

## **COMMUNITY COUNCIL OF DEVON**

*helping communities help themselves*

When talking about 'Accessibility & Inclusion' in relation to community buildings, we need to consider a range of issues – from the Disability Discrimination Act legislation and Building Regulations to Governance and Inclusive Services and Activities. This information sheet provides headings and suggestions for management committees to consider when they are developing the policies and procedures. It can be used as the starting point for discussions, a framework to ensure compliance with legislation, practical advice and references to further reading and signposts to additional support.

This work has been developed over a three year period between September 2005 and August 2008, as part of the Community Council of Devon's Access & Awareness Project with Rural Community Buildings, funded by the Big Lottery.

### **1) Legislation: The Disability Discrimination Act**

### **2) Building Regulations**

In England and Wales, building design and construction is governed by 'Building Regulations', where compliance is overseen by each local authority planning and building control departments. These regulations include a series of requirements for specific purposes – health and safety, energy conservation, prevention of contamination of water and the **welfare and convenience of persons in or about buildings**.

#### **Part M:**

Part M of the regulations sets minimum legal standards for **access and use of buildings by all building users, including disabled people**. Since a requirement for access was first introduced in 1985, there have been a number of changes and extensions of access regulations. The most recent, and most radical revision came into effect on 1<sup>st</sup> May 2004. Previously, Part M was concerned with '**access for disabled people**', now, the requirement for non domestic buildings is:

#### **Access and use:**

**'Reasonable provision shall be made for people to gain access to and use the building and its facilities.'** This applies to all parts of a public building apart from areas used solely for inspection, repair or maintenance.

#### **Access to extensions to buildings:**

**'Suitable independent access shall be provided to the extension where reasonably practicable.'** This applies to all extensions except where suitable access to the extension is provided throughout the building that is being extended.

#### **Sanitary conveniences in extensions to buildings:**

***'If sanitary conveniences are provided in any building that is to be extended, reasonable provision shall be made within the extension for sanitary conveniences.'***

This applies to all extensions except where there is reasonable provision for sanitary conveniences elsewhere in the building that can be accessed by building users.

The regulations avoid specific reference to, and a definition of, disabled people. This 'inclusive' approach means that buildings and their facilities should be accessible and useable by **all** people who use buildings – including parents with young children, older people and people with disabilities.

Previously, Part M covered new building and extensions to existing buildings. The 2004 revision brings Part M into line with other parts of the Building Regulations, by extending its scope to include alterations to existing buildings and certain 'changes of use'.

### **Approved Document M**

Building Regulations are backed up by 'Approved Documents', which give practical guidance to the regulations. While their use is not mandatory, and the requirements of regulations can be met in other ways, Approved Documents are used as a benchmark by the local authority's planning department.

The new Approved Document M (AD M), published in November 2003, offers technical guidance on providing access to, and within, buildings. It is informed by the relevant British Standard (BS 8300:2001) *'Design of buildings and their approaches to meet the needs of disabled people: Code of practice'*. The British Standard also contains guidance on issues that are not appropriate or realistic to control under Building Regulations, such as interior decoration and the selection of door ironmongery. Dimensional criteria in the new AD M are largely in accordance with BS 8300. However, where there are differences between the documents, preference should be given to BS 8300.

### **Historic buildings:**

As alterations to existing buildings are now covered by Part M, more historic buildings are now affected. Whilst recognising the need to conserve the special characteristics of historic buildings, Approved Document M states that *'the aim should be to improve accessibility where, and to the extent which, it is practically possible, always provided that the work does not prejudice the character of the historic building, or increase the risk of long-term deterioration of the building fabric or fittings'*.

### **The role of Access Statements:**

Approved Document M recommends that Access Statements be provided to assist building control officers (local authority) in making judgements about whether proposals make reasonable provision. Access Statements are particularly useful where:

- The applicant chooses to meet the requirements of Part M by means other than those described in the Approved Document.
- In the case of alterations to, or changes of use in existing buildings, is not practical or reasonable to achieve the level of access provision normally required.

*(See Access Statements)*

### **Scotland and Northern Ireland:**

Building regulations in Scotland and Northern Ireland vary see:

[www.scotland.gov.uk/build\\_regs](http://www.scotland.gov.uk/build_regs)

or [www2.dfpni.gov.uk](http://www2.dfpni.gov.uk)



## **Building Standard BS 8300:**

BS 8300:2001 *Design of buildings and their approaches to meet the needs of disabled people 'Code of practice'*, explains how the built environment can be designed to anticipate and overcome restrictions that prevent disabled people from making full use of a building and its surroundings. The recommendations inform the design and guidance in the Approved Document M of the Building Regulations. They may also be used to assess the accessibility and usability of existing buildings and, where practical, as a basis for improvement.

### **Access Statements**

An Access Statement is a description of how inclusive design principles and practice can be incorporated into a project or development, and subsequently maintained and managed. It is not a static document, but a living process which evolves with the project; moving from being rather generic to becoming more specific and detailed. They can benefit the designer, building contractor, planning department (and building control), access officer, building owner and manager and local access group.

The use of Access Statements is formally recommended in *'Planning and Access for Disabled People: A Good Practice Guide'* as a way to ensure that the planning system successfully and consistently delivers inclusive environments. Published in 2003 by the Office of the Deputy Prime Minister (ODPM) the guide encourages Access Statements at planning stage to identify the philosophy and approach and should be seen as complementary to Building Regulations, rather than as a separate document.

An Access Statement provides an audit trail to demonstrate whether particular matters have been considered adequately and with the benefit of current and authoritative guidance. They can help to ensure that routine maintenance, extensions or minor alterations do not compromise the access provisions within the original design. They are also particularly useful where design solutions vary from those contained in AD M, particularly in historic buildings, where a statement will allow a designer or developer to identify the constraints posed by the existing building or structures. In these cases, they will propose compensatory measures where full access proves impractical or only achievable at disproportionate cost.

Access Statements help to maintain and update the original design in order to provide the owner and users of the building, who may have ongoing obligations under the DDA, with a record of the evolution of design and management decisions. They may also inform future access audits, plans, policies and practices.

### **Access Audits:**

The *'Code of Practice Rights of Access: Goods, Facilities, Services and Premises'* gives the following guidance to providers of public services on how they can identify possible adjustments to physical features of their buildings and reduce the likelihood of cases being brought against service providers under the DDA.

*'Service providers are more likely to be able to comply with their duty (under the DDA) to make adjustments in relation to physical features if they arrange for an access audit of their premises to be conducted and draw up an access plan or strategy. Acting on*

*the results of such an evaluation may reduce the likelihood of legal claims against the service provider.*

*In carrying out an audit, it is recommended that service providers seek the views of people with different disabilities, or those representing them, to assist in identifying barriers and developing effective solutions. Service providers can also be drawn on the extensive experience of local and national disability groups or organisations of disabled people.'*

The Access Audit provides a 'snap shot' of a building at any one point in time; it can also be carried out at the design stage of a new build to ensure compliance to the DDA (e.g. route widths, level emergency exits) and to inform construction and finishing (e.g. door handles, serving hatch level, colour and tonal contrasts in painting and decorating). It can also be used to inform the development of management policy and procedures.

The CCD Access & Awareness Project 'Access Audit' checklist ([see](#)) can be used to highlight all the issues relating to DDA service provision by the various criteria in each of the sections (21). These sections relate directly to the good practice A&A Information Sheets ([see](#)). A completed checklist (audit) can also be used to develop an action plan for improvement:

- a) SHORT TERM (quick, easy and with little or no cost);
- b) MEDIUM (cost implication, so built into the maintenance programme);
- c) LONG (significant cost implication, so built in to long term refurbishment or redevelopment programme).

### **3) Governance:**

The governance and management of a community building is usually framed within a legal structure of operation and charitable status; for example, a Constitution or Deed of Trust. The Constitution or Deed of Trust is then submitted and agreed by the Charity Commission, prior to receiving charitable status and subsequently a charity number. When this is achieved it means that the community building has the benefits of charitable status (i.e. they can apply for funds and grants and they can fundraise from members of the general public). However, it also means that they cannot deviate from the aims and purpose, as stated in the Constitution or Deed of Trust. Charitable status also means that the management committee / trustees must comply with other legal requirements; for example, they must submit annual audited accounts to the Charity Commission. Any deviation from the Constitution or Deed of Trust must be proposed and then agreed by a quorum of the membership at a specially convened Special General Meeting, SGM (complying with the rules laid down by the Charity Commission). The changes must then be submitted (with accompanying Minutes of the SGM) and formally agreed by the Charity Commission. Further information about legal frameworks can be obtained from Devon Association of Community Buildings (DACB) ([link](#)), or the Charity Commission ([link](#)).

Community buildings that have achieved charitable status must be 'open' and 'inclusive' to their respective communities. In other words, they are not allowed to discriminate against individuals or groups of people. The Disability Discrimination Act (DDA) enhances these responsibilities and states that goods and services provided to the general public must be made accessible to disabled people by making *reasonable adjustments*. Further information

about the DDA (Goods & Services) including responsibilities, reasonable adjustments etc. can be found in this document and from DACB and other available resources ([link to references](#)).

The governance of a community building, or any organisation, can be improved by developing policies. Policies can cover a range of operational procedures and detail the practice to ensure that everyone is working together to improve effectiveness. Policies should be monitored (to ensure compliance of the policy) on an on going basis and reviewed annually at the Annual General Meeting; they can cover a range of operational procedures including access and inclusion, employment, resources, health and safety, emergency evacuation etc. Each policy can then highlight the procedures and practice stemming from that policy; these can be used as benchmarks for monitoring compliance of the policy.

The Community Council of Devon's Community Buildings Access & Awareness Project has developed the following principles to help management committees write and implement an 'Access & Inclusion Policy' which complies with their legal structures and current legislation. It is suggested that all the principles are addressed when developing this policy.

#### **Further reading:**

ACRE VHIS 11	The Charities Act 1992, 1993
ACRE VHIS 15	Health & Safety Legislation
ACRE VHIS 17	Trustee Roles & Responsibilities
ACRE VHIS 25	Making Village Halls Accessible
ACRE VHIS 32	An Introduction Guide to the DDA 1995
ACRE VHIS 35	Trustee Liability & Trustee Indemnity Insurance
ACRE VHIS 36	Parish Councils as Sole Trustees
ACRE VHIS 37	Fire Safety in Village Hall
DACB VHIS 1	Access
DACB IS 4	The Governing Document
DACB IS 7	What is Equal Opportunities (2007)
DACB IS 7b	Draft Equal Opportunities Policy

The above can be obtained by telephoning Devon Association of Community Buildings (DACB) on 10392 383443 or emailing [info@devonrcc.org.uk](mailto:info@devonrcc.org.uk)

#### **4) Working towards accessibility & inclusion:**

##### **The management committee are:**

- Writing an 'Inclusion and Access Policy' which is regularly monitored and reviewed annually; this policy will address the following criteria:
- Addressing their legal responsibilities under the Disability Discrimination Act by understanding and addressing the criteria within the Act; their understanding is achieved by attending training, researching relevant materials contained in this Access & Awareness Project web based toolkit, and other related documents, references and websites.
- Commissioning an Access Audit ([link](#)) in order to assess their current level of accessibility against current best practice and DDA design guidance standards.

- Writing an Access Audit Action Plan ([link](#)) which records and monitors developments and improvements over an identified period of time.
- Inviting support and involvement, including representation on the management committee from minority groups and potentially excluded individuals; for example, disabled people, young people, farming people, Gypsy and migrant community etc.
- Reviewing their practice which may unintentionally 'exclude' certain groups of people; for example, those with young children (timings of events and activities), those who practice certain religions (e.g. place of meeting), those who are not financially stable (e.g. cost and concessions for events and activities), those with emotional difficulties (e.g. expectations of behaviour).
- Appointing a volunteer within the community or management committee to take a lead on 'accessibility and inclusion'; who takes responsibility for compliance with legislation, makes good practice recommendations and who regularly reports to the committee.

### **Building Hire:**

- Open to all:** A clear statement to highlight that the hire and use of the building and its facilities is available to everyone, regardless of their age, disability, race, ethnicity, gender, sexuality or religion; the statement should refer hirers and users to operational standards (i.e. hire agreement, health & safety etc.)
- Non accessible facilities:** Include areas which are not accessible to different types of disabilities and what the management committee are doing to address them within a specified period of time (i.e. Access Audit Action Plan. Where it is impractical or too costly to ensure accessibility (e.g. performance stage) there should be no hire cost and therefore, its subsequent use should be at the discretion of the 'Hirer' (i.e. delegated responsibility).
- Hire charges:**  
Community buildings and halls should review their hire charges on an annual basis and they should be written up and published. As management committees strive to improve their financial sustainability, where their ultimate goal is to ensure that the annual hire charges cover the annual running costs, they must ensure that the fee they charge to the local community is subsidised by commercial and statutory hire.

As the facilities are run and managed by volunteers from within the community and the community contribute considerable to raise money and attend fundraising activities, the community rate should be subsidised by statutory (e.g. primary school, adult education classes, polling station) and private hirers (e.g. commercial sales, public consultations).

In addition, as the management committee work towards better financial management, and capacity bookings, they need to regularly review their hire periods (e.g. per hour, per session) as it is not realistic to hire over say a lunch period when you could be turning away a morning and/or an afternoon booking.

Discounts can also be given to regular or annual bookings. The table below could be used as a starting point:

	Community Non Profit	Community Profit/Statutory	Outside Non Profit	Outside Profit/Statutory
Morning 8am to 12.30pm				
Afternoon 1pm to 5.30pm				
Evening 6pm to 11pm				
24 Hour 8am to 11pm				

Service charge of £20 (one hour pre and one hour post)

- d) **Additional charges:** Additional charges cannot be made for disability aids (e.g. hearing induction loop) or to disabled people for setting out the tables and chairs for their hire. However, a service charge can be made as long as it is equitable (same for all) and published in the general documentation. The service charge should be based on the 'wage' cost of having someone attend the hall and service at the beginning and end of the hire period.

A service charge can genuinely be justified as the majority of community buildings and halls are run and managed by volunteers. Thus, the Hirer is generally responsible for managing their own 'period of hire'. This may include picking up and dropping off the key, setting up the rooms as they want them, wiping surfaces, washing up crockery, removing rubbish etc.

As halls are being made more available to people and organisations 'outside' the community it is important to have clear written guidelines, usually agreed and signed for prior to hire, stating who is responsible for what.

- e) **Heating:** Community buildings vary considerable in terms of their facilities, including heating. It is important to clarify the heating arrangements, including any additional payments which might be necessary during the period of hire. For example, some guidance as to the amounts (£) and associated time available for electricity meter to operate the heating system.
- f) **Emergency evacuation:** The procedures should be written, agreed and signed by each hirer. Documentation should include the hirer's responsibilities (e.g.

announcing procedures to users, including the support for disabled people, place of refuge for disabled people and accessible and non accessible evacuation exits and routes. Non accessible exits (steps) and routes (in appropriate surfaces, width, gates etc.) should be highlighted and alternative procedures identified.