



## The Disability Discrimination Act (DDA) Applicable to Sports Clubs from October.(v 05.06.04)

In October 2004 the new Code of Practice covering Part III of the DDA 1995 will be implemented. As most of our clubs provide services to the public, the Association is embarking on an awareness exercise which will be communicated via:-

ARA Council June meeting – to be conveyed to clubs by Divisional and Regional Representatives in attendance.

The next available Club Mailing

The website, if space is available

Reference in the current 2004 Club Audit

Other opportunities that arise

Every club is different and could approach the Act in a series of ways. The Association recognises this but it is advising clubs to seek to comply with the Act as far as is possible within their means. Together with the Central Council Of Physical Recreation (CCPR), the Association is seeking funding assistance for clubs to progress to become, as far as is reasonable in each case, fully compliant.

The new Code of Practice encourages service providers not to wait until a disabled person brings a 'barrier' to their attention to make a reasonable adjustment. We believe that rowing clubs tend to act in an inclusive manner, but, being Volunteer managed, could easily be non-compliant, due to lack of knowledge rather than lack of concern or interest. The purpose of this memo is therefore to increase awareness in the DDA, and convey the implications of non-compliance with the opportunities that exist, especially as those registered disabilities are estimated to comprise 13% of our population.

The DDA is a complex section of Government Legislation that needs to be simplified, as far as is possible, for our clubs, so each club can calmly, but quickly, carry out an assessment of its premises, together with the way it operates and communicates with its members, and others who have the use of the club facilities.

Following this, by October 2004, each club will need to implement the changes it needs to make to comply with the Act, as far as is reasonable. Clubs should, in the Association's view, plan the ongoing progressions that are appropriate to comply more fully with the Act and embark upon this plan, keeping records of progress and the actions to achieve the next steps.

Some of our clubs will be able to fully comply with all categories of disability (from slight to severe disabilities) by October, but for many, this will need to be a step by step scheme for the club, quite likely to need additional funding for the premises alterations that are beyond its current means.

Clubs that do not take reasonable action, and cannot outline how they have done so and will progress, are leaving themselves wide open to compensation claims from 'actual or prospective' users of the facilities.

Why do our clubs need to comply?

The main reason is that most of our clubs provide a service to the public. One can argue that it serves members only and is therefore (currently) exempt under the act, but this argument is dangerous and also short lived, as legislation which is certain to succeed is already under way, thus removing existing exemptions that could possibly be claimed.

Most clubs that welcome newcomers to dry or water rowing in an effort to extend membership, allow non or temporary members (the public) to use the facilities. Many clubs organise open competitions and allow non-members to attend functions to boost revenue.

Consider also that many existing club members with disabilities (remember, 13% of the population) are already included within our sport, and provide considerable core income. This leads on to another message – when assessing your club, focus firstly on minor disabilities, which are often not visible, and then work through to consider the more severe cases of disability, who are fewer in number, but are equally welcome in most if not all of our clubs.

Is rowing particularly vulnerable to the risk of non-compliance?

Even within the current and progressing compensation culture, people are not expected to specialise in taking legal action against sports clubs. However, clubs should be quite clear that non-compliance with the DDA can lead to serious legal implications, and unresolved disputes are often supported by the Discriminatory Rights Commission (DRC). Rowing clubs and their racing equipment require more buildings and membership accommodation than most other amateur sports – so it is natural that focus in respect of premises that are not user-friendly, or could easily be more user friendly to ALL the users, will certainly be upon sports with this profile.

So what should we do now?

- The message on the implementation of the DDA in October 2004 should be conveyed to clubs as soon as possible and at every relevant regional and club meeting.
- Each club needs to revert to the usual planning method and assess:-  
Where are we now – particularly in the areas of Communication, Operating Practices and Premises and Equipment for Dry and Water Rowing).  
List what do we need to do, and are able to do, now? – put the actions in hand, and, List what we would like to do, and create a plan with actions points and timing.  
Keep a written record what you intend to do and why, what you have done and when, and the next steps i.e. show efforts to comply and ongoing progression.
- Clubs should continue seeking advice and updates as detailed below.



Further areas of advice would include:-

Visit the CCPR website on [www.ccpr.org.uk](http://www.ccpr.org.uk) – CCPR are currently taking legal opinion on their generic advice for all sports, with the intention of website publishing on their website during July.

Obtain a copy of the DDA 1995 from: The Publications Centre, PO Box 276, London SW8 5DT (Also from The Stationery Office Bookshops).

Telephone orders/general enquiries: 0870 600 5522. Fax orders: 0870 600 5533

ISBN 0 11 27 1055 7 Price £12.95

Also available in alternative formats or via the internet ( <http://disability.gov.uk> )

DDA Helpline: 0345 622 633 Faxback service: 0345 622 611

## **General information, clarification and definitions.**

DDA Definition of Disability: A person has a disability for the purposes of the Act if he/she has physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities.

Clubs are seeking compliance with: DDA 1995 Part III which relates to ‘service providers’ and states “ A service provider discriminates against a disabled person if, for a reason related to a person’s disability, the service provider treats that person less favourably than he would treat others and the service provider cannot demonstrate that the less favourable treatment is justified”.

In practice this means that service providers can discriminate against a disabled person by:

Refusing to provide a service

Offering a worse standard of service

Offering a service on worse terms

Or

By failing to comply with their duty to make reasonable adjustments.

Reasonable adjustments could be:-

Changing discriminatory practices, policies and procedures, and/or

Providing auxiliary aids or services.

n.b. This document is originated in Ariel, font 12. It is available electronically, so it can be useful to fonted up to share with those with visual impairment. ARA ref: AVM/Rowing/Club Memo DDA 05.06.04

Alan Meegan  
ARA Facilities, June 2004

*Ref: Club Memo DDA 05.06.04*



## DDA, CLUB MEMO NO.2, JAN 2005

The Disability Discrimination Act (DDA) was passed in 1995 to raise awareness and prevent discrimination against a person with a disability. It covers:

Employment

Access to goods, facilities and services

The management, buying or renting of land or property

Education

Since 1999 service providers should have made reasonable adjustments for disabled people- for e.g., ensuring access ways are clutter free etc.

However from October 2004 reasonable adjustments to physical features are required where "it would otherwise be unreasonably difficult for disabled people to use their services."

The Disability Rights Commission (DRC) advice that:

The DDA affects everyone in the UK who provides services to the public, whether in the private, public or voluntary sectors. The Act currently does exclude services not available to the public, such as private clubs to their members, but this will soon change. It should be noted however that if a private club opens up their facilities for external use or functions that it would be deemed to be providing a public service.

Ultimately then what is reasonable?

- Firstly taking a simple audit of your club is a good starting point.
- Secondly an action plan can be drawn up using a realistic timescale, highlighting the things that will be done to make reasonable adjustments.
- Asking simple questions can achieve this:

Starting with the approach and entrance to the club- is there a doorbell, a sign for the doorbell, a light to show someone with a hearing impairment that it has been activated?

Do steps have identifying strips?

Is the entrance well lit?

Are all changing rooms etc signposted?

Are symbols used both for individuals with a visual impairment and for individuals with learning difficulties?

Are correct colours used to aid visibility?

Is Braille used where appropriate?

Is an induction loop available?

All of the above can be put into a short-term plan of reasonable action to be taken; other questions that can be addressed may require long term planning.



If there is access to the building for those individuals with physical impairments are there changing facilities etc for them?

What facilities are available inside the clubhouse for those with a physical impairment? If the water is accessible is there suitable equipment or coaching knowledge available? Is the club able to write this into a long-term plan?

In addition you may wish to extend your plans to club material and promotion for example how accessible is the website for those with a visual impairment?

All of the above could be placed into a development plan therefore outlining:

1. Your current position "where are we now".
2. Immediate action "what can we do now".
3. Long-term/ongoing action, "where do we want to progress to".
4. By Whom.
5. Resources needed "where can we go for help/funding, who can help us".

Remember the club can show reasonable action in the most simple and straightforward ways.

By being concerned about these issues and by wanting to enhance your services is the first step.

Many external bodies offer support and guidance for all of the questions being asked and there are many websites available, which range from information on Makaton symbols (a nationally recognised symbol system used for those with learning impairments) to advice about software etc.

More details are available from the ARA on these systems along with detailed templates for Club Audits or by visiting the following websites:

Royal National Institute for the Blind (RNIB): [www.rnib.org.uk](http://www.rnib.org.uk)  
English Federation of Disability Sport (EFDS): [www.efds.co.uk](http://www.efds.co.uk)  
MENCAP: [www.mencap.co.uk](http://www.mencap.co.uk)

Makaton International; [www.makaton.org](http://www.makaton.org)

DDA websites: [www.dda-centre.co.uk](http://www.dda-centre.co.uk); specialising in services for business,  
[www.ddalifts.co.uk](http://www.ddalifts.co.uk), specialising in lifts

Disability website: [www.disability.gov.uk](http://www.disability.gov.uk)

Sport England:

[www.sportengland.org/index/get\\_resources/disability\\_discrimination\\_legislation](http://www.sportengland.org/index/get_resources/disability_discrimination_legislation)

For specific help and advice about the DDA, please contact the DRC: [www.drc-gb.org](http://www.drc-gb.org) or  
Tel:08457 622633.

*ref: Club Memo DDA 02.01.05*

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[www.ara-rowing.org](http://www.ara-rowing.org)