

Access certificates for premises

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Research Briefing:

Petition number: P-05-806

Petition title: We call for all premises in Wales to be awarded an Access Certificate number similar to the Food Hygiene Certificate.

Text of petition: We are calling for the Welsh Government to bring in an "Access Certificate" showing numbers from zero to five along the lines of the Food Hygiene Certificate. All buildings used by the public such as shops, food outlets, sports clubs, pubs and offices as well as public transport services should be assessed on how wheelchair accessible they are, as well as how easy it is for someone with a sensory impairment or learning disability to use.

We want all premises to be given a number which they could then display to show how disabled friendly their premises are. We hope that those who achieve high ratings will possibly persuade other nearby premises to improve access and get a high rating themselves.

When Food Hygiene Certificates were first introduced in Wales they were not mandatory, but later became so. Since the introduction of the Food Hygiene Certificate we believe food standards have vastly improved and premises with a high number use the certificate with pride. We believe premises will make a bigger effort to improve access and services for the disabled community if a similar Certificate was introduced for access.

We believe the introduction of such a certificate will hugely improve services for disabled shoppers and those who want to go out for a drink, a meal or to use public transport, facilities most take for granted.

To achieve a five rating a premises will not just need to be wheelchair accessible but be fully inclusive for those with visual and hearing impairments, and possibly have staff understanding to those with learning impairments.

Having a restaurant with a braille menu or staff able to use sign language can make a huge difference and give someone a far easier and less stressful experience when doing everyday things most take for granted.

One idea may be, as well as having the Five to Zero rating to have extra symbols underneath to show if a premises has full wheelchair access, an accessible toilet, info in braille, staff who can use sign language and autism friendly.

We feel that this will result in big improvements. Many food outlets compete with each other to get a higher rating and we hope this will be the same with Access Certificate.

Food Hygiene Rating Scheme

This petition highlights the current food hygiene rating scheme as a model that could be adapted to achieve the petitioners' goal.

The *Food Hygiene Rating (Wales) Act 2013* established a statutory food hygiene rating scheme in Wales. It came into force in November 2013. The scheme built on the existing non-statutory scheme being operated by local authorities across Wales. The non-statutory scheme had been developed by the Food Standards Agency in consultation with industry, consumers and local authority stakeholders and aimed to provide information to consumers on the hygiene standards of food businesses.

Premises are inspected by officers from the local authority where the business is located. The hygiene standards found at the time of the inspection are then rated on a scale from 0 to 5. A rating of 5 is the highest, meaning hygiene standards are very good. A rating of 0 means urgent improvement is necessary.

When the operator of a food business establishment has received notification of its food hygiene rating, the operator must display the food hygiene rating sticker provided. Regulations set out where the sticker should be displayed so that it is clearly visible.

Building Regulations – access to and use of buildings

One aspect of this petition relates to access to buildings. Part M of the Building Regulations covers access to and use of buildings. [*Approved Document M \(Access to and use of buildings\)*](#) provides guidance on how to meet those requirements. Part M applies if a non-domestic building or a dwelling is newly erected. It also applies where an existing non-domestic building is extended, or undergoes a material alteration. Additionally, it covers some situations where an existing building undergoes a material change of use. Regardless of Building Regulations, there are obligations placed on service providers under the *Equality Act 2010* to consider barriers created by physical features in buildings.

Equality Act 2010 – reasonable adjustments

The *Equality Act 2010* imposes a duty on providers of goods, services and facilities to make reasonable adjustments to avoid a disabled person being placed at a 'substantial disadvantage' compared with a non-disabled person when accessing services and facilities.

The *Equality Act 2010* does not prescribe what a reasonable adjustment might be, this is to be decided according to the particular circumstances of each individual case.

[Under Section 20 of the *Equality Act 2010*](#), service providers have a duty to make reasonable adjustments for a disabled person in the way they deliver their services. This is to ensure that a disabled person is not at a substantial disadvantage compared to a non-disabled person accessing the same services. The duty contains three requirements:

- Changing the way things are done (the Act refers to where a provision, criterion or practice puts a disabled person at a substantial disadvantage);
 - Making changes to overcome barriers created by physical features of the service provider's premises (the Act refers to where a physical feature puts a disabled person at a substantial disadvantage); or
 - Providing extra aids and services like providing extra equipment or providing a different or additional service (the Act refers to where a disabled person, would but for the provision of an auxiliary aid, be put at a substantial disadvantage).
- What is considered a reasonable adjustment for a large organisation like a bank, may be different from what is a reasonable adjustment for a small, independent shop. A reasonable adjustment should be practical in the service provider's individual situation and according to the resources the business may have. The service provider will not be required to make adjustments that are not reasonable because they are unaffordable or impractical.

National Assembly for Wales action

On 31 January 2018, there was a [short debate](#) led by Suzy Davies AM called *Getting in there: Scores on the doors for disability access and defibrillators*. The debate highlighted this petition and some of the issues it raises including the challenges any scheme would face.

Responding to the debate, the Cabinet Secretary for Health and Social Care, Vaughan Gething AM, commented that "in principle, the idea does have some merit, and I welcome suggestions about practicalities and how such a scheme could work". He went on to note:

We do need to promote an honest and open discussion [...] between disability groups, individuals, the business sector, public service providers and the third sector to understand what we think is required and what we think is possible, whether that's through a 'scores on the doors' system or by other means, to consider what the options are and what's the best chance of doing something to practically improve accessibility and awareness of it as well.

Welsh Government action

In a letter to the Chair of Petitions Committee, the Leader of the House and Chief Whip – who is responsible for equality, said that the scheme proposed by the petitioners "seems to have merit" and she is "very supportive of the principles behind this proposal".

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.