



DISABILITY DISCRIMINATION ACT PART III: BRITISH GYMNASTICS GUIDANCE

1 INTRODUCTION

The Disability Discrimination Act 1995 (DDA) is one of the pieces of well-established anti-discrimination legislation that applies across Great Britain. The DDA provides for three types of discrimination:-

- Less favourable treatment
- Failure to make reasonable adjustments
- Victimisation

This BG guidance deals with the requirements under Part III of the Act relating to goods and services, facilities and access. It is split into three sections:-

i) Provision of goods and services

This section will apply to all clubs, irrespective of their circumstances.

ii) Provision of Facilities

This section will be most relevant to clubs that:-

- Own a facility
- Lease a facility
- Have a dedicated gymnastics facility within another centre
- Are developing or renovating facilities

iii) Useful Resources and Contacts

This section will apply to all clubs, irrespective of their circumstances.

2 DEFINITION OF DISABILITY

The DDA prevents discrimination on the grounds of a person's disability and defines a disabled person as:-

‘An adult or child who has a physical or mental impairment*, which has an effect on his or her ability to carry out normal day-to-day activities**.’ That effect must be:

- Substantial and
- Adverse and
- Long term (that is, it has lasted or is likely to last for at least a year or for the rest of the life of the person affected)

*Physical or mental impairment includes sensory impairments. Hidden impairments are also covered (e.g. mental illness or mental health problems, learning disabilities and conditions such as diabetes or epilepsy).

**‘Normal day-to-day activities’ can be defined as mobility; manual dexterity; physical co-ordination; continence; ability to lift, carry or otherwise move everyday objects; speech; hearing or eyesight; memory or ability to concentrate, learn or understand.



3 **IN WHAT CONTEXTS IS DISCRIMINATION UNLAWFUL?**

Discrimination under the DDA is unlawful in the following respects:-

- Employment
- Providing goods, facilities and services to the public

To date the Act is split into three parts, which have been brought into force over a period of time.

- Part I of the Act defines disability and outlines how the act operates. This has been in force since 1995.
- Part II of the Act relates to employment and makes it unlawful to discriminate against a disabled person in relation to employment issues and recruitment.
- Part III of the Act makes it unlawful to discriminate against a disabled person in relation to the provision of goods, services and facilities.

The DDA requires service providers to make 'reasonable adjustment' to services, goods and facilities to allow access for people with disabilities. The phrase "reasonable adjustment" is used in law to provide some level of flexibility and allow alternative solutions in different circumstances. The onus is on the club to determine what is 'reasonable' based upon their own particular circumstances but essentially this means taking a common sense approach.

The term 'reasonable' varies depending upon the type of service offered, the size of facility, and available resources. There is no rulebook and different clubs will have different needs. What is 'reasonable' for a large well-established club may not be viewed as a 'reasonable' adjustment for a smaller club.

Factors to consider when making reasonable adjustments include:-

- Cost of making the adjustment,
- Whether the action taken would make a facility accessible and
- Disruption the adjustment would cause.

4 **INSURANCE**

British Gymnastics provides all clubs with 'Civil Liability' insurance, which encompasses protection against any civil claims that are brought under the DDA. However, clubs and members that fail to take adequate steps to comply with the requirements of this guidance may find that their insurance is invalidated and as a result, will be responsible for any legal costs and compensation awarded against them.



SECTION 1

1 PROVISION OF GOODS AND SERVICES

If you provide a service to the public whether you charge for it or not, you have duties under the DDA. You need to make 'reasonable adjustments' to the way in which you provide your services to ensure that you do not discriminate against disabled people. You should not refuse to provide opportunities to a disabled person or offer them a lower standard of service because of their disability.

British Gymnastics reminds clubs that in terms of the Disability Discrimination Act (1995) they are considered to be service providers (anyone who provides goods, facilities or services to the public whether these services are paid for or free). This means that clubs and coaches are duty bound to comply with the duties placed on them by the Act. Clubs should:-

- Avoid treating any disabled person less favourably than other members of the public;
- Make reasonable changes to practice, policies and procedures in order to make it easier for disabled people to use the services provided;
- Take reasonable steps to remove, alter or provide alternative means of avoiding physical features of premises that make it impossible or unreasonably difficult for disabled people to use services provided.

2 INCLUSION

British Gymnastics expects clubs to include people with disabilities into the existing classes they provide. Clubs should ensure all potential members are asked to complete a registration form, which requests information on any medical condition or disability. The form should note that the club reserves the right to request further information/medical approval to ensure that participation in gymnastics would not cause adverse effects on the participant's health. The information provided on the registration form should also be used to help identify any adjustments that can be made to support the inclusion of the applicant in gymnastics classes.

Clubs are reminded that coaches do not need to hold any additional qualifications in order to accept an individual with a disability into an existing class. (Some guidelines to help coaches are offered in the British Gymnastics - Club Coach Course and Resource Pack.)

The DDA requires that people with disabilities are included within existing classes. However, there are some circumstances that may require further consideration into whether participation in gymnastics is appropriate:

- Presence of health concerns that contra-indicate participation on medical grounds (such as conditions known to be associated with specific disabilities e.g. Atlanto-Axial, a condition associate with Downs Syndrome). Disabled persons may need to provide evidence from a medical practitioner to verify that it is appropriate for the individual to participate in a particular activity.
- Identification of an unacceptable level of risk being posed to the health, safety or well being of either:-



- i) The disabled person,
OR
- ii) Others they are likely to come in contact with if included within existing classes.

- Recognition that the inclusion of a disabled person would require irrevocable and impractical changes to the programme(s) provided in existing classes. (Making reasonable adjustments is all about doing what is practical in your individual situation and making use of what resources you have. You will not be required to make changes that are impractical or beyond your financial means.)

In the event that a club/coach refuses to accept a disabled person into an existing class, British Gymnastics will only support that club/coach if they do so on reasonable grounds that can be supported by clear evidence.

3 CLASSES SPECIFICALLY FOR PEOPLE WITH DISABILITIES

In acknowledgement that it is not always possible to include people with disabilities in mainstream gymnastics classes, British Gymnastics supports the view that there must be scope to provide classes specifically for people with disabilities, except where there are medical grounds that would contra-indicate participation. All coaches who intend to deliver classes specifically for people with disabilities should consider attending the BG Gymnastics and Movement for People with Disabilities module or stand-alone Trampoline Disability qualification.

4 EXAMPLES OF REASONABLE ADJUSTMENTS BY SERVICE PROVIDERS

- Introducing Disability Awareness training for all staff.
- Speaking clearly to customers who are hard of hearing.
- Making your website text re-sizeable for people with impaired vision and accessible to those who use screen-readers.
- Offering copies of your newsletter in large print font versions.
- Providing information in accessible formats like Easy Read for learning disabled customers.



SECTION 2

1 PROVISION OF FACILITIES

This section of the guidance will address the following key areas:

- General Facility areas e.g. car parking, toilets, general access to facility
- Gymnastics Facility areas – the gymnasium and specialist equipment
- Competition arena

These issues will, on the whole, be most relevant to clubs who own or lease a facility where they are responsible for all aspects of the building and surrounding facilities. The guidance is equally applicable to those wishing to renovate or design a new facility as it is to those with existing facilities.

NB Any facility built or having had alterations/extensions since 1994 has an exemption period of 10 years from the date of completion of the alteration/extension where they are not required to meet the requirements of the DDA. After the 10-year period has elapsed, the service provider is required to meet the requirements of the DDA and current Part M Building Regulations.

2 STATUTORY OBLIGATIONS:

The basic obligation under Part III of the Act comes into Section 21(2) of the Building Regulations Part M 'Access and Facilities for Disabled People 1987 (Revised 2004)'. A copy of this document can be found at: www.safety.odpm.gov.uk/bregs/brad13.htm

Within Part M of the Building Regulations, where a physical feature (for example, one arising from the design or construction of a building, or the approach or access to premises), makes it impossible or unreasonably difficult for disabled persons to make use of such a service, it is the duty of the service provider to take such steps as are 'reasonable', in all circumstances of the case, in order to:-

- Remove the feature
- Alter it so that it no longer has that effect
- Provide a reasonable means of avoiding the feature, or
- Provide a reasonable alternative method of making the service in question available to disabled persons.

In this instance, physical features (as defined in the Disability discrimination (Services and Premises) Regulations 1999) are:-

- i) Any feature arising from the design or construction of a building on the premises occupied by the service provider.
- ii) Any feature on those premises or any approach to, exit from or access to such a building.
- iii) Any fixtures, fittings, furnishings, furniture, equipment or materials in or on such premises.
- iv) Any fixtures, fittings, furnishings, furniture, equipment or materials brought onto the premises.
- v) Any other physical element or quality of the land.



In other words, anything and everything whether fixed or not, temporary or permanent, to do with the property.

In all cases, a club should carry out an access audit to determine its access requirements and from this form an access plan with prioritised work.

It is advisable to use appropriately qualified or experienced personnel to undertake an access audit (see section 3 and appendix) and to draw up an appropriate plan of action.

When an access audit is complete, it will be possible for the club to plan for making accessible provision. Any major works that need to be carried out can be considered according to urgency and restrictions e.g. cost. Large projects which show in the plan can be completed at a later date when funds to complete the task have been identified.

3 GENERAL FACILITY AREAS

The list below shows the areas that a facility provider would need to consider when completing an access audit. In-depth information on the requirements of the following areas has not been included since each club will have differing requirements, not every item listed below will be applicable at all clubs:-

- Access route within the site (signs, width, obstructions, visibility)
- Car parking (proximity to building, suitable surface, gradient, maintenance)
- Ramps and Steps (rest platforms, width, gradient, slip resistance, permanence of ramps, handrail provisions, lighting, visibility, alternatives)
- Entrance and Reception (powered entrance doors, visibility of glazing, colour contrasts, visibility, security protection, weathering, signage, reception desk design, provisions for hard of hearing, trained staff)
- Horizontal Movement and Activities (passageway widths, obstructions, colour lobbies, signage, illumination, seating)
- Vertical Movement and Level Change (ambulant stairs, ramps, lifts, platform hoists, signs, illumination, audibility)
- Doors (widths, colour contrast, ironmongery design, fire safety, security, closing devices)
- Lavatories and Changing Area (provision, alternative transfer, rails, colour, glare, fitting locations, alarms)
- Fixtures, Fittings and non Specialised Equipment (accessibility, colour contrast, illumination, suitability for use by staff or public)
- Information and Controls (audibility, print versions, Braille versions, signage, colour contrast, trained staff)
- Means of Escape (audible alarms, assisted escape, trained staff, refuges, plan availability, testing of systems)

4 GYMNASTICS FACILITY AREAS

The following list identifies the areas within the gymnastics hall to consider within the access audit in order to comply with DDA part III. The guidance is generic and does not consider specific discipline requirements:-

- Space between pieces of apparatus (1000mm minimum)
- Space to traverse around to edge of the gymnasium and to access emergency exits (1000mm gap minimum)



- Anchor wires (identifiable, contrasting coloured covers)
- Colour scheme (clear contrast between top and edge of equipment)
- Equipment uprights (easily identified against the background colour scheme)
- Sprung floor areas (ramp access, colour scheme)
- Trampolines (deck level, stepped access, removable hoist)
- Safety mats (contrasting colour top and edges, consistent depth across gymnasium floor)

Specialised equipment considerations:-

Pitted areas do not need specific access. They are specialised training facilities for the purpose of safety during the development and learning of complex skills on apparatus. Where people with mobility impairments require access to the pit, they will be sufficiently mobile to exit the pit by conventional means.

Travelling rigs / spotting rigs. These are specific tools for supporting gymnastics skills. They are not therapy equipment and should not be used in lieu of appropriate manual handling equipment e.g. hoists.

5 GYMNASTICS COMPETITION ARENA

When opening a facility to competition, display or other event additional considerations over and above those to be considered for every day training may include:-

- Spectators (wheelchair spectators, guide dogs)
- The Competition Floor (gymnast, judge or official with any impairment)
- Apparatus (FIG standard apparatus)

In addition to the FIG standards, British Gymnastics have adapted rules for competition to allow the following:-

- i) Use of a vaulting horse in the lower levels of GMPD events
- ii) An adapted or smaller set of Asymmetric bars and
- iii) Narrowers on the parallel bars

The relevant BG Technical Committee must agree any other apparatus modifications for GMPD competitions or participants with a disability within a main steam competition.



SECTION 3

USEFUL CONTACTS AND RESOURCES

WHAT WILL HAPPEN IF SOMEONE THINKS I HAVE DISCRIMINATED AGAINST THEM?

The disabled person may complain to you, or they may take advice from the Disability Rights Commission, which has a conciliation service that takes up complaints on behalf of disabled people and might seek to come to an agreement with you. However, the disabled person could also take civil proceedings against you. If the court decides that you have discriminated, you might have to pay damages for any financial loss, including injury to feelings if you have not attempted to comply with this guidance. The disabled person could also seek an injunction preventing you from repeating the discriminatory act in the future.

Further advice and guidance are available from the following organisations:

Disability Rights Commission (DRC), an independent body that provides support and advice on a wide range of issues relating to disability.

Tel: 08457 622633 (Textphone 08457 622 644)

Web: www.drc-gb.org

Disability for information about the disability discrimination act.

Web: www.disability.gov.uk/dda

National register of access consultants provides a list of access auditors who will assess your facility and provide advice and solutions on how to make it more accessible.

Web: www.nrac.org.uk

English Federation of Disability Sport is the national body responsible for developing sport for disabled people in England.

Tel: 0161 247 5294

Fax: 0161 247 6895

Minicom: 0161 247 5644

Web: www.efds.net

Disability Sport Cymru the national development programme is a joint initiative between the Sports Council for Wales, the Federation of Disability Sport Wales and local authorities, aimed at developing quality community based sporting and recreational opportunities for people with disabilities throughout Wales.

Tel: 029 2030 0500

Web: www.disability-sport-cymru.co.uk

Scottish Disability Sport leads the development of sport and physical recreation for people with disabilities throughout Scotland.

Tel: 0131 317 1130

Fax: 0131 317 1075

Web: www.scottishdisabilitysport.com

Disability Sport Northern Ireland

Telephone: (028) 9050 8255

Website: www.dsni.co.uk

Sample Audit Pages



ACCESS AUDIT CHECKLIST 010.02.1

Project
010.01

Project No
Date

Enter "X" where items are applicable
Where items are underlined – delete as appropriate

Wheelchair

Ambulant

Dexterity

Visual

Auditory

Comprehension

notes

B1	Ramps/Steps	Wheelchair	Ambulant	Dexterity	Visual	Auditory	Comprehension	notes
1.1	Are there rest platforms at top/intermediate/bottom?							
1.2	Wide enough and graded to max 1:12 or 1:15 preferred?							
1.3	Is the surface slip-resistant?							
1.4	Are there kerbs at edges to prevent accidents?							
1.5	Are there handrails to <u>one</u> or <u>both</u> sides?							
1.6	If a permanent ramp cannot be formed is a portable ramp available?							
1.7	Are there <u>alternative</u> steps?							
1.8	Steps identified by visual/tactile information?							
1.9	Are there handrails to <u>one</u> or <u>both</u> sides?							
1.10	Ramps and/or steps adequately lit?							
1.11	Treads and risers consistent in height and depth?							
1.12	Nosings <u>marked</u> and/or readily <u>identifiable</u> ?							
1.13	Landings of <u>adequate size</u> and provided at <u>intermediate levels</u> in long flights?							

Enter "X" where items are applicable
Where items are underlined – delete as appropriate

		Wheelchair	Ambulant	Dexterity	Visual	Auditory	Comprehension	notes
1.14	If safe and convenient ramps and steps cannot be provided, is vertical movement by powered means an alternative?							



Enter "X" where items are applicable
Where items are underlined – delete as appropriate

		Wheelchair	Ambulant	Dexterity	Visual	Auditory	Comprehension	notes
C1	Entrances and Reception							
1.1	Door[s] clearly distinguished from the façade?							
1.2	If glass, is it visible when closed?							
1.3	Clear <u>door opening</u> or <u>one leaf</u> permit passage of a wheelchair or double buggy?							
1.4	<u>Level flush</u> threshold and a <u>recessed</u> matwell?							
1.5	Visibility through the <u>doorway</u> from both sides at <u>standing</u> and <u>seated</u> levels?							
1.6	Min 300mm wide wheelchair manoeuvre space beside the leading edge of the door to clear the door swing?							
1.7	Door furniture usable at both <u>standing</u> and <u>seated</u> levels?							
1.8	Easily grasped and operated door furniture?							
1.9	If the door has a closing mechanism, is it : Delayed closing? Slow-action closing? Minimal closing pressure?							
1.10	Power operated door having visual and tactile information?							



Enter "X" where items are applicable
 Where items are underlined – delete as appropriate

		Wheelchair	Ambulant	Dexterity	Visual	Auditory	Comprehension	notes
1.11	If the door is security protected, is the system suitable for use by and within reach of people with sensory or mobility impairments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.12	If a lobby, do the inner and outer doors meet the same criteria?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.13	Does lobby permit users to clear one door before passing through the next?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



Enter “X” where items are applicable
Where items are underlined – delete as appropriate

		Wheelchair	Ambulant	Dexterity	Visual	Auditory	Comprehension	notes
F1	Doors							
1.1	Do doors on main access routes serve a <u>safety</u> or <u>security</u> purpose?							
1.2	Do other doors serve a <u>safety</u> or <u>security</u> purpose?							
1.3	Can doors be readily distinguished?							
1.4	If glass, can they be seen when shut?							
1.5	Can people <u>standing</u> , or <u>sitting</u> in a wheelchair, see each other and be seen from either side of doors?							
1.6	Do clear openings of doors on main access routes permit wheelchair access?							
1.7	Do clear openings of other doors permit wheelchair access?							
1.8	On opening sides of doors on main access routes is there sufficient space [300mm] for the door to swing past a wheelchair footplate?							
1.9	On opening sides of other doors is there sufficient space [300mm] for the door to swing past a wheelchair footplate?							
1.10	Is door furniture at a height for <u>standing/sitting</u> use?							
1.11	Can furniture be readily distinguished							
1.12	Can furniture be readily <u>operated</u> / <u>grasped</u> ?							
1.13	Do door <u>closers/mechanisms</u> provide:							
	Hold open [alarm linkage]?							
	Security linkage?							
	Delay-action closing?							
	Slow-action closing?							



Enter "X" where items are applicable
Where items are underlined – delete as appropriate

Wheelchair
Ambulant
Dexterity
Visual
Auditory
Comprehension
notes

J1	Information and Controls	Wheelchair	Ambulant	Dexterity	Visual	Auditory	Comprehension	notes
1.1	Is the building equipped to provide hearing assistance with <u>induction loop/infrared</u> systems?							
1.2	Does the lighting installation take into account the needs of people with visual impairments?							
1.3	Is there a tactile plan of the building?							
1.4	Are there large print versions of information about the building and its facilities/activities available?							
1.5	Is there Braille information about the building available?							
1.6	Is there an audio version of the building information available?							
1.7	Where there are staff/volunteers available at interfaces of the building, are they trained in dealing with people with:							
	Physical disabilities?							
	Sensory disabilities?							
1.8	Do payphones have hearing aid couplers?							
1.9	Are all locations clearly signed?							
1.10	Does the signage system incorporate:							
	Contrast in <u>colour</u> and/or <u>tone</u> ?							
	<u>Upper</u> and <u>lower</u> case lettering?							

