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The Disability Discrimination Act requires retailers to make their premises more user-friendly by October. But many find the law confusing. Maeve Hosea assesses the impact on store owners

Caught in the Act

"Retailers are responding to the Disability Discrimination Act in different ways," says Sarah Langton-Lockton, chief executive of the Centre for Accessible Environments (CAE). "Some are advanced, others haven't got to grips with it and some are panicking."

From October, retailers will be required by the Disability Discrimination Act (DDA) to ensure that their premises are more accessible to disabled people. This means making 'reasonable adjustments' to any physical barriers to access.

It's a term that's hard to define, as is often the case with new legislation. Little Shop of Horrors, a game on the Disability Rights Commission (DRC) web site, gives examples of what constitutes a barrier to access. "It gives you a flavour of how retailers are going to be in the firing line," says Nicholas Lakeland, a partner at law firm Silverman Sherliker. "It is going to hit home harder than people realise."

The game, set in an interactive mock-up of a toy shop, suggests several changes to make the outlet more accessible: lowering shelving systems or displaying a mix of goods on the lower shelves; installing ramps and handrails to make departments on other levels accessible; lowering a section of the counter or checkout; widening spaces for wheelchairs; and giving all staff disability awareness training.

The latest changes are the final stage of the DDA of 1995, which placed duties on those providing goods and services to the public, as well as those selling, letting or managing premises. The UK will be the first country in Europe to adopt comprehensive disability access legislation.

Figures from the DRC show that an estimated 8.6 million disabled people in the UK have an annual spending power of £50bn. The Commission argues that the changes businesses will make in response to the Act will benefit retailers as well as consumers.

The changes retailers are expected to make will be linked to their financial resources. New fittings could include wheelchair ramps, better lighting, audio induction loops for people with hearing aids or easy to open door

handles for the less dextrous. Conditions such as epilepsy and arthritis are not always apparent and this needs to be taken into consideration.

Many big retailers are getting to grips with the Act by embarking on access audits. "What is emerging from this process is the distinction that exists between the buildings, the fittings within the buildings and the services provided," says David Bonnett, architect at David Bonnett Associates.

Marks & Spencer, working with disability issues organisation Disabled Go, has begun a comprehensive audit of its 370 stores. Surveys will be completed at the end of March and policies will be put in place.

"We will sort out all the really important stuff by October," says Marks & Spencer architect Andy

"If Tesco does nothing it will get no sympathy but a corner shop... is a different context"

Nicholas Lakeland
Silverman Sherliker

Savage. "But it will not be a knee-jerk reaction because we are looking at an approach for the long term. M&S is complicated. It has a wide portfolio, from stores in ancient buildings in town centres to edge-of-town stores with level access in modern buildings."

The group already has a design policy that includes key features such as tactile flooring and automatic doors. It also considers signage and induction loops. Throughout the summer, M&S will be focusing on a training programme for all staff. "You can change steps and lamps but the discrimination in people's heads is where you can win a lot of victories," says Savage.

"You are not expected to spend the family silver, you are expected to do what you can," says Lakeland. "If Tesco does nothing it will get no sympathy, but a corner shop that barely makes money is a different context."

Yet the law has to be enforced. Lakeland expects several thousand

test cases early on, followed by wider compliance until a benchmark is established. "The leeway is there to be exploited and lawyers will exploit it," he says.

"The difficulty is that the legislation is complex," says Langton-Lockton. "It is not saying you must do X, Y and Z, so you can't sit back and say you have complied with the legislation."

That ambiguous phrase 'reasonable adjustments' is even more worrying for owners of smaller shops, which don't have the budgets or facilities for momentous change.

"Bad feeling on the part of the retailer comes from being scared and thinking they have to spend large amounts of money, when the emphasis is on the word 'reasonable'," says Mike Freeney, managing director of commercial consultancy Access Matters.

An Association of Convenience Stores (ACS) spokesman adds: "If a retailer is making £15,000 profit annually and changes would cost that amount, it would not be reasonable to expect it to make those changes."

Legally, a business has the option to provide service by reasonable alternative means. This could include offering service over the telephone or allowing a disabled person to use a more convenient entrance.

The ACS highlights the fact that 'accessibility' means accessibility to a business rather than its premises. If a shop owner can provide service in another way, for example by providing staff to help with access to shelves, or a service window, they may comply with what is expected.

"Retailers can do one of four things when they have a barrier to access:



alter it, remove it, find a way of avoiding it such as reorganising the space, or provide the service by different means," says Langton-Lockton. "Where premises are difficult it requires more ingenuity."

An example of a small shoe store on two floors demonstrates the issue. "The retailer could make sure the ground floor level can be negotiated by a wheelchair and could rely on staff to bring goods down from the upper level on demand," says Freeney. "In many cases the difficulty will be overcome by good customer service."

The ACS is also quick to point out that disabled doesn't necessarily imply wheelchair-bound. Good signage for the visually impaired and audio loops are equally important.

"Some retailers are making a meaningful difference to their premises," says Freeney. "However, it tends to be the larger ones because they are better informed, have legal departments and have been planning for several years."

Independent auditors have assessed the Sainsbury's portfolio and the result is a structured alterations programme.

"Using the information from the audits, we are planning to make alterations in six stores and trialling until the end of February," says Elaine



Stores and their staff will be legally required to make suitable provisions for wheelchair-bound customers

Muskett, disability project manager at Sainsbury's.

Lloyds TSB claims commitment to disabled access through Gold Card membership of the Employers' Forum on Disability and says it constantly reviews its premises. "We are one of the first banks to sign up to directenquiries.com, a nationwide web site which provides details of the access and facilities on offer in different organisations," says a spokeswoman.

Shops in Grade I and Grade II* listed buildings can get advice from English Heritage. For the most part, solutions are being found. "There is a lot of catching up to be done and there will be a lot of rushing around before October," says Paul Velluet, assistant director for the London region at English Heritage. "However, it is more often a lack of will rather than conservation factors that preclude changes to premises."

Alongside a professional audit, the DRC advises retailers to talk to disabled customers about their shopping experience. Aside from links into the disabled community gained from involvement with Disabled Go, Marks & Spencer is seeking a response from its customers. "We are taking a humble approach," says Savage. "If people find things that could be improved we are encouraging them to tell us."

"Inclusive design, given the range of human dimensions, has inevitable limitations," says Bonnett. "The aim is not to discriminate in the delivery of services and there is often a natural point where design ends and must rely instead on service assistance."

"The whole point of the legislation is to make business open to more people," says a DRC spokeswoman. "A spin-off is that other people, such as the elderly or mothers with push chairs, can benefit from that. It doesn't make sense to take shops to court when they can make small changes to accommodate disabled people."

"Most large retailers are on the ball," says Freeney. "But there will be cases because disabled people, like everyone else when they receive bad service, want to put it right." ■