Irish Building Control Institute

Disability Access Certificates

March 2010
ACCESS and USE

Adequate requirement for access

• Some examples of issues that may arise:

Shopping Centre
  - accessible toilet provision made for the public
  - some individual units have made toilet provision for staff
    - *is it also necessary for them to make provision for wheelchair users?*

Nursing Home (2-storey)
  - 3 stairways
    - *should only 1 be made suitable for ambulant disabled people?*

Pub
  - dropped counter provided for wheelchair users and people short in stature and accessible toilets also provided
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Nightclub
  - accessible toilets, dropped counter, loop systems provided
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DISABILITY ACCESS CERTIFICATES

ACCESS and USE
Access for everyone

• Draft Part M requires that adequate provision shall be made for people to access and use a building, its facilities and its environs

How do you ensure that the needs of everybody are satisfied?
BACKGROUND

OVERVIEW

• 1963 - Designing for the disabled (RIBA) Selwyn Goldsmith
• 1988 - Access for the Disabled 1 (NRB) minimum design criteria
• 1990 - European Manual on Accessibility
• 1991 - Building Regulations (Part M)
• 1994 - A Strategy for Equality
  (Report of the Commission on the Status of People with Disabilities)
  Disability Access Certification RECOMMENDED

• 1997 - Building Regulations Revised Part M
• 1998 - Employment Equality Act
  - Buildings for Everyone (NRB)
• 2000 - Building Regulations Revised Part M
  - Equal Status Act
• 2002 - Building for Everyone (NDA)
• 2004 - Equality Act
• 2005 - Disability Act
  - A Review of the Effectiveness of Part M (NDA)
• 2007 - Building Control Act
• 2009 - Building Regulations Revised Part M (DRAFT)
• 2010 - Disability Access Certification IMPLEMENTED
BACKGROUND

TERMINOLOGY

BUILDING REGULATIONS-PART M (Scope)

<table>
<thead>
<tr>
<th>1997</th>
<th>2000</th>
<th>2009</th>
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</thead>
<tbody>
<tr>
<td>REASONABLE provision</td>
<td>ADEQUATE provision</td>
<td>ADEQUATE provision</td>
</tr>
<tr>
<td>Access for DISABLED PEOPLE</td>
<td>Access for PEOPLE WITH DISABILITIES</td>
<td>Access and Use</td>
</tr>
</tbody>
</table>

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### BACKGROUND

### DEFINITIONS

**BUILDING REGULATIONS-PART M (Scope)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Provision</th>
</tr>
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<tbody>
<tr>
<td>1997</td>
<td>Reasonable provision shall be made to enable <strong>Disabled People</strong> to have safe and independent access to a building and to those parts of the building to which it is appropriate to have access</td>
</tr>
<tr>
<td>2000</td>
<td>Adequate provision shall be made to enable <strong>People with disabilities</strong> to safely and independently access and use a building</td>
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DESIGN APPROACH

CONCEPTS

- TRANSGENERATIONAL DESIGN
- DESIGN FOR BROADER AVERAGE
- USER NEEDS
- INCLUSIVE DESIGN
- UNIVERSAL DESIGN
- DESIGN FOR ALL
- BARRIER-FREE DESIGN

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2009 Part M-DRAFT

• Part M aims to foster an inclusive approach to design and construction of the built environment

• The requirements of Part M (M1-M4) aim to ensure that regardless of age, size or disability:
  → buildings, other than dwellings, are accessible and usable
  → dwellings are visitable

• The principles of Universal Design underpin the requirements of Part M and is defined as:
  → the design and composition of an environment that can be accessed, understood and used to the greatest extent possible by all people, regardless of their age, size or disability
DESIGN APPROACH

UNIVERSAL DESIGN

Principles of Universal Design

→ Equitable
   the design is useful and marketable to people with diverse abilities

   Dual height reception desk

→ Flexible
   the design accommodates a wide range of individual preferences and abilities

   Adjustable height Water fountain
DESIGN APPROACH

UNIVERSAL DESIGN

Principles of Universal Design

→ Simple and Intuitive
  use of the design is easy to understand, regardless of the user’s experience, knowledge, language skills or current concentration level

→ Perceptible Information
  the design communicates necessary information effectively to the user, regardless of ambient conditions or the user’s sensory abilities
DESIGN APPROACH

UNIVERSAL DESIGN

Principles of Universal Design

→ Tolerance for error
  the design minimises hazards
  and the adverse consequences
  of accidental or unintended action

→ Low physical effort
  the design can be used efficiently and comfortably with a minimum
  of fatigue
UNIVERSAL DESIGN

Principles of Universal Design

→ Size and space for approach and use
  appropriate size and space is provided for approach, reach, manipulation and use, regardless of user’s body size, posture or mobility

"Easy access to switches"

• The Principles of Universal Design are not intended to constitute all criteria for good design, other factors are important, such as aesthetics, cost, safety, gender and cultural appropriateness, and these aspects must also be taken into consideration when designing.
FRAMING USER NEEDS

DEFINITIONS

BUILDING REGULATIONS-PART M (Scope)

1997 DISABLED PEOPLE

Definition:
Disabled people means people who have an impairment of hearing or sight or an impairment which limits their ability to walk or which restricts them to using a wheelchair

2000 PEOPLE WITH DISABILITIES

Definition:(same as 1997)
People with disabilities means people who have an impairment of hearing or sight or an impairment which limits their ability to walk or which restricts them to using a wheelchair

2009 PEOPLE

Not defined:
People with a wide range of abilities
FRAMING USER NEEDS

1997
Reasonable provision for disabled people

2000
Adequate provision for people with disabilities

Boundary identified
2009

Adequate provision for People

Wide range of abilities

- Autistic
- Speech & Language difficulties
- Behavioural problems
- Emotional disturbance
- Hearing
- Sight
- Mobility
- Dementia
- Young people
- Short in stature
- Amputees
- Women in late stages of pregnancy
- Temporary condition - broken arm, leg, hip replacement
- Various other health conditions - heart, diabetes, epilepsy, MS, rheumatism, arthritis, asthma

NO Boundary identified
CERTIFYING THE UNDEFINED

HOW FAR DO YOU GO…..?

• The range of building scenarios coupled with the diversity of human condition makes it impossible to satisfy all user needs
• The underlying design principle can only aspire to satisfy all
DIFFICULTIES in interpretation

EXTENT
REAL NEED
USER GROUPS
SITE CONSTRAINTS
NATIONAL UNIFORMITY
BIAS IN REQUIREMENT
AVAILABILITY OF STANDARDS

CONSEQUENCES of MISinterpretation

REVISED D.A.C
APPEAL TO BOARD
LITIGATION
COST
TIME DELAYS
INTER GROUP DISCRIMINATION

GUIDANCE necessary to SUPPORT interpretation
CERTIFYING THE UNDEFINED

• To ensure a balanced approach:

  ✓ Both designer and controller need a basis to
    → evaluate what is adequate outside that explicit in Draft Part M
    → evaluate the adequacy of alternative means of provision

  ✓ Support/Guidance is required to:
    → establish consistency
    → evaluate investment of provision
    → determine if provision is warranted in relation to the extent of use
    → review aspects of conflicting need
ACCESS and USE

Adequate requirement for access

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DISABILITY ACCESS CERTIFICATION

DISPUTES and RESOLUTIONS

• UK Building Control-Disputes and Complaints (at **Planning** Stage)
  ✓ Most disputes are currently settled either **between the parties** themselves
     (through the Access Statement process)
  or
  ✓ By the use of **alternative dispute resolution** (ADR) schemes

  Very few cases are referred to the Secretary of State

• Currently  **Irish Building Control** dispute scenario (at **Commencement** Stage):
  → DAC
     → **revised** DAC
     → **appeal** to an Bord Pleanala

• The need for an effective resolution of disputes is **even greater** when
  encountered at **a late stage**
Australian Building Control are currently establishing an authorised body, an “Access Panel” to advise the Building Control Authority on access related matters in an efficient and timely manner during the Building Approval process.

**Aims:**
- to have consistent approach when dealing with building matters relating to accessibility
  - administration of control systems
  - building control solutions
  - defining the extent of discretion that may be exercised

**Deals with:**
- alternative approaches
- modifications, exceptions
- upgrade of existing buildings
SUGGESTION

- Options may need to be explored to assist both applicants and building controllers such as:
  
  ✓ Issue Guidelines
    - case studies
    - evaluation matrix
  
  ✓ Formation of a Multidisciplinary Access Panel
    with relevant expertise consisting of representatives from the Department (DoEHLG), Building Control, designers and users, etc:
    - to act as a support mechanism to give timely, balanced opinion in areas of dispute
    - to evaluate alternative means of provision in the event of new developments in technology, practices and procedures
    - to provide feedback to the regulatory system to influence future developments
  
  ✓ Examine the status and influence of the role of Access Consultant in the process
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