

## Appendix A

### ACCESS APPRAISAL

#### *Bath Library Re-development*



Prepared on Behalf of  
Bath and North East Somerset Council

Ref: NJB - 1064  
Date: 29<sup>th</sup> March 2017

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## **1 Executive Summary**

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- 1.1 Bath and North East Somerset Council seek to regularise their library, “One Stop Shop” and other Council service in one location.
- 1.2 There are two options currently being considered. Option One considers compressing the library facilities as well as other service functions into the ground first and second floors of Lewis House. This would necessitate the introduction of an enclosed ambulant stair into the building. Option B proposes to move the “One Stop Shop” facilities to the current library location at The Podium
- 1.3 We have considered both locations from a disabled access position only.
- 1.4 Our view is that The Podium represents a much more acceptable location for the services on the following grounds
  - 1. Vertical circulation at The Podium is significantly more acceptable
  - 2. The proximity to covered parking is better at The Podium
  - 3. The 3-floor facility at Lewis House will present a confusing environment for many user groups exacerbated by the low ceilings and strong back lighting caused by glazing to the dominant elevations on both sides of the space
  - 4. We believe the matter of vertical circulation at Lewis House will prove difficult to resolve and any solution will be a compromise that many users will find unacceptable.
  - 5. The sense of space and openness is better at The Podium
  - 6. Since The Podium space is provided on one floor horizontal circulation once in the space is superior compared to Lewis House where the floor area is cluttered with internal columns
- 1.5 Details of the rationale for this advice is provided below

## **2 Methodology**

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### **2.1 Brief Aims of the Report**

- 2.1.1 The following report is an assessment of the options for developing library services in either Lewis House or the Podium, both located in

the centre of Bath. We have undertaken this review against the criteria set out in Section B3 below.

- 2.1.2 The main purpose of the report is to ensure that the chosen option meets with the requirements of the Equality Act 2010 with regard to the discrimination against disabled members of the public visiting your premises or attending to receive advice. The report does not cover discrimination against disabled employers as this is a reactive duty requiring specific adaptations to suit specific employee's needs.
- 2.1.3 To achieve this, the report will identify where the properties do not meet current best practice standards.
- 2.1.4 These recommendations will be considered in terms of their reasonableness given the individual context and circumstances relating to the property.
- 2.1.5 In order that you can plan these works in an informed and strategic manner each recommendation has been given a priority rating and cost banding to aid you in your own planning and to assist you in your negotiation of the acquisition.

## **2.2 Legislation – A guide to the Equality Act 2010**

### Overview

- 2.2.1 The development of laws against discrimination has resulted in numerous Acts of Parliament and sets of regulations. The first piece of legislation dealing directly with disability discrimination, the Disability Discrimination Act 1995 (DDA) was subject to significant amendments over the following 12 or so years, and case law has also had a great impact on how the law works.
- 2.2.2 The Equality Act 2010 came on to the statute books in April 2010, in the last few weeks before the general election in May 2010. This briefing sets out the main provisions of the Equality Act 2010.

### Equality Act 2010:

- 2.2.3 The Equality Act prohibits discrimination on the basis of any “protected characteristic” set out in the Act. In alphabetical order, these cover:
  - age
  - disability
  - gender reassignment
  - marriage and civil partnership

- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

2.2.4 The ways that someone would show that discrimination has taken place apply across each of the protected characteristics, although there are some exceptions and adaptations. In particular, the Equality Act recognises the need for positive action and that more favourable provisions may need to be put in place in relation to the protected characteristic of disability.

2.2.5 The Equality Act provides protection against discrimination that may arise at work (for employees and workers, but currently not for volunteers except in very limited respects) in the provision of services and public functions, premises and in education as well as in dealings with associations. It does so by making discrimination unlawful in a number of ways, and by providing legal remedies to individuals who experience discrimination.

2.2.6 As under the DDA, the starting point is the concept of disability as defined in s. 6(1) and (2) Equality Act. Generally, an individual seeking protection must show that he or she has a disability (although some interesting points arise in relation to direct discrimination, see below). The key elements in the definition remain as before:

- a) The individual has a physical or mental impairment; and
- b) That impairment has a substantial and long-term adverse effect on the individual's ability to carry out normal day-to-day activities.

2.2.7 Building on interpretation of the DDA, an effect is substantial where it is more than minor or trivial (but not necessarily much more than that).

2.2.8 Long term is defined in Schedule 1 and catches an effect that has lasted for at least 12 months, or is likely to last at least 12 months or for the rest of a person's life. The definition also acknowledges that mental health conditions can fluctuate over time, by making clear that if a person is no longer experiencing significant adverse effects then he or she may still be classed as having a disability if there is evidence that the effect is likely to recur (that the effect could well happen again).

2.2.9 Also, where someone is being helped to get on with day-to-day activities by taking medication or because they are having some other

treatment, they are still to be treated as having a disability if there is evidence that they could well be affected in a significant way once again if they stop taking the medication or if they were no longer having the treatment.

- 2.2.10 The detail set out above builds upon our experience of living with the DDA. The Equality Act has however made one difference, particularly relevant to those with a mental health disability, in that it will no longer be necessary to show that the adverse effects arising from the impairment impact on any particular capacity – such as memory or the ability to concentrate. This was the case under the DDA and hopefully the change will make it slightly easier for someone to show that a mental health condition is a disability, by explaining the way in which the effects impact on everyday life without also needing to illustrate that any specific capacity is affected.
- 2.2.11 Guidance is being drafted to give examples of what may and may not be a disability and this will be published in due course by the Government's Office for Disability Issues. The guidance issued previously under the DDA is being used as a starting point, and it is hoped that there will be an increase in the number of examples of mental health conditions and their effect. Under s.6(5) Equality Act, courts and tribunals will be required to have regard to this guidance in deciding whether someone has a disability.

#### Categories of discrimination under the Equality Act 2010

- 2.2.12 The circumstances in which someone can experience discrimination are wide and varied and in order to reflect this, the legislation sets out various different ways in which discrimination can arise. Together the wrongful acts are referred to as “prohibited conduct”. Employers and service providers and other organisations are expected not to allow “prohibited conduct” to take place, and may face legal claims from anyone who feels that they have been discriminated against. Set out in general terms below are the different aspects of prohibited conduct as they apply in relation to disability

#### Direct discrimination – Equality Act section 13

- 2.2.13 The DDA made it unlawful to allow poor treatment “on grounds of disability”. This has been reworked: a person such as an employer or service provider (A) discriminates against B in situations where A treats B less favourably than others in a similar situation and that this is because of a disability. In order to show that there has been discrimination, B needs to show a link between disability and the way he or she was treated by A. In some cases, there may be no evidence

that A has actually treated someone else differently, but B can still challenge treatment by trying to show how A would have acted towards another person in that type of situation.

- 2.2.14 The Equality Act makes clear that someone who does not have a disability cannot bring a claim that he or she has been treated less favourably than a disabled person. This, of course, is recognition that in some instances disabled people may need to be treated in a more advantageous way, for example, by an employer.
- 2.2.15 The explanatory notes to the Equality Act make clear that this type of discrimination is intended to be wide enough to allow someone (B) to bring a claim about less favourable treatment because of disability, even if B does not have a disability. This should enable, for example, the non-disabled parent of a disabled child to challenge an employer or service provider over less favourable treatment because of the child's disability.
- 2.2.16 Direct discrimination has until now been regarded as very difficult to prove and it will be interesting to see whether the new law will provide better protection. Where there is evidence that this type of discrimination has taken place, the discriminator will be held responsible and will have no opportunity to try to justify why it acted that way.

*Discrimination arising from disability – Equality Act section 15*

- 2.2.17 This category is intended to widen the situations that could lead to a claim of discrimination by making it unlawful for a person (A) – possibly again an employer or service provider – to treat another person (B) unfavourably where this happens because of something arising in consequence of B's disability. There is no need for B to compare himself with anyone else. He would be able to win a claim if he can show that he was treated unfavourably and show that this was linked to his disability.
- 2.2.18 However, as this type of discrimination is potentially very wide, the alleged discriminator is entitled to try to justify its actions by showing there is a good reason (referred to in the legislation as a "proportionate means of achieving a legitimate aim"). In order to succeed, the restaurant owner would need to show that it had first looked at ways of making reasonable adjustments.
- 2.2.19 It is also important to note that an employer or service provider would not be held responsible for discrimination under this section if he or she did not know that B had a disability. Sometimes, as under the



DDA, there will be information that indicates that B has or may have a disability and this can't then be ignored. The issue for B is whether to consider disclosing a disability in order to gain a better chance of ensuring that he is treated appropriately. Perhaps this is something that will be more important in some cases than in others – such as employment situations, and perhaps also when someone deals regularly with a service provider such as a bank or housing association.

*Indirect discrimination – Equality Act section 19*

- 2.2.20 For the first time under UK disability discrimination legislation, a disabled person can now argue that a practice or arrangement which seems at first glance to be neutral (and not intended to discriminate) in fact puts the disabled person at a particular disadvantage when compared with another person or group (or that it would do so if it were allowed to continue).
- 2.2.21 However, for indirect discrimination it does not matter whether an employer or service provider knows about any particular person's disability – they need to be thinking ahead in relation to the impact that practices and arrangements may have on disabled people (as well as on other groups with a different protected characteristic). The difficult thing with this type of claim is likely to be finding another group of people to compare with.
- 2.2.22 The alleged discriminator will be able to defend his or her actions by arguing that the approach is justifiable: that it is a proportionate means of achieving a legitimate aim.

*The duty to make reasonable adjustments – Equality Act section 20*

- 2.2.23 Under the DDA the law recognised a need to help disabled people that may not apply in other areas, by making adjustments to help them. The starting point here is to identify whether there is a practice or arrangement that is putting a disabled person at a substantial disadvantage when compared with a non-disabled person. If this is the case, then the person seeking to continue with that practice or arrangement is required to make changes to the extent that it is reasonable which would help a disabled person to overcome that substantial disadvantage. The duty also extends to ensuring that physical features that put a disabled person at a disadvantage are dealt with and, if auxiliary aids are needed to assist the disabled person, that they should be provided.



2.2.24 What is reasonable for a service provider will be judged according to the following factors:

- The extent to which the adjustment will prevent the problem;
- The extent to which it is practicable for the employer to make it;
- The financial and other costs, and the disruption it would cause to any of the employer's activities;
- The extent of the employer's financial and other resources; and
- The availability to the employer of financial or other assistance (e.g. grants) to make the proposed adjustment.

2.2.25 The duty is a positive one and service providers have been expected to show that they have paid careful attention to meeting it.

## **2.3 Criteria**

2.3.1 The following documents have been used as the criteria against which the premises will be audited.

- Equality Act 2010 (formally the Disability Discrimination Act)
- Code of Practice "Rights of Access – Services to the public" – Equality Commission
- The Building Act 1984, Approved Document M, 2004 Edition
- BS 9999:2008 Code of practice for fire safety in the design management and use of buildings.
- Access all areas – Equality Commission
- Building Sights – Royal national Institute for the Blind
- RNID fact sheets
- MIND fact sheets and publications
- Designing for Accessibility – Centre for Accessible Environments

## **2.4 Scope**

2.4.1 Given the reactive nature of your duties under the Equality Act, as outlined above, this report does not cover staff areas unless these are visited by members of the public. We would be pleased to provide specific advice where you plan to employ a disabled person.

2.4.2 Although we have included the Code of Practice for Means of Escape within our criteria this report should not be considered as an assessment of the Means of Escape provision of the property generally which should properly be the subject of your own Fire Risk Assessment.

## **2.5 How to use this report**

- 2.5.1 This report sets out our approach to the audit and outlines the relevant legislation. This forms the basis of our report and puts our findings into context, it is important that this is read and absorbed prior to considering our findings within Section D.
- 2.5.2 The Audit findings list our recommendations in short form with each allocated a priority rating and cost banding. These recommendations should form the basis of your programme of adjustive works or Access Action Plan depending upon which option is selected.
- 2.5.3 These recommendations are supported by more detailed discussion under the heading 'Recommendation' to:
- a) explain why a recommendation has been made
  - b) justify why no action has been taken where a problem exists
  - c) give the reader an insight into the problems disabled people face in accessing the site
  - d) provide more detail and further guidance as to how the recommendations should be implemented

To gain a full understanding of our recommendations Section D should be read in detail.

## **2.6 Acting on the results**

- 2.6.1 Once a decision has been made as to which option is to be selected we advise that a detailed access appraisal is conducted including public consultation to ensure the new proposals fully meet the reasonable needs of the Equality Act and also that the approach properly reflects the needs of all user groups not only those who use wheelchairs which only relate to approximately 6% of the disabled population protected by the legislation.

## **2.7 Alternative Format**

- 2.7.1 Copies of this report are available in alternative formats upon request.
- 2.7.2 Please contact us to discuss your individual requirements.

### 3      *The Site*

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Address:                      **Option A**  
Lewis House, Manvers St, Bath BA1 1JQ



Lewis House

Address:                      **Option B**  
The Podium, 19-23 Northgate St, Bath BA1 5AN



The podium

Date of Inspection:      29<sup>th</sup> March 2017

Contact:                    Tracy Long  
Group Manager Strategy and Change Customer  
Services

Conditions:                The properties were both occupied and operational at the time of the inspections, further the matter of the location of library services is sensitive to members of the public and discretion about taking detailed information needed to be exercised. This restriction prevented taking detailed measurements in some locations.

## **4 Introduction**

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- 4.1 I met Tracey Long of Bath and North East Somerset Council on the morning of the 29<sup>th</sup> March 2017. The meeting was intended to provide a brief about the extent of the works proposed related to the development of library services, to undertake an investigation of services provided and auditing of the premises as far was possible given the restricted access.
- 4.2 In undertaking this appraisal of the two options for the redevelopment of library services currently proposed, not only did I undertake an inspection of both properties, but also the surrounding public realm, transport nodes and access routes both between the premises and to the premises from the public realm.
- 4.3 Additionally, I have undertaken an inspection of the car parks near the premises and considered relevant factors outside the demise of the proposed sites which will influence the manner in which people with a disability access services.
- 4.4 This access appraisal is focused on the needs of the disabled community only and not the wider population although many user groups will benefit from good access including older people and people with young children
- 4.5 There are both positive and negative aspects to each of the proposed options which will affect the decision as to which premises will be the chosen site, many of these are not related to access issues but are equally important in the consideration process. An example of this will be the costs associated with mechanical and electrical installations. Our report only refers to such services where they effect the use of the site by disabled people. However, matters such as solar gain, alterations to heating systems, air conditioning and the like will need to be considered separately to this report. Of concern to the disabled community, for example is the glazing to the two long elevations at Lewis House where solar gain will be significant and the glass that runs behind Council staff giving advice presents a back lighting to staff members thereby making it very difficult for the public to lip read.

### Options

- 4.6 There are currently two options being considered for the provision of Library services.
- 4.7 Option A is to move the Library from its current location of The Podium alongside Waitrose in Northgate Street to Lewis House. This option would see the current Lewis House space altered at ground first and second floors to accommodate library and other services.
- 4.8 Option B, proposes to relocate the One Stop Shop services to the Podium and adapt the current library to provide these additional services on level

### Access Audit

- 4.9 We have been asked to prepare an appraisal of the current proposals and as part of doing so have undertaken a “high-level” Audit of both properties looking at the generalities of the physical access to the buildings.
- 4.10 Given the sensitive nature and public interest in the proposals I have been unable to take the level of measured detail that would usually undertake when carrying out an Audit. To do so would draw the reviews attention to the members of public and staff and cause them to become unsettled. We sought to avoid this, but consider that our inspection has revealed sufficient information for us to comment objectively. The Audit elements of our investigations are contained in Appendix 1 and 2 of this report.

## **5      *The Appraisals***

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### **5.1      Option A - One Stop Shop (Lewis House)**

- 5.1.1      Lewis House is located approximately 800mm above the adjoining paved area and is currently provided with a ramp from the entrance to the pavement. We understand the ramp was installed relatively recently. Additionally, there is a pedestrian route to the property highlighted with dark grey paint leading to a single step to the left-hand side of the main entrance doors. The cross fall to this pedestrian route is steep due to the difference in levels between Lewis House and the adjoining footway. This presents a barrier to members of the disabled community, particularly those with lower limb mobility impairments who will find the cross fall difficult to navigate.
- 5.1.2      The ramped approach is satisfactory and should this premises be maintained, we would not advocate any changes to the ramp itself. We would however, suggest that the pull-in area that is used by vehicles to drop-off disabled people to the site be adapted significantly and the current pedestrian route be changed to a stepped approach which is more appropriate for ambulant disabled people. This would also help in wayfinding and would facilitate the ability to provide cycle storage in a location that doesn't conflict with the pedestrian approach which currently occurs. Further detailed design advice can be given on request.
- 5.1.3      We are led to believe that visitors to the premises find the position of the entrance confusing, the signage is an issue and we are informed that signage is restricted because the property is in a Conservation Area. It is our view that the amount of signage probably causes as much confusion it solves because it is prolific and overwhelming. Simplification of the signage and improving manifestation of the main entrance with lighting would be an appropriate improvement should this option be chosen.
- 5.1.4      There are in effect three entrances to the building. The first to the right-hand side is a non-public entrance and used by staff, however its prominence in the fenestration leads visitors to naturally approach the right-hand entrance. This issue would be overcome by better manifestation of the main entrance.
- 5.1.5      To the centre of the building is a glazed vestibule that is located under a grey canopy but is partially concealed by substantial

concrete columns. The vestibule does not stand out against the remainder of the building.

- 5.1.6 Between the main vestibule entrance and the staff entrance, is a smaller, less conspicuous entrance which gives access to the Police Station. It is not immediately apparent which of the entrances is the preferred option and this could be greatly improved by the use of coloured paving, improved lighting and simplified signage.
- 5.1.7 The vestibule lobby is provided with satisfactory carpeting. The doors are automatically controlled.
- 5.1.8 On entering the One Stop Shop there is a plethora of facilities provided in a very busy environment which to many disabled groups, particularly those with learning disabilities and visual and hearing impairments will find very intimidating. In fact, many people in these disability groups would be so intimidated they would not enter the site. This we believe to be an issue that must be resolved, irrespective of which option is selected. The situation is exacerbated by the glazing to the rear elevation previously referred to.
- 5.1.9 The facilities provided currently range from a Police Station, Shopmobility, a café, various meeting spaces protected by soundproof but not full height screens as well as options to pay for council facilities. There are several staff present helping people, and although our inspection was relatively brief, it was obvious that members of the public were treated well, with respect and informatively.
- 5.1.10 In essence, when entering the premises, we believe that the current arrangements are not conducive to a satisfactory environment for a broad range of disabled users, and the “clutter” that currently prevails is exacerbated by the hard surfaces and poor acoustics and long glazed elevation.

#### Vertical Circulation

- 5.1.11 Currently it is proposed to install a new modern staircase to the ground, first and second floors that will meet best practice guidance Part M of the Building Regulations and the relevant British Standards. This will be an “ambulant stairway”. It is however proposed to use the current stairways to the left-hand end of the building and adjoining the staff entrance for emergency escape purposes. These stairways are not ambulant and evacuating people with disabilities down these stairways should the main access staircase become unavailable, is not entirely satisfactory.



- 5.1.12 There are two lifts currently used by staff and presumably, the double lift provision is deliberately to cater with the volume of staff needing to gain access to the upper floors. The current proposal does not contain the introduction of a new lift within the parts that would be accessed by members of the public.
- 5.1.13 Discussions have been held about the adaptation of one of the current staff lifts becoming a public lift, but this involves a significant amount of work, and may, be impractical. Currently the lifts have one entrance to the car facing the street. An additional entrance would need to be provided to the back of one of the lift cars. This is not a particularly straight forward task and further advice from the lift manufacturers will be required as to these practicalities.
- 5.1.14 Pursuance of the adaptation of the lift cars may in any event be irrelevant as the presence of a concrete beam requiring a series of steps and landings seems to indicate that level access to an altered lift car may be impossible. On this basis therefore, we feel it is extremely unlikely that relocation of a door to one of the current lift cars would be achievable, and even if it were, this would involve providing ramps and landings as well as doorways on travel routes that many members of the disabled community would find undesirable. Further investigation of the structural implications for adaptation of the lift needs to be undertaken but presently we believe that if option A of Lewis House is selected, the only satisfactory solution is to provide an additional lift alongside the new stairs to serve the ground, first and second floors.
- 5.1.15 This solution will add to cost, but probably is no more expensive than the adaptations required to the current lift cars. Sadly, it does have the disadvantage of taking yet more floor area from Lewis House that could otherwise be used for Council services.
- 5.1.16 If a new lift were to be provided, the issues of using non-ambulant stairways for means of escape for the public needs to be considered, and further investigation is necessary to enable us to advise fully in this regard, however, this appraisal identifies a significant issue with vertical circulation that may prove difficult to overcome. Providing services over three floors and will be unattractive to many user groups.
- 5.1.17 With regard to the services at first and second floor level, it is noted that accessible toilets are to be provided in the schematic plans. It is not clear as to whether the existing accessible toilets are to be utilised, but currently these do not meet current best practice either

in respect of the space provision or facilities provided. If the upper floors are to be redeveloped, changes to the accessible toilets and general toilet provision should be considered, and it would be good practice to consider providing an adult changing room. The provision of satisfactory accessible toilets and an adult changing room, yet again reduce the floor area for services to the public.

5.1.18 It was noted that the heating system within this property is by panel radiators and these will need to be relocated or protected in some way to prevent scalding.

5.1.19 The positioning of Lewis House in the general townscape is satisfactory, being in relatively close to the train station, car parking and taxis. Details of these arrangements are considered in the access audit elements of this report in Appendix 1.

## **5.2 Option B – The Podium**

5.2.1 The current library services are provided in the building known as The Podium located to the left-hand side of Waitrose. The space was specifically designed as a library, and therefore has better structural arrangements, greater space, is less cluttered, and is more amenable generally for public services. We were unable to undertake detailed inspection of these premises and therefore have only had a cursory look at the site. We have however considered in detail the approaches and public realm immediately adjoining the property and the association with the car park and general access.

5.2.2 Currently library services are provided on one floor only, and if Option B were selected, the proposal would see a redesign of the current floor area provided for library services and for services from Lewis House within the current floor plate.

5.2.3 There is a public meeting room at the property which we were unable to gain access to during our inspection. The meeting room is serviced by a kitchen, and we understand that there are toilets including an accessible toilet which, again we have not examined. These are located alongside the meeting facilities.

5.2.4 Lifts are provided from ground to first floor which have been inspected and will be considered later. Access is provided off a communal lobby, into the first floor of the adjoining Waitrose, where café services are provided as well as toilet facilities for members of the public.

- 5.2.5 The offices to the rear left hand side of the site have not been examined, but we note there is a stepped approach to these from the first floor, the precise arrangements for which are currently beyond our remit.
- 5.2.6 The library space is well organised, navigation is simple and clear, as is the signage. The space is far less intimidating for disabled people than that at Lewis House. Although, patently the arrangements will become more complex should other services be incorporated into the existing floor space.
- 5.2.7 A car park is located immediately below the premises, and although not ideal, there is a ramped approach from the car park out to the public highway (Northgate Street). I believe there is an assumption that level access could be achieved through the Waitrose store, but unfortunately there are some steps located to the front right hand side of the Waitrose store which people in wheelchairs would find impossible to navigate. It may be possible to create a ramp within the Waitrose store to enable people to gain access to the lift lobby.
- 5.2.8 There are two lifts located in the lift lobby, unfortunately due to the intensive use (which will be a consideration should the use of this property increase) we were only able to examine the right-hand lift. This lift car measured 1410mm long x 1310mm wide. This is just large enough to accommodate a shop mobility scooter. At the time of our inspection someone had pressed the emergency call and the lift was jammed in the open position. Although we were onsite for a reasonable length of time, no reactive attendance on the emergency call was noted.
- 5.2.9 The stairs leading from the ground floor and street level up to the upper floors consist of granite treads with open strings and steel moulded balustrading. There is a brass circular handrail approximately 50mm in diameter located 920mm above the pitch line of the stairs. The rise and going of stairs is 180 and 270mm respectively.
- 5.2.10 The lift is of a suitable size and design that would accommodate Wheelchair users satisfactory and the stairs whilst not ideal, come very close to the design requirements of BS8300 2009 in respect of ambulant transition. Further there is an up and down escalator within the entrance area of the premises which could also be used by visitors.
- 5.2.11 We are unable to assess the arrangements for emergency egress from the parts of the first floor, but presume that such arrangements

regarding evacuation are better than Lewis House (on the basis the building is newer), but this matter needs to be verified.

- 5.2.12 Whilst we have not been able to view the toilet arrangements within the meeting space at The Podium, we have examined the facilities within Waitrose at first floor level which we are informed are shared facilities. Initially, we have concern that the provision is sufficient for a busy retail store and an intensified use of a library and office space of The Podium, however, we believe it is likely that additional toilet facilities could be provided alongside the meeting space at first floor level in the podium that would regularise/ improve the toilet provision and could also incorporate an adult changing facility.

#### Access from the Public Realm

- 5.2.13 We have previously stated that pedestrian vehicle, taxi and public transport routes would be detailed within the appendices, in broad terms however, we saw nothing to strongly suggest that one location was better than another. From a disability perspective, the external environments are comparable.
- 5.2.14 We were very concerned about signage and wayfinding in the public realm and this is discussed in detail in the audits in the appendices.

## ***Appendix 1 - Access Audit: Option A Lewis House***

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Item	Description	Recommendation	Photograph
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<b>1.00</b>	<b>Approaches and Car Parking</b>		
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1.1	<u>Approaches from Station</u>		
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1.1.1	<p>The station is located approximately 200m to the south of the property, arrangements within the station are the responsibility of the rail provider, but in general terms we thought these were reasonably satisfactory. The exit and egress from the station was satisfactory also, however, the taxi rank located at the station is provided on a cobbled area with cross falls and central drainage channel. This would be very difficult to navigate by several disabled user groups, particularly those with lower limb impairments and those in wheelchairs. It appears that the taxi drivers facilitate access for members of the public by relocating their taxis to assist people with mobility impairment.</p>		
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Item	Description	Recommendation	Photograph
1.1.2	There is a controlled crossing from outside the taxi rank at the station which traverses a busy vehicle route, it was noted that the crossing control points in this location are provided with both audible warnings and tactile spinning cones to indicate to people who are visually impaired that it is clear to cross.		
1.1.3	The pedestrian route between the station and Lewis House is more than 1800mm wide and there are no barriers to pedestrians traversing this route, other than, the difficulty to navigate the columns outside Debenhams where a change of direction occurs.		 



Item	Description	Recommendation	Photograph
1.1.4	The road surfaces in this area of the route are relatively satisfactory, level, smooth and with satisfactory joints.		 
1.2	<u>Manvers Street Car Park</u>		
1.2.1	Currently this car park is provided with 161No. spaces, 6No. of which are designated accessible.	The minimum provision of 6% parking spaces designated disabled should be provided. Write to car park provider requesting that they meet British Standard i.e. 10No. spaces.	
1.2.2	We have not audited the car park, however other than unsatisfactory pedestrian stairway, there were no		

Item	Description	Recommendation	Photograph
	apparent barriers that should concern the Local Authority.		
1.2.3	The route from the car park to the front of Lewis House requires the crossing of the public highway via controlled crossing, which at the time of our inspection was out of order.		 
1.2.4	The cross falls to the crossing point were steep and the road surface was in very poor condition. This would present a barrier to people with mobility impairments	Write to Highway Authority requiring them to install tactile crossing and road surface that meets Best Practice Guidance.	

Item	Description	Recommendation	Photograph
1.3	<u>SouthGate Car Park</u>		
1.3.1	There is a public car park provided in SouthGate with lift access to the lower ground floor levels which are suitable for mobility impaired.		
1.3.2	The travel distance from this car park via Henry Street is significant and contains gradients, although the pedestrian surfaces are excellent. The route however is fairly torturous for people with mobility impairments and most disabled drivers would elect to use the accessible parking spaces located in Henry Street, rather than use SouthGate car park. For the purposes of accessibility considerations, we do not believe the SouthGate car park is a viable option for users with mobility impairments visiting Lewis House, although other visitors who are disabled but ambulant may use it with assistance.		


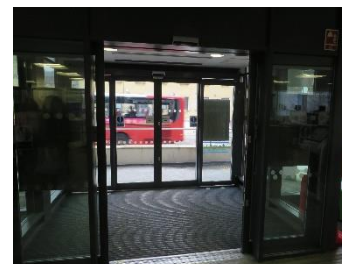
Item	Description	Recommendation	Photograph
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## 2.00 Routes and Entrances

2.1	The route from the public highway to the entrance is provided by a gently sloping hard surfaced area with a designated ramp leading from the highway to the main entrance doors at the front entrance. Whilst not meeting all aspects of the British Standard it is a relatively satisfactory design and we do not suggest any urgent alterations.	It may be beneficial to have a different colour ramp to the other areas of circulation, but this is not a high priority.	
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2.2	There is a designated pedestrian route from the highway to a single step to the left-hand side of the glazed lobby areas. This route has a significant cross fall and some visitors may not realise that there is a step present, albeit that there is tactile warnings to the top and bottom of the single step. It has also been manifested with yellow paint, this cross fall is a significant barrier to many users, both visually and mobility impaired.	The gradients should be changed to provide a stepped approach in this location to prevent those with lower limb mobility disabilities having to travel up to the ramp, if they are coming from the direction of the station. Providing a stepped approach in this location with appropriate handrails would obviate the conflict between the cycle stores to the left-hand side of the lobby entrance and would also leave free the vehicle in and out route for drop-off purposes as indicate in the photo.	
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Item	Description	Recommendation	Photograph
2.3	The main entrance itself is satisfactory with a large lobby bi-parting doors with automatic controllers and good quality barrier matting. The manifestation of the doors is poor however, and the manifestation to the glazed panels to the main elevation is very poor indeed.	Improve manifestation.	
2.4	The entrance doors between the staff entrance and the main public entrance are automatically controlled, and again these are satisfactory.		

Item	Description	Recommendation	Photograph
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<b>3.00</b>	<b>Counters, Reception, Desks and Service Counters</b>		
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- |     |   |  |  |
|-----|---|--|--|
| 3.1 | <p>There are several desks and counters at Lewis House including</p> <ul style="list-style-type: none"> <li>I. the main reception for Local Authority Services to the right of the main space,</li> <li>II. a service counter to the café,</li> <li>III. seating to the rear left hand corner of the floor where members of public seek advice from members of staff,</li> <li>IV. the Police counter,</li> <li>V. the computer raised plinths</li> <li>VI. and seating and desks in the sheltered meeting pods contained within clear acrylic circular mobile meeting spaces.</li> </ul> |  |  |
|-----|---|--|--|



- |     |  |  |  |
|-----|--|--|--|
| 3.2 | <p>The Local Authority meeting desk is of a satisfactory height and has a knee space, it is also provided with a hearing loop. In general, terms this desk was satisfactory and the variety of seating provided met most user needs.</p> |  |  |
|-----|--|--|--|

Item	Description	Recommendation	Photograph
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3.3	This is also the case with the rear left hand corner of the building where satisfactory space for people with wheelchairs enables them to seek advice from the Local Authority as required.		
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3.4	The remaining tables ,other than the podiums with computers on are flexible enough to enable them to be moved to locations to accommodate a broad variety of user needs. The situation was improved by the fact that there are a variety of chairs available both with and without arms		
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3.5	In general terms, we considered the counters and receptions to be satisfactory, although we did note that the police counter did not have a recess space for wheelchair visitors.		
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3.6	The meeting space used for members of the public adjoining the Council enquiry desk consisted of a bench adjoining the Shop Mobility area, this benching is not particularly suitable for people with disabilities		
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		Provide flexible seating or be aware of the need for flexible seating in this location.	
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Item	Description	Recommendation	Photograph
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and the seat height was lower than the recommended 450mm minimum.

3.7

Ensure staff are aware of the needs of people with disabilities and offer alternative accommodation as required.

3.8



A hearing loop was provided in the Local Authority's reception counter which is excellent. Unfortunately, due to the restrictions of access it was not possible to establish whether a hearing loop was provided in the meeting area to the rear left hand side of the site, and further investigation should be made to establish whether such provision is in place. Should this not be the case we recommend a portable hearing loop be provided in this location.



3.9

There is no recessed counter to the café area, although alternative service provision in the form of staff taking trays to people with mobility impairments could easily be accommodated. There was no hearing loop to the counter


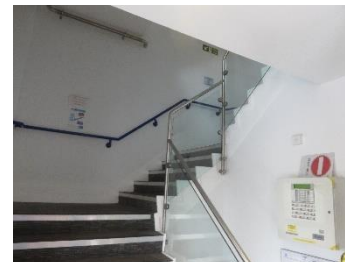
Provide table service for those visitors who require such service on the basis that the café is relatively small and does not appear relatively busy.  
Provide portable hearing loop



Item	Description	Recommendation	Photograph
			
3.10	The podiums containing computers for the public to use are located at a height of approximately 1000mm above floor level, this is suitable for those able to stand, but not suitable for people with lower limb mobility impairments and have difficulty standing for long periods of time, nor wheelchair users and the like.	We presume that alternative service delivery is provided in the form of providing computers at other locations, for example tables, and if this is not the case such arrangements should be provided urgently.	
<b>4.00</b>	<b>Corridors and Horizontal Circulation</b>		
4.1	There are no corridors as such within the premises, although there are lobbies which have previously been described.		

Item	Description	Recommendation	Photograph
4.2	The lobbies at all floor levels effected by the proposals are sufficiently large to enable satisfactory circulation for members of the public.		
4.3	At ground floor level, the current One Stop Shop is extremely busy and filled with a variety of barriers that would not only effect people with mobility impairments, but would also be confusing for people with learning disabilities as well as visual and hearing impairments. Most the surfaces are hard and as a consequence there is a lot of noise reverberation which affects people who have hearing difficulties.		 
4.4	Meeting rooms are located to the rear right hand side of the site but these are not immediately apparent.		
4.5	One real positive is that staff appear very attentive to the needs of people visiting whether they have a disability or not and as a consequence, the	Ensure that satisfactory circulation space is provided to ground floor areas and that people with	


Item	Description	Recommendation	Photograph
	difficult environment was improved significantly.	disabilities are assisted as soon as they enter the premises.	
<b>5.00</b>	<b>Vertical Circulation – Stairs, Ramps and Lifts</b>		
5.1	Again, it is difficult to take accurate information due to the constraints of our visit.		
5.2	The current arrangement is that members of the public are only allowed in the ground floor are and members of staff meet visitors on the ground floor should this be required.		
5.3	Currently vertical circulation is not an issue for members of the public, moving forward however it was noted that both staircases that would be used as means of escape are not ambulant in their design and therefore would be difficult for many user groups to navigate.		
5.4	Further, we have discussed the matter of the lifts, and the lifts are of such a design, significant works are		

Item	Description	Recommendation	Photograph
	required to bring them up to a satisfactory/ reasonable standard to meet modern requirements. We have discussed previously our recommendation that for this very good reason, the alternative of the Podium should be used.		
5.5	Should Lewis House be selected for the Library service, further advice about the stairs and lifts will be furnished.		 

Item	Description	Recommendation	Photograph
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<b>6.00</b>	<b>WC Provision</b>		
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6.1	<p>Accessible toilets on the ground floor are provided to the left-hand end of the site. In addition, there is separate female and male facilities. The general facilities are satisfactory at ground floor level, and we noted that accessible WC contains stainless steel handrails which contrasts with the white background and there is a grey floor. Unfortunately, baby changing provision is also provided in the same space. The Equality Act protects people with disabilities and there is no legislation requiring baby changing facilities to be provided. Consequently, someone who may use this facility for baby changing or feeding may occupy this space for a considerable time and resulting in a protected person under the Equality Act to have to wait a considerable time to gain access to the toilet, this is patently an unsatisfactory situation and we suggest baby changing is relocated elsewhere to overcome this problem.</p>		
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Item	Description	Recommendation	Photograph
6.2	We also noted other issues with the changing facilities as follows:	Provide toilet tissue dispenser	
6.3	Toilet roll dispensers are provided, toilet tissue should be provided as many users find toilet rolls difficult to operate		
6.4	We noted that litter and sanitary bins are provided in a transfer space, these should be relocated to enable wheelchair users to use the transfer space for the purpose it was designed.	Move bins	
6.5	We noted there were no hooks on the back of the door and both low and high level hooks should be provided.	Provide low and high level hooks	
6.6	We examined the accessible toilets at first and second floor level and should Lewis House be selected, further advice on the toilets will be required. currently they fall short of the requirements of Part M of the Building Regulations and we will		



Item	Description	Recommendation	Photograph
	recommend further works should this option proceed.		
<b>7.00</b>	<b>Seating</b>		
7.1	We have discussed seating in section 3 and no further comments about seating are provided.		
7.2	Should Lewis House be selected, it would be advisable to provide seating at landing level.		
<b>8.00</b>	<b>Wayfinding, Information and Signage</b>		
8.1	There is a large amount of information provided, particularly externally. There is a lot of duplication of information and the signage was confusing in many areas	Review signage internally and externally	
	The current arrangement with staff aiding visitors overcomes many of the signage issues currently but an		

Item	Description	Recommendation	Photograph
	objective review needs to be undertaken once a decision on library location is concluded		
8.2	We were very concerned about public realm route finding and signage. We note that the Local Authority have spent considerable sums on providing totem signs and we have read the documentation produced by Bath City Information explaining the rationale and process, unfortunately it appears that the needs of the disabled have not been considered as a particularly high priority and the infrequency of the signage, size of letters, omission of tactile information and the pictorial arrangements do not meet all the needs of the disabled population, indeed they fall short of the requirements of the British Standard	We recommend that audible signage is incorporated into the totems and that wayfinding information is provided on a more regular basis to allow people who will become disorientated in the city.	
8.3	There is no brail information available, although we are led to believe there is the possibility of this information being available either online or from Tourist Information Sites.		

Item	Description	Recommendation	Photograph
8.4	Architecturally the signage is excellent and fits well within the environment but unfortunately from a disability perspective we regard the signage as inadequate and inappropriate.		
<b>9.00</b>	<b>Alarms</b>		
9.1	Currently it does not appear that there are visual alarms in the toilet facilities and these should be provided.		
<b>10.00</b>	<b>Switches and Controls</b>		
10.1	At this stage, no comment on switches and controls is provided as these will change. Any new switches and controls should meet the requirements of BS8300 2009.		

Item	Description	Recommendation	Photograph
<b>11.00</b>	<b>Lighting</b>		
11.1	The lighting in the One Stop Shop is very bright and well above the minimum lighting levels. It would be advantageous to provide brighter lighting in the lobby as the transmission between the internal and external areas will be difficult for some visitors	Provide increased lighting in entrance vestibule.	
11.2	There are several downlighters and spotlights within the premises and ordinarily these would create pools of light which are inappropriate for many users. Happily there is additional lighting other than ceiling mounted downlighters which reduce the glare and reflection. Should the One Stop Shop be developed into the Library, careful consideration should be given to the general lighting arrangements.		
<b>12.00</b>	<b>Meeting Rooms</b>		
12.1	12.1The series of meeting rooms to the rear right hand side of the		

Item	Description	Recommendation	Photograph
	premises were not examined during our inspection.		
12.2	Further advice on meetings rooms can be provided if required.		
<b>13.00</b>	<b>Building Management</b>		
13.1	The building management seemed to be very good, all surfaces were clean and well organised. We saw no issues in this respect during our inspection that need to be addressed.		
<b>14.00</b>	<b>Means of Escape</b>		
14.1	As a service provider, you should provide an evacuation plan to ensure that the building is evacuated effectively, particularly for people who have a visual impairment. The evacuation plan should be revisited to ensure that it recognises the needs of the disabled community and that Fire Marshals are trained to ensure their needs are met.	Ensure evacuation plan reflects needs of disabled community.	

## ***Appendix 2 - Access Audit: Option B The Podium***

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### Contents

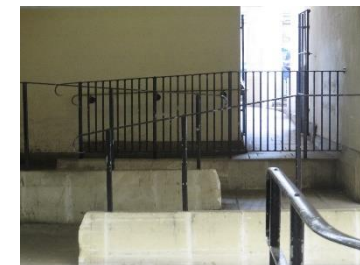
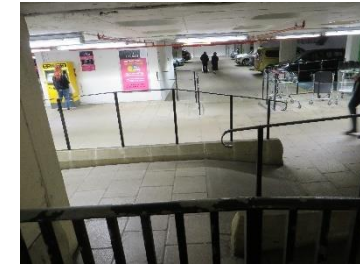
1. Approaches and Car Parking
2. Routes and Entrances
3. Counters, Reception, Desks and Service Counters
4. Corridors and Horizontal Circulation
5. Vertical Circulation – Stairs, Ramps and Lifts
6. WC Provision
7. Seating
8. Wayfinding, Information and Signage
9. Alarms
10. Switches and Controls
11. Lighting
12. Meeting Rooms
13. Building Management
14. Means of Escape

Item	Description	Recommendation	Photograph
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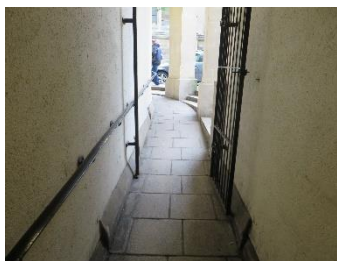
<b>1.00</b>	<b>Approaches and Car Parking</b>		
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	<p>The nearest car park is located below the library and consist 521 space car park. Currently the car park does not have the requisite number of accessible spaces.</p>		
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		<p>Should The Podium option be selected a review of the parking arrangements should be undertaken. The Car park is not operated by the Local Authority</p>	
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Item	Description	Recommendation	Photograph
	There is a ramp from the car park to the street which is approx 1500mm wide. The ramp does not currently meet the requirements of BS8300. It only has a handrail one side and is complicated by tapering steps between the ramp and Northgate Street	Write to car park operator to notify them of the barriers	  

Item	Description	Recommendation	Photograph
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There is no lift access directly between the car park and the library. To gain access to The Podium a visitor needs to travel via Northgate Street to the lifts in the main Podium entrance or navigate the steps in the Waitrose grocery.

Investigate whether a ramp would be viable in store at Waitrose to give level access



## 2.00 Entrances

The main entrance faces Northgate Street and contains lifts and stairs. Additional there are escalators in Waitrose that could be used if needed

There are no significant barriers to access the podium from Northgate Street



Item	Description	Recommendation	Photograph
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<b>3.00</b>	<b>Counters, Reception, Desks and Service Counters</b>		
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3.1	Due to the cursory nature of the inspection, we are unable to comment on service counters at this stage		
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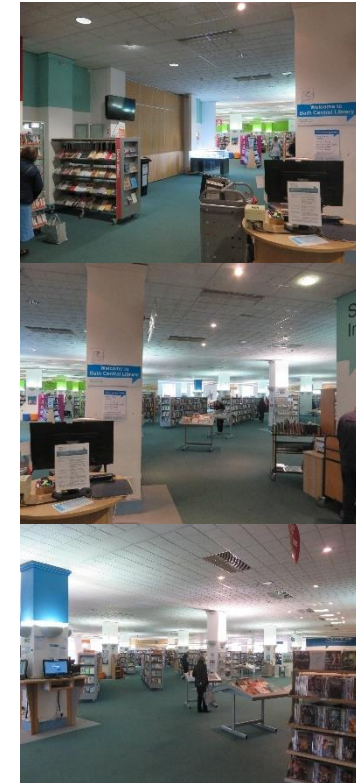
3.2	Should the podium be selected as the choice of facility, further advice on counters, desks and receptions will be provided.		
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<b>4.00</b>	<b>Corridors and Horizontal Circulation</b>		
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Item	Description	Recommendation
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4.1	The Podium is currently a large and spacious area which has excellent horizontal circulation. There are no significant corridors to cause concern. Patently the design will change should this site be selected and on this basis, we suggest a review of the design as part of the ongoing appraisal process.	
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Photograph
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<b>5.00</b>	<b>Vertical Circulation</b>	
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5.1	The vertical circulation is far superior to that contained in Lewis House.	
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Item	Description	Recommendation	Photograph
	<p>There are two lifts located in the lift lobby, unfortunately due to the excessive use (which will be a consideration should the use of this property intensify) we were only able to examine in detail the right-hand lift. This lift car measured 1410mm long x 1310mm wide. This would just about be sufficiently large to accommodate a shop mobility scooter</p>		 <p>The photograph collage consists of three images. The top image shows a wide staircase with a curved metal handrail and a yellow safety strip along the edge. The middle image shows a glass-enclosed escalator with a person standing on it. The bottom image shows the interior of a lift car with stainless steel walls, a control panel with buttons, and a person standing inside.</p>

Item	Description	Recommendation	Photograph
<b>6.00</b>	<b>WC Provision</b>		
6.1	WC provision is provided in two locations.		
6.2	That provided in the Waitrose element is the responsibility of Waitrose themselves and we make no recommendations at this stage as they are the service provider under the Equality Act.		
6.3	Unfortunately, we were unable to examine the WC provision adjoining the meeting room, this can be commented upon further should the podium be selected as the preferred option.		
<b>7.00</b>	<b>Seating</b>		
	No comment at this stage		

Item	Description	Recommendation	Photograph
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8.00	<b>Wayfinding, Information and Signage</b>		
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	<p>We were very concerned about route finding and signage. We note that the Local Authority have spent considerable sums on providing totem signs and we have read the documentation produced by Bath City Information, unfortunately it appears that the needs of the disabled have not been considered as a particularly high priority and the infrequency of the signage, size of letters, omission of tactile information and the pictorial arrangements do not meet all the needs of the disabled population, indeed they fall short of the requirements of the British Standard</p>		
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	<p>There is no brail information available, although we are led to believe there is the possibility of this information being available either online or from Tourist Information Sites.</p>		
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		<p>We would recommend that audible signage is incorporated into the totems and that wayfinding information is provided on a more regular basis to allow people who will become disorientated in the city.</p>	
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Item	Description	Recommendation	Photograph
	Architecturally the signage is excellent and fits well within the environment but unfortunately from a disability perspective we regard the signage as inadequate and inappropriate.		
<b>9.00</b>	<b>Alarms</b>		
9.1	Currently it does not appear that there are visual alarms in the toilet facilities and these should be provided.		
<b>10.00</b>	<b>Switches and Controls</b>		
10.1	At this stage, no comment on switches and controls is provided as these will change. Any new switches and controls should meet the requirements of BS8300 2009.		
<b>11.00</b>	<b>Lighting</b>		

Item	Description	Recommendation	Photograph
11.1	The lighting in the podium was superior to that of Lewis House as uplighters are provided which reflect off the ceiling and provide a better-quality light generally.		
11.2	Downlighters are provided above counters and meeting areas and this appeared to be satisfactory with no significant pooling noted		
11.3	Further advice on lighting can be provided on request should this option be selected.		
<b>12.00</b>	<b>Meeting Rooms</b>		
	No comment		
<b>13.00</b>	<b>Building Management</b>		
13.1	The building management seemed to be very good, all surfaces were clean and well organised. We saw no issues in this respect during our inspection that need to be addressed.		

Item	Description	Recommendation	Photograph
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<b>14.00</b>	<b>Means of Escape</b>		
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14.1	As a service provider, you should provide an evacuation plan to ensure that the building is evacuated effectively, particularly for people who have a visual impairment. The evacuation plan should be revisited to ensure that it recognises the needs of the disabled community and that Fire Marshals are trained to ensure their needs are met.	Ensure evacuation plan reflects needs of disabled community.	
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## ***Useful Organisations***

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### **Equality and Human Rights Commission**

The Equality and Human Rights Commission is the independent advocate for equality and human rights in Britain. It aims to reduce inequality, eliminate discrimination, strengthen good relations between people, and promote and protect human rights.

The Equality and Human Rights Commission helplines advise both individuals and organisations such as employers and service providers.

Website: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)  
Email: [info@equalityhumanrights.com](mailto:info@equalityhumanrights.com)  
Telephone: 0845 604 6610  
08:00 – 18:00 Monday to Friday

### **Directgov**

Directgov is the UK government's digital service for people in England and Wales. It delivers information and practical advice about public services, bringing them all together in one place.

Website: [www.direct.gov.uk](http://www.direct.gov.uk)

### **Government Equalities Office (GEO)**

The GEO is the Government department responsible for equalities and policy in the UK

Website: [www.equalities.gov.uk](http://www.equalities.gov.uk)  
Telephone: 0303 444 0000

### **Disability Rights UK**

Email: <http://www.disabilityrightsuk.org>  
Telephone: 020 7250 8181

### **Royal National Institute for the Blind**

Email: <http://www.rnib.org.uk>  
Telephone: 0845 702 3153  
RNIB Helpline: 08457 909090  
Email [jo@samaritans.org](mailto:jo@samaritans.org)

### **Royal Association for Deaf People**

Website: <http://www.royaldeaf.org.uk>  
Email: [info@royaldeaf.org.uk](mailto:info@royaldeaf.org.uk)  
Telephone: 0845 688 252519-23

### **Disabled Living Foundation**

Website: [www.dlf.org.uk](http://www.dlf.org.uk)  
Helpline: 0300 999 0004  
Email: [info@dlf.org.uk](mailto:info@dlf.org.uk)

## ***Glossary of Terms***

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### **Accessible venue**

A building designed and / or altered to ensure that people, including disabled people, can enter and move round freely and access its events and facilities.

### **Act**

A law or piece of legislation passed by both Houses of Parliament and agreed to by the Crown, which then becomes part of statutory law (ie is enacted).

### **Affirmative Action**

Positive steps taken to increase the participation of under-represented groups in the workplace. It may encompass such terms as positive action and positive discrimination. The term, which originates from the United States of America, is not used in the Equality Act.

### **Age**

This refers to a person belonging to a particular age group, which can mean people of the same age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds, or people over 50).

### **Agent**

A person who has authority to act on behalf of another ('the principal') but who is not an employee.

### **All reasonable steps**

In relation to harassment by an employee, all the things which the employer could reasonably have done to stop it; in relation to reasonable adjustments, 'reasonable steps' is another term for the things that the employer could reasonably have done to remove the disadvantage.

### **Alternative format**

Media formats which are accessible to disabled people with specific impairments, for example Braille, audio description, subtitles and Easy Read.

### **Anticipatory duty**

For service providers, the duty to make reasonable adjustments is anticipatory; within reason, it is owed to all potential disabled customers and not just to those who are known to the service provider.

### **Associate members**

A person who has access to some or all of an association's benefits, facilities and services because they are a member of another associated private club.

### **Associated with**

Where a victim of discrimination does not have a protected characteristic but is discriminated against because of their association with someone who does e.g. the parent of a disabled child.

### **Association**

An association of people sharing a particular characteristic or interest which has at least 25 members, where admission to membership is regulated and involves a process of selection.

### **Association with**

See associated with.

### **Auxiliary aid**

Usually a special piece of equipment to improve accessibility.

### **Auxiliary service**

A service to improve access to something often involving the provision of a helper/ assistant.

**Bill**

A draft Act, not passed or in force.

**Breastfeeding**

When a woman feeds her baby with breast milk. Breastfeeding is specifically protected for the first 26 weeks after birth by the pregnancy and maternity discrimination provisions in relation to non-work cases.

**By association**

In the Act, this refers to discrimination against a person who does not have a protected characteristic because of their association with someone who has a protected characteristic. See also 'associated with'.

**Charity**

A body (whether corporate or not) which is for a statutory charitable purpose that provides a benefit to the public.

**Civil, diplomatic, armed or security and intelligence services**

Respectively, this refers to (i) the civil service, (ii) the diplomatic service (iii) the armed forces, (iv) organisations responsible for internal security and counterintelligence (but not civil police forces).

**Clients**

A customer or patron of a service or organisation, generally where the service provider is professional and is in a position of trust and confidence.

**Code of Practice**

Is a statutory guidance document which must be taken into account by the Courts when applying the law and which may assist people comply with the law.

**Comparator**

A person with whom a claimant compares themselves to establish less favourable treatment in a discrimination case.

**Customers**

People who buy or use goods or services.

**Data Protection**

Safeguards concerning personal data provided for by statute, mainly the Data Protection Act 1998

**Different needs**

Refers to the different requirements that people with protected characteristics may have which either must or should be met to provide equality, including equality of opportunity and access

**Direct discrimination**

Less favourable treatment of a person compared with another person because of a protected characteristic

**Directly discriminatory**

See direct discrimination

**Disability**

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

**Disabled person**

Someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

**Disadvantage**

A detriment or impediment – something that the individual affected might reasonably consider changes their position for the worse.

**Disadvantaged**

When someone suffers a detriment or finds an impediment to enjoying a benefit in comparison with others because of a characteristic of theirs; encountering a pre-existing barrier

which is inherent in their workplace but which doesn't have the same effect on others

**Discriminate unlawfully**

When an employer has treated someone less favourably because of a protected characteristic (discriminated against them) and does not have a valid defence.

**Discriminating directly or indirectly**

Refers to discrimination because of a person's protected characteristic (direct); or discrimination that occurs when a provision, criteria or practice is applied that creates disproportionate disadvantage for a person with a protected characteristic as compared to those who do not share that characteristic (indirect).

**Discrimination arising from disability**

When a person is treated unfavourably because of something arising in consequence of their disability.

**Disproportionately low**

Refers to situations where people with a protected characteristic are under-represented (e.g. in the workforce or among service-users) compared to their numbers in the population

**Diversity**

Where many different types of people are included

**Duty to make reasonable adjustments**

Where a disabled person is at a substantial disadvantage in comparison with people who are not disabled, there is a duty to take reasonable steps to remove that disadvantage by (i) changing provisions, criteria or practices, (ii) altering, removing or providing a reasonable alternative means of avoiding physical features and (iii) providing auxiliary aids

**Educational establishments**

Schools, colleges and higher educational institutions

**Employee**

A person who carries out work for a person under a contract of service, a contract of apprenticeship, or a contract personally to do work; or a person who carries out work for the Crown or a relevant member of the Houses of Parliament staff.

**Employer**

A person who makes work available under a contract of service, a contract of apprenticeship, the Crown or a relevant member of the Houses of Parliament staff.

**Employment service provider**

A person who provides vocational training and guidance, careers services and may supply employers with workers

**Employment services**

Vocational training and guidance, finding employment for people, supplying employers with workers

**Equal pay audit**

Comparing the pay of women and men who are doing equal work in an organisation, and investigating the causes of any pay gaps by gender or working pattern. The provisions in the Act directly relating to equal pay refer to sex equality but an equal pay audit could be used applied to other protected characteristics to help an employer equality proof their business.

**Equal work**

A woman's work is equal to a man's in the same employment (and vice versa) if it is the same or broadly similar (like work); rated as equivalent to his work under a job evaluation scheme or if she can show that her work is of equal value to his in terms of the demands made of her.



**Equality clause**

A sex equality clause is read into a person's contract of employment so that where there is a term which is less favourable than that enjoyed by someone of the opposite sex doing equal work, that term will be modified to provide equal terms.

**Equality policy**

A statement of an organisation's commitment to the principle of equality of opportunity in the workplace.

**Equality training**

Training on equality law and effective equality practice

**Exceptions**

Where, in specified circumstances, a provision of the Act does not apply

**Flexible working**

Working different hours or at home to accommodate childcare commitments

**Gender reassignment**

The process of changing or transitioning from one gender to another

**Gender Recognition Certificate**

A certificate issued under the Gender Recognition Act to a transsexual person who has, or has had gender dysphoria, has lived in the acquired gender throughout the preceding two years, and intends to continue to live in the acquired gender until death.

**Goods, facilities or services**

Goods refer to moveable property, facilities to opportunities to enjoy a benefit or do something and services refer to provisions for meeting people's needs. Goods, facilities and services are available to the public or any part of it.

**Guaranteed interview scheme**

This is a scheme for disabled people which means that an applicant will be invited for interview if they meet the

essential specified requirements of the job

**Guests**

People invited to enjoy an association's benefits, facilities or services by that association or a member of it.

**Harass**

To behave towards someone in a way that violates their dignity, or creates a degrading, humiliating, hostile, intimidating or offensive environment.

**Harassment**

Unwanted behaviour that has the purpose or effect of violating a person's dignity or creates a degrading, humiliating, hostile, intimidating or offensive environment. See below for sexual harassment.

**Impairment**

A functional limitation which may lead to a person being defined as disabled according to the definition under the Act. See disability.

**Indirect discrimination**

The use of an apparently neutral practice, provision or criterion which puts people with a particular protected characteristic at a disadvantage compared with others who do not share that characteristic, and applying the practice, provision or criterion cannot be objectively justified

**Indirectly discriminatory**

See indirect discrimination

**Information Society Service Provider (ISSP)**

A service provider which provides electronic data storage, usually for payment, for example, selling goods online.

**Instruction to discriminate**

When someone who is in a position to do so instructs another to discriminate against a third party. For example, if a GP instructed her receptionist not to register anyone who might need help from an interpreter, this would amount to an instruction to discriminate.

**Insurance business**

An organisation which provides financial protection against specified risks to clients in exchange for payment.

**Job evaluation study**

This is a study undertaken to evaluate jobs in terms of the demands made on a person, using factors such as effort, skill and decision making. This can establish whether the work done by a woman and a man is equal, for equal pay purposes. See equal work.

**Judicial review**

Is a procedure by which the High Court supervises the exercise of public authority power to ensure that it remains within the bounds of what is lawful.

**Less favourably**

Worse, not as well as

**Like work**

See equal work.

**Manifest**

See manifestation: refers to the appearance or expression of a protected characteristic. For example manifestations of sexual orientation can include the person's appearance, the places they visit or the people they mix with.

**Manifestation**

Expression

**Marriage and civil partnership**

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated no less favourably than married couples.

**Maternity**

See pregnancy and maternity

**Maternity leave**

leave which a woman can take whilst she is pregnant and after the birth of her child divided into compulsory, ordinary and additional maternity leave. How much leave a woman is entitled to will vary, but all women employees are entitled to 26 weeks.

**Members**

People who have been formally accepted into membership of an association

**Minister**

Someone who is authorized to perform religious functions, such as weddings, baptisms and communion, in a Christian church

**Monitor**

See monitoring

**Monitoring**

Monitoring for equality data to check if people with protected characteristics are participating and being treated equally. For example, monitoring the representation of women, or disabled people, in the workforce or at senior levels within organisations.

**Monitoring form**

A form which organisations use to collect equality monitoring data – from, for example, job applicants or service users. It records information about a person's sex, age, disability, race, religion, or sexual orientation. It is kept separately from any identifying information about the person.

**More favourably**

To treat somebody better than someone else. This is unlawful under the Act if it is because of a protected characteristic except in very limited circumstances e.g. the duty to make reasonable adjustments for a disabled person. The law can require pregnant workers to be treated more favourably in some circumstances.

**National security**

The security of the nation and its protection from external and internal threats, particularly from activities such as terrorism and threats from other nations

**Needs that are different**

See different needs

**Normal retirement age**

Is the retirement age at which in practice employees in a particular job and workplace would normally expect to retire. Normal retirement age can differ from the contractual retirement age. If it is under 65, it must be objectively justified.

**Objective justification**

When something (e.g. an otherwise discriminatory action) can be objectively justified

**Objectively justified**

When something can be shown to be a proportionate means of achieving a legitimate aim – that is, the way of achieving the aim is appropriate and necessary.

**Occupational health**

Occupational health can be defined as the ongoing maintenance and promotion of physical, mental and social well-being for all workers.

**Occupational health practitioner**

A health professional providing occupational health services

**Occupational pension**

A pension which an employee may receive after retirement as a contractual benefit

**Occupational requirement**

Where having a protected characteristic is an occupational requirement, certain jobs can be reserved for people with that protected characteristic (e.g. Women support workers in women's refuges; Ministers of Religion)

**Office-holders**

There are personal and public offices. A personal office is a remunerated office or post to which a person is appointed personally under the direction of someone else. A public office is appointed by a member of the government, or the appointment is recommended by them, or the appointment can be made on the recommendation or with the approval of both Houses of Parliament, the Scottish parliament or the National Assembly for Wales.

**Organised religion**

Refers to a religion which manifests its beliefs through organised worship

**Palantypist**

Also known as 'Speech to Text Reporter'. A palantypist reproduces speech into a text format onto a computer screen at verbatim speeds for deaf or hard of hearing people to read

**Past disability**

A person who has had a disability as defined by the Equality Act

**Perception**

In the Act, the belief that someone has a protected characteristic, whether or not they do have it.

**Physical barriers**

A physical feature of a building or premises which places disabled people at a substantial disadvantage compared to non-disabled people when accessing goods, facilities and services or employment

**Physical features**

Anything that forms part of the design or construction of a place of work, including any fixtures, such as doors, stairs etc. Physical features do not include furniture, furnishings, materials, equipment or other chattels in or on the premises.

**Positive action**

Refers to a range of lawful actions that seek to overcome or minimise disadvantages (e.g. in employment opportunities) that people who share a protected characteristic have experienced, or to meet their different needs.

**Positive Discrimination**

Treating someone with a protected characteristic more favourably to counteract the effects of past discrimination. It is generally not lawful although the duty to make reasonable adjustments is an exception where treating a disabled person more favourably may be required by law.

**Practicable**

Capable of being carried out or put into effect

**Pregnancy and maternity**

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

**Pregnant**

See pregnancy and maternity

**Private disposals**

Is when an owner-occupier disposes of property (i.e. sells or leases etc) without using an estate agent or publishing an advert in connection with the 'disposal'

**Procurement**

Is the term used in relation to the range of goods and services a public body or authority requires and delivers. It includes sourcing and appointment of a service provider and the subsequent management of the goods and services being provided.

**Professional organisations**

A body of persons engaged in the same profession, formed usually to provide advice, maintain standards, and represent the profession in discussions with other bodies about professional concerns

**Proportionate**

This refers to measures or actions that are appropriate and necessary. Whether something is proportionate in the circumstances will be a question of fact and involve weighing up the discriminatory impact of the action against the reasons for it, and asking if there is any other way of achieving the aim.

**Protected characteristics**

These are the grounds upon which discrimination is unlawful. The characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

**Protected period**

This refers to the time when the specific prohibition against unfavourable treatment of expectant and new mothers applies. The period begins at the start of a woman's pregnancy and continues until the end of her maternity leave.

**Provision, criterion or practice**

Identifying a provision, criterion or practice is key to establishing indirect discrimination. It can include for example, any formal or informal policies, decisions, rules, practices, arrangements, criteria, conditions, prerequisites or qualifications.

**Public authority**

Organisations and individuals that carry out public functions - this would include government departments, local authorities, health authorities and hospitals, schools, prisons, and police for example.

**Public bodies**

Public bodies are defined as bodies which have a role in the processes of national Government but are not a Government department or part of one. They operate to a greater or lesser extent at arm's length from Ministers.

**Public functions**

Any act or activity undertaken by a public authority in relation to delivery of a public service or carrying out duties or functions of a public nature e.g. the provision of policing and prison services, healthcare, including residential care of the elderly, government policy making or local authority planning services.

**Public sector equality duty**

The duty on a public authority when carrying out its functions to have due regard to the need to eliminate unlawful discrimination and harassment, foster good relations and advance equality of opportunity.

**Qualifications bodies**

An authority or body which can confer qualifications.

**Questions procedure**

A discrimination law procedure whereby a pre-action questionnaire is issued to the respondent/ defendant, i.e. the person or organisation against whom a discrimination claim may be made

**Race**

Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, nationality (including citizenship) ethnic or national origins.

**Rated as equivalent**

An equal pay concept - see equal work

**Reasonable**

What is considered reasonable will depend on all the circumstances of the case including the size of an organisation and its resources, what is practicable, the effectiveness of what is being proposed and the likely disruption that would be caused by taking the measure in question as well as the availability of financial assistance

**Reasonable adjustment**

See the duty to make reasonable adjustments

**Reasonable steps**

See the duty to make reasonable adjustments

**Reasonably**

See reasonable

**Reasonably believe**

This refers to a belief based on objective grounds

**Regulations**

Secondary legislation made under an Act of Parliament (or European legislation) setting out subsidiary matters which assist in the Act's implementation

**Religion or belief**

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

**Religion or belief organisations**

An organisation founded on an ethos based on a religion or belief. Faith schools are one example of a religion or belief organisation

**Religious organisation**

See religion or belief organisation

**Retirement age**

The age at which an employee retires. This may be the national default retirement age, if there is one, or an age which is set in the contract of employment but which must be capable of being objectively justified

**Right to request flexible working**

The legal right to request flexible working, e.g. a change in the way you work or the hours you work

**Same employment**

An equal pay concept (see equal work). Generally, women and men can compare their pay and other conditions with those employed by the same or an associated employer.

**Separate services**

Services only provided for one sex

**Service complaint**

A complaint about service delivery

**Service provider**

Someone (including an organisation) who provides services, goods or facilities to the general public or a section of it

**Service users**

Those accessing or using a particular service

**Services**

See goods, facilities and services

**Services, Goods or Facilities**

This refers to services, goods or facilities provided to the public by public or private providers. The definition excludes public functions and benefits, facilities and services provided by clubs and associations. See also goods, facilities and services.

**Sex**

This is a protected characteristic. It refers to whether a person is a man or a woman (of any age).

**Sexual harassment**

Any conduct of a sexual nature that is unwanted by the recipient, including verbal, non-verbal and physical behaviours, and which violates the victim's dignity or creates an intimidating, hostile, degrading or offensive environment for them

**Sexual orientation**

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

**Single-sex facilities**

Facilities which are only available to men or to women, the provision of which may be lawful under the Act



**Single-sex services**

A service provided only to men or women. It is not always discriminatory to provide single-sex services, for example provision of single-sex changing facilities in a leisure centre

**Small premises**

Premises are small if they are not normally sufficient to accommodate more than two other households (and no more than six people in addition to the owner-occupier and/or their relatives and/or close relations)

**Stakeholders**

People with an interest in a subject or issue who are likely to be affected by any decision relating to it and/or have responsibilities relating to it.

**Substantial disadvantage**

A disadvantage which is more than minor or trivial

**Terms of employment**

The provisions of a person's contract of employment, whether provided for expressly in the contract itself or incorporated by statute, custom and practice or common law etc.

**Textphone**

A type of telephone for deaf or hard of hearing people which is attached to a keyboard and a screen on which the messages sent and received are displayed

**Trade unions**

These are organisations formed to represent workers' rights and interests to their employers, for example in order to improve working conditions, wages or benefits. They also advocate more widely on behalf of their members' interests and make recommendations to government, industry bodies and other policy makers.

**Transsexual person**

Refers to a person who has the protected characteristic of gender reassignment. This may be a woman who has transitioned or is transitioning to be a man, or a man who has transitioned or is transitioning to be a woman. The law does not require a person to undergo a medical procedure to be recognised as a transsexual

**Two Ticks' Symbol**

A sign awarded by Jobcentre Plus to employers who are positive about employing disabled people and are committed to employ, keep and develop disabled staff

**UK Text Relay Service**

Text Relay is a national telephone relay service for deaf, deafened, hard of hearing, deaf blind and speech-impaired people. It lets them use a textphone to access any services that are available on standard telephone systems.

**Unfavourably**

The term is used (instead of less favourable) where a comparator is not required to show that someone has been subjected to a detriment or disadvantage because of a protected characteristic – for example in relation to pregnancy and maternity discrimination

**Unlawful**

Not permitted by law (as distinct from illegal which means 'forbidden by law'). On occasions, unlawful and illegal may be synonymous, but unlawful is more correctly applied in relation to civil (as opposed to criminal) wrongs.

**Unlawful disability discrimination**

See unlawful discrimination

**Unlawful discrimination**

When an employer has engaged in prohibited conduct against someone with a protected characteristic and does not have a valid defence



**Unlawful discrimination because of disability**

See unlawful discrimination and discrimination arising from disability

**Unlawful indirect discrimination**

See indirect discrimination

**Unlawfully discriminated**

See discriminate unlawfully and unlawful discrimination

**Unlawfully discriminated**

See unlawful discrimination

**Unreasonable**

Not reasonable, beyond what's practicable. See also reasonable.

**Victimisation**

Subjecting a person to a detriment because they have done a protected act or there is a belief that they have done a protected act i.e. bringing proceedings under the Act; giving evidence or information in connection with proceedings under the Act; doing any other thing for the purposes or in connection with the Act; making an allegation that a person has contravened the Act.

**Victimise**

The act of victimisation

**Vocational service**

A range of services to enable people to

retain and gain paid employment and mainstream education.

**Vocational training**

Training to do a particular job or task

**Work of equal value**

See equal work

**Work situation**

Refers to the employment and workplace context – if disputes or discrimination complaints arise in relation to work they will be heard in the Employment Tribunal.

**Workstep**

The WORKSTEP employment programme provides support to disabled people facing complex barriers to getting and keeping a job. It also offers practical assistance to employers.

**Worker**

The definition of 'employee' given above also encompasses that of 'worker'. However, in employment law, worker is generally a wider category than employee and includes a contract personally to do work.

**Worse**

When someone is treated less favourably they are treated worse than someone else, literally something which is not as good as someone or something else.