

# **GWYNEDD COUNCIL**

## **ACCESS POLICY**

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## **Section 1 – Introduction**

The Disability Discrimination Act 1995 introduced a number of new duties and responsibilities aimed at ending the discrimination which many disabled people face. The Act provided disabled people with new rights in the areas of:-

- a) Employment
- b) Access to goods and services
- c) Buying or renting land or property
- d) Education
- e) Public transport

The Disability Discrimination Act (DDA) was passed by Parliament on **8<sup>th</sup> November 1995** and the first rights came into force on **2<sup>nd</sup> December 1996**. The first stage of the Act made it unlawful to discriminate against a disabled person in the field of employment. Since **October 1999** service providers have had to make reasonable adjustments for disabled people, such as providing information in different formats, help by making changes to the way they provide their services. **Since 1st October 2004** service providers need to make reasonable adjustments to the physical features of premises and other public areas.

**In 2005** the legislation was extended further. According to the Act public authorities are required to give 'due attention' to their duty to disabled people. Due attention includes two connected elements: proportionality and relevance.

The Statutory Code of Practice states "Disability Equality will be more relevant to some functions than others. Public authorities will have to take care when assessing relevance, since many of their official areas of work are likely to be relevant to disabled people.

Proportionality requires giving more attention to disability equality in relation to functions or policies which have most impact on disabled people. ... It will not always be possible for authorities to adopt the way of working which best promotes disability equality, but public authorities must ensure that they give due attention to

the requirement to promote disability equality alongside any other requirements that compete for attention.”

The act also compels public bodies to take corporate responsibility over Disability Equality by providing a Disability Equality Scheme, explaining how they will promote Disability Equality in all the areas of their responsibility. The Gwynedd Disability Scheme pays special attention to access matters. The Council will therefore make every effort to facilitate accessibility for all. It must be recognised, however, that it will not always be reasonably possible to do this. Factors such as physical problems, financial costs, listed buildings etc can make changes difficult or impossible in some cases.

In view of this legislation and an increased awareness disability needs it is of the utmost importance that Gwynedd Authority leads by example. Accepting and acting upon the Access Policy would be an affirmative step in the right direction.

For further guidance and information on specific regulations see the attached Advice Note

Although the main aim of this policy is to ensure equal access for disabled people it will also improve access for everyone especially older people and families with young children.

## **Section 2 – General**

Many people, due to age, illness or disability may require specific adjustments in the way that services are delivered to them, to ensure that, as far as reasonably possible, they are not disadvantaged in comparison to other customers.

In order to explain who is covered by the legislation, the Code of Practice to the 2005 Act states that a person is disabled when:-

That person has a physical or sensory impairment or mental illness or learning difficulty having substantial, adverse, long term effect on day to day activities including:-

- \* Mobility
- \* Manual dexterity
- \* Physical co-ordination
- \* Contenance
- \* Blindness / visual impairment
- \* Deafness / hearing impairment
- \* Ability to lift, carry or move everyday objects
- \* Ability to perceive the risk of physical danger
- \* Ability to memorise or concentrate
- \* Ability to learn and / or understand
- \* Speech impairment.

People do not have to be registered disabled to qualify for recognition as such. An injury, accident or illness can impair people temporarily and affect anybody at some time in their life. Someone experiencing a temporary impairment of less than 12 months (such as a broken limb) does not meet the definition of being a disabled person under the DDA. It should also be noted however that providing for disabled people could assist other users who are not disabled e.g. people pushing prams or pushchairs or carrying heavy luggage..

The Council will therefore:-

- a) Promote commitment to equal opportunity for disabled people through monitoring and acting upon the Authority's Disability Equality Scheme.
- b) Establish a reasonable barrier-free environment that will not exclude disabled people, but will positively encourage integration of disabled people and non-disabled people.
- c) Encourage and stimulate people and agencies to provide equitable access to buildings, services and information for all members of the community. It should be ensured that all contracts with third parties include provision for disabled people.

### **Section 3 – Pedestrian Environments**

Careful design and adequate maintenance of the pedestrian environment is particularly important for disabled people. Badly laid out and poorly maintained pavements are hazardous to everyone in the community but particularly to people with a physical impairment. In order to maintain minimum clear widths for pedestrians the positioning of street furniture and shop displays is very important.

Significant improvements to mobility can be achieved by providing adequate pedestrian crossing points to required standard (controlled and uncontrolled as necessary) which are accessible to everyone.

The need for careful consideration when planning parking facilities for disabled people is particularly important. A centralised area within a community gives greater freedom of movement to all the available amenities, rather than a parking area location at one or more of the extremities. There are guidelines which may be followed in this respect.

Providing suitable benches in appropriate locations on route from car parks and in public areas would benefit everyone.

A barrier-free environment will benefit not only disabled people, but the community as a whole e.g. older people and parents with pushchairs etc. Any illegal signs, goods or other articles placed on the highway, which constitute an unreasonable nuisance and obstruction, should be removed from the highway immediately.

Where it is not possible to gain voluntary co-operation an obstructing sign may be seized and removed by the Highway Enforcement Officers, using powers under the Highways Act 1980. These may be returned upon payment of an administration charge. Goods and other articles may be seized under the same powers or a Magistrates Court Order may be applied for, to secure the removal of certain items from the highway.

Access Statements should to be provided with all Planning and Building Control Applications. This imposes a duty on developers

to make sure that all developments are inclusive and accessible for disabled people.

When planning a pedestrian environment from the start it would be good practice to consult with disabled people (see chapter 12) especially in larger impact projects.

The Council will therefore:-

- a) Take reasonable steps to ensure that all new and / or upgraded pedestrian environment works are designed to meet the needs of disabled people.
- b) Achieve adequate standards of accessibility and lighting within pedestrian areas.
- c) Provide adequate parking facilities (within available resources) for disabled people where most appropriate to facilitate best possible access to the available amenities within the community.
- d) Ensure that information e.g. signs, notices etc are clear, bilingual and situated at locations most suited to fulfil their function and with consideration to the difficulties experienced by people with physical or sensory impairments
- e) Undertake a detailed assessment of the situation regarding items placed illegally on the highway (e.g. tables, chairs and A boards) with a view to formulating policies while complying with its various statutory duties.
- f) Continue to ensure that all street works and road works are safe and that drivers and pedestrians are informed well in advance about the nature of any obstructions. The Authority must pay particular attention to the needs of disabled people.



## **Section 4 – Access to Buildings**

In this section “buildings” mean buildings where Council staff work or which are used to provide services to the public. This section does not relate to Council Houses or any other dwelling owned and rented / leased out by the Council.

The provision of access into buildings should always mean, where reasonably possible, that all customers can receive equal service, obtained independently, without the need to rely upon others for assistance. Where this is not physically possible the Council should provide appropriate alternatives.

The Council delivers a wide range of services from a number of buildings within the county. In order for people to obtain satisfactory service, it is necessary, whenever practicably possible, for all members of the community to gain access to the service points within those buildings. If it not possible, then equal service must be provided at an alternative location.

Many of the buildings currently used were built a number of years ago when the needs of disabled people were not taken into consideration. Even fairly recently constructed buildings do not always conform to the requirements of the Disability Discrimination Act.

It is most important that every effort is made to improve the access to a building whenever any alteration, however small is made.

Consideration needs to be given to the geographical location of the buildings as well as:

- their ease of identification,
- the means of car parking,
- the ease of access to the main entrance,
- the ease of access into the building,
- the ease of access within the building
- the way services are being provided for customers.

The Disability Discrimination Act 1995 places an obligation upon all Service Providers to make their services accessible to disabled people. This cannot be done within inaccessible buildings.

Access Statements should to be provided with all Planning and Building Control Applications. This imposes a duty on developers to make sure that all developments are inclusive and accessible for disabled people.

When planning new buildings or changing and improving existing buildings it would be good practice to consult with disabled people from the start. (see section 12).

The Council will therefore:-

- a) Identify deficiencies in buildings and premises and initiate a program, based on priority, for improvements of access to the said buildings and premises, including the parking facilities and toilets (if any), except where it is not in the circumstances both reasonable and practicable to do so.
- b) Ensure full consideration is given to the provision of access whenever refurbishment of premises is taking place and that existing accessible routes are maintained at the same level or, wherever practicable, improved.
- c) Take every opportunity of using its influence with non-statutory organisations, including commercial and professional agencies to increase the awareness, understanding and implementation of access standards.

#### Section 4.1 Alteration to the Public Highway (Provision of Access Ramps)

Access provision for disabled people should preferably be facilitated outside the highway limits wherever possible, either by internal ramp or wheelchair lift. Moving the entrance to a suitable location or providing a ramp in the forecourt area not forming part of the public highway may be necessary even though this solution may prove more expensive.

If there is no alternative, then an access ramp may be authorised in the highway, subject to certain criteria, under the licensing procedure allowed by Part VIIA of the Highways Act 1980.

Before consideration is given to any request for an access ramp that would encroach on to the highway, the Authority Access Officer and Building Control Officer must certify that all other alternatives outside highway limits have been examined but these have not proved feasible.

The Authority is not obliged to agree alterations to the highway which would amount to an obstruction or create difficulties for other road users including disabled persons or owners of adjoining buildings.

Where there are proposals to alter the highway a formal application must be made to the Highways Authority for consent prior to undertaking the works. Each application will be given careful consideration, judged on its merits and the factors taken into account in determining the proposal.

The Council will therefore:-

- a) Consider the need for alterations to the highway when it is not possible to provide access within the building on private land.

## **Section 5 – Egress From Buildings**

In this section “buildings” mean buildings where members of staff work or which are used to provide services to the public. This section does not relate to Council Houses or any other dwelling owned and rented/leased out by the Council.

When services are provided on floors other than the principal entrance storey and mechanical means such as lifts are used, people with certain impairments and in particular, wheelchair users, are at risk if an emergency situation should arise.

Good access should also include safe egress and provisions must be made to ensure the safety of customers and employees alike.

Access Statements should to be provided with all Planning and Building Control Applications. This imposes a duty on developers to make sure that all developments are inclusive and accessible for disabled people.

When planning new buildings or improvement to existing it would be good practice to consult with disabled people (see section 12).

The Council will therefore:-

- a) Make adequate provision for disabled people to safely escape from the buildings or premises in the event of a fire or other emergency.
- b) Ensure by means of adequate training that all designated staff are fully aware of the evacuation procedures for disabled people in the event of an emergency.

## **Section 6 – Access to Leisure, Recreation and Community Facilities**

Leisure, recreation and community facilities are high profile services and should always be available to all members of the community, regardless of their needs, or their perceived ability, to use them.

It is important to note that many older and disabled people may wish to participate in all aspects of leisure and recreational activities, if only from a spectator's position and therefore equal access should always be provided.

Improvements can always be made to facilitate greater access at existing premises and locations, often at little cost, but it is acknowledged that certain constraints can make such improvements difficult. However, all effort should be made to find a reasonable and cost-effective means of achieving these.

There is however, no excuse for providing sub-standard facilities when buildings are newly constructed and as such all new leisure, recreation and community facilities should be designed to meet the needs of all members of the community.

When the Council provides services in public buildings (e.g. a Youth Club in a community centre) it should be ensured that the access into, within and egress from the building is suitable.

When making new plans or changes it would be good practice to consult with disabled people at the start (see section 12).

The Council will therefore:-

- a) Ensure that all new facilities are designed to be equally accessible for everyone.
- b) Identify deficiencies regarding access for disabled people that exist in current facilities and develop a prioritised programme of works to remedy them.
- c) Ensure that toilets, showers and changing facilities, where provided, are suitable for use by disabled people.
- d) Consult with disabled people on developments and seek their advice on how their needs could be accommodated.
- e) Ensure that any public buildings used are, as far as possible, accessible to all.
- f) A publicly available list of buildings and their access should be provided

## **Section 7 – Access to Information**

Many disabled people are denied access to information because of the manner in which it is presented. Instead they rely on others to interpret it for them or, often, they do not receive it at all. When the information is of an important nature, e.g. bills, benefits, allowances or personal communication the customer should be able to understand and respond to it independently.

To ensure that customers who need assistance or communication support are aware of the services available, the Council should take reasonable steps to inform all customers of the availability of the services offered. Customers who have specific needs are unlikely to register them or make use of any of the services offered unless they are aware that assistance is available.

People that are blind or partially sighted find written information difficult or impossible to understand, as do people with some other impairments. Many people have failing sight and would benefit from bilingual information being presented in an alternative format, e.g. large print, cassette tapes, CD or Braille.

People with hearing impairments often find it hard to make themselves understood and their needs are often unmet. The use of Minicom, faxes, e-mails or text messaging is becoming widespread and these alternative methods of contacting the Council should be used otherwise people with hearing impairment may be at a severe disadvantage. Any installed equipment must be regularly maintained and staff adequately trained in its use.

To ensure that information is successfully given at reception desks, cash counters, meetings or other public service points, the provision of hearing induction loops and staff with disability equality training is of utmost importance.

All sources of information must be adequately signposted and properly identified. Factors such as location, bilingual, size and tonal contrasting must be fully taken into account.

Gwynedd Council's corporate website ([www.gwynedd.gov.uk](http://www.gwynedd.gov.uk)) provides information about the Council's services. More and more on-line services will be developed over the next few years in order to encourage people to use the self-service option whenever they wish to do so. Because of this it is important that the information presented on-line is accessible to all sectors of society. The WAI (Web Accessibility Initiative) is responsible for drawing up guidelines and setting standard on how to develop websites in a way that conforms to the requirements of the Disability Discrimination Act 1995. At this time [www.gwynedd.gov.uk](http://www.gwynedd.gov.uk) conforms to the WAI Level A standard.

It would be good practice to consult with disabled people on the type of service they need (see section 12).

The Council will therefore:-

- a) Identify deficiencies in the existing information service available to disabled people. It is the responsibility of every individual service to provide as necessary.
- b) Every service should be prepared to provide information documents bilingually and in different formats, e.g. large print, tape, CD, Braille, Easyread etc. according to the need.
- c) Provide alternative means of contacting the Council.
- d) Provide, where necessary, additional support such as communication support (induction loop system, pa equipment, sign language interpreter, Palantypist, notetaker etc), advocacy, orientation etc at meetings, functions, public meetings etc. Attendees should be encouraged to provide information about any additional needs (see Equality and Language pages on the Council website).
- e) Ensure that all information points are adequately signposted and identified



- f) Ensure that all speakers at meetings are disability aware and understand the need for papers in alternative formats etc.
- g) Ensure that all front line staff receive Disability Equality Training and appropriate specific impairment training.
- h) Constantly improve accessibility on the Council website ([www.gwynedd.gov.uk](http://www.gwynedd.gov.uk)) and attempt to reach AA (WAI) standard wherever this is possible.

## **Section 8 – Transport**

For many disabled people the public transport system is not adequate to meet their needs. Buses, taxis and trains currently operating are generally not accessible to people with mobility difficulties and people with a visual impairment can also find the experience of using public transport a difficult one.

It is extremely important that all new transport strategies include full provision for disabled people. This must include the whole transport infrastructure i.e. access to the picking up and dropping off points for all public transport vehicles, including taxi ranks that are within a short distance from the town centres etc.

For the many disabled people who are unable to drive their own vehicle it is imperative that all forms of public transport are available and accessible to them.

It would be good practice to include disabled people from the start in any transport schemes. (see section 12)

The Council will therefore:-

- a) Make reasonable endeavours to ensure that all new public transport systems are accessible to all members of the community.
- b) Use all powers available i.e. licensing etc to ensure that the providers of transport services are fully aware of the needs of disabled people and that reasonable provision is being made.
- c) Take reasonable steps to ensure that disabled people are informed of services that are available to them.

## **Section 9 – Education**

Attendance of disabled pupils at a mainstream school can be an important factor in overcoming prejudices and stereotyped images of disabled people.

It is acknowledged that pupils with a physical impairment should have the same right to choose which school they attend in the same way as non-disabled children and all reasonable steps should be taken to ensure that parental preference in respect of choosing a school are equal in respect of disabled and non-disabled children.

For many children with a physical impairment the lack of access to the local school can lead to a breakdown of relationships with their peers. This can extend to out of school activities as it is difficult to maintain friendships when one does not attend the same school.

It is a fact that children who grow up alongside disabled children are far less prejudiced about disability and perhaps more importantly, are far more aware about the needs of disabled people.

It is recognised that all children will attend a mainstream school unless there are particular reasons which would mean that the needs can only be satisfied in a special school setting.

Whilst it is recognised that there is still a need for separate schooling for children with specific additional learning needs, this is not the case for children who have a physical impairment only.

Access should also be provided for disabled parents and guardians in all schools to be able to attend meetings and other events. Information should be provided in alternate formats as necessary.

It would be good practice to consult with disabled people about education matters (see section 12).

The Council will therefore:-

- a) Ensure that wherever possible a fully integrated education system is available to all children in the County.
- b) Ensure that appropriate pupil support is provided wherever reasonable and practicable to allow disabled children the same educational choices as non-disabled children.
- c) Examine the current levels of access to all educational buildings within the County and implement a programme of prioritised access improvements, according to resources.
- d) Provide educational information in alternative formats as required including that for parents, teachers and governors.

## **Section 10 – Employment**

The barriers of prejudice and misconceptions about the potential of disabled people, coupled with the generally poor access provision to places of work and lack of flexible working practice can make it more difficult for disabled people to find employment. People with a long-term illness can also face problems in this area.

The Council is committed to implementing a comprehensive equality policy which provides the same opportunities for everyone. The council has confirmed its commitment to the Disability Symbol since 2007. It works to ensure equality for disabled people when applying for posts, working from day to day and responding to any changes in circumstances. It monitors the numbers employed and applying for posts, and compares the figures against similar establishments.

The Council will therefore:-

- a) Continue to develop a Returning to Work following Illness Policy.
- b) Continue to monitor numbers of staff and applicants for posts who declare themselves disabled.
- c) Continue to work to create a regime which is flexible regarding hours, locations and work arrangements for all Council staff and which has the potential to promote opportunities for disabled people.
- d) Implement a prioritised programme of access improvements to ensure that, at the earliest opportunity, all buildings meet a reasonable level of access that will enable disabled people to be employed.
- e) Consult with Disability Groups to increase the employment opportunities with the Council for disabled people.
- f) Give training on disability matters to all member of staff involved in recruiting and appointing staff in order to

ensure that the post requirements do not impede disabled applicants.

- g) Advertise posts through disabled groups.

## **Section 11 – Disability Equality Training**

Non-disabled people often have very little experience of disability and as such have numerous misconceptions, even have fears of disabled people.

If services are to be delivered effectively Disability Equality Training should be made available for all Members and staff, but particularly for those members of staff who have contact with the public and for policy-makers and decision makers. Gwynedd Council has acknowledged the importance of Disability Equality Training by making it an essential requirement for all members of staff under the corporate training matrix.

Gwynedd Council's Disability Equality Training is delivered through e-learning and face-to-face sessions. The training is based upon the Social Model of Disability which states that it is social barriers that create disability and not impairments. A simple example of this would be that it is the design of a building which creates barriers for some individuals and not their impairments.

The Council will therefore:-

- a) Provide disability equality training: Gwynedd Council has identified equality training (which includes a specific disability equality module) as being relevant to all members of staff through the corporate training matrix.
- b) Continue to ensure that the staff induction programme contains an introduction to equality
- c) Continue to provide equality and diversity training to elected members.
- d) Support services within the council who have indentified the need for more specific and specialist training. This is provided within the corporate training matrix and also the Lifelong Learning Service provides specific disability equality training for leisure centre staff.

## **Section 12 – Consulting with Disabled People.**

Disabled people are best placed to define their own needs therefore it would be good practice to seek their opinion when planning services, buildings or facilities.

The Council Disability Equality Officer can help you get in touch with the Disability Core Group (users group) Staff Disability Forum or Clebran (young people's group).

Information about previous consultations, Disability Core Group and Disability Staff Forum minutes are on the intranet for information. The Equality and Language button is on the front page.

(See also section 13 for information about Access Groups).



### **Section 13 – Access Groups**

Local Access Groups, whose members possess personal knowledge and experience of disability issues, are an essential source of information and a valuable source of constructive criticism. It is good practice to consult with the groups on schemes.

They do however, need continued support and encouragement and the Council should make every effort to ensure their continued existence.

The Council will therefore:-

- a) Support and encourage the continuing existence of the Local Access Group through attending meetings and giving practical support where possible.
- b) Assist the Groups, through the Access Officer, to identify impediments to community access and to work towards their removal.

## **Section 14 – Sponsoring and Commissioning**

When the Council provides grants or commissions services a commitment should be given that the third party will conform with Council policies regarding disability equality.

The Council, in aiming to create an environment which is accessible to all, must try to convince many businesses and organisations to carry out access improvements to their buildings and premises. They should be encouraged to provide suitable information and services and ensure an inclusive environment.

Many such alterations can be achieved with minimum difficulty but most people object on the grounds of cost, although this may be minimal.

Accessible shops, offices, churches, community centres etc, make good commercial sense and the Council should encourage this.

The Council will therefore:-

- a) Investigate for potential schemes which would give financial assistance to organisations and local businesses who need to carry out necessary adaptations to buildings and which would, when completed, improve access for all members of the community.
- b) Assist local businesses and organisations who are attempting to improve access facilities by co-ordinating efforts.
- c) Ensure that contracts include a commitment from third parties to conform with the Council's policies regarding disability equality.

## **Section 15 – Polling Stations**

Polling stations are predominantly located in schools, village halls, and community centres, which were largely designed and constructed some time ago, when the particular needs of disabled people were not considered.

As a result, these buildings present significant problems for disabled people who turn out to vote, in some cases these problems can deter a disabled person from voting altogether.

It is also important to remember that improving access to these buildings will have the additional benefit of making them accessible to all members of the community for all other activities that take place within them.

Alternative formats of voting should be provided e.g. large print voting papers and textured voting methods. Also the provision of an accessible kiosk for wheelchair users.

The Council will therefore:

- a) Identify the level of access to all existing Polling Stations.
- b) Implement a prioritised programme of works to ensure that Polling Stations are made accessible to all members of the community, when practicably possible to do so. It must be remembered that the Council does not own some of these buildings.
- c) Seek to find alternative buildings, where possible, when existing buildings are unsuitable or unreasonable to adapt.
- d) Ensure that all new Polling Stations are accessible.
- e) Provide alternative formats of voting, while maintaining an equal level of privacy for all voters.
- f) Provide Disability Equality Training for all staff

## **CONCLUSION**

In recent years the Council has proceeded with progressive policies aimed at disabled people. In spite of the progress, it is important not to rest on our laurels and there is a need to build upon what has already been achieved.

It is important that Gwynedd Council is in the forefront with disability issues and is seen to meet the needs of all people living in the County and sets examples of best practice for others to follow.