

## **The Disability Act 2005**

**The Disability Act 2005 has imposed obligations on public bodies to make buildings and services accessible to people with disabilities so that disabled persons can receive the benefit of those services in the same way as can the able-bodied.**

### **Key dates**

Since 31 December 2005 a statutory requirement has been placed on mainstream public bodies to integrate where practical and appropriate, their services for people with disabilities with those for other citizens. From this date public bodies were also required to ensure goods and services purchased were also accessible for the disabled.

Public owned/managed or controlled heritage sites are required to be accessible to people with disabilities with effect from 31 December 2007 (unless this causes adverse impact on the conservation of the site).

The Act places an obligation on all public bodies other than those mentioned above, to make their public buildings accessible to people with disabilities by 2015. The National Disability Authority (NDA) has produced an Accessibility Code of Practice to assist in this process.

### **Definition of disability**

Under the Act, the term 'disability' in relation to a person, is defined in section 2 as: 'a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment'. The 'substantial restriction' is permanent or likely to be permanent, resulting in difficulty of communication, learning or mobility or in significantly disordered cognitive processes, and/or gives rise to the need for services to be continually provided to the person.

### **Provisions for the persons not covered by the Act**

In spite of the limitations noted above, it would seem eminently sensible when planning the course of action necessary to comply with the Act, to make allowances for other groups or persons who may experience difficulties in using the building, even though they do not have a disability as defined by the Act.

Consideration should therefore be given not merely to the effects on wheelchair users, the visually impaired, those with hearing difficulties and persons with learning difficulties, but also to: -

- ❖ the elderly in general
- ❖ persons of excessively large or small stature
- ❖ children
- ❖ pregnant women
- ❖ parents and others in charge of small children, especially those with pushchairs
- ❖ those who are temporarily injured
- ❖ those who are sick or ill, and
- ❖ those who may be emotionally distressed or unstable

### **Definition of services**

The Accessibility of Public Services and Information provide by Public Bodies Code of Practice produced by the National Disability Authority (NDA) defines services as:

- ❖ the use of any place or amenity owned, managed or controlled by a public body
- ❖ the provision of information or an information resource or a scheme or an allowance or other benefit administered by a public body;
- ❖ any cultural or heritage services provided by such a body; and
- ❖ any service provided by a court or other tribunal

Obstacles for accessibility cover both tangible and intangible elements including communication and physical environment.

## **Provision of services**

As public bodies are required to ensure that the services they provide to the general public are accessible to people with disabilities where practical and appropriate, the type of assistance, advice, physical access and access to information provided should be analysed and reviewed.

The Act has allowed for the establishment of a 'Centre for Excellence in Universal Design' due to be opened in 2007. This Centre will support and assist in the development of standards in the design of buildings and products, as well as providing advice and training and promotion of public awareness. A service provider must also take reasonable steps to provide auxiliary aids or services if this would enable (or make it easier for) disabled people to make use of any services that it offers to the public.

Examples of auxiliary aids would be: -

- ❖ an induction loop system for persons with hearing difficulties
- ❖ signs in Braille or large text books for the visually impaired

## **Health & Safety**

Safety requirements must not be used as an excuse for not making provision for persons with disabilities. Whilst a service provider can justify less favourable treatment or a failure to make an adjustment, if it is necessary in order not to endanger the health or safety of any person, including a disabled person, spurious health and safety precautions provide no defence.

Special provisions must be made to ensure that persons with disabilities can be safely evacuated in the event of a fire or other emergency. The requirements of wheelchair users, those with hearing and sight impairments, and other disabilities, must be taken into account when carrying out fire risk assessments and drawing up evacuation procedures.

## **Suggested action plan**

In order to demonstrate that charities and voluntary organisations have complied with their obligations under the Act, the following should be undertaken:

- ❖ Carry out an audit of both physical and non-physical barriers to access for disabled people, and record the findings
- ❖ Make any appropriate adjustments
- ❖ Provide training to staff and volunteers
- ❖ Draw the adjustments to the attention of disabled people and let them know how to request assistance
- ❖ Monitor the effectiveness of the adjustments and revise accordingly

## **Controls and compliance**

Any work which may need to be carried out as a result of the Act does not override existing planning control, whether that be planning permission or listed buildings consent. It is most important that any work is not undertaken, particularly where it may involve the historic fabric of a building, without obtaining the correct permissions.

## **Further information**

### **Disability Act 2005**

Available from the Office of the Attorney General/Irish Statute Book  
Tel: (01) 6314000 / [www.irishstatutebook.ie](http://www.irishstatutebook.ie)

**Code of Practice on Accessibility of Public Services and Information**  
provided by Public Bodies.

### **The National Disability Authority**

25 Clyde Road, Dublin 4, Ireland / Tel: (01) 6080400  
[www.nda.ie](http://www.nda.ie)

**National Advisory Committee on Disability Training and Employment Authority (Ireland)**



PO Box 456, 27-33 Upper Baggot St, Dublin 4. Tel: (01) 6070500 / [www.fas.ie](http://www.fas.ie)

**Database containing relevant information, products, suppliers and resources relating to daily living and disability in Ireland.**

Lo Call: 1890 277 478 / Email: [support@assistireland.ie](mailto:support@assistireland.ie)

**OASIS (Online Access to Services, Information and Support)**

General information on public and social services / [www.oasis.gov.ie](http://www.oasis.gov.ie)