



NHS Management Executive
St. Andrew's House
Edinburgh EH1 3DG
17th December 1998

Dear Colleague

**THE DISABILITY DISCRIMINATION ACT (1995) –
IMPLEMENTING SECTION 21**

Summary

1. This MEL advises the NHSis about Section 21 of the Disability Discrimination Act (DDA) and the preparation of good practice guidance to support its implementation. Section 21, which will be implemented in 2 stages from October 1999, requires that people with disabilities are given reasonable access to goods and services. This includes reasonable access to all NHS services. Annex A gives details of the requirements under Section 21 and the implementation programme.

Action

2. Addressees should ensure that this notice is brought to the attention of all appropriate staff within their area of responsibility. Health Board General Managers should copy this letter to all GPs in their area and to the GP Sub-Committee of the AMC.
3. To help provide a sound foundation for subsequent action, addressees are also asked to consider the following in advance of the issue of good practice guidance early next year by the Management Executive:
- designating a person or persons as disability adviser(s) responsible for co-ordinating and advising on services and policies and liaising with other bodies;
 - raising awareness of disability issues for staff through training and improved communication;
 - considering the implications of Section 21 of the DDA for any current developments.
4. All health services including NHS Trusts, GP practices, community services and dental services are covered by the provision.

Addressees

For action:
General Managers,
Health Boards

Chief Executives,
NHS Trusts

General Manager,
State Hospitals Board for Scotland

General Manager,
Common Services Agency

For information:
Estates Environment Forum

Executive Director,
SCPMDE

Local Health Councils

Enquiries to:

Mrs S Falconer
NHS Management Executive
Room 277
St Andrew's House
EDINBURGH EH1 3DG

Tel: 0131-244 2434
Fax: 0131-244 2051

**For further information on Scottish
Health Facilities Notes contact:**

Mr Ian McCluckie
Estates Environment Forum
University of Strathclyde
Room 8.51
Graham Hill's Building
50 George Street
GLASGOW G1 1QE
Tel: 0141 548 3446

5. Addressees are also invited to submit to the Management Executive by 22 January 1999 details of examples of good practice within their area of responsibility where it is considered they would be of interest and benefit to others in the implementation of Section 21, with a view to disseminating these through the Good Practice Guide.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kevin J Woods', written in a cursive style.

KEVIN J WOODS
Director of Strategy and Performance Management

IMPLEMENTING SECTION 21 OF THE DISABILITY DISCRIMINATION ACT (1995)

1. Section 21 of the Disability Discrimination Act will be implemented in 2 stages.

From October 1999 service providers will need to take reasonable steps to:

change practices, policies or procedures which make it impossible or unreasonably difficult for disabled people to use a service;

provide auxiliary aids or services which would enable disabled people to use a service (for example, the provision of information on audio tape);

overcome physical barriers by providing a service by a reasonable alternative method.

From April 2004 service providers will need to take reasonable steps to:

remove, alter or provide reasonable means of avoiding physical features that make it impossible or unreasonably difficult for disabled people to use a service.

Implementing Section 21 of the DDA Across the NHS

2. All health services including NHS Trusts, primary care clinics, community services and dental surgeries will be included.
3. Good practice guidance on implementing Section 21 of the DDA in the NHSiS will be issued early next year. The guidance will chiefly address hospital services, but will also be applicable to other health care establishments.

Other Material

4. **Scottish Health Facilities Note 20** – The Estates Environment Forum are preparing this note to provide guidance on Access Audits of primary healthcare facilities. The note will be issued, on disk, to the NHSiS within the next few weeks by the Estates Environment Forum.
5. **Scottish Health Facilities Note 14** – A Disability Access Document is being prepared by the Estates Environment Forum and will also be issued, on disk, to the NHSiS in the normal way within the next few weeks.
6. The Estates Environment Forum is also preparing an access audit template to provide a standardised audit tool for use in a range of NHS buildings for the NHS in Scotland.

7. A training video for hospital Trusts and other health care organisations about the needs of deaf and hard of hearing people using hospital services will be available in the New Year. Further details will be provided in due course.