

The Spinal Injuries Association's response to the EU Equal Treatment Directive consultation, Article 4 (questions 8-15)

Manufacture and design of products

8) Should the manufacture and design of products be covered by the requirements of the Directive?

It is reasonable for a designer to consider the needs of disabled people when creating a product.

The consultation document suggests that considering disabled people when producing products will put European manufacturers at a disadvantage. However, many considerations could be addressed at design stage, and consequently would not incur greater cost, rather greater thought prior to manufacture.

This proposition is something that could be governed by a similar "reasonable adjustment" law to that which already exists under the DDA in regards to the provision of goods and services. Any such judgement on "reasonableness" would presumably take into consideration competition in the market place.

It certainly seems unreasonable to assume that all modifications that could benefit disabled people would be cost prohibitive and that, as such, no action should be taken to improve product design for disabled people.

9) What difficulties could you foresee?

The notion that disabled peoples' requirements should be considered at design stage may be met with some hostility by manufacturers, who are likely to perceive a cost implication. If this view proves to be persuasive then simple, improvements that come at little or no additional cost will not be given due consideration, and an opportunity to improve the lives of disabled people will have been lost.

Whilst it may be aspirational to achieve true accessibility in design in all products for all disabled people, this is not an excuse to give their requirements no thought when designing goods.

Transport vehicles

10) Do you support the proposal that transport vehicles not currently covered by specific accessibility regulations should be subject to Article 4?

Accessibility allowing, disabled people are as likely to use the forms of transport not currently covered under the DDA - such as aeroplanes, ferries and taxis - as any other member of the public. As such they should have an equal right not only of access to these vehicles, but also to any facilities on board such as toilets and accommodation.

In the past it has been difficult to legislate for vehicles that cross international borders due to the potential for conflicting standards from different states. By addressing the accessibility of these vehicles as a bloc of nations, the EU is presented with a fantastic opportunity to address this inadequacy and ensure

that disabled people get equal rights to all modes of transport. Any such standards may in turn lead to international access standards, which would improve access to international travel for disabled people world wide.

11) Do you have concerns about the proposal? Please explain why.

The Department for Transport (DfT) is currently consulting on accessibility standards for taxis, including new design standards for vehicles. This consultation has involved many UK disability and transport provider groups seeking to establish the optimum dimensions for an accessible taxi cab in Great Britain. As such it is likely that this will be more a comprehensive indicator of the needs of users in the UK than any subsequent European standards.

Any potential conflict between the outcome of this consultation and any forthcoming EU standards must be borne in mind before imposing new legislation on the taxi trade. Numerous changes in design may be met with hostility from the trade which could ultimately be directed towards disabled passengers.

The proposal could be interpreted as meaning that accessibility by anticipation should apply in respect of new and existing premises.

12) Do you support the proposal? Please explain why.

There should be an anticipatory duty on all premises to ensure that disabled people have the same social, work and leisure opportunities as the rest of society. This should include dwellings and, in particular, new dwellings.

By extending Part M of the building regulations so that dwellings are treated in much the same way as public buildings, the government could ensure that all future housing stock is built to an accessible standard. This would have two important consequences: Firstly it would improve social mobility for disabled people by increasing their housing choices. This would allow disabled people more freedom to relocate and, in turn, improve their opportunities in fields such as employment.

Secondly, it would increase social opportunities for disabled people who are currently unable to visit friends and family because of the inaccessibility of private housing. This imperative part of social interaction is often overlooked as housing is all too often approached solely in terms of habitation. The ability to visit, as well as be visited, will work to address the isolation that many disabled people experience in their lives.

13) Do you have concerns about the proposal? Please explain why.

No.

The proposal could be interpreted as meaning that the requirement to provide reasonable accommodation for disabled persons in a particular case should require landlords and controllers of let premises to make physical alterations to those premises.

14) Do you support this proposal? Please explain why.

Disabled people should have the same freedom of social mobility as anyone else, and as such, landlords should – where possible - pursue adaptations to their properties to make the UK's housing stock as accessible as possible.

If any such legislation is governed by the concept of 'reasonable adjustment' then it should ensure that the process is managed effectively and within the means of landlords. Whilst some adaptations may be impractical for small landlords to afford, there are many minor adjustments that could ensure improved access to the housing stock for disabled people.

15) Do you have concerns about the proposal? Please explain why.

No.