

Legal Framework

Disability Discrimination Act



Statement One:

- “No one has ever complained about disability access in our surgery, so there cannot be a serious problem”



The Law:

- The law requires you to make reasonable adjustments to ensure disabled people have equal access to your services

(DDA 1995)



Evidence:

- Evidence suggests that service providers are failing to meet their duties and that disabled people are facing barriers when accessing service
- Disabled people may not complain because of fear of repercussions



Statement Two:

- “However much effort you make – some people just don’t help themselves! They don’t turn up to appointments and if they do they don’t take your advice”



The Law:

- The DDA is about access to services and employment rather than access to buildings
- Improving disability access could reduce the numbers of missed appointments and make consultations more effective



Evidence:

- 19% of deaf people have missed more than 5 NHS appointments because of poor communication

(Simple Cure, RNID)



Statement Three:

- “Our reception staff change a lot ... as fast as one receptionist understands how to serve disabled patients, they leave ... it’s not our fault if the new staff get things wrong for a while”



The Law:

- Service providers are legally responsible for the actions of their employees. Employees who discriminate against a disabled person will ***usually*** be regarded as acting in the course of their employment



Meeting Your Responsibility:

- High staff turnover is not a defence in the eyes of the law
- All staff should be aware of their responsibilities to treat disabled people fairly and equally
- Employer must demonstrate they have taken such steps as were “reasonably practicable” to prevent discrimination from occurring



Statement Four:

- “Unless people ask for help how are we going to know they need it? We are not telepathic”



The Law:

- The duty to make reasonable adjustments is an anticipatory one.
- You must assume that disabled people will be using your services.



Meeting the Requirement:

- Be proactive – ask patients when they join the surgery whether they have any access requirements



Statement Five:

- “We don’t have any way of knowing whether our patients require information in different formats”



The Law:

- Since 1 October 1999 service providers have been required to make reasonable adjustments for disabled people



Meeting the Requirement:

- Providing a test result in braille where requested to do so
- Be proactive, ask people about their access requirements
- Take reasonable steps to meet individual needs



Statement Six:

- “Our receptionist are very efficient and treat everyone the same – so that’s not discrimination. For example everyone is asked to phone early in the morning if they need to see a doctor that day”



The Law:

- The law requires you to take account of a disabled persons' needs, even where that involves treating a disabled person more favourably



Meeting the Requirements:

- Treating people equally often requires you to treat people differently
- Equality is about difference not sameness

