

Workplace Access Audit



Introduction

The aim of the audit is to assist the client in meeting their duties under the Equality Act 2010 (formally the Disability Discrimination Act (DDA) 1995 and 2005).

In making any recommendations within the Audit, the Auditor would consider the four basic strategies outlined within the relevant guidance documentation on the Equality Act 2010. For example, where a barrier to access has been located, they would consider:

- Removal of the physical feature that is a barrier to access, or
- Alteration of the barrier so it no longer has that effect, or
- Provision a reasonable means of avoiding the feature, or
- Provision a reasonable alternative method of making the service available.

The references used in the Audit are:

- BS 8300-1: 2018 Design of an accessible and inclusive built environment – Part 1: External environment – Code of Practice
- BS 8300-2: 2018 Design of an accessible and inclusive built environment – Part 2: Buildings – Code of Practice
- The Building Regulations (Part M) – Access to and use of buildings
- Guidance from The Centre of Accessible Environments
- Equality Act 2010: Statutory Code of Practice: services, public functions, and associations

Legislative Background

The Audit focuses on the service provision duties under Parts 3 & 4 of the Equality Act 2010 only and the Audit itself covers the common areas of the premises made available to members of the public. The report does not examine non-public areas such as plant room, or tenanted areas unless by specific request.

The purpose of the Equality Act 2010 is to bring in measures to prevent discrimination against disabled persons. Parts 3 & 4 are based on the principle that people with the protected characteristics set out in the Act should not be discriminated against when using any service provided publicly or privately, whether that service is for payment or not.

A disabled person is defined by the legislation as a person who has “a physical or mental impairment which has a substantial or long-term adverse effect on a person’s ability to carry out normal day to day activities”. Different types of disability can include mobility, sensory, manual dexterity as well as long term health conditions.

A service provider discriminates if:

- It treats a disabled person less favourably for a reason relating to that person’s disability and without justification (the ‘less favourable treatment duty’)
- It fails to make reasonable adjustments for a disabled person and without justification (the ‘reasonable adjustments duty’)

The “less favourable treatment duty” covers:

- Refusing to provide a service to a disabled person which is provided to other members of the public
- Providing a disabled person with a lower standard of service
- Providing a service of less favourable terms to a disabled person
- The “reasonable adjustments duty” applies to:
 - Any practice, policy or procedure that makes it impossible or unreasonably difficult for a disabled person to make use of a service
 - The provision of auxiliary aids and services that would enable or facilitate the use of a service by a disabled person
- Physical features

Reasonable adjustment to physical features might include:

- Removal or alteration
- Providing a reasonable means of avoiding the feature
- Making the service available by a reasonable alternative means. Reasonable adjustments made to overcome problems caused by a physical feature or to provide a service by a reasonable alternative means should consider whether the provision of the service in this way may significantly offend the dignity of disabled people and the extent to which it causes them inconvenience or anxiety.

The reasonable adjustments duty is owed to disabled people in general; it is an anticipatory duty. In determining what is reasonable; factors such as the cost of the adjustment, its practicability and the extent of the service provider's financial and other resources may be considered. The reasonable adjustments duty does not require service providers to do anything that fundamentally alters the nature of the service provided.

An exemption from these duties is provided by the Disability Discrimination (Providers of Services) (Adjustment of Premises) Regulations 2001. These Regulations provide that, if a physical feature accords with the relevant objectives, design considerations and provisions in Approved Document M of the Building Regulations, the service provider will not have to make adjustments to that feature if 10 years or less has passed since it was constructed or installed.

Methodology

The purpose of the Access Audit is to provide an action plan to consider such issues as physical constraints, alternative ways of providing services and the reasonableness of making the adjustments identified by the Access Audit.

A visual inspection is undertaken, and information gathered, which includes collecting specific measurements.

An item is quantified as either being satisfactory or unsatisfactory by virtue of the References used against the age, listed status and heritage of the property being assessed. A satisfactory result will be where the items either meet the appropriate guidance or best practice and an unsatisfactory result will be where it does not, and an action is raised.

Review

The audit should be reviewed whenever there are significant changes such as alterations, change of activities or occupancy.



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