



ASSOCIATION OF BURIAL AUTHORITIES

INFORMATIVE

DISABILITY DISCRIMINATION ACT 1995

THE THIRD PART of the Disability Discrimination Act 1995 (DDA) came into force on Oct 1, 2004. This places an obligation on burial grounds, as they provide services to the public, to make these services accessible. They must not discriminate against the disabled by treating them less favourably than others, and should make reasonable adjustments to the burial ground situation to make their services accessible to the disabled.

The Act has been introduced in three phases. Since December 1996 it has been against the law to refuse to serve a disabled person, or to offer a lower standard of service to a disabled person, or for reasons associated with disability, to provide a service on worse terms. Since October 1999 service providers have had to make reasonable adjustments to the way they provide their services to the disabled. Since October 2004 service providers have had to make reasonable adjustments to the physical features of buildings and premises to overcome any physical barriers to access and movement.

Although many disabled people use wheelchairs, consideration needs also to be given to people who use crutches, walking sticks or Zimmer frames, and to those with visual or hearing impairment or learning difficulties. Even this list is not exhaustive. Managers will need to be responsive to the nature of the disability of people who visit their burial grounds.

Features that may need attention might include signage, traffic routes, car parks, surfaces of pathways, ramps etc, entrances and exits, steps and pavement kerbs. Note that when making any adjustments to physical features the authority has a duty to ensure that all persons in the burial ground are not exposed to risk of injury by actions that the authority can control. The general Health and Safety issues involved in any changes need to be considered.

The Act calls for "reasonable" adjustments. The test for reasonableness will depend on costs involved, resources available and the level of disruption that may be caused by alterations. For example, providing a ramp to enable access to a burial ground would be reasonable, but providing wheelchair access to every graveside probably would not.

An illustration of the way in which a disabled persons' access should be considered is how the suitability of paths should be assessed. It is not always necessary or reasonable to provide hard paving or asphalt pathways. The Centre for Accessible Environment (CAE) say a path should be 1.8m wide to allow two wheelchairs to pass side by side. Minimum width for one-way traffic should be 1.2m. In difficult situations a path might be narrowed to not less than 1m for a distance of not more than 6m. The CAE do not specify surface materials, only that they should be smooth, (not sharp edged) without bumps and holes. Appropriate surfaces for paths in a rural burial ground could therefore be rolled gravel, and/or mown grass. In some cases it may be necessary to separate pedestrian and disabled routes from other users.

Patron: Sheila Cameron CBE QC Dean of the Arches and Auditor

Waterloo House 155 Upper Street London N1 1RA Tel: (020) 7288 2522 Fax: (020) 7288 2533

E-mail: aba@swa-pr.co.uk

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