

Specifying Accessible Estates Provision and Information Technology Goods and Services (PPN 6-05)

Background

The Disability Discrimination Act (1995) (DDA) prohibits unjustified discrimination against people who have or have had a physical or mental impairment, which makes it difficult for them to carry out normal day-to-day activities. The DDA makes it illegal for service providers to treat disabled people less favourably than they would treat people without impairment, for a reason related to their disability, when offering or providing goods, facilities or services – including where these are offered electronically. The DWP is responsible for this piece of legislation and a DWP Minister, Anne Maguire, is Minister for Disabled People. The DWP currently employs around 2000 disabled people, and it is our policy to increase this number.

The DDA also makes it unlawful for employers to treat disabled employees less favourably in any part of their employment – and requires employers to make “reasonable adjustments” to working conditions or to the physical environment where that would overcome the practical effects of a disability.

The Department is not only legally obliged to satisfy the requirements of the DDA, but as owner of the legislation is also committed to being an exemplar in the provision of services that are accessible to the widest possible range of people – both staff and customers.

It is therefore essential that we build accessibility requirements into the core specifications for DWP goods and services, with particular emphasis on the provision of accessible buildings and information technology kit.

Accessibility and IT kit

Approximately 560 disabled DWP employees use specialist software packages (such as screen readers, Braille displays, or dictation software) to access their computers. Many disabled colleagues also use additional hardware, such as ergonomic keyboards or mice, large screen monitors etc. these items have been provided as “reasonable adjustments” under the DDA.

The Department also has many disabled customers who want to be able to use its electronic and on-line services (such as Contact Centres, Job points, web sites, on-line claim forms etc) just like everyone else. They may need to communicate with us using screen readers or teletypewriters (TTYs) and our services must be set up to accommodate this.

If the system or software application is not accessible or usable with assistive technology, it can mean that some job roles and services are not accessible for people with certain impairments. This places the DWP at risk of failing to comply with its own law and causing considerable dissatisfaction for disabled staff and their managers - a situation which could result in the Department being taken to a tribunal.

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The Department introduced the DWP IT Accessibility Standards in July 2004 as a mandatory measure which all IT systems and services purchased for DWP must comply with in order to meet our DDA obligations. The DWP standards are based upon an internationally recognised standard for accessible IT (ISO Technical Specification 16071) and are part of the Department's Technology Policy and Enterprise IT Architecture. They will soon be reinforced by new provisions within the E-Government Interoperability Framework (eGIF) – this is produced by the e-Government Unit (part of the Cabinet Office) and is a policy framework that applies to all Government departments. The latest version includes accessibility for the first time, giving effect to the DDA by introducing mandatory compliance with technical accessibility specifications (including ISO/TS 16071) for all Government IT systems.

Mangers must specify the above IT accessibility requirements in all procurement exercises for IT systems, and any suppliers who are not capable of meeting the requirements must be eliminated from the exercise. This is a straightforward pass or fail assessment, since the DDA is law and suppliers must comply with it. Prospective suppliers will need to demonstrate how they will take accessibility into account in all areas of IT service provision relevant to the contract, including: design; build; testing; implementation; post implementation support; interface with third party suppliers; and costings.

In addition, agreed service levels, turn-around times, implementation plans and post implementation support must take account of the different requirements of this client group, recognising that some disabled users cannot work if their specialist equipment is disrupted or not available (they cannot simply move to another PC while theirs is fixed).

The Department also requires all its suppliers to actively assist with its policy of meeting and exceeding the requirements in the DDA for accessibility and for “reasonable adjustments”. This includes:

- Provision of ICT software and systems that are accessible by design, facilitating and not limiting access by disabled people.
- Provision of alternative and adaptive ICT hardware and software as required, either directly or through third parties.
- The use of Accessibility Options built into operating systems and standard applications.

In summary, it is officially DWP procurement policy to purchase only IT systems, applications and services that meet the requirements to the DWP IT Accessibility Standards and are accessible to disabled people, and there is a duty on everybody involved in the DWP procurement community to help our customers to specify and purchase such accessible goods and services.

Accessibility and buildings

The Private Resource Initiative for Management of the Estate (PRIME) contract procured by the Department for Work and Pensions (then Department for Social Security) and Land Securities Trillium (LST) came into effect from 1 April 1998. The contract covered the vast majority of buildings occupied by the Department this contract was expanded to incorporate the former Employment Services estate from 15 December 2003. The contract expires in March 2018.

The PRIME contract requires LST to provide fully serviced accommodation in respect of the Departments existing occupancies and to procure any new or additional buildings or occupancies required by the Department and its Agencies during the lifetime of the contract. For avoidance of doubt the PRIME contract is the sole vehicle for procurement of new premises or adaptation of or alteration to existing premises during the lifetime of the contract.

The Prime contract is an output specification contract that requires LST to operate, manage and maintain the Estate in accordance with all relevant statutes, regulations and appropriate industry standards and codes of practise. The building specific requirements are outlined in the required Accommodation Standards (RAS) section of the contract. the contract places the risk and associated costs of establishing and meeting existing and new legislative requirements with LST. In addition LST must advise DWP Estates as the Departments representative of any changes to existing or upcoming new legislation as it pertains to the PRIME contract in advance.

LST, as the Departments agent, must ensure compliance with the DDA by making reasonable adjustments to premises and providing specialist non – IT furniture, fixtures and equipment. LST identify, plan and procure these reasonable adjustments as defined in the legislation. For example, the RAS state that the facilities and sites must be suitable for people with disabilities and that people with disabilities are required to be able to access and use the facilities and sites in as independent a way as possible. In addition to RAS, when procuring or adapting a building LST must adhere to current pertinent legislative guidance and industry best practice. Examples of these are:

- Building Regulations Amended Document (AD) (Part M) 1999
- Disability Rights Commission, DDA 1995, Code of Practise, Rights of Access, Goods, Facilities, Services and Premises

- BSI 8300:2001 Design of buildings and their approaches to meet the needs of disabled people – Code of practise

Recent examples of compliance with the legislative duty to make reasonable adjustments include:

- The national programmes of works to improve public access to (predominantly Jobcentre Plus) DWP customer facing facilities completed in March 2005.
- The annual review of the public access arrangements in respect of the above
- The incorporation of accessible design criteria into the Jobcentre Plus rollout programme
- The provision of reasonable adjustments to premises for disabled staff upon recruitment, transfer or when a need is otherwise identified.

Typical examples of reasonable adjustments to premises in practise are listed below these are not exclusive. These may occur as part of a Departments configuration change e.g. Jobcentre Plus; as a result of legislative change e.g. the DDA 1995, or as part of LST' contractual commitments e.g. Lifecycle Capital Maintenance Plan and RAS:

- Ramped or step free access
- Lowered light switches and controls
- Tactile lift buttons
- Widened doors and circulation routes
- Automated doors
- Colour differentiated finishes and circulation routes in public areas
- Tactile floor surfaces and paving
- Disabled car parking spaces

It should be noted that the legal obligations to make reasonable adjustments differ significantly between Part 2 and Part 3 of the legislation in 1 key area. Under Part 2, Employment and Occupation, the duty upon the employer to make reasonable adjustment in respect of his employees is defined as non-anticipatory. Thus the adjustment can be made legally following the need being identified. This stance is also consistent with DWP HR Policy. However, the duty to make reasonable adjustments under the DDA, Part 3, Rights of Access, Goods, Facilities and Services, the duty placed upon the service provider in respect of his customers is classed as anticipatory. This came into effect from October 2004. This duty is also defined as a continuing and evolving duty hence the need to regularly review current arrangements as outlined in para.6.

Summary

It is DWP procurement policy to purchase only IT systems, applications and services that meet the requirements of the DWP IT Accessibility Standards and are accessible to disabled people, and there is a duty on everybody involved in the DWP procurement community to help our customers to specify and purchase such accessible goods and services.

It is DWP procurement policy to provide, through LST and the PTIME contract, premises, which are accessible to people with disabilities, and to make such reasonable adjustments to such premises as may be required. As the Department with responsibility for disabled people DWP has a particular duty of care here and need to act as an exemplar Department.

Sources of further information and guidance:

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