“Disability Access Certificates”
&
Part M

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Scope of Presentation

- Building Control Bill 2005 & Disability Access Certificates – an outsiders view

- Other relevant legislation
  - Employment Equality Acts
  - Equal Status Acts
  - Disability Act 2005

- Review of the Effectiveness of Part M – study carried out for the NDA
Building Control Bill 2005 Part 2

Amends the Building Control Act 1990 to permit Building Control Regulations to be made requiring:

1. “.. application for a certificate of compliance with respect to …. provision of access to a building for persons with disabilities…(for a) building or extension or material alteration ….and the granting of such certificate by the Building Control Authority”
- called “Disability Access Certificate” (DAC)
Building Control Bill 2005 Part 2

2. “.. a revised disability access certificate…. If significant revision is made to the design or works …. in respect of which a DAC has been granted ….”

3. “that a new building, ….extension or material alteration…. shall not be opened, operated or occupied or permitted to be opened, operated or occupied, unless a Fire Safety Certificate or DAC (or … revised certificate …) … has been granted by the BCA.”
Powers of Enforcement

have been strengthened

- BCA may apply to High Court for removal, altering or making safe, restricting or prohibiting use, if development is non compliant

- May also bring summary prosecution in the District Court

- Maximum fines increased:
  - from £800 to €5,000 for summary conviction
  - from £10,000 to €25,000 for conviction on indictment
  - from £150 to €500 per day for continuing offences
BC Bill provides for a “regularisation certificate”

Where a fire safety certificate has not been applied for and works have been commenced or completed and are certified by the applicant as being compliant with the regulations an application can be made for a regularisation certificate.

No provision appears to be made for regularisation certificate in case of “Disability Access” ???
Explanatory Memorandum

- Refers to Disability Access Certificates confirming that the designs of new non-domestic buildings & apartment blocks comply with Part M
- Bill itself does not refer to new non-domestic buildings and apartment blocks (?)

- What about existing & historic buildings?
- What standards will be used?
- If regularisation certificate is not available for DAC’s how will the issue of works commenced without a DAC be dealt with?
- What about appeals? Who will deal with them?
Form & Content of DAC’s?

To be prescribed in new Building Control Regulations

How will one measure or specify at DAC Stage e.g.

- Light Reflectance Values of surfaces (LRV)
- slip resistance of wet tiles
- the height of ribbed profiles on hazard warning surfaces
- degree of contrast on glass manifestations
- the force of a door closer
- the lux level on a staircase
- the size of the font denoting a text phone or
- the acceptable background noise level of an air conditioning unit ?
Summary View

- “Disability” Access Certificates may be retrograde step by entrenching notions of disability and ignoring ethos of inclusive design

- May be ineffective if applicants quote but are not fully familiar with relevant and up to date standards and Part M and its Technical Guidance Document are not radically improved

- Will require very significant increase in resources and training of building control personnel

- May create serious delays in the approval system

- Will hopefully serve to encourage consideration of access at an earlier stage
Other Possible Measures

- Make payment of Government Funds, granting of Tax Relief and payment of Lottery Funds conditional on Access Certification or conditions
- Restrict lending institutions from releasing final instalment of loans until Access Certificate is lodged
- Require lodgement of Compliance Certificate before building can be occupied
- Prevent insurance companies from covering properties without lodgement of Opinion on Compliance
- Prohibit Conveyance of Building without Compliance Certificate
Consider

- **Access Ombudsman** – as in Sweden
- **Expert Access Panels** – as in Australia
- Experienced Access **Advisory Service**
Other relevant legislation
which impacts on the accessibility of buildings


• Prohibit discrimination in employment on nine grounds including disability

• Requires an employer to make “reasonable accommodation” to enable a person to have access to employment or training

• Measures to be taken include the adaptation of premises & equipment

• Principle of disproportionate burden applies
Equal Status Acts 2000 – 2004

- Requires reasonable accommodation of people with disabilities in the provision of goods, services & accommodation

- Reasonable accommodation may include access to premises and to information

- Nominal Cost applies in certain circumstances

- Equality Tribunal may investigate complaints
Disability Act 2005

Part 3 provides for Access to Buildings & Services

• Public bodies must ensure their public buildings are accessible to people with disabilities

• Public buildings shall be brought into compliance with Part M, if not already compliant, no later than 31 December 2015 or with any amendment to Part M within 10 years of the amendment

• Information e.g. for a person with a hearing/visual impairment or intellectual disability, must be in an accessible format

• Heritage sites must be accessible & visitable, provided their conservation status is not adversely affected
A Review of the Effectiveness of Part M of the Building Regulations
Main Objectives

To establish:

- The effectiveness of Part M in ensuring buildings are accessible &

- If the standards in the Technical Guidance Document (TGD) are adequate
Three Principal Tasks

- Compare guidance in TGD with relevant standards and guidelines in other jurisdictions
- Identify whether guidance is adequate by consulting with people with disabilities
- Identify any practical issues with the application of Part M through discussions with designers, contractors and building control
International Standards

- Codes, Standards and Regulations were sourced
- England/Wales, U.S.A., Canada, Australia, Finland and Denmark
- The legislative context was examined
Survey of People with Experience of Disability

- Limited to buildings covered by Part M

- Questionnaire followed format of TGD M for Dwellings and Other Buildings on
  - Application and Enforcement
  - Access, entry, circulation, use of facilities, hotels, WCs, audience & spectator facilities

- The Principal Barriers were identified

- Comments and Suggestions sought
Findings from Survey

- 110 respondents with wide ranging experience of disability
- 50% felt Building Regulations had made a difference
- Only 12% felt they were applied and enforced
- 37% had made complaints about non-compliance
- 89% supported mandatory Access Certificates
Barriers to Access

- Numerous and significant barriers existed for almost all respondents.

- Guidance in the TGD was found to be both inadequate and not applied.

- The needs of people with sensory disabilities, in particular, were not being addressed.
Comparison with Other Standards

- Comparisons based on the barriers identified
- Irish guidance found to be very limited in extent and standards generally lower
- Better guidance elsewhere for existing buildings and for people with sensory disability
- Regional variations in guidance
- Rapid pace of change – new legislation and more “whole population” & ergonomic research
<table>
<thead>
<tr>
<th></th>
<th>Australia</th>
<th>Canada</th>
<th>U.S.A.</th>
<th>Denmark</th>
<th>England/Wales</th>
<th>Finland</th>
<th>Ireland</th>
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<tbody>
<tr>
<td><strong>ED1</strong></td>
<td>Minimum clear width of door opening</td>
<td>800 (850)</td>
<td>800</td>
<td>815</td>
<td>870</td>
<td>1000²⁶</td>
<td>850</td>
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<tr>
<td><strong>ED2</strong></td>
<td>Maximum force required to open door</td>
<td>19.5N</td>
<td>20N</td>
<td>22.2N</td>
<td>25N</td>
<td>20N</td>
<td>10N</td>
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<tr>
<td><strong>ED3</strong></td>
<td>Automatic or power-assisted doors recommended</td>
<td>Yes²⁷</td>
<td>Yes²⁸</td>
<td>No²⁹</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td><strong>ED4</strong></td>
<td>Manoeuvring space at leading edge - door opening in direction of approach³⁰</td>
<td>470</td>
<td>600</td>
<td>445</td>
<td>500</td>
<td>300³¹</td>
<td>300</td>
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<tr>
<td><strong>ED5</strong></td>
<td>Manoeuvring space at leading edge - door opening away from approach³²</td>
<td>470</td>
<td>300</td>
<td>300</td>
<td>500</td>
<td>“adequate”</td>
<td>300</td>
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<td></td>
<td>Sanitary Accommodation – non-domestic buildings</td>
<td></td>
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<td>Finland</td>
<td>Ireland</td>
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<tr>
<td>SA1</td>
<td>Maximum travel distance to accessible unisex WC</td>
<td>To be minimized</td>
<td>45 m&lt;sup&gt;50&lt;/sup&gt;</td>
<td>X</td>
<td>X</td>
<td>40 m</td>
<td>X</td>
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<tr>
<td>SA2</td>
<td>Minimum size of wheelchair accessible unisex WC</td>
<td>2.0 m x 1.6 m&lt;sup&gt;51&lt;/sup&gt; (2.3 x 1.9)</td>
<td>Must have unobstructed turning circle of 1500 diameter clear of door swing</td>
<td>2.3 m x 2.1 m</td>
<td>2.2 m x 1.5 m&lt;sup&gt;52&lt;/sup&gt;</td>
<td>2.5 m x 2.2 m&lt;sup&gt;53&lt;/sup&gt;</td>
<td>2.0 m x 1.5 m</td>
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<td>SA3</td>
<td>Outward door swing unless additional space provided.</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>SA4</td>
<td>Height of WC seat</td>
<td>460 - 480</td>
<td>400 - 460</td>
<td>430 - 480</td>
<td>480 - 500</td>
<td>480</td>
<td>450 - 500</td>
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<tr>
<td>SA5</td>
<td>Requirement for washbasin accessible from WC seat</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>SA6</td>
<td>Height of horizontal support rails</td>
<td>800 – 810</td>
<td>840 – 920</td>
<td>450 – 915</td>
<td>800 – 900</td>
<td>680</td>
<td>800 &amp; 900</td>
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<td>SA7</td>
<td>Must doors, fixtures &amp; fittings have visual contrast to background?</td>
<td>X</td>
<td>X</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes&lt;sup&gt;58&lt;/sup&gt;</td>
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<tr>
<td>CW1</td>
<td>Is guidance given on aids to communication for reception desks?</td>
<td>Australia</td>
<td>Canada</td>
<td>U.S.A.</td>
<td>Denmark</td>
<td>England/Wales</td>
<td>Finland</td>
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<td></td>
<td><em>(Yes)</em></td>
<td>X</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

| CW2 | Is guidance given on telephone hearing enhancement?         | *(Yes)* | Yes   | Yes    | Yes     | Yes           | Yes    | X       |

| CW3 | Are audible fire alarms to be supplemented by visual alarms or other devices? | Yes      | Yes   | Yes    | Yes\textsuperscript{59} | Yes    | Yes    | X |

| CW4 | Are public address systems to be supplemented by visual information? | Yes | X | Yes | Yes | Yes | Yes | X |

| CW5 | Is guidance given on location, height and size of signs? | Yes | Yes\textsuperscript{60} | Yes | Yes | Cross-referenced to other documents | Yes | X |

| CW6 | Are lighting / luminance levels specified? | Yes\textsuperscript{61} | Yes\textsuperscript{62} | Yes | Yes | Yes | X |

Survey of Architects

- 119 respondents

- 43% unclear to which works Part M applies i.e. the “scoping”

- 86% felt guidance needs clarification

- 19% had received warning or enforcement notices

- 61% support for “Access Certificates”
Survey of Architects

- Only 27% use the British Standard 8300:2001
- Access in project briefs? 45% said **Often**
- In pre-planning consultations? 8% said **Often**
- Almost 20% do not often consider access at construction and certification stages
- Only 16% regularly use standardised procedures to check compliance
- Many comments and suggestions
Views of Contractors

- Better education needed for everyone involved
- Importance of fully detailed drawings
- Problems mainly with DPCs & co-ordination of roads / drainage levels in housing on tight sites
- Rarely inspected by Building Control
Comments by Building Control

- Compliance levels improving
- Difficulties with one-off houses and “unqualified certifiers”
- Need for earlier detection of design faults and greater powers of control and enforcement
- Post occupancy management of access an important issue
Housing Survey 1

- 48 one-off rural houses - 24% had level access
- 14 housing schemes in towns & villages - 64% level access
Housing Survey 2

- 2082 dwellings in 2/3/4 storeys in 9 schemes in suburban Dublin - 65% potentially “visitable” by wheelchair users

- 1424 units inspected in 6 schemes - only 4% were “visitable”

- Footpath dishings & possibly timber frame construction contributory factors
NDA Survey
Monitoring and Enforcement

- Huge disparities in level of inspection – from 100% in Meath to 1% in Mayo (2003 DEHLG returns)

- 22 of 37 Building Control Authorities achieved the 12-15% target

- Lack of statutory requirement to inspect or follow up complaints leads to inconsistencies and poor record keeping
Learning from other Jurisdictions

- Development of Strategies, Policies & Procedures from initial planning to management

- Importance of public funding mechanisms e.g. National Lottery (UK)

- Awareness of “business case” (UK & USA)

- Taxation incentives & Mediation technique (USA)

- Proposed **Access Panels** of experts (Australia)
“enforcement of a regulation through the building code is not the only means of achieving the goals that society establishes for buildings – and is often less effective than alternative non-regulatory measures. Building Codes are a good tool but depending on the context, there may be other, more effective means of achieving these goals.”

Bruce Clemmensen
Chairman
Canadian Commission on Building & Fire Codes (Nov. 2003)
Recommendations

- Develop a national accessibility strategy with clear policies and targets – holistic approach
- Consult with all stakeholders – in partnership
- Strengthen the role of planning
- Review Part M, improve guidance, focus on inclusion and Access for All
- Adopt / promote standards for external environments and existing buildings
- Link Access to funding
Recommendations cont.

- Develop control systems and protocols for Access Management
- Introduce mandatory self-certification, effective sanctions & increase levels of L.A. inspection
- Set up national “help line”
- Establish Access Board or Ombudsman with authority to interpret the requirement
- Develop focussed training programmes
- Increase public awareness
Some Access Issues
The space between buildings
External Environments
Ramps
Entrances
Reception Desks
Stairs
&
Handrails
Places of Assembly
Communications
Wayfinding
Means of Escape
WCs
Housing
Historic Environments
Inappropriate Adaptations
Our off-shore Islands
Thank you!