been sued by parent Sally Reynolds over its alleged failure to comply with the Equality Act 2010.

Sally Reynolds, who is deaf, claimed that the measures LHG Live put in place to enable her to access performances at a concert by Little Mix in September 2017 were insufficient. While LHG Live provided a British Sign Language interpreter for the claimant when Little Mix were on stage, the promoters did not provide an interpreter for the support acts at the show.

LHG Live has said that it provided "specific staging and lighting" for the claimants chosen interpreter and issued them with a "set list in advance". The company also "provided upgraded tickets, access to private accessible toilets and all public announcements on giant screens either side of the main stage", the BBC reported. Sally Reynolds, however, claimed the company did not go far enough with its measures to comply with the Equality Act.

This case highlights the differing perceptions of the service provider and the service user regarding 'reasonable adjustment' and the potential to be challenged under UK equality legislation. Whilst, the Equality and Human Rights Commission and courts have highlighted that concerns about excessive cost, lack of effectiveness, impracticality, health and safety concerns and a detrimental impact on other service users, including the need to withdraw the service entirely, may be grounds for finding that an adjustment is not reasonable, this demonstrates the sensitive nature of most decisions. There is a clear overarching expectation that positive adjustments will be offered which has increased uncertainty, and consequently the risks of disputes arising.

While, the LHG Live case is slightly unusual, as it relates to the fact that Sally Reynolds believes that the adjustments should have been more extensive, rather than not offered, it raises a number of important risk control points, which may assist other service providers in avoiding disputes. One point is the benefit of positively anticipating the needs of customers when designing premises, websites, service delivery plans and other aspects of customer interface, such as terms and conditions, as opposed to addressing such issues retrospectively following customer requests.

The Equality Act expects providers to take anticipatory measures, and many organisations delivering services to the public, across all sectors, to have successfully mitigated the risks of similar claims, by becoming 'clued up' about their duties under the Act. These organisations take steps to anticipate how the needs of their disabled customers can be effectively met. There is also evidence that improving disabled access and customer experience has additional commercial and reputational benefits for businesses, as improving access offers greater opportunities to attract a wider customer base.

Another issue is that, in any dispute relating to the provision or effectiveness of reasonable adjustments, the onus is on the service provider to show that the steps it has taken are reasonable, and that any decision not to offer an adjustment can be justified on the basis that it would be unreasonable to offer the adjustment. Therefore, where there is a potential dispute, service providers can also mitigate risk of litigation by carrying out a careful impact assessment of the impact on the affected customers, as well as any contra indications such as cost, practicality, health and safety issues and the implications for other service users.

In the event that any assessment raises questions about the reasonableness of implementing any adjustments, thought needs then to be given to whether any alternative solutions can be offered or whether further consultation needs to be carried out with the client to explain the situation and, if possible, reach a resolution. In many cases the situation will not be clear cut and there may need to be further investigations conducted following customer feedback. If alternative options are explored or offered, it is important to make sure that these are relevant to the disadvantage suffered by the consumers in question, or it is unlikely that these would be regarded as reasonable adjustments.

Finally, while in many cases appropriate solutions will be agreed, there may be cases where no agreement can be reached. In these cases, there is a risk that any argument by a provider that it could not offer the required adjustments, or could only offer a lesser solution, could be overturned by a court. There will be an onus on the provider to show that its decision is justified. In such cases a comprehensive audit trail explaining why issues such as practicality, cost and safety would have precluded any adjustment being made, will be vital.

Data Excerpts Courtesy of OUT-LAW/ Your daily need-to-know (2018), Julian Sladdin, Pinsent Masons

TOP TIP:

This case demonstrates an unusual challenge but can be directly compared with any service provided and the obligations of the service provider to meet their duties under the Equality Act 2010. So, how can you avoid challenge?

- Working collaboratively with disabled people can provide the knowledge and lived experience of varying disability and helps service providers to better understand the barriers to inclusion and the positive action that can be taken
- A strategic plan with regular reviews, audit trails and reports, which considers improvements, financial commitments and restrictive barriers that apply to the service may assist in the provision of evidence and justification should a challenge be made
- Employ an expert — Having someone within the service with the skills, knowledge and expertise to take a leadership role and advise management and staff as required will greatly assist to achieve effective and sustainable change
- Carrying out Equality Impact Assessments can be an extremely helpful exercise for all public service providers to ensure any change proposed is delivered in a way that will achieve positive outcomes for all equality groups (See Appendix 7 for additional guidance)

APPENDIX 2: CASE STUDY 2 — THE MATCHDAY EXPERIENCE

The journey and matchday experience will differ greatly for disabled people and whilst a non-disabled person cannot claim to know exactly how disabled people feel or what their experience is as a disabled person, we can endeavour to understand the barriers that apply and seek to remove them.

Highlighted in a dissertation 'The Beautiful Game, For Some or For All?: A Study of Disabled Supporters at Football Matches' (2016, Rory Fraser), was the account of a wheelchair user where arrangements had been made to make use of an Edinburgh stadium car park on a match day to reduce the journey to the entrance. However, this information was not communicated to the steward on the route advised. A dispute between the individual and the steward then ensued. The result was that the disabled supporter was not permitted vehicle access and thereafter was required to travel a substantial distance to reach the stadium. This journey was only possible for the individual due to the assistance of the person accompanying. The individual became extremely frustrated by the situation and did not have an enjoyable matchday experience. This case demonstrates how a challenge under the Equality Act could become a reality as the individual may have considered the approach of the steward as harassment. The steward being unaware of the arrangements made would unlikely be upheld in a court of law as reasonable justification. This situation, and the potential for challenge, could easily be avoided by ensuring all relevant personnel are advised of any exceptions made on a matchday.

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Although positive changes have taken place over the years to remove the many barriers which exist, there is much to be done to achieve an inclusive society. Below are some examples and solutions to consider. Although not exhaustive, they are provided to highlight some of the everyday barriers which may apply and what you can do to make a difference to the matchday experience of a disabled person:

- Access to the stadium; Is there accessible public transport provision which provides a short distance to travel with level and even access to the entrance?
If not, can you provide additional services, such as an accessible minibus or make exemptions to parking restrictions to assist?
- Do you provide a choice of seating with additional seats for family, friends or carers as required, to maximise the experience and ensure that all have a clear view of the match or any other activity?
If not, can you re-arrange seating or improve seating to enable choice?
- Are all routes to areas where refreshments are provided accessible?
If not, can you provide a refreshment service at suitably located positions to assist?
- Are key facilities, such as entrances and exits, parking and toilets accessible, and are these clearly signposted to ease wayfinding?
If not, can you improve/ provide these facilities in the short-term and could you further assist by providing a plan of the site and venue on your website and on match days to assist pre-planning and navigation?
- Do you provide assistive auxiliary aids to maximise the experience of those with hearing impairments?
If not, can you explore suitable auxiliary aids for use within your venue and provide in the short-term?

It is important to remember that disabled people have the same desires as others; the opportunity to enjoy choice, dignity, to share an enjoyable experience with family and friends and to fully participate in social and leisure activities. Whilst there may be some challenges faced in delivering change to remove barriers to enable this, we should always remember these are basic human rights!

TOP TIP:

Share experience and learning. Encourage management and staff to take the journey with disabled people to share the two-way experience first-hand. Compromise is key to finding suitable solutions and this can be achieved more easily if all parties understand the frustrations, barriers and restrictions that apply.

APPENDIX 3: CASE STUDY 3 — MEETINGS AND EVENTS

Sometimes it is easy to forget the pre-planning and organisation required to manage our day-to-day business. As the Director of Access Alba, I have been involved in many meetings, events and training sessions with disabled people. Let me share two examples from the early days, where things did not quite go to plan and the subsequent lessons learned.

Example 1: A meeting is organised. Attending this meeting are disabled people, with varying disabilities, wheelchair users, those less ambulant, people with hidden disabilities such as heart and neurological conditions, blind and partially blind, deaf and hard of hearing — some with assistance dogs. All the pre-planning is done to ensure that assistive aids, level access, accessible toilets etc are available, and information and presentations are accessible. Dog bowls and dog spending areas are also provided. Lunch for a variety of diets is provided. So, what went wrong?

Settling down for the meeting, the usual fire evacuation and facilities announcements are made, followed by an introduction of each attendee. No problems so far. Then the meeting starts, everyone is passionate (some angry) about the subject area, with many having a lot to say and few taking time to allow for all to participate and contribute. Despite the chairperson trying to manage the enthusiasm, asking people to kindly wait until the other has spoken, few took any notice. The attendees then forgot to introduce themselves as they spoke, meaning that some did not know who was speaking and some could not follow the fast and furious conversation. Then came the need for dogs to relieve themselves and the longer than anticipated breaks required to enable this.

Despite the pre-planning and thinking everything was in place, the grievous mistakes were not laying down some very firm rules about how the meeting would be managed and why from the outset. Explaining that for everyone to fully participate, patience and understanding would be required as well as a clear process of communication across all speakers. The second error lay with failing to anticipate the time lapse required for longer breaks. The outcome? The business of the day did not reach its conclusion and many left angry and frustrated. This did not assist the next meeting of this group, where some attendees had little respect and came ready for war!

Example 2: Training session — A residential training session is held. All preparations are in place, the accommodation has advised the venue and rooms are accessible, that a hearing loop is provided, and dietary requirements can be met.

The fatal flaw here lay with failure to check the accessibility of the venue. One delegate reluctantly decided to venture home on the first evening as it was impossible to transfer from his wheelchair to the bed. Hotel staff were approached but alas there was no suitable solution. Another delegate was locked in the accessible toilet for half an hour as it was not possible to reverse the electric wheelchair in the space provided. The hotel had not advised works would be carried out near to the training room during sessions and those using the assistive hearing loop were receiving substantial noise disturbance to the point of distraction.

Important lessons were learned from these experiences, and whilst it may be challenging to deliver a completely accessible meeting, event or training session, a checklist will greatly assist.

The following provides some areas to consider in the management of meetings and events:

- Advise attendees what support and assistance will be provided, i.e. auxiliary aids, alternative formats and dog spending areas
- Provide interpreters where possible
- Does the venue have a hearing loop system and is this infrared or portable? Both have positive and negative values, seek advice from an experienced person on the best option to meet your needs and be aware of intrusive noise
- Where possible ensure rooms are near to accessible toilets, that these are fit-for-purpose, and can be reached with ease
- Check that rooms and routes provide ease of movement and are free of trip hazards
- Ask someone who has an informed understanding of varying disabilities to assess the venue
- Extend the timing of the meeting, as required, to ensure full participation and contribution
- Plan for regular and longer breaks
- Set down clear rules at the outset to ensure all can participate and contribute on an equal basis
- Always ask whether a disabled person would like assistance and never single an individual out, i.e. stating 'can you speak louder because John can't hear you'. It is embarrassing for anyone to have a group stare at them or feel inadequate. Disability does not equal inability!

TOP TIP:

When arranging a meeting, event or training session do not make assumptions. There may be people attending who do not consider themselves disabled, but who may require the assistance of auxiliary aids, for example. Give yourself plenty of time beforehand and ask at the beginning of the planning process whether there are any support, assistance or dietary requirements.

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APPENDIX 4: ENGAGING WITH DISABLED PEOPLE

The following guidance is provided in the knowledge that each person is an individual. As such, a person-centred approach is required. Listening, absorbing and providing a considered approach will go a long way to ensuring a positive outcome when engaging with disabled people. Remembering that the person you are speaking to or delivering a service for is a human being with the same rights as others and who, therefore, deserves the same dignity and respect that you would award others.

TOP TIPS: ENGAGING WITH DISABLED PEOPLE

1. Always speak to or look at the person, not their carer, support worker or family member. See the person, not the disability.
2. Remember, a disability will not always be obvious. The individual may be deaf, or have a Learning Disability, for example. Be patient.
3. Inclusive communication is a two-way process. Make sure you are both understanding and being understood. Don't avoid asking someone to repeat something if you are not sure.
4. Don't assume that their lack of immediate response means that they don't understand. Some disabled people will need time to absorb your response or advice and to reply.
5. The disabled person may be nervous about approaching you or finding difficulty with the environment or language. Take time to ensure the best result.
6. If you are having difficulty being understood, ask if you can approach something differently. For example, ask the question in a different way or ask if the person would prefer an interpreter.
7. Don't assume 'apparent' ignorant or arrogant behaviours are intended. Understand the disability may be impacting on the individual's ability to engage in the way you might expect.
8. Don't assume that they have no knowledge of your business but do assume they may have less understanding of the restrictive confines in which you may need to operate. Create an understanding.
9. Always show respect — sometimes a disabled person will struggle with everyday tasks or communication. However, they have a right to manage their business independently, if they so choose.
10. Never give-up or lose patience. A little understanding will go a long way!

ADDITIONAL INFORMATION WHICH MIGHT HELP YOU FEEL MORE CONFIDENT WHEN MEETING, OR SPEAKING TO, DISABLED PEOPLE.

GENERAL

- When introduced to a disabled person, it is appropriate to offer to shake hands. People with limited hand use or who wear an artificial limb can shake hands too and will welcome your offer
- If you offer assistance, wait until the offer is accepted, then listen to or ask for instructions
- Treat adults as adults. Address disabled people only by their first names when extending the same familiarity to you or others
- Don't be embarrassed if you happen to use common expressions such as "See you later," or "Did you hear about that?" that seem to relate to a person's disability. Relax, they will use the same terminology
- Don't be afraid to ask questions when you have not heard, understood or you are unsure of what to do
- Encourage people to speak one at a time; if people are talking over each other some individuals may be at a disadvantage. However, this is also common courtesy which benefits all.

HELPFUL TIPS FOR COMMUNICATING WITH BLIND OR PARTIALLY SIGHTED PEOPLE

- Speak to the individual when you approach him or her to make them aware of your presence
- State clearly who you are; speak in a normal tone of voice
- Ask if you are being understood or if there is a way you can improve the way you are communicating
- When conversing in a group remember to identify yourself and the person to whom you are speaking
- Ask people to introduce themselves when they speak
- Never touch or distract an assistance dog without first asking the owner
- Tell the individual when you are leaving
- Do not attempt to lead the individual without first asking; allow the person to hold your arm and control her or his own movements, or allow them to provide other instruction as appropriate
- Be descriptive when giving directions; verbally give the person information that is visually obvious to individuals who can see. For example, if you are approaching steps, mention how many steps
- If you are offering a seat, gently place the individual's hand on the back or arm of the chair so that the person can locate the seat

HELPFUL TIPS FOR COMMUNICATING WITH DEAF OR HARD OF HEARING PEOPLE

- Gain the person's attention before starting a conversation (i.e. tap the person gently on the shoulder or arm or wave)
- Look directly at the individual, face the light, speak clearly in a normal tone of voice
- Keep your hands and other objects away from your face, especially your mouth! Use short, uncomplicated sentences.
- Do not over emphasise your words, this will change your mouth formation and make it difficult for the person to lip read
- If the individual uses a sign language interpreter, speak directly to the person, not the interpreter
- If you telephone an individual who is hard of hearing let the phone ring longer than usual. Speak clearly and be prepared to repeat the reason for the call, who you are and other communications as required
- If you do not have a Text Telephone (TTY), dial prefix 18002 followed by the full phone number, which facilitates the call between you and an individual who uses a TTY. Be prepared to be patient. A text-to-speech call will take longer http://ngts.org.uk/textrelay_index.php?focus=1&bookmark

HELPFUL TIPS FOR COMMUNICATING WITH WHEELCHAIR USERS

- If possible, bring yourself to an equal eye level
- Do not lean on a wheelchair or any other assistive device
- Never patronise people who use wheelchairs by patting them on the head or shoulder
- Do not assume the individual wants to be pushed —ask first
- Offer assistance if the individual appears to be having difficulty opening a door or with navigation
- If you telephone the individual, allow the phone to ring longer than usual to allow extra time for the person to reach the telephone

HELPFUL TIPS FOR SPEAKING TO PEOPLE WITH NEUROLOGICAL OR COGNITIVE DISABILITIES

- If you do not understand something the individual says, do not pretend that you do. Ask the individual to repeat what he or she said and then repeat it back
- Check you are being understood
- Try to ask questions which require only short answers or a nod of the head, where appropriate
- Pay attention, listen to what the individual is saying
- Do not speak for the individual or attempt to finish her or his sentences
- If you are having difficulty understanding the individual, consider writing as an alternative means of communicating, but first ask the individual if this is acceptable
- Ask the individual if it would be helpful to use their carer (if available) as an interpreter if you are still struggling to understand
- If you are in a public area with many distractions, consider moving to a quiet or private location where possible
- Offer assistance completing forms or understanding written instructions and provide extra time for decision-making. Wait for the individual to accept the offer of assistance; do not "over-assist" or be patronising
- Be patient, flexible and supportive. Take time to understand the individual and make sure the individual understands you

REMEMBER.....

- Relax
- Be friendly
- Be honest
- Listen to the individual
- Offer assistance but do not insist or be offended if your offer is not accepted

Always treat others as you would expect to be treated yourself — with dignity and respect!

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APPENDIX 5: DISABILITY ETIQUETTE

The following guidance is not exhaustive but provides an overview of appropriate language and was originally written by disabled people. It is provided in this document in the knowledge that people are individuals and may, therefore, have a preferred language which may differ from that stated. The use of certain language can also be subject to change. The aim is to avoid any language which is likely to cause offence.

| OUTDATED OR OFFENSIVE: | REASON(S): | CURRENTLY ACCEPTED: |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <i>"The anything" e.g. The blind The disabled The autistic</i> | Views people in terms of their disability; Groups people into one undifferentiated category; Condescending; Does not reflect the individuality, equality, or dignity of disabled people. | – Disabled people – Deaf people – Blind people – Partially sighted people – Person/ people with autism |
| <i>Handicapped</i> | Disabilities don't 'handicap' — attitudes, behaviour and non-inclusive design 'handicap'. | <i>Disabled people</i> |
| <i>The disabled</i> | An individual is a person before one is disabled. Society 'disables through non-inclusive design and barriers which prevent equality of opportunity. | <i>Disabled people</i> |
| <i>Admits she/he has a disability</i> | Disability is not something people admit to or needs to be admitted to. | <i>Says she/he has a disability</i> |
| <i>Normal, healthy, whole (when speaking about people non-disabled as compared to disabled people)</i> | Disabled people are also normal and whole. Non-disabled people can also be unhealthy for a variety of reasons. | <i>Non-disabled</i> |
| <i>Courageous</i> | Implies person has courage because they are disabled, as opposed to successful or an achiever. | <i>Successful, productive, achiever</i> |
| <i>Deaf and dumb Dumb Deaf-mute</i> | Implies incapacitation | – Deaf – Non-verbal – Hard of hearing – Person who does not speak – Unable to speak – Uses synthetic speech |
| <i>Hearing impaired Hearing disability Suffers a hearing loss</i> | Negative connotation of "impaired", "suffers" | – Deaf – Hard of hearing |
| <i>Slurred speech Unintelligible speech</i> | Stigmatizing | – Person/people with a communication difficulty – Person/people with slow speech |
| <i>Confined to a wheelchair Wheelchair-bound</i> | Wheelchairs don't confine; they make people mobile | – Uses a wheelchair – Wheelchair user – Person who uses a wheelchair |
| <i>Cripple Crippled</i> | From Old English, meaning "to creep"; was also used to mean "inferior"; Dehumanizing | – Disabled person – Physical disability – Physically disabled |
| <i>Deformed Freak Vegetable</i> | Connotes repulsiveness, oddness; Dehumanizing | – Multiple disabilities – Severe disabilities |

| OUTDATED OR OFFENSIVE: | REASON(S): | CURRENTLY ACCEPTED: |
|----------------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <i>Crazy, Insane, Psycho, Maniac, Nut Case</i> | Stigmatizing Considered offensive Reinforces negative stereotypes | – Behaviour disorder – Emotional disability – Person with mental illness – Person with a psychiatric disability |
| <i>Retarded, Retardate, Mentally defective, Slow, Simple, Moron, Idiot</i> | Stigmatizing; Implies that a person cannot learn | – Cognitive disability – Developmental disability |
| <i>Mongoloid</i> | Considered offensive | <i>Person with Down syndrome</i> |
| <i>Stricken/Afflicted by MS</i> | Negative connotation of "afflicted", "stricken" | <i>Person who has multiple sclerosis</i> |
| <i>CP victim</i> | Cerebral palsy does not make a person a "victim" | <i>Person with cerebral palsy</i> |
| <i>Epileptic</i> | Not "person first" language; Stigmatizing | – Person with epilepsy – Person with seizure disorder |
| <i>Fit</i> | Reinforces negative stereotypes | <i>Seizure</i> |
| <i>Birth defect</i> | Implies there was something wrong with the birth or person | <i>Congenital disability</i> |
| <i>Deinstitutionalized</i> | Stigmatizing; groups people into one category; not focused on the individual | <i>Person who used to live in an institution</i> |
| <i>Midget</i> | Outdated term; considered offensive | <i>Person of short stature</i> |

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APPENDIX 6: EQUALITY CHECKLIST

The Union of European Football Associations (UEFA) and Centre for Access to Football in Europe (CAFE) Access for All, Good Practice Guide offers extensive guidance on access to stadia.

Available at: <https://www.cafefootball.eu/en/access-all>

The Scottish Football Association provides a Disability Officer Handbook which equally provides helpful guidance on access, access auditing and formulating improvement.

However, as a quick checklist on disability equality, and accessibility, you could ask yourself the questions provided below. If you can say with confidence that the answer is yes to most of these questions, then you have or are taking positive steps to meet your obligations under the Equality Act 2010, and you are less likely to be challenged.

Remember, if you provide a service for non-disabled people that you do not provide for disabled people, then put simply, you are putting a disabled person at a disadvantage and MUST consider reasonable adjustment.

As a minimum, do the premises or venue provide the following which meet with recommended guidelines:

- An accessible approach?
- Designated accessible parking with clear signage?
- An accessible entrance with access thereafter to all public areas, whether horizontal or vertical?
- Accessible egress and assistive aids to evacuate where required?
- An accessible reception?
- An accessible toilet?
- Accessible seating?
- Auxiliary aids?
- Information in accessible formats?
- An accessible website?

Please see guidance, i.e. BS8300 'Design of an accessible and inclusive built environment' (see further reading on page 50) for recommendation on quantity as this will vary depending on the use and capacity of the premises or venue.

Do you have:

- An Equality and Diversity Policy/ Statement?
- A recruitment process that offers equality of opportunity whether people are employed with you or thinking about employment with you?
- Operational policies which ensure equality of opportunity?
- A strategic improvement plan, recommending short, medium and long-term improvements?

APPENDIX 7: EQUALITY IMPACT ASSESSMENT; SUMMARY GUIDE

The specific 'Duty' to carry out Equality Impact Assessments (EQIA's), as part of the obligations under the Equality Act 2010, relates to Public Sector providers, i.e. any part of the economy which is controlled by the state. However, an EQIA can be an extremely helpful exercise for all public service providers to carry out to ensure any change that you propose, whether it be physical, service delivery, policy or workplace practice, is delivered in a way that will achieve the best solution for differing protected groups. An EQIA involves the consideration of important contributory factors to change, which may have a positive, negative or neutral impact.

The information below provides a summary of areas that you might consider in the EQIA process. This summary does not provide a full explanation or guidance, but it should help you to consider the key elements of the process.

| Task | Description |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Framing the EQIA | <p>What is it? Consider the change you propose and scope it out in a workshop environment, involving officials who have an interest and those who will be affected by the change.</p> <p>Prepare a summary paper for discussion in advance. This will help you to consider and discuss the impact of the change. In the summary paper outline the proposed change, the reason for the change, target timelines and any connectivity to other areas to enable you to assess the wider impact as required.</p> |
| Key Findings | <p>Consider the data you have collected about the needs and experience of different groups. Consider how the change will affect these groups. Consider how you can eliminate or lessen any negative impact. Remember to consider the impact in relation to direct or indirect discrimination.</p> |
| Decision Making | <p>If there is an adverse impact on a protected group, the presumption is that the adverse impact will be mitigated or removed. However, any actions taken should be proportionate.</p> <p>It may not always be practical or cost effective to take significant steps that will result in a minor effect on outcomes for certain protected groups. Judging what is proportionate will entail considering the scale, likelihood and severity of the impacts identified, what the change is trying to achieve, and the resources required to act.</p> <p>However, it is important to remember that you will need to be able to justify not taking action to mitigate or remove negative impacts/ outcomes which have been identified.</p> |
| Monitoring and Review | <p>You should establish monitoring and evaluating processes to periodically assess if, and how, the change is affecting the diverse needs of the target audience. It is important to decide:</p> <ul style="list-style-type: none"> – Who will be responsible for the monitoring and evaluation process – What is being monitored – When it will take place – How the monitoring and evaluation will be undertaken, i.e. workshops, surveys, questionnaires – What indicators or targets you are using – How you will report on progress |

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APPENDIX 8: SUPPORTING ORGANISATIONS

The following organisations may be able to provide support:

Action on Hearing Loss, Palantypists or Speech-to-Text Services: <https://www.actiononhearingloss.org.uk/how-we-help/support-and-care/communication-support/speech-to-text-reporters/>

British Blind Sport: <https://britishblindsport.org.uk/>

Centre for Access to Football in Europe (CAFE): <http://www.cafefootball.eu/>

Cerebral Palsy Sport: <http://www.cpsport.org/>

Deaf Action, BSL Interpretation Services: http://www.deafaction.org/our_services/englishbsl-interpreters/

Dwarf Sports Association UK: www.dsauk.org/

Level Playing Field: <http://www.levelplayingfield.org.uk/>

Mencap Sport: <https://ukdeafsport.org.uk/>

Scottish Disabled Supporters Association: <http://scottishdsa.co.uk/>

Union of European Football Association (UEFA): <https://www.uefa.com/>

WheelPower: <https://www.wheelpower.org.uk/>

APPENDIX 9: GLOSSARY

Accessible — Every disabled person is an individual, therefore, the definition of accessible can be variable. For some disabled people, disability is something they have lived with from birth; for others it may be a condition which occurs later in life. The psychological impact of becoming disabled suddenly can drastically impact a life which has been lived without previous barriers to access; therefore, the process of adapting can be frightening and frustrating. Similarly, a person who has lived with a disability from birth may well have been subject to lifelong disadvantage through a lack of access to opportunity, education, travel, work and social engagement.

Whilst it may be difficult to determine how disability affects an individual, we can work towards raising awareness and seek to implement good practice and improvements, consequently creating a more integrated and inclusive society.

Access Audit

An Access Audit is a means of assessing the accessible features of an environment (building or external area) and services. It will consider the environment and method of service delivery to meet the needs of existing and potential users. This can be staff, visitors or customers. It is a process through which potential barriers to access can be identified and recorded, and thereafter recommendations for improvements. These recommendations are made based on 'reasonable adjustment' and are made in a way that the person responsible for the site, building or service, can consider the improvements through a strategic improvement plan and/ or a building maintenance programme.

Access Statement

An Access Statement can be a document which describes the design and layout of a building and its accessible features. This is normally used to provide public information. However, the term Access Statement is also used in the provision of a supplementary information for the purposes of a planning application or building warrant. It may be used to outline the accessibility of a design proposal or as a justification document in a request to obtain an exception to Building Regulation Standards.

Design Appraisal

A Design Appraisal provides a practical approach to inclusive design where an environment, that everyone can access, use and enjoy. It should be a consideration from the beginning of the design process. A Design Appraisal will help consider any proposal in its entirety including, layout, functions and suitable colour contrast, for example. This will ensure that any design is fit-for-purpose, accessible, sustainable and will benefit society now, and in the future.

Disability is defined in the Equality Act 2010 as 'a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities'.

Detailed guidance is provided in the Equality Act 2010. However, as a summary reference the following explanations may assist:

- Long term = more than 12 months
- Substantial = more than minor or trivial
- A small number of conditions automatically meet the definition from the point of diagnosis, i.e. cancer, HIV and MS

However, every disabled person is an individual and will therefore have differing confidence and need to carry out day-to-day tasks independently. Two people with the very same condition will require support unique to their circumstances. It is for this reason that effective communication with the individual and their families or carers is critical to developing an understanding of the barriers they face and what service providers can do to enable independence.

Disability Awareness — Creating an understanding on how disability may affect an individual, what challenges a disabled person faces in everyday life and what 'we' can do to remove barriers, promote equality and create an inclusive society.

Disability Equality — Understanding the rights of disabled people and the legislation that exists to protect those rights.

Equality Act 2010 — The Equality Act 2010 brought together all anti-discrimination legislation into one Act. It includes the following protected characteristics; age, sex, religion or belief, gender reassignment, disability, race, sexual orientation, marriage and civil partnership and pregnancy and maternity. It supersedes the Disability Discrimination Act (DDA). The Equality Act places a duty on employers and service providers to make "reasonable adjustments" to premises or services, to overcome barriers that disabled people may face.

Equality of Opportunity — Equality is described as 'the status of being equal, especially in status, rights or opportunities.' It does not mean that all people are the same, or should be, it does not mean all people want to live the same and it does not mean all people have the same ability. What it does mean is that all **disabled people should have the opportunity to choose how and where they live; and, have the same right to education, work and a social life** — the ability to choose the life they want to live and achieve their goals the same as others.

National Register of Access Consultants (NRAC)

NRAC is an independent register of accredited Access Auditors and Access Consultants who meet professional standards and criteria established by a peer review system. It is a UK-wide accreditation service for individuals who undertake access auditing and access consultancy.

The NRAC website is available at: www.nrac.org.uk

A full list of Access Consultants and Access Auditors who provide services in Scotland is available at: <http://www.nrac.org.uk/members/search/results/eyJyZXN1bHRfcGFnZSI6IiwvVtYmVyc1wvc2VhcmNoXC9yZXN1bHRzliwic2VhcmNoOmNmX21lbWJlcnNfd29ya19hcmVhcyl6IiNjb3RsYW5klnO>

Reasonable Adjustment

The duty to make reasonable adjustments, under the Equality Act 2010, aims to remove barriers that prevent disabled persons from integrating fully in day-to-day life. Public service providers and employers are required to make 'reasonable adjustment' to any of their provisions, criteria, or practices, that place a disabled person at a disadvantage compared to a non-disabled person.

The Social Model of Disability

The Social Model of Disability transfers the onus of responsibility from the individual to 'society'. It identifies systemic barriers, negative attitudes and exclusion by society (purposely or inadvertently). A **person** is not **responsible** for **their disability**. **'We'** are **responsible** for **removing the barriers** which exist to promote inclusion and empower, creating a society where equality of opportunity can be realised.

APPENDIX 10: FURTHER READING

A Guide to Business and Human Rights (2014), Equality and Human Rights Commission. Available at: <https://www.equalityhumanrights.com/en/publication-download/guide-business-and-human-rights>

Access for All: A good practice guide to creating an accessible stadium and matchday experience (2011), UEFA and CAFE. Available at: <https://www.cafefootball.eu/access-for-all-guide>

Access for All: Opening Doors (2015), English Federation of Disability Sport. Available from the Centre for Accessible Environments at: <https://cae.org.uk/product/access-for-all-opening-doors/>

Access Statement, Dunbar Battery (2017), Access Alba. Available at: <http://accessalba.com/wp-content/uploads/2017/12/Dunbar-Battery-Access-Statement.pdf>

Accessible Communication Formats (2014), Office for Disability Issues (ODI). Available at: <https://www.gov.uk/government/publications/inclusive-communication/accessible-communication-formats>

Accessible and Inclusive, Facility Design Guidance, sportscotland. Available at: <https://sportscotland.org.uk/facilities/design-guidance/guidance-by-facility-type/accessible-inclusive/>

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BS8300 – Part 2: Design of an accessible and inclusive built environment (Buildings) (2018). Code of Practice. Available from the British Standards Institution at: <https://shop.bsigroup.com/ProductDetail/?pid=00000000030335835>

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Please check that you are referring to the latest version of the above documents when used as many are subject to continual revision.

Disclaimer:

This document provides guidance on Disability Equality. However, it does not intend to provide legal advice. It is recommended that you seek further advice to establish your full obligations, responsibilities and appropriate action on any legal matter that may arise.

This document was written by Access Alba on behalf of the Scottish FA.

About Access Alba

Access Alba has many years of experience delivering bespoke services to clients in the public, private and third sector. Our Specialist Access Consultancy Services includes the provision of Access Audits, Access Statements, Design Appraisals, Easy Read translation services and training on Disability Equality and Access Auditing.

How to Contact Us:

Yvonne Wemyss, Director
Tel(M): 07898 424202
Email: info@accessalba.com
Website: www.accessalba.com

Published 2019 by the Scottish FA



WWW.SCOTTISHFA.CO.UK
HAMPDEN PARK | GLASGOW | G42 9AY



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