

# The Football Association The Disability Discrimination Act 1995 (DDA)



A Guide for Non-League Football Clubs

**TheFA.com**/FootballForAll



# FA pledge to Disability Football



The Football Association believes passionately that football in England really is for everyone. Our Ethics and Sports Equity Strategy sets out in detail what we believe in and how it will be achieved. The programme includes how The FA can tackle all forms of discrimination and harassment as well as promoting equality. This programme is called Football for All. From playing to coaching, from refereeing to administering the game - football can offer something for everyone whatever his or her ability.

In 2000 The FA made its first ever commitment to disability football, and, at the launch of The FA Football Disability Strategy, 2004-2006, we spelt out just what had been achieved as well as our hopes for the future.

In addition, The FA has taken a leading role in making sure all of football is aware of the responsibilities detailed in the Disability Discrimination Act.

However, we believe that legislation requirements should not be the end of the matter. With the new Wembley stadium plus many developments at County Football Associations and

clubs, as well as the pioneering work of The FA Disability Football Strategy, we believe we are making progress in ensuring that the national game is inclusive and diverse, and that The FA's Football for All slogan lives up to its name.

Since 2000, The FA has taken such a proactive stance that we are now widely considered to be the world's leading governing body in the development of disability football. The England Learning Disability Squad were 2002 World Champions and 2004 Global Games gold medal winners, while the County FAs have set up local working groups for disability football involving a range of partners, ensuring that local disabled people have a chance to get involved, as players, coaches and referees and are crucial to the continuing developments.

The progress does not stop there as The FA is increasing its commitment to developing disability football from grassroots through to England squads - from developing the guidance and information that enables football to surpass the DDA requirements to ensuring disability is no barrier to involvement.

The FA's work in this field has

struck a chord with the Government, whose Minister for Disabled People, Maria Eagle, welcomed The FA's "efforts to promote disability football" and endorsed "The FA's work to include disabled people at all levels." She also praised The FA saying: "I want to congratulate The FA who have been vindicated by how successful this scheme's results have been."

Meanwhile, The FA's Director of Football Development, Sir Trevor Brooking, said: "I am delighted that we are ensuring that disabled children and adults now have far greater opportunities to be involved in the national game and I am determined to fight disability sport's corner, being a strong believer that football can be a powerful tool for social inclusiveness. The progress we have made has been fantastic and with the support of our partners, particularly the County FAs and the clubs, we know we can achieve far more."

For more information on The FA's work in disability football please go to The FA's website [www.TheFA.com](http://www.TheFA.com)

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# The Disability Discrimination Act 1995 (DDA)

## Chapter 1 The Disability Discrimination Act - Part III A guide for Non-League Football Clubs

### Background

This is the third report published by The Football Association designed to give information and advice on Part III of the Disability Discrimination Act (referred to as the DDA) covering discrimination in the provision of goods, services and facilities. The previous report, "Addressing the Requirements of Part III of the Disability Discrimination Act (1995)". A Management Guide to Football Clubs, published in September 2003 was issued to clubs participating in the FA Cup, FA Trophy and FA Vase competitions and the County Football Associations. In all, more than 700 clubs and 35 leagues received the report, which was also made available to a wider audience via The FA Website.

The recent report "The Disability Discrimination Act - Part III. A Guide to County Football Associations" was published in October 2004 and circulated in all the County FAs.

While the number of clubs now advised on Part III DDA matters is extensive, The FA recognises that not all leagues have been covered and many clubs affiliated to County FAs playing in regional, local and Sunday leagues may have requirements under the DDA but have not, as yet, been advised on these matters. The FA is extending its advice to those clubs in November 2004 with the publication of this report, "The Disability Discrimination Act - A Guide for Non League Football Clubs".

This report is an addition to the September 2003 report and it specifically covers the duties and requirements that Part III of the DDA may impose on the work of non-league clubs.

This new report should be read alongside the September 2003 report. The detailed requirements

of the Act are only summarised here because they were covered extensively in that report, which includes -

- The DDA Part III provisions
- The DDA Part III Code of Practice
- Reasonable Adjustments – existing duties
- Auxiliary aids and services
- Reasonable Adjustments – 1st October 2004 duties
- Physical features
- The practical implications of the 2004 duties
- What "reasonable" means
- Who is a Disabled Person under the Act

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In addition, information was provided on other legislation, regulations and codes of practice that should be considered. These included:

- Building Regulations – Part M, Approved Document M and BS8300
- Guide to Safety at Sports Grounds
- The Football Task Force Report
- The NADS (National Association of Disabled Supporters) Audit Report
- The Football Stadia Improvement Fund/ Football Licensing Authority (FSIF/FLA) Report, "Accessible Stadia"

## Scope of the report

The purpose of this report is to advise clubs on their own duties and requirements under the DDA.

Although this report will assist clubs to identify their duties under the DDA and to take appropriate measures to ensure that they comply with the Act, the report is not a legal briefing, nor does it necessarily identify every activity that any particular club might be

engaged in. If clubs identify that they are engaged in other activities, open to the public, that are not included in this report they would be wise to conclude that those activities are likely to come within the DDA. Equally, some of the provisions of the DDA (Part III) have yet to be tested in the courts. Therefore, a definitive answer to how the law might be interpreted in each and every circumstance is not always possible.



# The Disability Discrimination Act 1995 (DDA)

## Chapter 2 What is the Disability Discrimination Act?

The Disability Discrimination Act (known as the DDA), is legislation designed to end discrimination against disabled people, mainly in employment and in the provision of goods, services and facilities. The DDA is written in sections called "Parts".

Part II deals with discrimination in recruitment and employment. From 1st October 2004 all clubs employing more than two people come under the employment requirements of the Act .

Part III deals with discrimination in the provision of goods, services and facilities, and this chapter gives advice on how Part III is likely to affect football clubs playing mainly in local leagues who may have little in the way of facilities and resources at their disposal but who, nevertheless, might still have duties under the Act. The DDA gives "rights" to disabled people not to be discriminated against in almost every area of activity that a football club is likely to be engaged in. Football clubs have had legal requirements under the DDA since 1996. For example:

- Since December 1996 it has been unlawful for service providers to treat disabled people less favourably for a reason related to their disability.

- Since October 1999 service providers have had to make "reasonable adjustments" for disabled customers by way of auxiliary services, such as providing extra help or making changes to the way they provide their services (Chapter 3).

- From 1st October 2004 service providers may have to make other "reasonable adjustments" in relation to the physical features of their premises to overcome physical barriers to access (Chapter 4).

A Code of Practice which states that sports stadiums are included under its provisions accompanies the Act. In addition, it states that all goods, services and facilities provided to the public, "whether charged for or provided free of charge", come within the legislation. This means that all goods, services or facilities offered



by a club to the public, or a section of the public (spectators) are likely to come under the Act. Among others, the following activities are likely to be covered by the DDA:

### **Club Policies:**

This includes both formal and informal policies and practices adopted by the club which determine how its services are operated concerning the public.

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## Ground Issues:

Ground accommodation, access and facilities, including off-site facilities such as shops etc, health and safety.

## Ticketing Issues:

Ticket administration, concessionary ticket eligibility, pricing, season tickets and "All Ticket" cup or league matches.

## Match Day Issues:

Seating and viewing, Personal Assistants (PAs), car parking, match day information, catering and refreshments, toilet facilities, stewarding, travel information.

## Club Operations and Management:

Provision of information, commercial activities, merchandising, sponsorship, supporters clubs, football centres of excellence, Football in the Community schemes, community activities, consultation.

## How does discrimination occur?

The Act says that there are four ways in which discrimination can occur. This is when the service provider:

### 1. Refuses to provide a

**service.** E.g. a disabled person is refused a service, not being admitted to the ground, being turned away from the social club etc, solely because they are a disabled person.

### 2. Provides a lower standard of service than they could otherwise offer

E.g. a disabled person buying goods from the club shop is served after non-disabled customers even though they have been waiting to be served for a longer time.

### 3. Provides a service on worse

**terms.** E.g. disabled people have to pay a deposit to use a club meeting room to cover possible damage when non-disabled people are not charged a deposit.

### 4. Fails to make a reasonable

**adjustment.** Reasonable adjustments are a central requirement of the Act. The Act

recognises that many barriers exist which make it difficult or impossible for disabled people to use goods, services or facilities that other members of the public are easily able to use. Making a reasonable adjustment means taking action to remove or overcome those barriers. Where a service provider offers services to the public, whether charged for or not, it has a legal duty to take reasonable steps to enable disabled people to have access to those services. This duty, which has been required since October 1999, falls into three main areas:

- Changing a practice, policy or procedure which makes it impossible or unreasonably difficult for disabled people to make use of its services.
- Providing an auxiliary aid or service if it would enable or make it easier for disabled people to make use of its services (Chapter 3)

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- Providing a reasonable alternative method of making its services available to disabled people where a physical feature makes it impossible or unreasonably difficult for disabled people to make use of the services.

## Who is covered by the Act?

There are around 9.5 million disabled people in the UK, the majority of whom are likely to be protected against discrimination by the DDA. The following are examples of who is covered:

- People with physical or mental impairments including mobility impairments, sensory impairments (hearing, visual), learning difficulties and mental impairment where it is a "clinically well-recognised illness".
- People with severe disfigurements.
- People with progressive conditions such as cancer, MS or HIV infection are included from the moment that some effect on the ability to carry out day-to-day activities is experienced.

- People whose physical or mental impairment is substantially corrected or controlled by the use of prosthesis or medication.

- Children under the age of 6 if they have an impairment which would be covered by the DDA if they were an adult.

In addition, the impairment must have a substantial adverse effect and must:

- Have lasted - or be expected to last - at least 12 months, or,
- Is likely to last for the rest of that person's life, or
- Is likely to recur if it is currently in remission.

For the purposes of the Act, guidance on the definition of disability, issued by the government, points out that in most situations it will be obvious that the person is a disabled

person and checks on eligibility should therefore be minimal.

## Are all football clubs covered by the Act?

The Act says that all those providing goods, services or facilities to the public or a section of it, whether charged for or not, are covered by the Act. Obviously, if a club is not engaged in any of those activities then it is unlikely to have any requirements under the DDA. A distinction can be made between clubs who have Part III DDA duties and requirements as follows:

If the club plays on leased or rented pitches where it owns no facilities; where it does not own or lease other facilities to which the public or sections of the public are admitted (social club etc); where it does not engage in providing information, selling goods (shirts etc) or holding social events - then it is unlikely to be covered by the Part III provisions.

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If the club engages in one or more of the following then it is likely to have duties under the Act.

However, if the club engages in one or more of the following then it is likely to have duties under the Act. Where it-

- Owns or leases its ground where it has rights of occupation at certain times and offers services from those facilities.
- Has facilities in the ground - bar, café, toilets, car park, catering outlets, programme outlets etc, or has other facilities "off site", town-centre shop, social club etc.
- Charges an admittance for matches or issues tickets, including season tickets, or admits the public free of charge on occasion (reserve team matches for example).
- Allows some people to enjoy a reduced or free admittance to matches, eg. concessions for

older/younger people, disabled people.

- Provides match day information – programmes, loud-speaker system, team sheets etc.
- Provides other information, web sites, leaflets, brochures, flyers etc.
- Runs a commercial operation, merchandising, corporate sales and lettings, executive lounges etc.
- Runs "supporters" or other official clubs.

- Has a football Centre of Excellence.
- Is involved in Football in the Community scheme.
- Offers ground or other owned facilities to community or other groups, whether charged for or free.
- In some circumstances, club sponsors will be covered by the Act
- Uses Match day stewards, (not necessarily paid).



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## Chapter 3 Making Reasonable Adjustments

The requirement to make "reasonable adjustments", under Part III is central to the DDA. The Act recognises that many barriers exist which make it difficult or impossible for disabled people to use goods, services or facilities that other members of the public are easily able to use.

Making a reasonable adjustment means taking action to remove or overcome those barriers that prevent or make it unreasonably difficult for disabled people to use the goods, services and facilities you are offering.

One way of making a reasonable adjustment is through the provision of an auxiliary aid or service. The Act and Code of Practice give examples of what these might be. An auxiliary aid or service might be the provision of a special piece of equipment or simply extra assistance made

available to disabled people from club staff. The range of auxiliary aids or services that it might be reasonable to provide to ensure that services are made accessible could include one or more of the following:

- Written information, such as a leaflet or guide.
- A facility for taking and exchanging written notes.
- Induction loops.
- Information displayed on a computer screen.
- Accessible web sites.
- Textphones, telephone amplifiers and inductive couplers.
- Teletext displays.
- Audio-visual telephones.
- Audio-visual fire alarms.
- Qualified British Sign Language (BSL) interpreters or lipspeakers.
- Documents in large or clear print, Moon or Braille.
- Information on computer disk or e-mail.
- Information on audiotape.
- Telephone services to supplement other information.
- Spoken announcements or verbal communication.
- Assistance with guiding.
- Other services that might also be identified.



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## What does "reasonable" mean?

The Code of Practice makes it clear that there are likely to be very few situations where a club could not make its goods, services and facilities more accessible to disabled people. However, what is reasonable for each club will depend on local factors and therefore, what is reasonable for one club might not be reasonable for another. A number of factors can affect this. However, taking no action at all to improve access to goods, services and facilities is not likely to be reasonable.

The DDA requires clubs to anticipate that they will have disabled customers and plan accordingly. Thus, the club has a requirement to "anticipate" that it is likely to need to make some reasonable adjustments and change some policies and working practices. It will not be sufficient to wait until a disabled person asks, for example, for access to the club bar. The club must anticipate that disabled

people will want access to the bar and must take reasonable steps and make reasonable adjustments to provide access – unless there is a justifiable reason for not doing so

The Act says that what will be viewed as reasonable is likely to be guided by:

- Whether taking any particular steps would be effective in overcoming the difficulty that disabled people face in accessing the services in question.
- The extent to which it is practicable for the service provider to take the steps.
- The financial and other costs of making the adjustment.
- The extent of any disruption which taking the steps would cause.

- The extent of the service provider's financial and other resources. For football clubs this will include resources made available for player wages and transfer fees.

- The amount of any resources already spent on making adjustments.

- The availability of financial or other assistance.

The Code of Practice states that "It is more likely to be reasonable for a service provider with substantial financial resources to have to make an adjustment with a significant cost than for a service provider with fewer resources" and; "If, having considered the issue thoroughly, there are genuinely no steps that it would be reasonable for a service provider to take to make its services accessible, the service

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provider is unlikely to be in breach of the law if it makes no changes. Such a situation is likely to be rare".

League status is not a determining factor. Whilst it is generally true that "higher" league clubs are usually better resourced it is not automatically the case. It is the circumstances of each individual club that will be the key consideration. In addition, the personal wealth of the Chairman or Directors is not likely to be counted as available club resources but investments made in the club by them may well be regarded as club resources.

The majority of reasonable adjustments a club may need to resource themselves will address club policies and practices. Government guidance points out that most reasonable adjustments are neither invasive nor expensive. The following shows how the duty to make reasonable adjustments is likely to apply.

The duty to make reasonable adjustments requires that clubs take positive action to ensure that goods, services and facilities, which are currently difficult or impossible for disabled customers to use, are made accessible.

It is clear then that the DDA is far-reaching and requires all clubs who are offering goods, services or facilities to the public to consider what actions they need to take to remove those barriers that prevent, or make it unreasonably difficult, for disabled people to access them.

In summary:

- Every football club providing goods, services and facilities to the public is included within the Part III provisions of the Act.
- The law requires that clubs make reasonable adjustments in anticipation that they will have disabled customers. Thus, a club cannot wait until a disabled customer makes a request before

taking action. Doing nothing to improve access to goods, services and facilities is not an option.

- Notwithstanding the previous points, a club is also required to consider reasonable adjustments for individual disabled people in addition to the collective adjustments it may already have made.
- The greater the resources available to the club the more extensive will be the requirement for reasonable adjustments.
- In general, the greater the demand from disabled people to use club facilities, including on non-match day, the more extensive will be the requirement for reasonable adjustments.

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## Chapter 4 Premises - The 2004 Requirements

Football clubs that have built new stadiums or stands or have made additions, extensions or refurbishments through "football" grants or otherwise, will have had to meet the access requirements of Part M Building Regulations. These regulations provide for general access to the ground for disabled people. However, Building Regulations have changed a number of times over the past 10 years and are now more rigorous than when they were first introduced. This has resulted in many stadiums and grounds having a range of facilities that were built at different times and to different standards. New measures came into effect in October 2004 designed to ensure, over a period of time, that all facilities are of the same standard as regards access for disabled people.

The new duties are intended to help remove permanent barriers to accessing goods, services and facilities where a **physical feature** makes it impossible, or unreasonably difficult, for disabled people to make use of services.

Since 1st October 2004, a service provider has to take reasonable steps to:

- Remove the feature; or
- Alter it so that it no longer has that effect; or
- Provide a reasonable means of avoiding it; or
- Provide a reasonable alternative method of making the services available.

### What is a physical feature?

The Disability Discrimination (Services and Premises) Regulations 1999 make provision for various things to be treated as physical features. A "physical feature" includes:

- Any feature arising from the design or construction of a building on the premises occupied by the service provider.
- Any feature on those premises or any approach to, exit from or access to such a building.



- Any fixtures, fittings, furnishings, furniture, equipment or materials in or on such premises.
- Any fixtures, fittings, furnishings, furniture, equipment or materials brought onto premises, other than those

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**Any physical structure built or modified before 1994 is subject to an immediate duty with effect from 1st October 2004.**

occupied by the service provider, by or on behalf of the service provider in the course of, and for the purpose of, providing services to the public.

- Any other physical element or quality of land comprised in the premises occupied by the service provider.

All these features are covered whether temporary or permanent. A building means an erection or structure of any kind.

## The practical implications of the new duties

A building in England or Wales that complies with Part M of Building Regulations must make provisions for disabled people to gain access to and use the building. A building complies with Part M when its physical features, or aspects of physical features, accord with those described in the Approved

Document M. This will make it "reasonably safe and convenient" for disabled people to access a building and use its facilities.

The government recognises that some providers of goods, services and facilities have constructed new buildings or modified existing ones to the standards required by Part M Building Regulations, that were in effect, at build or modification date. Nevertheless, the access standards required by Part M and Approved Document M have been revised over the years. The new DDA 2004 duties are intended to ensure that, older facilities in particular are made more accessible by applying the test of reasonable adjustments where barriers continue to make access either impossible or

difficult. Whilst the new duties came into effect on 1st October 2004, the individual club duty may not have had to be implemented on that date. The DDA provides an exemption in that a service-provider who provides services from a building will not have to make alterations or adjustments to physical features which accorded with Approved Document M if 10 years or less have passed since their construction or installation. However, if a club does upgrade facilities that complied with a previous version of Part M, then they will have to now comply with the most current version to ensure continued compliance.

Any physical structure built or modified before 1994 is subject to an immediate duty with effect from 1st October 2004.



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In considering the dates when clubs would be likely to have a new duty, the following will also apply:

- The 10-year exemption is unlikely to apply if the club does not meet the Part M Building Regulation in force at the time of build. In such situations the club will face an immediate duty applied from 1st October 2004.

- Clubs need to establish exact completion dates for all stands in the stadium including the completion dates for facilities within those stands, which may differ, and for any other club property to determine the exact date from which they will have a requirement to address "physical features". For example, a stand completed on 1st June 1996 will have a "2004 duty" on 1st June 2006.

The following are examples of how the 2004 duty is likely to apply:

- A ground built in 1977 has an immediate requirement from 1st October 2004 to address permanent access issues.

- A club shop built in 1996 will have a requirement in 2006.

- A stand built in 1995 will have a requirement in 2005.

- A stand built in 1999 will have a requirement in 2009.

It is important to stress that the 2004 duties apply only to physical features, not to the services being delivered from the facility. Those have been subject to reasonable adjustments from 1999. In addition, Approved Document M does not cover all building access and design considerations. For example, signage and lighting levels are not covered by Part M but may be regarded as reasonable adjustments under the DDA, so

adjustments to these may be required regardless of how recently the building was completed.

Structural or other physical changes required from 1st October 2004 could include:

- Widening doorways.

- Providing a permanent ramp for a wheelchair user.

- Relocating light switches, door handles or shelves for someone who has difficulty in reaching them.

- Providing appropriate contrast in decor to assist the safe mobility of a visually impaired person.

- Installing a permanent induction loop system.

- Providing tactile buttons in lifts.

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## Chapter 5 Tickets and Match Day Pricing

Most football clubs which charge for admittance offer concessions to a range of groups such as older people, children and disabled people. This is not unlawful under the DDA. The law does not permit a club to treat a disabled person less favourably but it does allow them to treat a disabled person more favourably. Thus, clubs that offer concessions are encouraged to continue to do so. However, clubs need to be clear about the basis on which they offer concessions and for which disabled spectators might be eligible. An example illustrates why this is essential.

The DDA says that discrimination can also occur between disabled people where one disabled person is treated less favourably than another disabled person for a reason related to their impairment and without justification. For example, a club gives a concession to wheelchair users because they are recognisable

disabled people but does not offer a concession to other disabled people (people with learning difficulties for example). On the other hand, if the concession is offered to wheelchair users because their view is not as good as that enjoyed by people with learning difficulties then the difference in pricing may be lawful. If the club gives a concession solely on the basis of a person being disabled, then every disabled person covered by the DDA might be entitled to the same concession.

If every disabled person who comes under the Act were to be given concessions then the financial impact would be substantial and the administration required to deal with concessions and match day admittance would be onerous. Alternatively, withdrawing concessions, especially where they already exist, would prevent many disabled people from attending



matches and the resultant bad publicity would do the club no good either. Whilst this seems like a dilemma, the DDA provides a simple solution.

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## Concessions

The club needs to define who will be entitled to a concession. It vastly reduces the entitlement if it does not focus on the disabled person's impairment, but focuses on disabled people for whom a reasonable adjustment is being provided for under the DDA. Thus, a pricing policy that gives concessions in defined sections of the ground, or which is available to disabled spectators for whom the provision of auxiliary aids or services is being made but is not based on impairments, plus disabled people not covered by the above, could not claim a concession. Therefore, the club's concessionary ticketing policy should relate to:

- Designated viewing areas in the stadium such as wheelchair platforms or viewing areas, and/or
- The need for personal assistance support in order to be able to attend the match, and/or
- The need for the provision of other auxiliary aids or services such as access to a match

commentary system or the provision of special seating for ambulant disabled people.

There are some disabled people who may not be seated in designated seating areas to whom the concessions should also apply. These would include people with learning difficulties or people with progressive conditions who require personal assistance support. In both cases, these spectators should be encouraged to bring a Personal Assistant (PA) with them. A PA might be needed to provide extra assistance to enable disabled people to access goods, services and facilities. This is regarded as an Auxiliary Service. The best way to meet this requirement is to enable the disabled person to bring their own PA, who would then be regarded as providing the Auxiliary Service - provided you have not charged the PA for admittance. It would be

a valid condition of entry that the PA sits with the disabled person in order to assist them.

## Season tickets

Where clubs issue season tickets, they often ask the applicant to complete a standard renewal or application form. This practice is likely to discriminate against some disabled supporters, e.g. those with visual impairments or dexterity impairments, and reasonable adjustments must be considered. These might include allowing an application in the disabled person's own preferred format, allowing applications by Email or telephone or textphone.

## Sales outlets

It is doubtful whether any of the clubs covered by this report have ticketing arrangements for league matches, except those for season tickets. However, where matches are made "all ticket" in anticipation

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## Offering different concessions to people with different impairments may be unlawful.

of a larger attendance - usually cup matches or derby matches - it is likely that the club will have a sales outlet that will be open for the business of selling tickets. This could be a ticket office at the stadium or club shops or tickets sold through other outlets such as local shops. For each of these sales outlets the club will need to consider reasonable adjustments to make them accessible to disabled people.

Reasonable adjustments might include:

- Providing an Email address and textphone number to enable disabled people to book tickets without the need to travel.
- Making sure that sales outlets are fully accessible to disabled people.
- Providing facilities to book tickets via the club website.

Clubs should note that if tickets are sold on match days to non-disabled supporters then they



must provide the same facility for disabled supporters. As with non-disabled supporters these should be available on a "first come first served" basis.

### **Match day admittance pricing**

Clubs employ a wide variety of charging practices. These range from charging disabled spectators full price, to charging a reduced price, to admitting them free of charge. The same practices also

apply to Personal Assistants (PAs) who accompany disabled people. Clubs should review their charging policies to ensure that they do not discriminate either between disabled and non-disabled people or between disabled people themselves.

Offering different concessions to people with different impairments may be unlawful. The Code of Practice states: "The comparison

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can also be between the way in which one disabled person is treated compared to the way in which people with other disabilities are treated". Thus, offering a concession to, say, a wheelchair user that is different from the concession available to, say, an ambulant disabled person may be illegal, unless there are good reasons to do so. An example of where disabled people could be charged differently is where they occupy areas of the stadium that offer superior facilities.

Charging a disabled person and their PA in total more than the full price of a single ticket is likely to be unlawful if the disabled person could not access the stadium without a PA. The provision of a PA to enable access is likely to be regarded as a reasonable adjustment. The DDA does not allow service providers to "pass

on" the cost of reasonable adjustments to disabled customers. Therefore, the club will be deemed to have charged more for the same service than it would have charged a non-disabled person. If the club is uncertain that the disabled person requires a PA then it is entitled to ask for evidence.

However, charging a disabled person and their PA no more in total than the standard or concessionary charge is likely to be lawful. The club is charging no more than it is charging other people.

In practice, the club should seek to operate policies and practices that are effective and simple to follow. Where special provision is already being made for disabled spectators it will be obvious that they are disabled people covered by the DDA. It will also be

obvious that many of these people will need a PA to enable them to access the stadium on match days. And, whilst the club cannot insist that they do bring a PA, unless there are sound health and safety reasons, they should nevertheless encourage them to do so.

Clubs should recognise that the service they are providing is to the disabled person and good practice should then mean:

- That if an admittance charge is made it should be to the disabled person.
- Personal Assistants should be admitted free and should be regarded as an auxiliary service.

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## Chapter 6 Match Day Requirements

The time when most disabled people will want to access the clubs facilities is likely to be on match days. The following identifies reasonable adjustments that a club will need to consider in order to meet its requirements under the DDA.

### Personal Assistants (PAs)

Making a reasonable adjustment could include providing human assistance to enable disabled people to access goods, services and facilities. This is regarded as an auxiliary service. Clubs may need to have stewards to guide people from car parks, assist them to their seats and viewing areas and obtain refreshments for them. The best way to meet this requirement is to enable the disabled person to bring his or her own PA who would then be regarded as providing the auxiliary service. It would be a valid condition of entry that the PA sits with the disabled person to assist him or her.

Whilst clubs should encourage disabled spectators to bring a PA with them, the club cannot refuse admittance to a disabled person who does not bring a PA unless there are valid health and safety reasons for doing so.

Clubs should be aware that young people often provide personal assistance to disabled adults. The law does not set a minimum age for a PA. Provided that the person is able to give the required support to the disabled person then it is unlikely that the club can impose age restrictions. In addition, it is also not uncommon for one disabled person to provide support to another disabled person and it is valid to regard a disabled person as a PA for the purposes of the Act.

### Car Parking

Clubs providing vehicle parking spaces on match days, whether charged for or not, have a duty to provide the same facility to



disabled supporters, including disabled away supporters.

These should be located as close to the ground as possible and the DDA Code of Practice endorses

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this point by observing that service providers must not make it "unreasonably difficult" for disabled people to use their services. The Code states further, "when considering if services are unreasonably difficult for disabled people to use, service providers should take account of whether the time, inconvenience, effort, discomfort or loss of dignity entailed in using the service would be considered unreasonable by other people if they had to endure similar difficulties".

Because there is an individual duty as well as a collective duty to disabled people, consideration for reasonable adjustments must also take account of individual requirements. This means that it is likely to be reasonable for a disabled person to have a parking space at the stadium if available. In considering what is reasonable, the nature of the impairment and the degree of assistance available - do they use a PA? - might be factors to be taken into account.

Car parking allocation can be problematic where spaces are at a premium and where there is

competition for spaces between disabled people with different impairments and needs. Clubs may need to be imaginative in their approach and some of the practical approaches to resolve car parking difficulties might include:

- Ensuring the required number of parking bays at stadium car parks and, where possible, providing an excess to meet anticipated future demand.
- Stewarding disabled bays to ensure their correct use on Match Days.
- Asking the Local Authority to create on-street bays near the stadium.
- Operating a "drop off" point at the stadium for disabled passengers.

## **Provision of match day information**

Clubs should ensure that disabled supporters have access to appropriate information on match

days. This may include information on emergency procedures and stadium egress as well as information on facilities such as toilets and catering outlets. Much of the latter can be provided to most spectators through appropriate signage and steward assistance. Other facilities that are likely to meet the requirement to provide match day information would include:

- Public safety announcements.
- Announcements on team selection, goal scorers, substitutions etc.
- External signage including disabled parking bays, drop off points, entrance direction signage, entrance gate signage.
- Direction and facilities signage within the stadium.
- Evacuation procedures for disabled spectators.
- Match Day programmes.

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## Catering and refreshments

Clubs must provide adequate and appropriate catering facilities to disabled spectators if they provide them at all. In new stadiums and new or re-developed stands, provision should be made for lower catering counters which disabled people can access. However, in older stadiums and in many non-league grounds, catering facilities are often located at the back of stands and are likely to be inaccessible to many disabled people. Access to such facilities should be considered as a key October 2004 duty (Chapter 4).

Where PAs accompany disabled people, and no charge has been made, then the PA can be regarded as an auxiliary service and would be expected to meet the disabled spectator's needs. However, not all disabled spectators who cannot access the catering facilities will bring a PA with them. For those people the club might consider whether "steward assistance" would enable it to meet the duty of a reasonable adjustment.

## Toilet facilities

A basic requirement of Part M Building Regulations is the provision of adequate and appropriate toilet facilities for disabled people. Toilet locations should be clearly signed and their use by non-disabled people prohibited either through fitting RADAR keys or through steward supervision.

## Match day reasonable adjustments

The following are likely to be regarded as reasonable adjustments on match days:

- The provision of wheelchair bays or spaces.
- Seating for ambulant disabled people.
- Appropriate toilet facilities.
- Access to catering outlets.

- Access to a commentary system for blind spectators, where reasonable to do so.
- Provision of match information - scorers, substitutions etc, via a public address system.

In addition, where PAs are not admitted free of charge and cannot be regarded as an auxiliary service, it is likely to be reasonable for the club to ensure that stewards or other staff are available to assist with catering needs and guidance to seating and viewing areas.

Because the club has an "anticipatory" duty then general access provisions should already be in place. So, unless the disabled supporter has additional individual access requirements, that the club could not have anticipated, then in principle

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access cannot be refused just because prior notice was not received. For example:

- If tickets are sold on match days to non-disabled supporters then they should also be available for purchase by disabled supporters – subject, of course, to them not already being sold out.
- Access to bars, restaurants etc, should not be refused where access has been provided and where non-disabled supporters are generally allowed.

However, if disabled people expect access to special facilities that do need advance notification, and which can be justified, such as radio commentary headsets, then it is likely to be justifiable for the club not to provide that service on that occasion.

Clubs should also take account of the needs of disabled people who use Assistance Dogs. These are

highly trained assistants to people with visual, hearing or mobility impairments. It is unlikely that the club would be expected to make a general provision for Assistance Dogs, but each application for a reasonable adjustment, for example a quiet room for the dog during the match, water bowl etc, would have to be viewed on its own merit.

## Match day stewards

All persons providing services for the club, regardless of whether they have contracts or whether they are self-employed may be considered as agents of the club and, as such, the club is directly responsible for their actions. Stewards provide essential services to the public and may be regarded as an auxiliary service under the DDA. Among the duties it might be reasonable to

expect them to perform are the following:

- Giving directions to disabled people to appropriate entry gates.
- Assisting disabled people from drop off points into the stadium.
- Ensuring that disabled parking bays are correctly used.
- Ensuring safe crowd flow through club shops.
- Supervising disabled toilet access.
- Assisting access to lower counters at catering and other concourse facilities.
- Lounge stewards might carry food for disabled customers if service is self-service.



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## Chapter 7 Club Operations and Management

Many clubs have traditionally held the view that their only required commitment to disabled people is on match days where they have a duty to provide access to the ground. However, the DDA has much wider implications, summarised in Chapter 2, and this impacts on all areas of club operations. The following summarises how the Act affects those operations.

### Club Management

Clubs, in the main, are companies limited by guarantee, incorporated members clubs or companies limited by shares. Each club has a board of directors or committee which is responsible for the overall management of the club.

The Members at the AGM elect the officers or directors from the club membership who are subject to standard rules, regulations and election procedures.

The number of directors and committee members vary from club to club.

There is no reason why disabled people will not be among those

who serve as directors or committee members or who are members entitled to vote at the AGM. Therefore, in respect of its duties to service and facilitate those two governing bodies and in its duty to provide full access to the AGM, the club is likely to have a duty for reasonable adjustments. These could include:

- Ensuring that meetings, including the AGM, are held in accessible venues.
- Ensuring car parking facilities, where provided, and appropriate toilet facilities are available at those venues.
- Providing papers, reports and other documents in accessible formats.

Further reasonable adjustments to meet individual need might include:

- Providing a BSL signer or other interpreting service.
- Providing an induction loop.



- Allowing a disabled person to be accompanied by an advocate.
- Allowing a disabled person to be accompanied by a Personal Assistant.

### Club Policies

Whilst clubs do not have a legal duty to produce written policies covering the provision of services to disabled people, they are advised to develop them. The DDA Code of Practice says that,

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## Clubs must permit disabled supporters to enter their stadiums.

"In legal proceedings against a service provider based on the actions of an employee, it is a defence that the service provider took such steps as were reasonably practicable to prevent such actions. A policy on disability which is communicated to employees is likely to be central to such a defence. It is not a defence for the service provider simply to show that the action took place without its knowledge or approval.

"Employees" should not be taken to mean just those who are paid or have contracts of employment. Any person providing a service to or for the club may be regarded as an agent for the purposes of the Act. So, the work of a director or steward, both unpaid, may result in the club being as liable under the Act as, say, a paid bar manager. The duty not to discriminate applies from the most senior to the most junior person. Therefore, the policy should make it clear to all that it is unlawful to discriminate against disabled people".

What the policy might cover will depend on how extensive the work of a club is and the range of facilities available to it. For "large" clubs with enclosed grounds, stadium facilities, commercial operations etc, it is useful to arrange for an audit of club activities to be carried out. The policy should then reflect the actions found to be required and give an indication of proposed actions and timescales for compliance. For "smaller" clubs it could be sufficient to produce a club policy stating that the club recognises that discrimination is illegal and that it is committed to full compliance with the DDA and ensuring that all those engaged in activities for the club have the opportunity to read this publication "A Guide for Non-League Football Clubs" - so as

to gain an understanding of what the law requires of them.

### Stadium issues

Clubs must permit disabled supporters entry to their stadiums, and they have a duty to make reasonable adjustments or provide auxiliary aids or services to ensure that disabled people can access their facilities.

The DDA does not stipulate the extent to which provision should be made with respect to the number of spaces to be provided for disabled people. However, for the clubs covered by this guide, there is unlikely to be any major problems as spectator space is usually freely available.

Many grounds do not have defined marked out wheelchair



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**A service provider has a duty to change policies, and practices, that make it impossible or difficult for disabled people to use their services.**



bays and, where there is no pressure for space from wheelchair users, then spaces need not be marked. However, all clubs should ensure the best possible viewing arrangements for disabled supporters including a choice of viewing positions in newly-built stadiums or stands, including raised platforms; ensuring that the match view is not disrupted by others passing in front of the viewing area; appropriate seating for ambulant disabled spectators; provision for people with other impairments and, where possible, all disabled supporters should be

under cover and protected from the elements.

## **Stadium facilities**

Clubs also have duties to provide access to internal stadium facilities, where they exist, and other "off site" facilities using reasonable adjustments where required to make them accessible. The new duty to remove physical barriers, which came into effect in October 2004, applies also to these internal facilities. In general, wheelchair access should be provided to all social and retail outlets in new grounds or developments, and that provision should also be made for wheelchair access to social and retail facilities at existing grounds.

The Act applies to all facilities "which members of the public are permitted to enter". If the club has any facilities which are strictly private, e.g. private members club, then they are currently exempt from the provisions of the DDA.

## **Health and Safety**

The Health and Safety of spectators, including disabled spectators, is a key issue for football clubs and the DDA

recognises this. The law does not require clubs to provide a service, or make an adjustment, if in doing so it endangers the health or safety of anyone, including posing a risk to the disabled person themselves.

However, the Code of Practice makes it clear that invoking Health and Safety practices which deny services or facilities to disabled people must not be based on generalisations or stereotyping, e.g. all wheelchair users are fire risks. Such practices are likely to be unlawful. Rather, service providers must first consider whether appropriate reasonable adjustments would enable the health and safety issue to be resolved.

## **Provision of information**

A service provider has a duty to change policies, and practices, that make it impossible or difficult for disabled people to use their services. Providing information is seen as a key requirement of the Act, especially where this is

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information on the goods, services and facilities that the club has available. If disabled people are not able to get appropriate information in accessible formats then this in itself will prevent some disabled people from purchasing match tickets, buying club merchandise or using club facilities. Providing appropriate information applies to many services that clubs operate and appropriate reasonable adjustments may include:

- Large print price lists in club shops.
- Larger price labels.
- Booking forms in large print or Braille etc.
- Provision of textphones in shops and ticket booking offices.
- Accessible web sites.

## Web sites

It is not within the scope of this booklet to suggest reasonable adjustments for complex web design issues. However, where the service is being provided externally for the club the host provider has the duty of making

reasonable adjustments to ensure the site is more accessible. For other clubs, where sites are often developed by volunteers, the club should be aware that it has a duty to make its site as accessible as possible. Information on how to make a website accessible is available from the Disability Rights Commission.

## Commercial activities

These cover activities such as the sale of executive boxes and match day packages, including meals and reserved seating. Also included would be other activities such as the hire or sale of facilities for weddings, seminars, business meetings and fans forums. As with other facilities, they should be as accessible as possible to disabled spectators using reasonable adjustments where required. Some of these facilities are already accessible at many stadiums but it is often the case that they are not advertised as being accessible. Where a facility is accessible, the Code of Practice

states that, "it is important to draw its existence to the attention of disabled people". This might require better signage to indicate the location of lounges and bars that can be used. It may also mean that clubs need to highlight accessible facilities in publicity or marketing materials.

## Merchandising

This generally covers club shops, although transactions by mail order would also be included here. The key requirement is for access to the shop and the goods on offer. Clubs can use a number of reasonable adjustments at present but must be mindful of the October 2004 requirement (Chapter 4) to consider how permanent barriers can be removed. The following illustrates this point. A club shop has a step at the entrance which prevents access to wheelchair users. The club can currently install a temporary ramp as a reasonable adjustment. Another club has a shop located on the 1st floor

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which is inaccessible to many disabled people. A reasonable adjustment would be that staff bring goods down to disabled people for them to purchase. The 2004 duties require the first club to consider the installation of a permanent ramp and the second club to consider the installation of a lift or, if that is not possible, the relocation of the shop to ground level.

Under the 1999 duties to make reasonable adjustments the following are some that could be considered:

- Providing ramps.
- Improving access to entrances.
- Providing lower counter areas.
- Providing cheque-signing pads.
- Making price labels larger and more legible.
- Ensuring that people using Assistance Dogs can access shops.
- Providing staff support for disabled people in retail outlets who are unable to, say, lift stock items.

- Providing British Sign Language (BSL) interpreters and lip readers.

- Providing information in accessible formats.

## Sponsors

Most clubs have sponsors. In many cases this entails a sponsor making financial contributions in return for the club promoting their name. For many smaller clubs the sponsor is often a business owned by the Chairman or a Director. Where the relationship between club and sponsor is as above then there are no direct implications under the DDA.

However, where a club has a relationship with a sponsor which includes supporters being offered, say, discounts on products or competition prizes, then there may be a duty to make these accessible to disabled people. The Code of Practice says it is essential to establish who is providing the service. The Code states: "A service might appear to be

provided by more than one service provider," each of which is likely to have duties under the DDA to make the goods or services accessible. The important point is that clubs must not knowingly enter into contracts that are unlawful, such that they cause one or more parties to discriminate under the DDA.

Not all sponsors are businesses and Match Day and Match Ball sponsorship are examples of where small groups, or even individuals, can provide sponsorship on an occasional basis. Clubs should note that disabled people have the right to be sponsors and receive the same "rewards" offered to other sponsors.

## Supporters Clubs

Where clubs run their own supporters clubs they have a duty to make them, including children's or young adults supporters clubs, accessible to disabled people using reasonable adjustments where required.

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This is regardless of whether or not they also run a separate disabled supporters club. Membership of the main supporters club should not be denied to disabled supporters.

## Children and Young People

Clubs should be particularly mindful that the DDA applies to disabled children as well as to disabled adults. The Act states: "An adult or child has protection from discrimination under the Act if he or she is a disabled person." Thus, disabled children should have the same opportunities as other children who might have access to parties or special events, and the right to be selected as the Match Day Mascot.

## Football in the Community scheme

The introduction of new provisions under the Special Educational Needs and Disability Act 2001 requires that disabled children be accommodated in school activities, including those outside of school premises and this includes Football in the Community provisions.

Also, as previously mentioned, where other services such as free match tickets are given out, these are also likely to fall within the DDA and disabled children and young people will be entitled to access those benefits where it is reasonable for them to do so.

## Community activities

Where the club offers the use of its premises to other groups, charged for or not, it has a duty to provide reasonable access to that facility. The provision of further reasonable adjustments including auxiliary aids or services for those participating in meetings etc, is the responsibility of the group using the facility.

## Consultation

The Code of Practice is keen to emphasise the need for consultation with disabled customers and, where appropriate with disabled staff and organisations for disabled people.

Disabled people know best the difficulties they encounter in trying to access the club's goods,

services and facilities. They are a valuable source of information in identifying the reasonable adjustments that the club may need to consider. In addition, external organisations of disabled people often have extensive experience and skills which clubs could utilise to the mutual benefit of both club and supporters. For example, they may have DDA knowledge and may already be running training programmes on DDA issues.

The most effective way to establish what this will involve is to audit club facilities, services and operations and draw up a schedule of possible reasonable adjustments. The club will then need to make a judgement concerning which of the identified reasonable adjustments are effective, practicable and affordable using the items listed below to aid its decisions.

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## Chapter 8 Part II DDA Employment Provisions

It is not within the scope of this report to cover, in detail, the requirements of Part II of the DDA covering employment matters. However, it is clear that clubs may come under the Part II requirements (not to discriminate in employment matters) with effect from October 2004. From 1st October 2004 the employer threshold is being reduced from the current 15 employees to all employers employing more than 2 people. Clubs should examine their employment and recruitment policies and practices to ensure that they comply with the employment provisions of the Act. In summary, these provisions require that employers do not discriminate against disabled people (both as employees and potential employees) in any of the following:

### **Against disabled job applicants:**

- In recruitment and selection arrangements
- In the terms on which employment is offered
- By refusing to offer, or deliberately not offering, the disabled
- Person employment (assuming they are the best candidate)

### **For a reason related to their impairment and against existing disabled employees:**

- In the terms of employment offered to an employee
- In opportunities of promotion, transfer, training or receiving any other benefit

- By refusing to offer the disabled person any such opportunity
- By dismissing the disabled person or subjecting them to "any other detriment."
- For a reason related to their impairment

Clubs are recommended to seek legal advice should someone become disabled during their employment with the club.

Discrimination in employment matters is treating a person less favourably or failing to make a reasonable adjustment without justification.

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## Chapter 9 Useful Contacts

The Disability Rights Commission should be the first point of contact for clubs requiring additional information on the Disability Discrimination Act (1995) or the Draft Disability Bill (2003). They produce an extensive range of support materials and most of their material can be downloaded from their website at: [www.drc-gb.org](http://www.drc-gb.org)

Disability Rights Commission  
Helpline: 0845 7622 633  
DRC Helpline  
Freepost MID02164  
Stratford Upon Avon  
CV37 9BR

Clubs involved in building or building modification works have new duties to make their premises accessible from 1st October 2004. Contact should be made with the Access Officer or Planning Department of the relevant Local Authority to ensure their works are compliant with the DDA.

British Council of Disabled People  
Litchurch Plaza  
Litchurch Lane  
Derby, DE24 8AA  
Tel: 01332 295551  
[www.bcodp.org.uk](http://www.bcodp.org.uk)  
Organisation promoting and campaigning for full equality and participation in UK society.

British Standards Institution (BSI)  
389 Chiswick High Road  
London, W4 4AL  
Tel: 0208 996 9000  
[www.bsi-global.com](http://www.bsi-global.com)  
The National Standards body of the UK, responsible for facilitating, drafting, publishing and marketing British Standards and other guidelines.

Centre for Accessible Environments (CAE)  
70 South Lambeth Road  
London, SW8 1RL  
Tel: 0207 840 0125  
[www.cae.org.uk](http://www.cae.org.uk)  
An information provider and a forum for collaborative dialogue on the built environment and accessibility.

Football Foundation/Football Stadia Improvement Fund (FF/FSIF)  
25 Soho Square  
London, W1D 4FF  
Helpdesk 0800 027 7766  
[www.footballfoundation.org.uk](http://www.footballfoundation.org.uk)

Royal Association for Disability & Rehabilitation (RADAR)  
12 City Forum  
250 City Road  
London, EC1V 8AF  
Tel: 020 7250 4119  
[www.radar.org.uk](http://www.radar.org.uk)  
Organisation with emphasis on

information provision and campaigning for disabled people.

Royal National Institute for the Blind (RNIB)  
105 Judd Street  
London, WC1H 9NE  
Helpline 0845 766 9999  
[www.rnib.org.uk](http://www.rnib.org.uk)  
Information provision and campaigning organisation for people with sight loss.

Royal National Institute for Deaf People (RNID)  
19-23 Featherstone Street  
London, EC1Y 8SL  
Helpline 0808 808 0123  
[www.rnid.org.uk](http://www.rnid.org.uk)  
Information provision and campaigning organisation for deaf or hard of hearing people.

MENCAP  
123 Golden Lane  
London, EC1Y 0RT  
Helpline 0808 808 1111  
[www.mencap.org.uk](http://www.mencap.org.uk)  
Organisation for people with a learning disability.

Royal Institute of British Architects (RIBA)  
66 Portland Place  
London, W1B 1AD  
Tel: 0207 580 5533  
[www.riba.org](http://www.riba.org)

The Football Association  
25 Soho Square London  
W1D 4FA

Telephone  
+44 (0)20 7745 4545

Facsimile  
+44 (0)20 7745 4546

E-mail  
info@TheFA.com

Visit  
www.TheFA.com

Football for All resources  
are available from  
The Media Group  
3 Wilford Business Park  
Ruddington Lane  
Nottingham  
NG11 7EP

Telephone  
0115 969 4600

Facsimile  
0115 982 1307

www.themediagroup.tv



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