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## **Disability in the workplace : employers' and service providers' responses to the DDA in 2003 and preparation for 2004 changes**

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## 3 The provision of services to disabled people: Service providers' responses to Part III of the DDA

### 3.1 Introduction

This chapter examines service providers' responses to the DDA. Under the DDA 1995, provisions relating to service providers are covered by Part III of the legislation. Within Part III, a service provider is classified as a person or organisation concerned with the provision of goods, facilities or services to the public, or section of the public, whether paid or free of charge.<sup>9</sup> Service providers can deliver goods and services on or off their premises and through a variety of methods such as in person or by telephone. Under Part II of the DDA employers with 15 or fewer employees are currently exempt from the requirements of the Act (although this will be lifted in October 2004). There is no such size exemption covering Part III.

Duties under Part III, all of which are anticipatory, are coming into force in three stages:

- Treating a disabled person less favourably because they are disabled has been unlawful since December 1996.
- Since October 1999, service providers have been required to make 'reasonable adjustments' to the way they deliver their services in order that disabled people can use them.

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<sup>9</sup> Disability Discrimination Act 1995 <http://www.legislation.hmso.gov.uk/acts/acts1995/95050—c.htm>

- The final stage of the duties, which requires service providers to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access, comes into force in October 2004.

This chapter draws on evidence from the case study element to inform and further explore some of the issues raised by the survey findings to examine:

- awareness of Part III of the DDA and its provisions, including awareness of the provisions that will become effective from October 2004;
- policies and practices for disabled customers;
- adjustments made to accommodate customers with impairments and adjustments planned.

Section 3.2 examines service providers' awareness of provisions contained in Part III of the DDA including sources of information and advice and understanding of the term 'reasonable adjustment': Section 3.3 describes the approach to providing services for disabled people, including whether there is a policy in place and if so how policy is implemented: Section 3.4 explores adjustments for disabled customers that are already in place or planned, including physical adjustments, adjustments to the way services are provided and provision of staff training relating to disabled customers as well as the role of cost and barriers to change.<sup>10</sup>

### 3.2 Awareness of service provider provisions (Part III) of DDA

This section looks at service providers' awareness of Part III of the DDA. Respondents' levels of awareness of Part III of the DDA varied. Some had detailed knowledge and could spontaneously name the Act, some could recall the name after prompting and others had no recollection or were unaware of the Act.

Respondents of the survey<sup>11</sup> were first asked whether they were aware of any laws that give rights to clients or customers with long-term health problems or impairments.

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<sup>10</sup> See Chapter 1 for survey methodology.

<sup>11</sup> The interviews were conducted at the workplace level with the person responsible for the recruitment and management of employees at that site. The person responsible for the recruitment and management of employees at workplaces with over 100 employees were asked whether they were also the appropriate person to answer questions about their customers. Service providers who said that they were not the most appropriate person were asked if they could provide details of who should be contacted. In total 17 respondents directed us to contact somebody else within the organisation, this was equivalent to less than one per cent of the weighted data set. All service providers at workplaces with 100 or fewer employees were presumed to have enough knowledge to be able to answer questions about their workplaces' customers.

Overall, five per cent of service providers knew the Act spontaneously by name. A further 22 per cent of service providers were aware of the existence of legislation but were unable to recall the name, three per cent stated 'others'. In summary, 30 per cent had some spontaneous awareness of laws giving rights to disabled customers or clients. The remaining 70 per cent were not spontaneously aware of any laws that give rights to clients or customers with long-term health problems or impairments.

**Table 3.1 Overall awareness of Part III of the DDA (spontaneous and prompted) by workplace size**

	<i>Column percentages</i>					
	<b>6 or fewer</b>	<b>7-14</b>	<b>15-99</b>	<b>100-499</b>	<b>500+</b>	<b>All</b>
Heard of the Act	26	37	46	37	[50]	33
Have not heard of the Act	74	64	54	63	[50]	67
<i>Unweighted base</i>	<i>705</i>	<i>444</i>	<i>369</i>	<i>60</i>	<i>44</i>	<i>1623</i>

Base – Service providers (All workplaces which are public facing)

Weighted base – 1639

Unweighted base - 1623

The 95 per cent of service providers who did not identify the DDA by name were then asked the following question:

*'The Disability Discrimination Act of 1995 introduced rights for customers/clients with long-term health problems or disabilities. Prior to this survey, did you know this?'*

In total, 33 per cent of this group of service providers claimed they were familiar with Part III of the DDA before taking part in the survey and 67 per cent said they had not heard of it. In total, the overall awareness of any legislation giving rights to disabled customers was 41 per cent.

Awareness levels varied by a number of factors, principally the size of workplace, whether the workplace was a single establishment or part of a larger organisation (multi-site), whether the service provider had previously employed disabled people and by industrial sector.

Overall, the likelihood of awareness of Part III of the DDA increased with the size of the workplace. For example, just over a quarter (26 per cent) of service providers in workplaces with six or fewer employees had heard of the DDA compared to half (50 per cent) of those with 500 or more employees<sup>12</sup> (Table 3.1). (This overall trend that awareness is greater amongst larger workplaces is consistent with findings from

<sup>12</sup> ( $p < 0.001$ ). For information about significance levels refer to Appendix B. Chi-square tests were applied throughout this chapter.

previous research, i.e. Meager *et al.*, (2002), although this comparison must be treated with caution due to the usage of different sampling frames.)

The only exception to this trend was that awareness levels of workplaces with 100 – 499 employees (37 per cent) were lower than of those workplaces with 15 – 99 employees (46 per cent).

Also consistent with past research (Meager *et al.*, 2002) is the finding that service providers in workplaces which were part of a multi-site organisation had a higher overall awareness of Part III of the DDA (38 per cent), than did those which were single-site (29 per cent).<sup>13</sup>

Taking into account overall organisation size, a similar awareness trend is observed to that seen with increasing workplace size.<sup>14</sup> Twenty-four per cent of workplaces that are part of an organisation with up to six employees were aware compared with 46 per cent of workplaces in organisations comprising 500 or more employees.<sup>15</sup>

Private sector workplaces had the lowest awareness levels of Part III of the DDA (30 per cent) compared with the public (51 per cent) and voluntary sectors (54 per cent).<sup>16</sup> This is also consistent with previous findings (Meager *et al.* (2002)); again, because different sampling frames have been used findings are not directly comparable.

Service providers who had previously (i.e. within the past 10 years) or currently employed disabled staff had a higher rate of awareness of Part III of the DDA than did other respondents. Forty-one per cent of service providers who had ever employed a disabled person were aware of the Act compared with 28 per cent who had not.<sup>17</sup>

In addition, examination of the levels of awareness by different industrial sectors indicates that there is some variation, with those in the public and social services sector (public administration and defence, compulsory social security, training providers and health and social work) being the most aware out of the industry sectors. At the other end of the scale, those in agriculture, hunting and fishing, manufacturing<sup>18</sup>, wholesale and retail trade and transport storage and communication were the least likely to be aware of Part III of the DDA.<sup>19</sup> (This trend is consistent with findings from Stuart *et al.* (2002) although different sampling frames have been used so the figures are, again, not directly comparable).

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<sup>13</sup> (p<0.001).

<sup>14</sup> Where the organisation is comprised of a single-site, organisation and workplace are synonymous.

<sup>15</sup> (p<0.001).

<sup>16</sup> (p<0.001).

<sup>17</sup> (p<0.001).

<sup>18</sup> See Chapter 1 for information about categorisation of service providers.

<sup>19</sup> (p<0.001).

Logistic modelling was used to identify the characteristics that showed independent associations with overall awareness of Part III of the DDA. Public sector and voluntary service providers are both more likely to be aware of Part III of the Act than are private service providers. Having a policy for disabled customers and clients is also associated with increased likelihood of awareness of Part III of the DDA.

The model also showed that workplaces which have had disabled employees were significantly more likely to be aware of the DDA compared to those where no disabled staff had been employed.

There was no significant effect of size of workplace or whether the workplace was a part of a multi-site as opposed to single-site organisation on awareness of Part III of the DDA.

The case study findings for service provider awareness are similar to those reported for employers in Chapter 2. Public sector organisations within the case study sample were generally more aware of the Act than private sector organisations. This suggests that public sector organisations are better informed than private sector organisations. There was also greater knowledge of the Act within organisations that provide services through face-to-face contact with customers compared to organisations providing services via the telephone or through mail order.

Knowledge of the DDA was also usually higher in larger organisations (of 100 or more personnel overall) and at a Head Office rather than a local office level.

Respondents' knowledge of the Act also depended on their role. Customer service specialists and policy advisers (again usually based at Head Office) made most frequent spontaneous reference to the Act and could often state its content, including the requirement for reasonable adjustments and the 2004 changes. Once again, local staff appeared to have less knowledge of the Act.

While specialist staff, usually based at Head Office, are involved in making policy for providing services to disabled customers, it is local front-line staff who have the daily face-to-face contact with customers and who are, therefore, implementing the organisations' policy as well as confronting new situations and challenges. These findings suggest that even amongst organisations with high awareness at Head Office level, there may be insufficient communication mechanisms to ensure on the one hand that such awareness filters down through the organisation and on the other that organisations may not be drawing systematically on their own experiences in providing services to disabled customers and these experiences may not be feeding back into organisation policy making.

### **3.2.1 Sources of information and advice about the DDA**

The case studies found that the customer service side of organisations tended to draw on the same sources of information as the employer side. These included Government internet sites, professional forums and publications and the media in general. Some respondents said that the media had played a role in raising the levels

of general awareness of disability. Some also said that levels of awareness in society in general were rising as the result of disabled people articulating their needs.

*'I think there is this whole change in society, society's expectations and disabled people themselves have become a more vocal group ... and have made sure it is in the public eye.'*

(ESP/3-14/Private/Multi-site/Local office)

Again there was positive mention of the Department of Trade and Industry and the Department for Work and Pensions as well as the Disability Rights Commission websites, although once again there was little spontaneous mention of the Disability Rights Commission itself. One respondent said that in their opinion the DRC are not forthcoming with practical advice for employers and place more emphasis on taking up cases when the legislation is breached. Another said that the level of publicity had decreased over the last two or three years:

*'There were TV adverts two or three years ago and there was also a fair bit of coverage in the papers several years ago ... it did keep the issue a little bit more to the forefront and I think that has slipped a bit.'*

(ESP/15-99/Public/Multi-site/Head office)

Some respondents said that they would welcome a code of practice setting out how to meet the requirements on a practical basis:

*'There's a lack of working advice, people can introduce legislation but someone's got to explain the interpretation of it and how on a day-to-day basis you actually comply with it.'*

(ESP/100+/Private/Multi-site/Head office)

This finding may suggest lack of awareness of existing guidance setting out practical ways of making adjustments. Other respondents said that they were aware that information is available but pointed out that people who neither work in HR nor have everyday dealings with disability may not be aware or know where to look.

There was mixed opinion amongst service providers about how familiar customers themselves were with the DDA provisions. Service providers' opinions on customers' familiarity with the DDA ranged from a view that customers were familiar with their rights and indeed some could be very demanding, to a view that members of the public might be better informed about what they ought to expect from companies.

### 3.2.2 Factors impacting on awareness

Some case study respondents said that it was easier for large organisations who have experts and resources to find, gather and interpret information than for small organisations without specialist staff and expertise. One respondent said that there was a greater onus on public sector organisations to comply with legislation and that this implied being aware of developments.

Some large private case study organisations reported using access consultants. However, there was a view expressed that some consultants do not always understand the nature of the business and the specific issues involved. Sometimes consultants focused on structural adaptations without considering possible changes that could be made in delivering the service. There was even some suspicion that some consultants did not always provide impartial advice and mention was made of ‘over-selling on the back of the DDA’. For example, one respondent said that he felt that he had been wrongly advised about the number of hearing loops he should install which had subsequently proved to be unnecessary.

3.2.3 Awareness of the main provisions

Service providers within the survey who stated they were aware of Part III of the DDA, or of some legislation for customers with longstanding illnesses or impairments, were asked what they believed to be the main provisions in relation to disabled customers and clients.

Half (50 per cent) of those who were asked believed it was related to issues of equal treatment and opportunities for disabled customers and a further 11 per cent stated that it was concerned with ensuring help and support is provided for disabled customers and clients (Table 3.2). A third (34 per cent) believed that Part III of the DDA was concerned with physical access to premises and a further ten per cent stated specific physical provisions they believed to be necessary under the Act such as accessible toilets and parking.

Table 3.2 Knowledge of the Act

	<i>Multiple response</i>
	<b>Aware of DDA or legislation for disabled customers and clients</b>
Equal opportunities/treatment	50
Help/support for disabled customers	11
Physical access	34
Specific physical facilities required	10
Other	4
Don't know	12
Not stated	5
<i>Unweighted base</i>	<i>694</i>
Base – Service providers who were aware of legislation for disabled customers	
Weighted base – 675	
Unweighted base – 694	

The case studies revealed wide variation in the degree of knowledge of the provisions of the Act. Some respondents, mainly those with specialist roles in Head



Office had a very good understanding of the principles and details of the legislation. Knowledge at the local level varied. In one organisation the legislation had been translated into policy. This allowed local staff to feel confident that when they are applying policy they are, at the same time, complying with the requirements of the Act:

*'A lot of the detail if you like of the legislation is translated into policy for us so that although I might not be able to quote chapter and verse of the legislation what I am able to do is say well our policies say this must happen and that's how the (organisation) goes about feeding the legislation down into working practices.'*

(ESP/15-99/Public/Multi-site/Local office)

Others based at branch level, were less knowledgeable and, even when aware of the existence of legislation, had no detailed understanding of its contents.

*'... so I am aware that there's lots going on without actually knowing too much about it.'*

(ESP/3-14/Voluntary/Single-site)

Some case study respondents felt that the learning process applied to customers as well as service providers:

*'I think sometimes they expect too much ... some disabled people have a knowledge that there is legislation to protect them, but they don't really understand what it is ... I think there's a bit of a disconnection with sometimes what disabled people think their rights are. I think it's an education, not just for organisations, but for disabled people as well ... understanding more what the legislation means on a practical level.'*

(ESP/15-99/Private/Multi-site/Head office)

### 3.2.4 Awareness of 'reasonable adjustment'

Some respondents were unaware of the term 'reasonable adjustments'. Many of those who were aware of the concept said that they considered it to be problematic and many said they found the concept difficult to interpret. Some reported that they found the term too subjective. There were examples of respondents who were aware of the term and had given careful thought to its requirements and some speculated that considerations must include ease of implementation, cost-effectiveness, feasibility, sustainability, and common sense.

*'I guess it means is it reasonably easy to do. Is it reasonably cost-effective to do. Is it going to happen, is it going to be sustained ... It's quite a difficult judgement, and I guess we've just got use our common sense.'*

(ESP/100+/Private/Multi-site/Head office)

### 3.2.5 Awareness of changes to legislation

Service providers within the survey who were aware of Part III of the DDA or of legislation for disabled customers and clients with longstanding illnesses or impairments were asked whether, prior to taking part in the survey, they knew that the final access duties of Part III of the DDA will be implemented in October 2004.

As described in Section 3.1 above, the forthcoming legislation means that, in addition to the existing duty of providing a service by a reasonable alternative method, service providers will be required to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access from October 2004.

Just under half of service providers aware of legislation (46 per cent) were aware of the forthcoming changes (Table 3.3). Looking at the number aware of the changes as a proportion of all service providers shows that just under a fifth (19 per cent) of all service providers claimed they were aware of the forthcoming legislation.

In line with findings concerned with overall awareness of Part III of the DDA, it appeared that workplace size is related to awareness of the incoming legislation. Two-fifths (40 per cent) of workplaces with six or fewer employees claimed to be aware of the legislation compared with four-fifths (81 per cent) of the largest workplaces, (i.e. those with 500 or more employees)<sup>20</sup> (Table 3.3).

There was also an association between awareness levels of the forthcoming legislation and workplaces where disabled people had been employed. Specifically, 55 per cent of workplaces which currently, or at some point in the past 10 years, employed disabled people were aware of the forthcoming legislation for Part III of the DDA. This compares with 39 per cent of workplaces without disabled employees<sup>21</sup>, suggesting that employers of disabled staff are perhaps more familiar with a range of aspects of the DDA including existing customer provisions and are therefore more aware of the forthcoming provisions.

Variation by workplace sector was again evident, with those in the private sector being less aware of the forthcoming legislation (41 per cent) than the public and voluntary sectors (56 per cent and 71 per cent respectively).<sup>22</sup> Some variation by industrial sector was also evident.<sup>23</sup>

Perhaps surprisingly when the variation in overall awareness of Part III of the DDA by single-site and multi-site workplaces was considered, no significant differences in awareness of the new legislation by these workplace types emerged from the survey.

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<sup>20</sup> ( $p < 0.01$ ).

<sup>21</sup> ( $p < 0.001$ ).

<sup>22</sup> ( $p < 0.001$ ).

<sup>23</sup> ( $p < 0.001$ ).

**Table 3.3    Awareness of final part of Part III of the DDA coming into force by workplace size**

	Column percentages					
	6 or fewer	7-14	15-99	100-499	500+	All
Aware	40	45	54	[57]	[82]	46
Unaware	60	56	46	[43]	[18]	54
<i>Unweighted base</i>	<i>239</i>	<i>198</i>	<i>199</i>	<i>31</i>	<i>26</i>	<i>694</i>

Base – Service providers who were aware of legislation for disabled customers

Weighted base – 675

Unweighted base – 694

The case studies found that levels of awareness of the forthcoming provisions of the Act varied considerably between different service providers and suggest that size of workplace is a factor, in line with the survey findings, as well as size of organisation. Specialist personnel within large organisations tended to have greatest awareness.

The case studies also found, again in line with the survey findings, that there were low levels of awareness of the forthcoming changes in DDA legislation amongst smaller service providers. Again, it appeared that the case study public sector workplaces had greater awareness than those in the private sector. The local public sector offices visited for research purposes were well informed about the DDA provisions. This may be explained by the resources available to large organisations and may suggest that public sector organisations have systems in place to transmit information about the Act to branch level.

*‘...we have a whole personnel section ... which is just one of the five or six departments of the (organisation) and obviously information that’s gained from the various sections ... filters down through the policies to grass roots level ... and any changes to the legislation or whatever will come down that way. And ... we have a disabilities officer so if there is anything we are not sure about ... we can call upon him and he’ll come out and give us some advice ... in terms of the building or anything reasonable so it tends to come top down ... we are all aware that the DDA is approaching the deadline, it is time now for making sure all our services etc are available. We’re all aware of that.’*

(ESP/15-99/Public/Multi-site/Local office)

**3.2.6    Perceived impact of the new legislation**

The survey also explored the perceived impact of the new legislation from the viewpoint of service providers. This question was asked of those service providers who were aware of either Part III of the DDA or of some legislation for customers with longstanding illnesses or impairments (N=694). Over half (54 per cent) believed that the duty would have an effect upon their business, 13 per cent stated the effect would be major and 41 per cent stated it would be minor (Table 3.4).

In particular, perceived impact of the new legislation increased with the size of workplace (Table 3.4). Forty-eight per cent of workplaces with six or fewer employees stated it would have an effect on their business compared with 88 per cent of workplaces comprising 500 or more employees.<sup>24</sup>

**Table 3.4 Perceived effect of new provision on business by workplace size**

	<i>Column percentages</i>					
	<b>6 or fewer</b>	<b>7-14</b>	<b>15-99</b>	<b>100-499</b>	<b>500+</b>	<b>All</b>
Major effect	10	17	14	[13]	[27]	13
Minor effect	38	37	47	[63]	[64]	41
No effect	48	43	37	[25]	[9]	43
Don't know	3	4	2	[0]	[0]	3
<i>Unweighted base</i>	<i>239</i>	<i>198</i>	<i>199</i>	<i>31</i>	<i>26</i>	<i>693</i>

Base – Service providers who were aware of legislation for disabled customers

Weighted base – 675

Unweighted base – 693

Respondents in workplaces which were part of multi-site organisations were slightly more likely than those in single-site workplaces to state that the incoming legislation would have an effect (56 per cent compared with 52 per cent) (Table 3.5). However, single-site workplaces were more likely to perceive the effect to be major (17 per cent) compared with workplaces which were part of a multi-site organisation (10 per cent).<sup>25</sup>

There was also slight variation in the perceived impact level of the new legislation by industry sector. Respondents in hotels and restaurants (21 per cent) and transport, storage and communication industries (19 per cent) as well as other social, personal and community activities (25 per cent) were most likely to perceive the effect to be major. Therefore, some industry sectors perceived the requirement to remove or alter physical features in order to make it possible for disabled people to use their service to be greater than others.<sup>26</sup>

Within workplace sector, those within the public sector were slightly more likely to anticipate that the legislation will have an effect (68 per cent) compared to workplaces in the voluntary sector (57 per cent) and private sector workplaces (51 per cent).<sup>27</sup>

<sup>24</sup> (p<0.05).

<sup>25</sup> (p<0.05).

<sup>26</sup> (p<0.001).

<sup>27</sup> (p<0.01).

When compared to past research (Stuart *et al.*, 2002) it is clear that a higher number of respondents within this survey anticipated that the legislation would have an effect than previous findings indicated. Stuart *et al.*, reported that a third of service providers (31 per cent) believed that forthcoming legislation (removal of physical barriers) would have an effect, whereas two-thirds (61 per cent) stated that the legislation would have no effect.

**Table 3.5    Perceived effect of new provision on business (single-site or multi-site workplace)**

	Column percentages		
	Single-site workplace	Multi-site workplace	All
Major effect	17	10	13
Minor effect	36	46	41
No effect	44	41	43
Don't know	3	3	3
<i>Unweighted base</i>	<i>330</i>	<i>363</i>	<i>693</i>

Base – Service providers who were aware of legislation for disabled customers

Weighted base – 675

Unweighted base - 693

Overall, alteration to the layout of, or access to, premises was the most commonly cited change that would have to be implemented (24 per cent) (Table 3.6). For those who stated that the effect would be major, the most common reason given was that the premises were either too old, listed or rented, or in some way very difficult or impossible to alter (31 per cent).

Other commonly cited changes by respondents included general alterations or improvements to their existing facilities (20 per cent). Furthermore, just under a fifth (18 per cent) stated that specific physical adjustments would be required at their premises to adhere to the legislation. Perhaps encouragingly, for the majority of cases these physical adjustments were mentioned by service providers who perceived that the impact will be minor, as opposed to major, suggesting that these changes are perhaps not viewed as being difficult to implement.

**Table 3.6** Reasons given for expected level of impact of the legislation

<i>Multiple response</i>			
<i>Column percentages</i>			
	<b>Major effect</b>	<b>Minor effect</b>	<b>All</b>
Layout of or access to premises will have to be changed	18	25	24
General alterations/improvements/improve current facilities	19	20	20
Already in place/premises already adequate	4	18	14
Physical adjustments	7	22	18
Too old/listed/impossible to alter	31	3	10
The cost of the requirements	15	2	5
Staff training/awareness	2	2	2
Re-evaluation of safety measures	4	1	2
Relocating/moving to new building	4	2	2
Other	12	12	12
Don't know	0	5	4
<i>Unweighted base</i>	<i>92</i>	<i>288</i>	<i>381</i>

Base – Service providers who said new legislation will have major/minor effect

Weighted base – 366

Unweighted base – 381

Of the service providers who were aware of some form of legislation for disabled customers and clients, two-fifths (43 per cent) stated that the final part of the legislation would have no effect on their business. The most common reason given for this was that there were no physical barriers on the premises to prevent access by disabled people (70 per cent). A further three-fifths (60 per cent) stated that requirements have already been met because the necessary changes had been put in place (Table 3.7).

Of those service providers who stated that the necessary changes had already been made, it is apparent that those who have ever or currently employed disabled staff were more likely to report that changes had already been made (68 per cent) compared with workplaces with no disabled staff (54 per cent).<sup>28</sup> This suggests that having disabled employees may make workplaces more aware of the required adjustments.

<sup>28</sup> (p<0.05).

Furthermore, 69 per cent of workplaces that were part of a multi-site organisation claimed changes had already been made compared with just over half (52 per cent) of single-site workplaces.<sup>29</sup> This may, in part, be explained by the increased likelihood of there being a Head Office as part of multi-site organisations, which may contain a Human Resources section responsible for keeping workplace sites informed about policy issues, including requirements of forthcoming legislation.

Interestingly, 28 per cent of service providers who stated that the legislation would have no effect stated that this was because the legislation is not relevant to the service provided at the establishment. Service providers who provide their service entirely off the premises were over three times more likely to state this (72 per cent) compared to service providers whose businesses takes place both on and off the premises (21 per cent). Service providers who stated that the legislation would have no impact because there were no physical barriers on the premises or those who believed that the legislation is not relevant to their business are, in fact, basing this on inaccurate knowledge of the DDA by not considering wider barriers to the service they provide.

**Table 3.7    Reasons given for no expected impact from the legislation**

	<i>Multiple response</i>
No physical barriers on the premises	70
Necessary changes have already been made to remove, alter or avoid physical barriers	60
Legislation is not relevant to the service provided at the establishment	28
Customers do not come onto the premises	2
Deal with it on an individual basis/already accommodating individuals	2
Other	1
Don't know	4
<i>Unweighted base</i>	<i>296</i>
Base – Service providers who said new legislation will have no effect	
Weighted base – 289	
Unweighted base – 296	

### 3.3    Policies for disabled customers

This section looks at policies for disabled customers. Service providers were asked whether their business operated a policy covering the provision of goods and

<sup>29</sup> (p<0.01).



services to disabled customers or clients. This question was worded to include any type of policy and not necessarily a formal or written one. Overall, 41 per cent of service providers within the survey were aware of having such a policy in place. This is a higher figure than might have been expected, since a smaller proportion of service providers (33 per cent) stated they were aware of Part III of the DDA.

However, the case study findings suggested that very few service providers had a formal policy in place specifically for disabled people. Some respondents said that non-discrimination is a core value of the organisation expressed through customer care policies, plans and statements:

*'We don't single out anybody with a disability ... we want to provide a service to everybody in the community, whoever they may be.'*

(ESP/15-99/Private/Multi-site/Head office)

Others said that the organisation understands the diversity of their customers and that this diversity includes people with impairments. In some cases the organisation's customer care policy was the closest they had to a formal policy:

*'Most of our service policies and all our service plans will include some mention about disability, because I'd like to say it's mainstream really, it is always a consideration.'*

(ESP/15-99/Public/Multi-site/Head office)

Looking at local workplace level, the survey showed that the awareness of a policy was generally greater in larger workplaces (Table 3.8). Sixty-one per cent of workplaces with more than 500 employees claimed that their business was covered by a policy for disabled customers and clients compared with 36 per cent of smaller workplaces with six or fewer employees.<sup>30</sup>

Furthermore, workplaces which were part of a larger organisation were more likely to state that they had a policy (48 per cent) compared with those which were single-site (35 per cent).<sup>31</sup> This again, may be indicative of a Head Office influence.

Whether an organisation has ever employed disabled people was also shown to impact upon whether or not there was a policy in place. Half of workplaces (49 per cent) currently or previously employing disabled persons claimed to have a policy covering the rights of disabled customers and clients compared to 37 per cent of workplaces without disabled employees.<sup>32</sup>

In addition, when considering service providers' awareness of Part III of the DDA, those who were aware were also more likely to operate a policy (57 per cent compared with 33 per cent)<sup>33</sup>. The overall proportion of service providers who stated

<sup>30</sup> ( $p < 0.001$ ).

<sup>31</sup> ( $p < 0.001$ ).

<sup>32</sup> ( $p < 0.001$ ).

<sup>33</sup> ( $p < 0.001$ ).



that they had a policy covering the provision of goods and services to disabled people was greater than the number who stated they were aware of Part III of the DDA. This suggests that either policy formation could have occurred independently of the Act or else that respondents were more aware that the organisation was covered by a policy than of its origins. It should be noted that the question about whether or not the organisation is covered by a policy was asked before collecting information concerning awareness levels of Part III of the DDA which could impact upon the answers given.

Variation by workplace sector was also evident. For example, workplaces in the construction sector<sup>34</sup> were the least likely to have a policy covering the provision of goods and services to disabled customers or clients (22 per cent). Conversely, workplaces in the public and social services sector (public administration and defence, compulsory social security, training providers and health and social work) were the most likely to report that they operated a policy (64 per cent).<sup>35</sup>

In general, public sector workplaces were the most likely to state they were covered by a policy for disabled customers and clients (58 per cent). The next most likely were workplaces in the voluntary sector (45 per cent) with private sector being the least likely (39 per cent).<sup>36</sup>

**Table 3.8    Whether business has a policy on the provision of goods and services to disabled people by workplace size**

	Column percentages					
	6 or fewer	7-14	15-99	100-499	500+	All
Have policy	36	43	49	45	[61]	41
No policy	54	47	40	25	[17]	48
Don't know	10	11	11	20	[0]	10
Not stated	0	0	0	10	[22]	*
<i>Unweighted base</i>	<i>705</i>	<i>444</i>	<i>369</i>	<i>60</i>	<i>44</i>	<i>1623</i>

Base – Service providers (All workplaces which are public-facing)

Weighted base – 1639

Unweighted base – 1623

The case studies reflected the survey findings in that the existence of policy often related to size, as those without customer service policies for disabled people were often workplaces with a smaller overall organisation size. The case study public sector organisations within our sample were more likely to have a policy in place or planned than the private sector organisations visited.

<sup>34</sup> See Chapter 1 for information about categorisation of service providers.

<sup>35</sup> (p<0.001).

<sup>36</sup> (p<0.001).

In some cases policies had been drawn up in response to the DDA, although some respondents said that it was difficult to draw up customer service policies on the basis of the DDA because the Act was vague, and in particular the concept of 'reasonable adjustment' was problematic.

In some cases other legislation had been the main driver of policy formation.

*'It was in response really to the racial equality standards and now that's been overtaken by the overall equality standards ... which covers racial, gender, sexual discrimination and age. So it's there to show commitment, to show a positive steer to our ... customers.'*

(ESP/100+/Public/Multi-site/Head office)

### 3.3.1 Local knowledge of policy content

Some respondents, mainly those with specialist roles in Head Office, had a very good understanding of the principles and details of the policy. However, it was recognised that for policy to be effective it has to be implemented at the customer interface:

*'... there has to be a level of guidance to the person with management responsibility to make sure that the professional and administrative staff are actually implementing the policy. ... you can't have somebody in (HQ) sitting saying 'is x complying with disability?' It has got to be the (manager in the local branch).'*

(ESP/3-14/Private/Multi-site/Local office)

However, as was the case with knowledge of the Act, the case studies showed that local knowledge of the content of policy varied between organisations. In some cases local staff were aware of policy content while in others knowledge of policy content, or indeed even the existence of a policy, had not filtered down to the local level. Systems to monitor whether the policy was being implemented and adhered to were rarely in place:

*'We tend to monitor the hard way, which is if we get a complaint we investigate it ... to be perfectly honest it is completely new territory for us and we are struggling with that aspect of it.'*

(ESP/3-14/Private/Multi-site/Head office)

## 3.4 Implementation of adjustments and practices for disabled customers

The issue of whether adjustments and practices are being implemented for disabled customers and clients at workplaces is key to establishing to what extent the DDA is being adhered to or prepared for. More specifically, it is important to consider how service providers are preparing for new access duties to be introduced in October 2004.

As already mentioned, the measures that are currently in place relating to duties of service providers were introduced in two phases. Since December 1996 it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability. Since October 1999, a service provider has been required to make reasonable adjustments to their service for disabled people. From October 2004, a service provider may be required to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access. Both the existing and forthcoming requirements under Part III are anticipatory.

3.4.1 Adjustments in place or planned

Table 3.9 Adjustments/practices made or planned at workplace to help customers with disabilities

	Column percentages			
	Changes to physical accessibility	Improvement to communication	Staff training in disability issues	Changes to way service is provided
Currently in place	47	14	25	35
Planned	9	5	9	3
Neither	43	78	63	59
Don't know	1	2	2	3
Not stated	*	*	*	*
Unweighted base	1623	1623	1623	1623

Base – Service providers (All workplaces which are public facing)

Weighted base – 1639

Unweighted base - 1623

Service providers were asked which, of a range of adjustments or changes to help customers with disabilities, were already in place at the workplace and which were planned for the future. This information provides a good indication of how service providers have responded to existing provisions of the DDA and additionally how prepared they are for new legislation.

In total, 74 per cent of service providers claimed to have had at least one of the four measures listed in Table 3.9 in place or were planning to implement one or more of them in the future.

At local workplace level, larger workplaces were generally more likely to have either made any of the adjustments or planned to do so, although the most likely were workplaces with 15 to 99 employees where almost nine out of ten (88 per cent) workplaces stated that one or more of the measures were currently in place or planned.<sup>37</sup>

<sup>37</sup> (p<0.001).

When considering the overall organisation size of workplaces, increased incidence of adjustments in place or planned was observed by increased size of organisation.<sup>38</sup> Service providers at workplaces which were part of a multi-site organisation were more likely to state changes were planned or had been made (83 per cent) compared to respondents at single-site workplaces (66 per cent).<sup>39</sup> This again suggests a Head Office influence.

Sectoral variation by industry sector was again apparent with more than nine out of ten workplaces in the public and social services sector (public administration and defence, compulsory social security, training providers and health and social work) having made or planned to make changes (92 per cent) for disabled customers. The proportion for workplaces in the construction sector<sup>40</sup> who had or planned to make changes was just four out of ten (40 per cent).<sup>41</sup> Again, workplaces in the public and voluntary sectors were more likely to have made or planned to make adjustments for disabled customers (84 per cent and 89 per cent respectively) compared with private sector workplaces (72 per cent).<sup>42</sup>

Workplaces where disabled employees had ever been, or were currently, employed were more likely to have made, or planned to make, any of the adjustments or changes for disabled customers (83 per cent) than workplaces who have not (68 per cent).<sup>43</sup> Additionally, service providers who were aware of Part III of the DDA were more likely to have made, or planned to make, some or all of, the changes (88 per cent compared with 67 per cent).<sup>44</sup> Furthermore, workplaces covered by a policy covering the provision of goods and services to disabled customers and clients were more likely to have made changes, or planned to do so (88 per cent), compared with those without a policy (or unaware of having one) (63 per cent).<sup>45</sup>

Service providers who stated that business takes place entirely off the premises were less likely to state any of the changes had been made or were planned (51 per cent) compared with workplaces where at least a proportion of service delivery takes place on the premises (77 per cent).<sup>46</sup>

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<sup>38</sup> (p<0.001).

<sup>39</sup> See Chapter 1 for information about categorisation of service providers.

<sup>40</sup> (p<0.001).

<sup>41</sup> (p<0.001).

<sup>42</sup> (p<0.001).

<sup>43</sup> (p<0.001).

<sup>44</sup> (p<0.001).

<sup>45</sup> (p<0.001).

<sup>46</sup> (p<0.001).

Once again, the case studies are in line with the survey findings. Larger service providers both at workplace and organisational level and those that were part of multi-site organisations reported more often than smaller service providers that they had made, or were planning to make, adjustments to comply with the Act. Service providers who were aware of Part III of the DDA also reported more often than those who were not that they had made, or planned to make, changes. Sometimes these changes were being made in response to, and explicitly in line with, the DDA.

In line with findings reported earlier on the perceptions of disability being closely linked to physical impairments, the changes and adjustments which had been made or planned by service providers for their customers tended to be for people with physical impairments. Changes or adjustments which would be required for less observable types of impairment were less frequently reported as being in place or planned for the future.

Amongst survey correspondents, changes to physical accessibility, such as improved access, ramps, accessible toilets and disabled parking spaces, were the most common adjustment made (47 per cent). Approximately a third (35 per cent) stated that changes to the way services were provided were already implemented and a quarter (25 per cent) of service providers stated that staff at their workplace had been trained in disability issues. The least common adjustment made was improvements to communication such as Braille and large print, with just 14 per cent of workplaces having this in place to aid disabled customers.

In addition to providing information about whether the four measures were in place or planned, respondents were asked if any other adjustments and changes were in place to help disabled customers. The most commonly reported 'other' was patience, understanding and helpfulness towards disabled customers (six per cent). Three per cent reported that their workplaces adapted goods and systems to meet the needs of disabled customers and a further two per cent stated the provision of personal assistance.

Findings from the case studies also show that physical adaptations for customers generally seemed to be foremost in respondents' minds, although changes to working practices were evident, particularly where face-to-face customer service was key to the business, such as retail, restaurant, hotel sectors. Typically, adjustments for customers with physical impairments were reported such as ramps, accessible toilets and disabled parking bays and wheelchair access. However, adaptations made also depended on the type of service provided. Mention was made of dropped curbs, indented crossings, and pedestrianised zones, providing wheelchairs, trolleys for use with wheelchairs, website links to talking pages for home shopping, hearing loops and audio versions of publications.

Adaptations to working practices for customers were generally viewed as being relatively easy to implement. In workplaces where physical adaptations had been in place for some time, for example, where a workplace was located in a new or reconstructed building which had been designed with disabled access, provision for

disabled customers was often seen as unproblematic. However, providing physical access to small, old or listed buildings was of concern to some respondents. One respondent thought that Part III of the Act was unlikely to be enforceable in listed buildings due to objections from English Heritage. This respondent felt that the perceived different agendas of the Disability Rights Commission and English Heritage put some organisations in a potentially difficult position and suggested that the only way around it would be to relax listed buildings status:

*'On one hand you've got English Heritage saying you can't make an adaptation to this building, it's listed, on the other hand you've got the Disability Rights Commission saying you're not making the building accessible. Until the Government decides what it's going to do in terms of getting those two Government bodies together and deciding what the policy's going to be, it won't be enforceable. ... the Government has to get it's own agencies together ... they fund the Disability Rights Commission. They need to get the likes of them round the table with English Heritage and decide how do we overcome the situation.'*

(ESP/100+/Private/Multi-site/Head office)

For changes to physical accessibility, staff training and communication improvements, larger workplaces were considerably more likely to report having these adjustments or changes in place. For example, 72 per cent of workplaces with 500 or more employees stated changes to physical accessibility were in place, whereas the smallest workplaces with six or fewer employees were only half as likely (36 per cent) to have made these adjustments.

Additionally, 44 per cent of workplaces with 500 or more employees had made improvements to communication compared with 10 per cent of workplaces with six or fewer employees. However, the incidence of workplaces that had already implemented the fourth measure 'changes to the way the workplaces' service is provided' did not appear to vary a great deal by workplace size.

In terms of measures that were planned for the future, only a minority of workplaces had any plans to implement the measures. The most common were changes to physical accessibility and staff training in disability issues, for which approximately one in ten (nine per cent) of workplaces were planning to introduce. Furthermore, five per cent of workplaces had communication improvements planned and three per cent mentioned changes to service delivery as a target for the future.

The survey then explored whether or not service providers were aware of any changes which had been made to the workplace or practices (n=353). Out of this sub-set of service providers, around a fifth (21 per cent) stated that they made changes at their workplace for disabled customers and clients.

As shown in Table 3.10, the likelihood of having made changes was greater with increased size of workplace.<sup>47</sup> Additionally, the likelihood of having made changes varied both by industry sector, with awareness that changes had been made highest in public and social services (41 per cent) and lowest in manufacturing (10 per cent), financial intermediation (10 per cent) and construction (six per cent).<sup>48 49</sup> Variation was also observed by overall workplace sector with the public sector the most likely to have made changes or be aware of them (38 per cent), followed by the voluntary sector (30 per cent) and finally the private sector (18 per cent).<sup>50</sup>

**Table 3.10   Awareness of having made changes to workplace or working practices to assist disabled customers by workplace size**

	<i>Column percentages</i>					
	<b>6 or fewer</b>	<b>7-14</b>	<b>15-99</b>	<b>100-499</b>	<b>500+</b>	<b>All</b>
Yes	16	23	28	32	[39]	21
No	83	77	72	58	[39]	78
Don't know	1	*	*	0	[0]	1
Not stated	0	0	0	12	[22]	*
<i>Unweighted base</i>	<i>705</i>	<i>444</i>	<i>369</i>	<i>60</i>	<i>44</i>	<i>1623</i>

Base – Service providers (All workplaces which are public facing)

Weighted base – 1639

Unweighted base – 1623

The analysis also shows that whether or not the workplace had disabled employees is again influential. Twenty-seven per cent of workplaces that had employed disabled people had made changes for customers compared to just 17 per cent of workplaces which have not ( $p<0.001$ ). This suggests that a holistic approach operates in workplaces with either the presence, or not, of disabled employees impacting on the implementation of changes and vice versa.

Furthermore, workplaces that operated a policy covering the provision of goods and services to disabled customers and clients were more likely to have made changes to the workplace or to assist disabled customers, or at least be aware that they have been made, compared with workplaces with no such policy (27 per cent compared with 18 per cent).<sup>51</sup>

<sup>47</sup> ( $p<0.001$ ).

<sup>48</sup> See Chapter 1 for information about categorisation of service providers.

<sup>49</sup> ( $p<0.001$ ).

<sup>50</sup> ( $p<0.001$ ).

<sup>51</sup> ( $p<0.001$ ).



### 3.4.2 Provision of training relating to disabled customers

One way in which workplaces can address the needs of disabled customers is to provide specific training for frontline staff on disability-related issues. Service providers within the survey were asked whether staff at their workplace who had direct contact with customers or clients had undertaken any training in issues related to dealing with disabled customers. Overall, a quarter (25 per cent) of respondents stated that staff in their workplace had undertaken training.

**Table 3.11 Whether staff have undergone training in issues relating to disabled customers by workplace size**

	<i>Column percentages</i>					
	<b>6 or fewer</b>	<b>7-14</b>	<b>15-99</b>	<b>100-499</b>	<b>500+</b>	<b>All</b>
Yes	14	26	46	47	[72]	25
No	84	74	53	42	[0]	74
Don't know	2	*	0	0	[6]	1
Not stated	0	0	0	11	[22]	*
<i>Unweighted base</i>	<i>705</i>	<i>444</i>	<i>369</i>	<i>60</i>	<i>44</i>	<i>1623</i>

Base – Service providers (All workplaces which are public facing)

Weighted base – 1639

Unweighted base - 1623

The likelihood that staff have taken part in this type of training increases greatly as size of workplace increases, with 14 per cent of the smallest workplaces with six or fewer employees provided with this training compared with 72 per cent of workplaces with 500 or more employees<sup>52</sup> (Table 3.11). This same pattern is observed when taking overall organisation size into account although it is less pronounced. Thirteen per cent of workplaces part of an organisation with six or fewer employees reported staff received this type of training compared with 45 per cent of workplaces part of an organisation of 500 or more employees.

Additionally, service providers at multi-site workplaces were more likely (33 per cent) than those at single-site (18 per cent) to state that staff had undertaken training in disability-related issues ( $p > 0.001$ ).

Workplace sector again appears influential in the incidence of disability-related training for staff. A fifth (20 per cent) of frontline employees in the private sector received training compared with half (50 per cent) of frontline staff in public sector workplaces and almost three-fifths (58 per cent) of staff in the voluntary sector ( $p < 0.001$ ).

<sup>52</sup> ( $p < 0.001$ ).



Furthermore, workplaces who had employed disabled people were almost twice as likely to report that staff members had undertaken training in issues related to disabled customers compared to those who had not employed disabled people (35 per cent compared with 19 per cent) ( $p<0.001$ ) (Table 3.12). This does not automatically indicate a causal relationship between having employed someone with a health condition or impairment and training frontline staff on disability issues. Rather it may mean that those organisations employing disabled people may be more aware of disability issues and hence more likely to both employ disabled people and provide disability awareness training.

It is also apparent that there is a degree of variation by sector with workplaces in manufacturing, electricity, gas and water supply being the least likely to report staff having had training (seven per cent).<sup>53</sup> Those in public and social services sector (public administration and defence, compulsory social security, training providers and health and social work) were the most likely to have been involved in training (64 per cent)<sup>54</sup>.

It is interesting to consider whether workplaces that stated that they operated a policy for disabled customers were more likely to provide training than those without a policy. Indeed, two-fifths (41 per cent) of workplaces with a policy reported training staff compared to less than a quarter (14 per cent) of workplaces who did not operate such a policy<sup>55</sup>. This, therefore, suggests that operation of a policy is an indicator of the prevalence of other disability-related provisions.

**Table 3.12 Whether staff have undergone training in issues relating to disabled customers and clients**

Column percentages				
	Disabled employees in last 10 years	No disabled employees in last 10 years	Don't know	Total
Yes	35	19	[16]	25
No	63	80	[71]	74
Don't know	1	1	[13]	1
Not stated	1	*	[0]	*
Unweighted base	652	937	34	1623

Base – Service providers (All workplaces which are public facing)

Weighted base – 1639

Unweighted base - 1623

Looking next at the types of training which staff had undertaken, in four-fifths of workplaces (79 per cent) this was part of ongoing customer care training. Three-

<sup>53</sup> See Chapter 1 for information about categorisation of service providers.

<sup>54</sup> ( $p<0.001$ ).

<sup>55</sup> ( $p<0.001$ ).

fifths (61 per cent) stated that the training was specifically related to disability training and a similar proportion (59 per cent) reported that it was part of an induction package. Just under half (45 per cent) of respondents stated that the training took part under the umbrella of 'equal opportunities' (Table 3.13).

Further analysis indicates that the incidence of disability-related training for staff who had direct contact with customers or clients was fairly consistent between the two workplace types, although a slightly higher figure was reported for multi-site organisations. Sixty-two per cent of respondents at multi-site organisations said staff received such training compared with 58 per cent in single-site workplaces.

However, disability training which formed part of ongoing customer care training, part of induction training or equal opportunities training, was significantly more prevalent in multi-site than single-site workplaces.<sup>56</sup> Therefore, in some cases the range of training offered appears to be linked to type of workplace. This supports findings from Stuart *et al.*, (2002) who reported that larger organisations have a wider range of disability training events. However, due to the different sampling frames used, such comparisons should be treated with caution.

**Table 3.13 Type of training provided to staff relating to disabled customers and clients**

	<i>Multiple response</i>
Part of ongoing customer care training	79
Specific disability related training	61
Part of induction training	59
Part of equal opportunities training	45
Training as part of general professional training	1
Staff had training before starting job	1
Other	4
Don't know	1
<i>Unweighted base</i>	<i>441</i>
Base – Workplaces where staff have been on training on issues relating to disabled customers/clients	
Weighted base – 405	
Unweighted base – 441	

The case studies identified both inertia and good practice. While most organisations considered staff to be the key to good service provision, disability awareness training was, in many cases, patchy. It appeared that there was very little regular systematic training for staff in how to meet the needs of disabled customers. It was evident that most organisations with face-to-face customer contact made employees aware of customer service policy and practice, (inclusive of disabled customers) during staff

<sup>56</sup> (p<0.01).

induction and via handbooks. Some large organisations sent out a one-off communication to stores for staff to read to make them aware of the service provision part of DDA legislation and customer expectations. However, in some cases, respondents said that these initiatives had not been followed up. Some respondents in large organisations acknowledged this deficiency and said that they saw training staff in the issues surrounding service provision to disabled customers as a priority area for future improvement. Others said that training was unnecessary. This was either because staff said they would automatically help a person with an impairment as part of general customer service ethos, or because being helpful was viewed as 'part of human nature' and the most 'common sense approach' (ESP/15-99/Private/Local office)

On the other hand, respondents in some organisations were concerned to provide systematic, good quality training on disability issues for all their staff:

*'We carried out a lot of briefings on DDA as it was coming in for Parts II and III. We actually produced a pack which was sent to each service point, probably about 120 odd places where we had people actually meeting our customers. We produced a pack called, 'Giving Our Customers Service', included in that was a lot of general customer services and training stuff, and we included the DDA and Department of Employment booklets on the DDA, we also included the Employers' Forum on Disability communication, 'Communicating with Disabled People'. There were probably about 25 to 30 items in the pack. The idea being that having got that message to the front line where it's most needed the team leader, manager, supervisor, whoever, would actually brief folks on the related issues and we would try and track that.'*

(ESP/15-99/Public/Multi-site/Head office)

A respondent from the same organisation, at the local level, made the point that disability training ought to cover broad issues and not legislation alone:

*'We endeavour to get all the staff trained in disability issues and we're in the process of getting all the staff here qualified. ... we organise a disability equality course using a local consultant who herself is blind and she talks about the social model and the positive attitude and then goes on to talk about some practical dos and don'ts about communicating with disabled people ... we've had somebody coming in and do actual physical training with the staff in terms of interpreting that into how would you feel if you were coming into this centre in a wheelchair, you couldn't hear, how is that going to affect you? I quite like that hands on approach as well so I wouldn't like to see that go because there is now this move towards ... the DDA.'*

(ESP/15-99/Public/Multi-site/Local office)

### 3.4.3 Reasons for making changes

This section considers those workplaces within the survey where respondents were aware of changes made for disabled customers and clients (n=353).

For the majority, it appears that 'moral'<sup>57</sup> reasons contributed to the justification for making changes. More than nine out of ten (92 per cent) of service providers who were aware that changes had been made stated that they were implemented because it was the right thing to do for disabled customers and clients. A further 68 per cent also stated that the benefit of making the changes outweighed the costs (Table 3.14).

Some case study respondents expressed the view that complying with the requirements of the legislation is the minimum response:

*'I would like to ... think yes we do have a legal role in terms of inclusion but also we have a moral and social role we need to fulfil and I think that comes through understanding of disability not just the understanding of the Act if you see what I mean, more understanding.'*

(ESP/100+/Public/Multi-site/Head office)

Some respondents thought that the requirement must put a different obligation onto a large organisation than a smaller one:

*'But it is about reasonableness in that I think the example I've been given is that a small business might not be expected to make the same level of adjustment that a large company has.'*

(ESP/100+/Public/Multi-site/Local office)

This was usually justified by turnover and profit; the expectation being that larger companies have more money to spend on adjustments.

A sizeable proportion of survey respondents who had made changes stated that they had made changes because they were required to; 57 per cent stated they had to pay for changes regardless of costs, 43 per cent stated that the policy of the organisation required the changes and 44 per cent made changes because of legislation.

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<sup>57</sup> Question wording: *'It was the right thing to do for the disabled customers/clients'.*

**Table 3.14 Reasons for making changes for disabled customers**

	<i>Multiple response</i>
It was the right thing to do for the disabled customers/clients	92
Benefits outweighed the costs	68
We just knew we had to pay regardless of the costs	57
Organisation policy required us to make changes	43
The law required us to make the change	44
The costs were negligible	33
In response to a request from a customer	23
Other	2
Don't know	2
<i>Unweighted base</i>	<i>353</i>
Base – Service providers who made changes for disabled customers	
Weighted base – 339	
Unweighted base – 353	

Those who stated that the law required them to make the change were asked whether they would have made the adjustments regardless of this. Table 3.15 shows that 57 per cent stated they would have made all of the changes, 31 per cent would have made some, but not all and just 12 per cent stated that they would not have made the changes without legislation.

**Table 3.15 Whether changes would have been made without legislation**

	<i>Column percentages</i>
Yes – all of them	57
Yes – some of them	31
No	12
Don't know	*
<i>Unweighted base</i>	<i>168</i>
Base – Service providers who made changes for disabled customers and gave a reason that the law required them to make the changes	
Weighted base – 149	
Unweighted base - 168	

In addition to it 'being the right thing to do' the case studies identified the following reasons for making adjustments to accommodate disabled customers:

- compliance with the Act;
- to broaden the customer base;
- positive public relations; and
- long-term investment.

### *Compliance with the Act*

The case studies found that all companies were concerned to comply with the legislation. However, some respondents said that, although they believe that they are trying their best to comply, they need more support from Government on how to. Some respondents said that they were:

*'...concerned that due to lack of information on the practicalities of adjustments, businesses may breach legislation without realising it.'*

(ESP/100+/Private/Multi-site/Local office)

It was suggested that expectations may also be influenced by the type of organisation. For example, one respondent said that there was a greater onus on public sector organisations to comply with all legislation and that there is an expectation that public sector organisations will go beyond the legal aspects and follow good practice as well.

### *Broaden the customer base*

The case study evidence also suggested that business incentives were often viewed as key factors for changes in customer provision. For example, widening the customer base to attract sales, particularly in a competitive environment where customer service was seen as crucial and profit dependent on direct customer through-flow such as retail, hotels, or restaurants.

*'We want everybody in the community to consider us as somewhere where they'd go and eat, and that includes disabled people, because they've got enormous spending power and we want their money, it's as simple as that.'*

(ESP/15-99/Private/Head office)

### *Positive public relations*

An awareness of positive public relations and the need to be seen to be embracing the needs of disabled people and responding to the DDA was also considered by some organisations when making provisions for disabled customers. Some respondents said that there is a customer expectation that certain things, for example accessible toilets, should be in place.

*'The benefits are that you're seen by conscientious members of the public to be embracing the Act and the disabled people themselves have somewhere to stay of a similar standard to a full able bodied person, so it's good for PR.'*

(ESP/100+/Private/Multi-site/Local office)

### *Long-term investment*

Some respondents also saw permanent physical adjustments to property as a long-term investment. These respondents considered that investment in lifts and accessible toilets would increase the value of a property when selling it on as a buyer would not themselves have to make changes to comply with the legislation.

### *The role of the DDA*

The case studies also found that some provisions which benefit people with impairments had been made, either prior to, or without awareness of, the DDA or were not necessarily in response to the Act. Changes had thus been introduced under a general ethos of looking after customers or in reaction to customer feedback.

However, the case study findings also suggest that the DDA had acted both as a driver and a 'road map' for those organisations where a commitment to providing services for people was already a core value:

*'It's quite difficult to measure the impact actually ... Service provision, I suppose we'd say the same thing ("it hasn't made that much difference there because there were good practices and good intent there in the first place. It's a long standing core value") but it has given that extra leverage. It has tended to move required improvements up the list of priorities ... The idea is we've been planning this for the past few years so that we have made those changes because of DDA but it's been progressive.'*

(ESP/15-99/Public/Multi-site/Head office)

On the other hand another service provider said:

*'I just know the industry and I suppose unless they're forced to do it then they would possibly have tried not to if there's a cost implication.'*

(ESP/100+/Private/Multi-site/Head office)

### **3.4.4 Experience of making changes**

A sizeable proportion (40 per cent) of service providers within the survey who had made changes reported that they had not experienced any problems or difficulties when implementing these (Table 3.16). From Table 3.16 it can be seen that workplaces which were part of a multi-site organisation were more likely to have reported this trouble-free experience with 45 per cent stating no problems or difficulties compared with 36 per cent of respondents in single-site workplaces.<sup>58</sup>

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<sup>58</sup> (p<0.01).



### *The role of cost*

For those service providers who did report a problem, the most common was the costs incurred (26 per cent). This reason was also found to be the most commonly cited problem in the previous survey by Stuart *et al.*, (2002) in which the high cost of changes was reported by 16 per cent of respondents. Again, these results are not directly comparable because of the different sampling frames used.

**Table 3.16 Problems/difficulties encountered in making the changes**

	<i>Multiple response</i>		
	<b>Single-site workplace</b>	<b>Multi-site workplace</b>	<b>All</b>
No problems/difficulties	36	45	40
High cost of changes	28	23	26
Space constraints	13	9	11
Planning constraints/problems	7	5	6
The age of the building	3	6	4
Premises difficult to alter	8	10	9
Difficulties relating to staff attitudes/training	2	1	1
Lack of knowledge about changes	3	2	2
Disruption to workplace during development	1	4	2
Lack of time/speed of changes	3	1	2
Other	6	4	5
Don't know	6	7	6
<i>Unweighted base</i>	<i>169</i>	<i>183</i>	<i>353</i>

Base – Service providers who made changes for disabled customers

Weighted base – 339

Unweighted base – 353

The survey also collected information about whether the changes made had a direct financial impact upon the workplace. Overall, two-thirds (65 per cent) of service providers who made changes for disabled customers and clients reported to have incurred a direct financial cost (Table 3.17).

Service providers where there had been a direct financial cost were then asked how much the changes had cost the workplace over the last 12 months, excluding grants or other income from parties. Nearly a quarter (23 per cent) said the changes had not cost the workplace anything over the last 12 months, while just under a third (32 per cent) said that they did not know how much they had cost. Nearly a fifth (18 per cent)



said that the total cost for the workplace had been less than a £1,000 and a tenth (11 per cent) said that the changes had cost between £1,000 and £4,999. Fifteen per cent of service providers said that the changes had cost the workplace in excess of £5,000.

Of the service providers who reported that no direct costs were incurred, the most commonly reported reason was that the adjustments formed part of a general refurbishment to facilities.

**Table 3.17 Whether changes had a direct financial cost**

	<i>Column percentages</i>
Yes	65
No	33
Don't know	2
<i>Unweighted base</i>	<i>353</i>
Base – Service providers who made changes for disabled customers	
Weighted base – 339	
Unweighted base – 353	

**Table 3.18 How much adjustments cost**

	<i>Column percentages</i>
£1 - £99	3
£100 - £499	6
£500 - £999	10
£1,000 - £4,999	11
£5,000 - £9,999	9
£10,000 and over	6
None of these	23
Don't know	32
<i>Unweighted base</i>	<i>230</i>
Base – Service providers who made changes and stated they incurred a direct financial cost	
Weighted base – 220	
Unweighted base – 230	

Cost was also a concern for some service providers within the survey who had not made changes. Around a third (30 per cent) stated that they had not made changes due to the anticipated financial cost.

Within the case studies, some respondents reported that cost was considered to be a major constraint to making physical changes to accommodate disabled people.

*'Of course things come at a cost and that's always a good excuse not to do things. And that may have been the case with some of the access issues, certainly with the big issues like putting a lift in and so on.'*

(ESP/15-99/Public/Multi-site/Head office)

Evidence from the case studies also suggested that there was no single figure allocated to adjustments across sectors because costs and benefits were assessed on the basis of:

- organisation profitability/turnover with size often a factor;
- perceived long-term benefits of adjustment;
- number of customers benefiting.

Some case study respondents said that although they were currently unclear about the financial implications, it would be impossible to make all the adjustments they felt would be required to meet the Act by October 2004 and that they would have to prioritise those which they considered to be more important.

*'I don't think it's 100 per cent realistic to think that every restaurant is going to be fully geared up for the most severe case of a disability ... just on the off chance that somebody with a disability might walk into that restaurant – now I don't think that's reasonable.'*

(ESP/15-99/Private/Multi-site/Head office)

Another respondent suggested, however, that if the focus is on adapting the way services are delivered, costs are unlikely to be prohibitive:

*'...[they think it will take] an awful lot of money in investment to do it and that's often the excuse you get, but you don't, it's more in terms of adaptability of our service, that's the key thing and it doesn't need a lot of money, it needs basically people's confidence to help someone and offer assistance in most cases ... that's the emphasis we try to get across to them.'*

(ESP/100+/Private/Multi-site/Head office)

There was the view expressed that the costs were easier for large organisations to absorb.

### *Accommodating disabled customers*

The case studies show that different types of impairment presented different challenges depending on type of service provided:

*'...disabled ... are not an homogenous group. Two people with what sounds like the same disability might not want to be dealt with in the same manner.'*

(ESP/3-14/Private/Multi-site/Local office)

Some respondents said that while they could anticipate the needs of people with visible physical disabilities, it was more difficult to know how to provide for those whose disability is not immediately apparent:

*'If they've got a heart condition and they take a turn for the worse, it's having the qualified personnel there willing to deal with something like that. I'm a first aider but really someone with a heart condition frightens me – that type of thing, so that is more difficult to deal with than someone who's got a wheelchair and needs a hand pushing it.'*

(ESP, 100+/Private/Multi-site/Local office)

### **3.4.5 Reason why no special arrangements were being made for customers**

Service providers within the survey who stated that they had not had to make changes to their workplace or practices for disabled customers were asked why this was so. The most frequently mentioned reason was that adjustments/changes were not required because the service was already fully accessible to disabled customers (71 per cent). Many respondents may not have been aware of the changes actually being made at the workplace, although they were aware of their existence. Additionally, a small number (12 per cent) of service providers stated that changes had been planned but not yet made (Table 3.19).

Considering the other reasons which were provided, half (51 per cent) of service providers stated that they had too few disabled customers for them to be able to make changes and half (50 per cent) said their premises are rented. It is likely that these reasons are not valid under the Act for not making premises accessible and do not make them exempt. This, in turn, may indicate a lack of knowledge about the provisions of the Act. For example, workplaces in rented premises are still required to make reasonable adjustments.

A finding of some concern was that 47 per cent (N=574) stated that they were unclear about requirements of the new legislation. Examining this group's prior knowledge of the Act reveals that more than four-fifths (81 per cent) reported earlier in the survey that they had not heard of Part III of the DDA. The fact that they were unaware of the DDA helps to explain why they were unclear of requirements of the legislation and reinforces the importance of promoting and informing service providers with regard to the DDA provisions. Consequently, lack of awareness of the Act can translate into inaction.

**Table 3.19 Reasons for no changes being made for disabled customers**

	<i>Multiple response</i>
Service already accessible to disabled customers	71
Changes are planned but have not been made	12
Too few disabled customers	51
Premises are rented	50
Unclear of requirements of legislation	47
Cost	30
Planning constraints	28
Customers don't come onto premises	3
Generally unnecessary/inappropriate	1
Relocating/moving premises soon	*
No room to install facilities/physically impossible	*
Other	2
Don't know	2
<i>Unweighted base</i>	<i>1247</i>
Base – Service providers who did not make changes for disabled customers	
Weighted base – 1284	
Unweighted base – 1247	



## 4 Overall response to the Act

### 4.1 Introduction

Chapter 2 examined employers' responses to Part II of the DDA; Chapter 3 covered the responses of employers who are also service providers to Part III of the Act. This chapter covers the responses of employers who are also service providers to both Part II and Part III of the DDA. It explores consistencies and differences in responses to their requirements under the DDA as both employers and services providers (hereafter referred to as 'service providers' to examine whether an integrated approach is being adopted with regard to compliance with Part II and Part III of the Act.

Section 4.2 explores service providers' awareness of current and forthcoming legislation for employment of, and provision of services to, disabled people. Section 4.3 looks at whether policies are in place for disabled employees or customers and the provisions made for both groups are explored in Section 4.4. Together, these two sections cover the changes made or planned as well as reasons and motives, cost implications and future priorities. Section 4.5 examines the extent to which each part of the Act covering employees and customers has impacted on service providers.

### 4.2 Service providers' awareness

The first part of this section looks at the level of consistency between awareness of the DDA provisions for both disabled employees (Part II of the DDA) and customers (Part III of the DDA). The second part examines awareness amongst employers who are service providers of the new requirements to both parts of the Act.

#### 4.2.1 Awareness of current DDA legislation

In the survey, approximately a quarter (27 per cent) of service providers were aware of the existence of both the employment provisions and customer provisions of the DDA (Table 4.1). However, almost a third (31 per cent) claimed to be unaware of both parts of the Act.

In examining the characteristics of service providers that were unaware of both parts of the DDA (n=505) it is apparent that there is an association with the size of the workplace and also by overall size of organisation. Smaller workplaces or organisations were generally more likely to be unaware of both parts of the DDA than were those of a larger size. The incidence of service providers that were unaware of both Parts of the DDA was higher amongst single-site (35 per cent) than multi-site organisations (27 per cent).

Sectoral variation was also apparent with the likelihood of being unaware of both provisions highest in manufacturing, construction, agricultural and motor and less likely in public and social services.<sup>59</sup>

Where service providers were aware of only one part of the Act, this was more likely to be the employment provisions contained in Part II. Thirty-six per cent of service providers were aware of the DDA with regard to employment provisions but were unaware of the Act in relation to customers, whereas just six per cent were aware of the DDA in relation to customer provisions but unaware of its existence for employment.

**Table 4.1 Awareness of both parts of the Disability Discrimination Act**

<i>Cell percentages</i>			
	<b>Customer provisions</b>		
	<b>Heard of the Act</b>	<b>Not heard of the Act</b>	<b>Total</b>
<b>Employment provisions</b>			
Heard of the Act	27	36	63
Not heard of the Act	6	31	37
<b>Total</b>	<b>33</b>	<b>67</b>	<b>100</b>

Base - All Employers who are also service providers

Weighted base - 1640

Unweighted base - 1623

The case studies reflected the survey in that respondents who had very limited, or in a small number of cases, no awareness of either the employer or service provision elements of the DDA, were generally in small, single-site, private sector organisations.

As described in Chapters 2 and 3, knowledge of the DDA was often dependant on a respondent's role. Those in more senior positions, specialist staff such as Human Resource and Personnel Managers typically in place at larger workplaces, and those at a Head Office level tended to have a greater understanding of both parts of the

<sup>59</sup> See Chapter 1 for information about categorisation of service providers.

DDA. However, there was evidence of detailed knowledge of both parts of the DDA at a local level amongst respondents in public sector workplaces.

Where case study respondents were more familiar with one part of the legislation than the other, this sometimes reflected respondents' past experience, for example, having become familiar with the employment aspect of the DDA when employing someone with a disability. More specific knowledge was also evident where case study respondents in larger organisations, often at a Head Office level, held specialist positions, which focused specifically on one aspect of the business, either employment, or customer service. At the workplace level, where respondents had a more general managerial role, this often covered both the employment and service provision aspects of the business. For example, most survey respondents who were responsible for recruiting or managing employees, considered themselves to be the appropriate person to answer the section on service provision. Some case study respondents in larger workplaces did have specialist roles, most often in Personnel or Human Resources, however, this role sometimes also encompassed the service provision aspect of the DDA, for example through responsibility for staff training (including customer service), or more general legal obligations.

It was also suggested by some case study respondents that it is likely that awareness of Part III of the Act will increase over time as the employee-focused legislation had been in place longer than legislation for customers.

#### **4.2.2 Awareness of new requirements**

As described in Chapter 1, there are several new requirements which will come into force in October 2004. These include:

- abolition of the exemption for employers with fewer than 15 staff from the provisions of Part II of the Act;
- additional occupations (police officers, fire-fighters and prison officers) currently exempt from Part II will be brought into the scope of the Act's employment provision.
- under Part III of the Act, service providers will be required to remove physical barriers, or provide alternative means of using the service, and features of their services which make access for disabled people difficult or impossible.

Table 4.2 shows awareness amongst service providers of the lifting of the size exemption for Part II and the introduction of the final provision of Part III. Just two per cent of service providers were aware of both the removal of the size exemption for smaller business under Part II of the Act and the final provisions of Part III. Seven per cent were aware that the final provisions of Part III of the Act were coming into force but were not aware that the size exemption for smaller business is due to be removed. A further one per cent were aware that the size exemption is due to be removed but not that the final provision in Part II is coming into force. In total, 90 per cent of service providers were not aware of either change.



**Table 4.2 Awareness of new requirements from 2004**

Cell percentages			
	Awareness of final access duties of Part III coming into force		Total
	Aware	Not aware	
Awareness of forthcoming removal of exemption for small businesses			
Aware	2	1	3
Not aware	7	90	97
Total	9	91	100
Base - All service providers			
Weighted base - 1640			
Unweighted base - 1623			

### *Awareness of the forthcoming changes amongst small organisations*

As discussed in Chapters 2 and 3, the case studies revealed low levels of awareness of the forthcoming changes to DDA legislation amongst smaller organisations. This was also reflected in the survey findings, in that respondents from organisations that employed fewer than 15 staff and were also service providers tended not to be aware of the change to either Part II or Part III of the DDA.

The survey data showed that of service providers who were aware that there is currently an exemption for small businesses, awareness of the forthcoming removal of the exemption was no higher amongst those who will be directly affected. Nine per cent of service providers in organisations with fewer than 15 employees were aware of the removal compared to 13 per cent of service providers in all sizes of organisations.

Lack of awareness of the forthcoming changes amongst case study organisations employing fewer than 15 staff generally applied equally to both parts of the Act and reflected more limited knowledge amongst this group of the DDA in general.

The case studies revealed no greater knowledge of the forthcoming changes to Part II of the Act amongst organisations with fewer than 15 staff who were service providers than amongst employer only organisations. This suggests that being within the scope of Part III of the Act had little impact on awareness of forthcoming changes to Part II of the Act for these respondents.

### 4.3 Policies for disabled people

Survey respondents were asked in their capacity as employers whether their business had a specific policy covering the rights of disabled employees and applicants and similarly, in their role as service providers, if their business had a policy covering the provisions of goods and services to disabled people.

Analysis of the survey data presented in Chapters 2 and 3 shows that a sizeable proportion of service providers stated that their business was covered by a policy for employees and applicants (54 per cent) and disabled customers (41 per cent). Overall, 29 per cent of service providers had both a policy covering the rights of disabled employees/applicants and a policy covering the provision of goods and services to disabled people (Table 4.3). Two-thirds (66 per cent) had at least one policy in place covering either disabled employees and applicants or disabled customers, while 27 per cent had neither policy in place

Workplaces that were part of a larger organisation were more likely to state that they were covered by both customer and employee disability policies. Two-fifths of multi-site organisations (41 per cent) had a policy for both groups compared with around a fifth (19 per cent) of single-site businesses.

Policies for both disabled employees and disabled customers also varied by sector, with public and social services being the most likely to have a policy, whereas having a policy for both employees and customers was less common in construction, transport communication and manufacturing industries.<sup>60</sup>

Of those service providers who had a policy in place for one of the areas (37 per cent), the policy was almost twice as likely to be for employees/applicants than for disabled customers. Just over one in ten service providers (13 per cent) had only a policy which covered the provision of goods and service for disabled customers and clients compared to a quarter (24 per cent) who had only a policy covering disabled employees and applicants.

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<sup>60</sup> See Chapter 1 for information about categorisation of service providers.

**Table 4.3 Existence of policies for disabled people**

Cell percentages				
	Whether organisation has a policy for disabled customers			Total
	Yes	No	Don't know	
Whether organisation has a policy for disabled employees and applicants				
Yes	29	18	6	54
No	10	27	1	38
Don't know	3	3	3	9
Total	41	48	10	100

Base - All Employers who are also service providers

Weighted base - 1638

Unweighted base - 1623

Case study respondents reflected the survey findings in that, where mentioned, policies covering disability most commonly related to recruitment and employment.<sup>61</sup> Differences in awareness of the organisation's policies was sometimes evident in large workplaces and multi-site organisations. On occasions, where policies had been stated to exist by respondents in more specialist or Head Office level roles, respondents in lower level or more generalist positions were either not aware that the policy existed, or were unfamiliar with its content. As discussed in Chapter 3, this highlights the need for effective communication of policies within organisations.

Within case study organisations, the existence of a policy for disabled employees was not usually linked with the development of a policy for disabled customers. A few respondents, notably in Head Office roles of large organisations with well-established employment policies covering disability, felt that there was no need for their organisation to establish a policy for disabled customers. One view was that disabled customers were adequately covered by the organisation's Customer Care policy. Another view was that policies should be led by legislation. As discussed in Chapter 3, the service provision legislation, particularly the concept of 'reasonableness' was thought to be unclear and not helpful in forming a disability-related customer service policy.

<sup>61</sup> Respondents who held more specialised positions tended to be in Personnel and Human Resource roles which may contribute to higher levels of awareness of company employment policies (see Section 4.2.1).

Some customer-facing service providers indicated that they would take into account the perceived prejudices of customers towards disabled people when making employment decisions.

*'It is people's prejudices as well. We are a customer-facing environment and if you did have somebody who was very badly disfigured, I might get over that and my staff would get over that but how do you know the customers will?'*

(ESP/15-99/Private/Multi-site/Head office)

In this context, the types of impairment mentioned were speech or hearing impairment, disfigurement and learning difficulties. The main concerns raised by respondents were that an employee should be protected from potential abuse from members of the public, for example it was thought that a customer could react in a 'rude' or 'stroppy' manner if they mistakenly believed that an employee with a hearing impairment was ignoring them. Some respondents were afraid of customer complaints and lost business.

On the other hand, some organisations felt that it was important that the profile of their staff should match that of their customers in general and that this implied recruiting disabled people.

*'The benefits (of employing disabled people) are to have a workforce that reflects the community served by the organisation. This is a business imperative. It goes with the grain.'*

(ESP/100+/Public/Multi-site/Local).

Another concern occasionally mentioned was a concern for customer safety, this was particularly the case when discussing schizophrenia, as respondents, several of whom felt they knew little about the condition, perceived this to be an unpredictable 'scary' illness, the effects of which could impact upon customers. One organisation involved in childcare expressed reluctance to employ someone with schizophrenia for fear of putting their customers at risk and failing to comply with health and safety regulation.

*'The Policy states that we have no discriminatory issues with anybody with any form of disabilities, however our overriding concern is for the health and safety of the children in our care.'*

(ESP/15-99/Private/Multi-site/Head office)

However, as described in Chapter 2, the opposite view was also expressed; that there is a great deal of prejudice around mental illness that is the result of misunderstanding:

*'People need to be educated more broadly to understand what are the issues and problems (around mental illness). It's a question of changing perceptions.'*

(ESP/100+/Public/Multi site/Local office).

## 4.4 Provisions for disabled employees and customers

### 4.4.1 Provisions and adjustments currently in place for employees and customers

This section explores the extent to which service providers have been adopting a holistic approach to the requirements of Parts II and III of the Act.

Survey respondents in their capacity as ‘employers’ were asked what provisions were in place at the workplace to assist disabled employees. They were similarly asked in their capacity as ‘service providers’ about the practices and adaptations currently operating at their workplace to assist disabled customers. Employers who mentioned any or all of the following seven measures being in place were grouped:

- transferring people or jobs to other premises to assist disabled employees;
- adapted work environment to help disabled employees;
- flexible work organisation;
- flexible working time, or varying hours for disabled employees;
- providing appropriate physical assistance;
- allowing working from home for disabled employees;
- providing car parking spaces for disabled employees.

This was also the case for service providers who mentioned any or all of the four measures:

- changes to physical accessibility;
- improvement to communication;
- staff training in disability issues;
- changes to the way service is provided.

The survey analysis in this section is based on employers (who are also service providers) who currently, or previously in the past ten years, have employed disabled staff at the workplace.

Table 4.4 shows whether provisions were in place at the workplace to help employees and disabled customers. Just under seven in ten workplaces (68 per cent) had one or more of the measures listed above in place for both employees and customers. Only six per cent of service providers at workplaces which have had a disabled employee said there were no adjustments in place to assist disabled employees or customers. Just over one in ten service providers said that there were only adjustments in place to assist disabled employees (11 per cent) and a similar proportion said that there were only adjustments in place to help disabled customers (15 per cent).

**Table 4.4 Provisions in place for disabled employees/customers**

<i>Cell percentages</i>			
	<b>Whether any of the provisions were in place for disabled customers</b>		
	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Whether any of the provisions were in place for disabled employees</b>			
Yes	68	11	79
No	15	6	21
Total	83	17	100

Base - All Employers who are also service providers who have disabled employees now or in the past

Weighted base - 605

Unweighted base - 651

The case studies showed that plans were more commonly in place or being developed for disabled customers than for disabled employees, perhaps reflecting the more anticipatory nature of Part III requirements. Some organisations had started to make assessments of their premises, typically in terms of access for disabled customers, ahead of changes to Part III of the DDA, whereas respondents reported that future adjustments for employees were likely to be implemented in response to individual circumstances as they arose, as required under Part II of the Act. It is worth noting here, however, that the new Part III duties place the emphasis on physical adjustment and so respondents perhaps focused on this aspect when talking within the context of Part III. Employers had sometimes made more subtle adjustments for employees (such as assisted communication and flexible hours) which were not mentioned until prompted.

In the survey, service providers who had had disabled staff at the workplace were then asked if they had made changes to the workplace or working practices for disabled employees or for customers. Those who were aware of changes being made were asked further questions.

Twelve per cent of respondents who had made changes, had made adjustments for both disabled employees and customers. Those who made changes were just as likely to have made them for disabled employees (15 per cent) as for disabled customers (15 per cent).

The case study evidence revealed in more detail the different types of adjustment that had been made to reach the existing level of provision for both employees and customers with disabilities. As discussed in Chapter 3, respondents thought about adjustments for customers primarily in terms of physical adjustments, typically in terms of physical access to buildings. However, when discussing employees, respondents mentioned a greater range of adjustments. Changes more commonly

made for employees were: the introduction of flexible working time, adjustments to equipment, changes to working practices such as adjustments to roles, hours, and communications. Physical adjustments for employees tended to be more often mentioned by respondents at a Head Office level when discussing provision made by the organisation as a whole.

A key difference between employee and customer provision was that adjustments made for disabled employees were usually made for an individual in response to a specific situation. However, provision for customers involving physical adjustments was often anticipatory and focused on specific impairments. These changes were sometimes also intended to benefit other customer groups, such as those with pushchairs (for example, with ramps) or older people who were not necessarily considered to be 'disabled' (for example, installing handrails).

Case study respondents generally found changes to working practices (for either employees or customers) relatively unproblematic to arrange. However, the prospect of making future physical adjustments, particularly structural changes to a building, was sometimes a cause of concern. This concern was raised in terms of customer access and was associated with the respondents' focus on physical adjustments and the anticipatory requirements of Part III of the Act.

#### **4.4.2 Reasons for making changes**

This section investigates all survey respondents who reported that they had made changes for disabled employees and disabled customers in their capacity as both employers and service providers (n=88).

Respondents were presented with a number of reasons for why they may have made changes for both disabled employees and customers. Seven in ten (71 per cent) cited as a reason that the benefits would outweigh the costs. The organisation's policy was mentioned as a reason for making changes for both disabled employees and customers by 42 per cent of respondents.

Just under a fifth of respondents (18 per cent) said that low cost was a reason why they had gone ahead with making changes for both disabled employees and customers. Only eight per cent said that the low cost of the change was a factor in going ahead with changes for customers but not for employees. In contrast, 37 per cent of service providers said that low cost was a reason why they had gone ahead with changes for employees but not a factor in their reasons for making changes for disabled customers.

More than a third (35 per cent) of respondents attributed the changes made for both disabled employees and disabled customers to the DDA legislation. However, 39 per cent of those who had made changes for both employees and customers did not cite the legislation as the reason. (Table 4.8)

A quarter (26 per cent) of respondents gave the legislation as a reason why they had made changes for either disabled employees or disabled customers. However, this

was more commonly given as one of the reasons for changes made for customers (20 per cent) than for employees (six per cent).

**Table 4.5 Whether changes were made because of legislation**

<i>Cell percentages</i>			
	<b>Whether adjustments made for customers were made because of legislation</b>		
	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Whether adjustments made for employees were made because of legislation</b>			
Yes	35	6	41
No	20	39	59
Total	55	45	100

Base - All Employers who are also service providers who said they made changes for disabled employees and customers

Weighted base - 71

Unweighted base - 88

As in the survey, the case studies revealed that the DDA had more influence on the decision to make changes for customers than employees.<sup>62</sup> When explored further, motives for making changes for customers often differed to those for employees. Where the DDA was mentioned as a reason for having made adjustments, it was generally by specialist or Head Office staff. This could reflect lower levels of awareness of the DDA in local workplaces and smaller organisations.

The DDA appeared to be more of a factor in plans to comply with Part III in October 2004 (fear of prosecution was sometimes expressed), than in changes already undertaken. Where changes had been made for employees, respondents seldom felt that adjustments were driven solely by the DDA, though in some cases it had provided a focus or helped to inform change:

*'Prior to the DDA we were trying to be a good employer but the DDA concentrated minds and made us realise that we need to be doing it now. We wouldn't be as far down the road if it hadn't been for the legislation.'*

(ESP/100+/Public/Multi-site/Local)

<sup>62</sup> Organisations employing fewer than 15 staff are currently only covered by Part III of the DDA, their exemption from the employment provision of Part II will be lifted in October 2004.



Business incentives were often given as key reasons for changes to customer provision. For example, there were perceived advantages in accommodating disabled people in order to widen the customer base. This was particularly the case in competitive environments, such as retail, hotel, or restaurants. As described in Chapter 3, the desire for a positive public image with regard to disability issues also influenced some organisations to make provisions for both disabled customers and employees.

As described in Chapter 2, the retention of employees, a sense of loyalty to staff and maintaining good workplace relations were the most common reasons given for making changes for disabled employees. These reasons were expressed by service provider and non-service provider organisations, suggesting that the presence of customer provision for disabled people had not directly influenced decisions involving adjustments for employees.

Adjustments for employees were commonly made in response to the needs of a particular individual, although employment tribunals were occasionally mentioned by case study respondents. Provision for customers, on the other hand, was often anticipatory, although there was also evidence of the influence of customer feedback or complaints on initiating adjustments. However, some respondents (particularly those in Head Office roles) expressed the view that some disabled customers did not fully understand their rights under the DDA, which they argued sometimes led to inflated expectations.

#### **4.4.3 The influence of cost**

Employers and service providers who stated that they made changes for both disabled employees and customers (N=88) were asked whether the adjustments they had made had incurred a direct financial cost for the workplace.

In the survey, almost two-thirds (64 per cent) of workplaces reported that they incurred a direct financial cost as a result of the adjustments made for both disabled employees and customers. Only a small minority (six per cent) of respondents who had made changes in both their capacity as an employer and service provider did not encounter any direct financial costs (Table 4.6). When costs were incurred for adjustments made under only one part of the Act this was almost as likely to be for disabled customers (13 per cent) as for disabled employees (16 per cent).

**Table 4.6 Whether changes made incurred an additional cost**

	Cell percentages		
	Whether changes made for disabled customers incurred an additional cost		
	Yes	No	Total
Whether changes made for disabled employees incurred an additional cost			
Yes	64	16	81
No	13	6	19
Total	77	21	100

Base - All Employers who are also service providers who said they made changes for disabled employees and/customers

Weighted base - 70

Unweighted base - 88

The cost of making adjustments for both customers and employees was explored further in the case studies. This uncovered more complex views relating to the cost implications for businesses. Generally, cost was more often associated with adjustments that had been made for customers than for employees. Although respondents sometimes identified costly adjustments made for employees, in many cases the cost of adjustments for employees was considered to be low. This could reflect respondents' perception of adjustment, in that adjustments for employees had often involved alterations to working practice and were less likely to be spontaneously identified as a change, than the often more physical adjustments made for customers. Furthermore, the cost of physical adjustment was perhaps more easily calculated in financial terms, whereas changes to employees' hours or job roles were more likely to be absorbed into the working practices of a workplace.

Furthermore, when employers considered the issues involved in accommodating disabled employees in the future, cost was raised as an important concern, and sometimes perceived as a prohibitive factor. Cost was perceived as an issue most often when it was thought to involve a large outlay, such as equipment for an individual employee, which a few respondents thought may lie outside the DDA concept of 'reasonableness'. This was particularly an issue with physical adjustments requiring a substantial outlay or where the organisation was a small one. However, as reported in Chapter 2 some case study respondents indicated that their decisions regarding the extent of adjustment (including financial outlay) could be influenced by factors such as an employee's length of service and their relationship with the employer. This suggests that some employers may be more willing to make changes to accommodate existing employees than new recruits.

*'It's different if someone's employed first and then contracts an illness or a disability develops, that's different, you would try and do all you could to support them'.*

(ESP/100+/Private/Multi-site/Head office)

Cost-benefit discussions tended to relate to physical adjustments for employees and customers. However, a few respondents, often Head Office staff, expressed the view that more emphasis should be placed on adapting working practices in order to accommodate disabled customers challenging what they felt to be the commonly held assumption within organisations that adjustments demand physical adaptation and hence financial cost.

*‘[Local managers think it will take] an awful lot of money in investment to do it and that’s often the excuse you get, but you don’t, it’s more in terms of adaptability of our service, that’s the key thing and it doesn’t need a lot of money, it needs basically people’s confidence to help someone and offer assistance in most cases.’*

(ESP/100+/Private/Multi-site/Head office)

#### 4.4.4 Future priorities

Despite expressing a view that adjustments for disabled employees were often minimal and cost-effective as tailored to the individual, the prevailing priority amongst case study respondents was on budgeting for customers. This was generally due to the perception that it was more economically viable to make adjustments for customers as there are more customers than employees, hence any adjustment would potentially benefit a greater number of people.

*‘Well if you needed to do a risk assessment to decide whether you buy a piece of equipment that someone can operate to do their job, that is more involved and more costly than to say, well we are going to have ramps that’s for wheelchair use and pushchair use. With the employee side you are treating one individual.’*

(ESP/100+/Private/Single-site)

However, an opposite view was expressed that it would be more costly to make changes for a large, hypothetical group of customers than for a single familiar employee whose needs were understood. Some respondents, notably those in Head Office positions of large organisations, observed that the financial implications of making adjustments for a diverse public were likely to be considerable if implemented across the whole of the organisation.

*‘The cost of producing a separate catalogue in Braille and making sure it is available in all of our stores is very significant and weighing that balance up against the benefits to us and then weighing it against the DDA ...’*

(ESP/100+/Private/Multi-site/Head office)

However, it is not clear that the costs across a large organisation would be proportionately greater than those for a small organisation. Nevertheless, because of the perceived scale of the potential outlay, a few large service providers felt that it was important to focus on staff training to facilitate adjusting practices for customers, for example providing a personal rather than self-service facility, which it was felt would comply with legislation where structural adjustments would be

difficult or expensive. Another reason for prioritising customers was the view that a business may only have one chance to meet a customer's need, whereas the nature of the employer/employee relationship would usually allow more time to consider the issue.

The importance of attracting and retaining customers in organisations where customer service was central to business (for example, retail or hospitality) led some to place emphasis on customer provision. However, several respondents noted that provisions primarily installed for customers could also benefit employees should the need arise.

*'We try to be accessible to customers where we can ... the reason for doing it is to assist guests ... but our member of staff benefits because they are using the same environment, so we've not done it to help the member of staff, we've actually done it to help the guest but the member of staff would benefit.'*

(ESP/100+/Private/Multi site/Head office)

The view that both parts of the Act were interlinked was expressed by some case study respondents. It was felt that the employment of disabled people expanded their pool of staff which could in turn benefit customers. Another view was that employing disabled staff demonstrated that the organisation had a positive attitude towards disability which could in turn attract disabled customers.

*'Because of the nature of the commercial organisation if we were to have to make a choice between the employee and customer we'd come down on the side of the customer but having said all that, as part of a larger strategy, we are working on making the business understand that you can have a better customer composition if your employee composition is broader. They're not exclusive.'*

(ESP/100+/Private/Multi-site/Head office)

## 4.5 Impact of DDA

Case study respondents' views about which part of the DDA had most impacted on a workplace or organisation often depended on their business perspective and current policies. Some respondents thought that the service provision aspect had more influence because they felt they were already complying with the employment requirements, regardless of the legislation. Also, the forthcoming change to Part III of the Act was expected to impact on their business in terms of the financial cost of adjustments. Indeed, several case study respondents, generally Head Office personnel, mentioned that their organisation was preparing for October 2004, for example commissioning access audits of their premises.

However, there was a view amongst a few customer-focused businesses that the DDA had encouraged them to address the employment of disabled people more seriously than might have been the case otherwise.

*'I think, historically, the service side would have taken precedence but I think nowadays being a conscientious employer is also important.'*

(ESP/100+/Private/Multi-site/Local office)



## 5 Conclusions

The present Government is committed to establishing a fairer 'inclusive society', whereby people are given full opportunity to participate in all aspects of society, regardless of sex, age, ethnicity or ability (DSS, 1999; Treasury, 2002).

The aim of this study was to explore how employers and service providers are responding to both previous and new provisions in the Disability Discrimination Act 1995. In looking at the responses of employers and service providers to the DDA, the report also draws conclusions about attitudes and practices on disability in businesses.

### 5.1 Employers and service providers' perceptions of disability

#### 5.1.1 Perceived ease of employing someone with a disability

The findings show that employers feel that it is difficult to employ somebody with a disability. Nearly half of all employers said that their workplace would find it difficult to keep on an employee who became disabled, while a third of employers thought that taking on disabled employees was a major risk. However, employers at workplaces where there had been disabled employees were significantly more likely to say that it is easy to employ a disabled person and much less likely to consider it a major risk than those who had not.

With the exception of severe facial scarring, a significant proportion of employers felt that it would be difficult or impossible to employ someone with any of the health conditions mentioned in the questionnaire. Nearly one in five employers at workplaces who had, at one time or another, employed a disabled person said that they did not have any adjustments in place specifically to help disabled employees.

These findings suggest that many organisations have not given a lot of consideration to the potential adjustments that could be made to assist disabled people to enter or remain in work.

The difficulties and risks were perceived to be greater amongst small employers. Larger employers were more likely to feel that it would be easy to employ people

with a health condition mentioned in the questionnaire. This may be because larger organisations tend to have a broader range of jobs, making it easier for them to accommodate a wider variety of people and have more easy access to (in-house) specialist services. However, this is significant in view of small employers being brought under the Act from October 2004.

Encouragingly, fewer than one in five employers agreed with the statement that disabled employees tended to be less productive than other employees. Importantly, employers at workplaces where there have been disabled employees were more likely to consider disabled employees to be as productive as their non-disabled colleagues. Employers at larger workplaces were also more likely to consider disabled employees to be equally productive. The greater wariness of employers at smaller workplaces may reflect the fact that they are less likely to have had experience of employing disabled people. This suggests, first, that the 'business case' for employing disabled people needs to be made and targeted at small employers. Secondly, small firms may need easy access to both support and specialist advice services. Services that larger firms may have available in-house but which could be provided to small businesses on an area and/or industrial sector basis using a variety of delivery channels as required.

### **5.1.2 Sources of information**

Both the customer service side and the 'employer' side of organisations tended to draw on the same sources of information. These included Government internet sites, professional forums and publications and the media in general. Some case study respondents said that the media had played a role in raising the levels of general awareness of disability. Some also said that levels of awareness in society in general were rising as the result of disabled people articulating their needs. There was a sense that any information disseminated would be best if kept concise and included practical examples which employers could translate across to their own business perspective. There was little spontaneous mention of the Disability Rights Commission in either the survey or the case studies, which points to potential for broader publicity of its role and services. One possibility would be for the Disability Rights Commission to establish and market a dedicated service specifically to help employers and service providers comply with the Act.

## **5.2 Employers' and service providers' responses to the requirements of the DDA**

### **5.2.1 Knowledge and understanding of the Act**

The research identified factors likely to increase awareness of the DDA within an organisation. The first of these was size, larger organisations being more likely to be aware of it than smaller ones. Secondly, knowledge of the Act was higher in the public sector and lowest in the private sector. Finally, there was generally greater awareness of the DDA in organisations with a policy for disabled employees and/or

a current employee with a disability. The first two are not readily amenable to public policy interventions. However, Government could encourage organisations to establish diversity policies and to recruit and retain disabled people, for example, through promoting good practice and developing access to rehabilitation services through initiatives like the Incapacity Benefit pilots (see DWP 2002).

If compliance is associated with knowledge of the Act, then one of the aims of policy is to increase organisations' understanding of the legislation at both Head Office and workplace level. The case studies found that there was uncertainty about how companies should interpret 'reasonable adjustment' in the context of their business. Reasonable adjustment had, in practice, been interpreted in different ways. This pointed to a desire for a more precise definition of the concept, although it was feared that the definition was likely to be developed by case law. Rather than allow the definition to evolve through case law especially for Part III of the Act where there are relatively few cases, there may be a need for further guidance on how the concept can be implemented by businesses.

Overall, very few employers were aware that there was a size exemption within Part II of the legislation and that this was due to be removed in 2004.

Awareness of changes to Part III of the DDA was significantly higher than for those to Part II. These findings would suggest that information about the changes could usefully be targeted towards small and private sector organisations to improve awareness and preparedness. Information could be delivered through a variety of channels. These could include advertising on television and in the national and trade press and delivery of information through existing channels between Government and small organisations, such as VAT returns.

The case studies indicated that awareness of legislation could be heightened either through specific internal roles, created to monitor and implement policy, or through links with external contacts. The Jobcentre Plus, Department of Health, GPs, voluntary disability organisations and outside legal or health advisers have potential to heighten education and awareness. There may be scope to improve links between small companies and these parties.

### **5.2.2 Existing policies for employees and customers**

Overall, just over half of all workplaces had a policy that covered the rights of disabled employees and applicants and around two-fifths of service providers had a policy for their customers. There was little evidence within the case studies for a separate disability policy either at the local or Head Office level. Most common was an Equal Opportunity policy which may or may not cover disabled employees' rights.

Even where written policies were in place at Head Office level, the case study findings suggested that staff at the local workplace (even at HR level) had limited knowledge about their content and usually indicated that they would need to look up the detail. Small, single-site organisations relied more heavily on verbal communication than any formal written policy.



This suggests that if best practice is to be disseminated then it should include guidance on how to set up and communicate a policy for providing services to disabled customers and employees.

## 5.3 Provisions for disabled employees and customers

### 5.3.1 Recruitment and selection of employees

There was little evidence that organisations had formal guidelines in relation to recruitment. The survey showed that around half of all employers said that they asked applicants about any long-term health problems or disabilities. There was no conclusive evidence to suggest that health questionnaires were being used to discriminate against disabled applicants. The case studies demonstrated uncertainty among employers as to whether to ask applicants to disclose a disability when applying. They also suggested that employers were aware of the need to respect applicants' confidentiality and often regarded this as best practice. Over three-quarters of workplaces said that they felt it would be easy to guarantee a disabled applicant an interview, which at least suggests a willingness among employers to assist disabled applicants in the application process.

## 5.4 Making adjustments

### 5.4.1 Adjustments in practice

Employers were more likely to have made adjustments for their employees than service providers were for their customers. The case studies and survey pointed to a range of adjustments in place. Positively, these included changes to working hours and practices as well as physical adjustments. The Working Time Directive was felt to have promoted greater flexibility towards employees and it was felt that this might also have had an impact in encouraging employers to consider alternative working patterns. There was a feeling that greater flexibility to accommodate an ageing workforce may also impact positively on disabled employees. The research indicated, however, that adjustments were more likely to be made to accommodate current employees than applicants.

Eighty per cent of employers made changes because they believed the benefits would outweigh the costs. Employers who incurred a direct financial cost from changes were more likely to give this as a reason, indicating that this additional cost can still be a worthwhile investment.

The study found that 74 per cent of service providers had at least some adjustments in place to assist disabled customers. Larger service providers, those that were aware of Part II or Part III of the Act, and those that had policies covering the rights of disabled customers and clients or disabled employees and applicants were more likely to have made adjustments.

The changes and adjustments that had been made or planned by service providers tended to be geared to customers with physical impairments. Changes or adjustments which would be required for less apparent disabilities were less frequently reported as being in place or planned for the future. Service providers who said that they had not made any changes at their workplace were likely to cite the small number of disabled customers and the fact that their premises were rented as the reasons.

#### **5.4.2 Perceptions of adjustments**

Some adjustments were felt to be easier to make than others. The easier ones were flexible working hours and finding car parking spaces for employees. The harder ones were felt to be adapting the work environment e.g. accommodating wheelchairs (especially in a listed/rented building). The case studies revealed concern about the potential cost of making adjustments within small organisations. This was especially the case in relation to installing wheelchair lifts, ramps and accessible toilets which it was felt could all entail considerable building work. This concern also applied to customers, although additional costs were considered more justifiable when more than one person was affected. Even large case study companies considered themselves to have financial constraints, in spite of some large companies having ring-fenced funding reserved for DDA adjustments.

This finding suggests that there is a lack of knowledge about disability on the part of employers, in particular small employers, who have not employed a disabled person and that employers, especially small ones, still do not have as broad a perception of disability as is set out by the DDA. Disability still carries connotations of physical and visible impairments. There are misconceptions and prejudices around mental illness. This points to the need for Government to counter the myths and misunderstandings about disability and the requirements of the Act and the potential for a more general education and awareness campaign about the breadth of disability and the inclusion of conditions such as epilepsy and diabetes.

There was generally greater awareness of the DDA in organisations with a policy for disabled customers/employees/applicants compared to organisations without such policies. These organisations were also more likely to have made adjustments. This suggests that one way of concentrating minds would be to encourage organisations to set up policies for disabled people.

