



East Grinstead Swimming Club

Affiliated to S.E.R.A.S.A.

Founded 1912

East Grinstead Swimming Club is wholly committed to the promotion of racial equality, equal opportunities for all regardless of gender, age or physical ability.

Our mission is to challenge discrimination, champion equality and act as a catalyst for change.

Disability Discrimination Act 1995

“Our vision is for a swimming club that enables male and female members to fulfil their potential and have their contributions equally valued and respected, free from assumptions based on their physical abilities.

We strive for a club that guarantees equality for all members”.

Overview of the Disability Discrimination Act

The Disability Discrimination Act was passed in 1995 to introduce new measures aimed at ending the discrimination that many disabled people face. It protects disabled people in the areas of:

- access to goods, facilities and services

Some of these measures became law for employers in December 1996. Others will be introduced over time.

For service providers (e.g. businesses and organisations):

- Since **December 1996** it has been **unlawful to treat disabled people less favourably** than other people for a reason related to their disability.
- Since **October 1999** they have had to make **reasonable adjustments** for disabled people, such as providing extra help or making changes to the way they provide their services.
- From **2004** they may have to make reasonable adjustments to the **physical features** of their premises to overcome physical barriers to access.

In addition, the Disability Discrimination Act:

- requires schools, colleges and universities to provide information for disabled people;
- Allows the Government to set minimum standards to assist disabled people to use public transport easily.

The Disability Discrimination Act Legislation.

The first rights under the Disability Discrimination Act 1995 came into force on 2nd December 1996.

It is the first legislation in the UK to address the issue of discrimination against disabled people. It makes unlawful discriminatory treatment in relation to:

- The provision of goods, facilities and services.

Codes of Practice

The Disability Discrimination Act Codes of Practice

The first rights under the Disability Discrimination Act 1995 came into force on 2nd December 1996. It is the first legislation in the UK to address the issue of discrimination against disabled people.

It makes unlawful discriminatory treatment in relation to the provision of goods, facilities and services:

The Government has drawn up Codes of Practice to help implement the Act. The Codes apply in England, Scotland and Wales.

They do not impose legal obligations and are not an authoritative statement of the law - that is a matter for employment tribunals and courts. However, the Codes can be used as evidence in legal proceedings under the Act. Courts must take into account any part of the Code that appears relevant to any question arising in those proceedings.

Code of Practice for Rights of Access to Goods, Facilities, Services and Premises

This Code gives practical guidance on how to prevent discrimination against disabled people in accessing services or premises. It describes the duties of those providing services to the public.

The Code helps people to understand the law and assists service providers, landlords and other persons to avoid complaints and litigation by adopting good practice.

In addition to the Codes of Practice there is also **Guidance on Matters to be Taken into Account in determining Questions Relating to the Definition of Disability**

This guidance concerns the definition of disability in the Act. It covers each of the elements of the definition of disability. Its purpose is to help in cases where there is doubt as to whether an individual is covered by the definition.

Providing Services to Disabled People

Responsibilities

Service Providers' Responsibilities under the Disability Discrimination Act.

A provider of goods, facilities or services has a duty under the Disability Discrimination Act, which makes it unlawful to discriminate against members of the public on the grounds of disability. These duties came into force from 2nd December 1996 on a phased basis, so a service provider needs to know how the Act affects the provision of their service.

Key to the Act for service providers are the concepts that it is unlawful to discriminate against disabled people by:

- Refusing to provide a service without justification.
- Providing a service to a lesser standard without justification.
- Providing a service on worse terms without justification.
- Failing to make reasonable adjustments to the way services are provided for disabled people.

From 2004,

- Failing to make reasonable adjustments to the physical features of service premises, to overcome physical barriers to access.

Under the Act discrimination also occurs when anyone knowingly aids someone to discriminate against a disabled person, or victimises anyone who tries to make use of rights under the Act.

A service provider can refuse to serve a disabled customer so long as they are able to justify such action, and that their reasons have nothing to do with the "customer's" disability and they would refuse to serve other customers in the same circumstances.

Aspects of service covered by the DDA

All organisations that provide goods, facilities or services to the public, whether paid for or for free, are covered by the DDA, no matter how large or small they are. Those affected include sport and leisure facilities.

Types of services exempt from the DDA

Some services are excluded from Part III (Goods, Facilities, Services and Premises) of the DDA. These include:

- **Private clubs such as east Grinstead Swimming Club, where services available only to members are not covered;** however, where a club does provide a service to non-members, then the Act applies to those services.

Best practice would be that we should act within the spirit of the Act, wherever possible, despite our exemption under this section.

Some service areas also have special rules concerning;

- **Insurance.**
- **Deposits.**
- **Guarantees.**

What should I do if someone says I've broken the law?

Difficulties in customer relationships can arise for many different reasons. Sometimes the cause of discrimination can be prejudice, but it is more likely to be ignorance or misunderstanding. Whatever the cause, the situation could arise where a customer has grounds for complaint relating to their rights under the DDA.

It is in the interests of all parties to resolve any problems as smoothly and as soon as possible.

First, try to resolve a complaint through discussion with the person involved. Most service providers already do this as a matter of course. There may be a customer service facility or procedure in place that can be used for this purpose. Sometimes, however, less formal methods are unable to rectify problems, or are inappropriate.

If the complaint cannot be resolved, a service provider may wish to seek the assistance of a trade association or the person or society that normally advises them on legal matters. If the advisers cannot resolve the issue, they can seek assistance from specialist disability groups and services. These provide a pool of knowledge related to such cases and can play an important role, especially when dealing with difficult cases which may only happen now and again and in different parts of the country.

If the dispute is not resolved, you could be taken to court. If the customer wins the case, they could win compensation for financial loss, for injured feelings, or for both. They may seek an injunction or, in Scotland, an interdict, against you to prevent any further discrimination.

Making Adjustments for Disabilities

Making Reasonable Adjustments: Useful Suggestions for Service Providers

Most service providers have the interests of their customers at heart, so the responsibilities placed on them by the first duties of the Disability Discrimination Act (DDA) may make little difference to the way they already operate. These duties are unlikely to cost anything, but they might require service providers to change their approach to disabled customers.

Specific types of adjustments they should consider include:

- **Provide appropriate or additional training for staff who may come into contact with customers with disabilities**, to assist them in the provision of services to and for people with different types of disabilities;
- **Equipment changes**, such as acquiring or using modified equipment, e.g. a telephone with text display for use by deaf customers.
- **Making service literature and instructions more accessible** e.g. provide a Braille version for blind customers.

Good Practice Guidelines for Service Providers

The following practical suggestions are offered to help you to meet the general needs of disabled customers and in meeting the requirements of the Disability Discrimination act (DDA) with regard to the services you offer.

General Points

- **Don't assume that the DDA doesn't or won't apply to you.**
- **Consider whether you need to change the way you treat your members** in the light of the DDA.
- **Tell your staff** or people who work on your behalf about the DDA.
- **Read the Code of Practice** on Access to Goods, Facilities and Services and other guidance referred to below.

- **Consider having disability awareness training** and providing it for your staff who deal with the public.
- **Consult your local disability organisations** about serving disabled customers.
- **Talk to disabled people** about the service you provide and what might help.
- **Be fair.** You should treat disabled customers exactly like any other customers.
- **Disabled people are individuals** just like everyone else. Don't make assumptions about their abilities or their needs. Don't forget that some disabilities are hidden, for example epilepsy and mental illness.

Communication

- **Talk to the disabled person directly** if they are with someone, not to the person with them. This also applies to a deaf person accompanied by a sign language interpreter.
- **When talking to a deaf person, find out whether they lip-read,** in writing if necessary. If they do, make sure your face is in the light, look directly at the person, and speak clearly and naturally, remembering to keep your hands away from your face.
- **Introduce yourself when you first meet a blind person.** When you are going to move away, tell them. Don't leave them talking to an empty space.
- **When you are talking to someone with a speech impediment, concentrate on what is being said,** be patient and don't try to guess what they want to say. If you don't understand, don't pretend you do.
- **Be patient.** If someone has difficulty understanding you - perhaps because they have a learning disability - be patient and be prepared to explain something more than once. Concentrate on using simple language.
- **When talking to a wheelchair user, try to ensure that your eyes are at the same level as theirs,** perhaps by sitting down. Don't lean on the wheelchair - it is part of the user's personal space.
- **Avoid asking personal questions** about a person's disability, such as 'Were you born like that?' But you could ask 'does your disability affect your ability to use our service?'
- **Avoid staring.** If someone looks 'different', concentrate on what they are saying, not on the way they look.

- **If you are talking to an adult, treat them like an adult.**
- **Offer assistance** if someone looks as if they need it, but wait for them to accept before you help.
- **When guiding a blind person do not push or pull them.** Ask if they would like to take hold of your arm. If there are steps tell them whether the steps go up or down.
- **Remember that guide dogs for blind people, hearing dogs for deaf people and other assistance dogs are working animals,** not pets. They should not be fed, patted or distracted when they are working.

As a final point, put yourself in the disabled person's place. Most of the above points are just good manners.

Language

Some of the words and phrases we use offend disabled people because they suggest that the disabled person is dependent or helpless. Other words, such as 'cripple' or 'retarded' have become terms of abuse or are used to make fun of disabled people.

Below are some common words to avoid, with suggested alternatives:

Do Not Say	Use
The disabled	disabled people/ people with disabilities
suffering from /crippled/ afflicted by/ a victim of	a person who has/ a person with
deaf and dumb	deaf without speech
an epileptic	a person with epilepsy
spastic	a person who has cerebral palsy
mentally handicapped/ subnormal	a person with a learning disability
confined to a wheelchair/ wheelchair bound	wheelchair user