



GUIDANCE FOR CLUBS ON DISABLED SUPPORTERS AND CUSTOMERS





INTRODUCTION

The aim of this guidance is to help clubs develop and produce policies that can be used to ensure they meet their requirements under the Disability Discrimination Act 1995 and 2005 (DDA).

This guidance is intended to cover all of the main potential issues that might arise in the normal running of a club's affairs.

It is not possible for this guidance to cover every potential situation that may occur, and it does not seek to do so. However, by addressing current issues, it gives a greater insight into what the law might require from clubs by way of response. It does so by summarising key issues that clubs have expressed concern about and gives an indication of where the DDA might impose a duty in those areas.

Every possible care has been taken to ensure that the information given by this guidance is accurate. Whilst The Football League and the authors would be grateful to learn of any errors or inaccuracies, neither shall have liability or responsibility to any person for such errors or inaccuracies and/or loss or damage of any nature caused thereby or otherwise in connection with this guidance.

For more information please contact the Customer Services Department on 0844 826 9220.





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SUMMARY OF RECOMMENDATIONS

Staffing:

- Clubs should have a Disability Liaison Officer (DLO) where possible, or should nominate an individual within the club to have responsibility in this area. That person should have a good knowledge of disability discrimination law and practice for disabled supporters to contact if issues arise.
- All staff, including managers, who come into contact with supporters and customers should receive Disability Equality Training.
- Responsibility for ensuring equality of access for disabled supporters should be held at the highest level.

Ticketing:

- Allocation and distribution of tickets for disabled supporters should be handled by clubs and not by supporters associations.
- Season ticket policies should be the same for disabled and non-disabled supporters.
- Clubs' ticketing policies should provide for personal assistants and carers (PAs) to be admitted without charge, where a disabled supporter requires a PA in order to attend a match, on condition that the PA provides support to the disabled person as required.
- Ticket agencies (where used) should be required to provide disabled supporters with information on where they can purchase tickets.
- If a club has a concessionary ticket policy for disabled supporters, it should apply to all disabled supporters, regardless of their needs. It should be based on the need to be accommodated in a designated disabled seating area, such as for wheelchair users, and/or the need for PA support in order to be able to attend the match. Any policy on disability concessions should be published and made available in alternative formats.

Match day and other issues:

- At least one induction loop and text phone should be installed in ticket offices and at other points of sale. Clubs should arrange for audio commentary to be available.
- Separate home and away facilities should be provided for disabled supporters.
- Clubs should endeavour to provide weather protection for disabled supporters in exposed areas of stadia.
- Clubs should seek to minimise interference with viewing from pitch-side seating areas (particularly if these are reserved for mobility-impaired supporters), including seeking to reduce foot traffic passing in front of these supporters.
- Websites and club publications should be fully accessible.
- Information about access and other facilities for disabled people should be easily available.
- Clubs should endeavour to arrange that a minimum of 5-6% of the total number of car parking spaces that they provide are designated for disabled supporters.

Access audits:

- It is advisable for clubs to carry out a full access audit of facilities and services by accredited auditors.

WHO IS A DISABLED PERSON UNDER THE DDA?

Some clubs have expressed concerns that they are not sure who is covered by the Disability Discrimination Act (DDA). This section summarises the legal definition used to determine whether someone is 'disabled', and thus protected under the Act. For the purposes of the DDA, a disabled person is someone who:

- Has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities; or has had such impairment in the past.

There are four parts to the definition:

1 "A PERSON WITH A PHYSICAL OR MENTAL IMPAIRMENT"

This includes those with mobility impairments, sensory impairments (hearing, eyesight), learning difficulties and mental impairment. It is no longer necessary that a mental impairment be "clinically well-recognised".

Other people covered by the Act include:

- People with severe disfigurements, even where these do not directly affect any day-to-day activity.
- People with cancer, multiple sclerosis or HIV infection are included from the moment of diagnosis (i.e. even where, currently, there is no effect on day-to-day activities).
- People with other progressive conditions (e.g. muscular dystrophy, rheumatoid arthritis) are included from the moment that the condition has some effect on their ability to carry out day-to-day activities, provided that at some point in the future it will have a substantial effect.
- People whose physical or mental impairment is substantially corrected or controlled by the use of prosthesis (such as artificial limbs) or medication (except if an impairment is controlled or corrected by spectacles, eyeglasses or contact lenses, in which case it is only if the residual effect is sufficiently adverse that the person would be covered).
- Children under the age of six who would be covered by the DDA if they were an adult.

People with the conditions below are expressly not covered by the DDA:

- Those whose impairment consists only of addiction to nicotine, alcohol or any other substance (unless the addiction resulted from medically prescribed drugs or treatment).
- Those with conditions giving them a tendency to set fires (pyromaniacs), a tendency to steal (kleptomaniacs), a tendency to physical or sexual abuse, exhibitionism or voyeurism.
- Those with seasonal allergic rhinitis (hay fever).
- Those with a severe disfigurement consisting of an unremoved tattoo or a body piercing.

2 THE IMPAIRMENT MUST HAVE A "SUBSTANTIAL ADVERSE EFFECT"

Substantial, in this context, means only "more than minor or trivial." As stated above, if an impairment is corrected by use of a prosthesis (other than spectacles) or by medication, that correction must be discounted before determining whether the effect is "substantial".



3 THE EFFECT MUST BE “LONG TERM”

This means that:

- It must have lasted, or be expected to last, at least 12 months.
- It is likely to last for the rest of that person’s life.
- It is likely to reoccur if it is currently in remission.

4 THE IMPAIRMENT MUST ADVERSELY AFFECT “NORMAL DAY-TO-DAY ACTIVITIES”

This means activities that are normal for most people, not specialised activities such as the ability to play a musical instrument. The following are the day-to-day activities covered by the Act:

- Mobility.
- Manual dexterity.
- Physical co-ordination.
- Continence.
- Ability to lift, carry or otherwise move everyday objects.
- Speech, hearing or eyesight.
- Ability to concentrate, learn or understand.
- Perception of the risk of physical danger.

In most cases, it will be clear whether or not a person meets the above definition and it should not therefore be necessary to make significant checks on eligibility. However, there may be cases where the club is not certain that the person presenting as a disabled person is actually a disabled person as defined by the Act. In that event, if the club is offering a concession or if the person is seeking a reasonable adjustment (such as a ticket for a PA) the club is entitled to seek evidence from the person.

Typical evidence that a club could seek would be one of the following:

- Entitlement to the medium or higher rate care component of the Disability Living Allowance (DLA).
- Entitlement to the mobility component of the DLA.
- Holder of a Blue Badge (with the person named as the disabled person).
- Letter of confirmation from the Local Authority Social Services Department that the person is in receipt of support services.
- Letter from the person’s GP confirming that they are a disabled person with a recognised impairment that requires extra help.

In the case of DLA, the award may be for life or for a fixed period. Accordingly, it would be reasonable for a club to check periodically (for example, annually), whether a disabled person remains eligible, although where an award is made for life, it would be helpful if the club’s systems could record this so as to avoid the need for periodic checks of that person’s eligibility.

WHAT DUTIES ARE PLACED ON CLUBS BY THE DDA?

The Act makes it unlawful for a service provider (such as a football club) to discriminate against a disabled person in two ways:

- Treating them less favourably, for a reason related to their disability, than they would treat a non-disabled person, without justification (known as “less favourable treatment”).
- Failing, without justification, to take reasonable steps to prevent it being impossible or unreasonably difficult for a disabled person to use the service (“failing to make a reasonable adjustment”).

It is unlawful for a provider of services to discriminate in either of the ways set out above:

- By refusing to provide, or deliberately not providing, to the disabled person any service which it provides, or is prepared to provide, to members of the public.
- In the standard of service which it provides to the disabled person or the manner in which it provides it to them.
- In the terms on which it provides a service to the disabled person.

“Less favourable treatment” discrimination occurs when a provider treats a disabled person less favourably, for a reason related to their disability, than a non-disabled person. It is important to note that the treatment only has to be for “a reason relating to” the person’s disability.

The duty to make reasonable adjustments comprises three main areas:

- Making appropriate changes to practices, policies and procedures.
- Providing auxiliary aids and services.
- Overcoming physical features of premises by:
 - removing the feature; or
 - altering it; or
 - avoiding it; or
 - providing services by alternative methods.

Whether it is “reasonable” for clubs to make adjustments will be guided by:

- Whether taking a particular step would be effective in overcoming the difficulty that disabled people face in accessing the services in question.
- The extent to which it is practicable for the service provider to take the step.
- The financial and other costs of making the adjustment.
- The extent of any disruption which taking the steps would cause.
- The extent of the service provider’s financial and other resources.
- The amount of any resources already spent on making adjustments.
- The availability of financial or other assistance.

These points are not exhaustive, but are likely to be the main questions that should be considered in determining whether a particular step is reasonable, and they will be considered by the courts if clubs seek to justify failing to make reasonable adjustments.

In addition, clubs should be aware that the duty to make reasonable adjustments is an “anticipatory” duty. That means that a club has a duty to anticipate the needs of its disabled customers and make appropriate reasonable adjustments on a continuing basis. This aspect of the duty means that the club should not wait until a disabled customer seeks to use a service before making adjustments: if the disabled customer’s needs could reasonably have been foreseen, then steps should be taken in advance.

Because the club has a duty to anticipate the “collective” requirements of its disabled customers it will, naturally, seek solutions that have the widest impact. This is good practice and what the law intends. However, the club may still have a duty to an individual who may request, for example, a different “adjustment” to that already made. Whether it would be reasonable to make an additional adjustment would be subject to the tests outlined above.

In considering what “reasonable adjustments” to make, the club cannot necessarily seek the easiest option (unless it is the only option). It must seek to put the disabled person in the same position as non-disabled customers, in so far as it is reasonable to do so. For example, a club shop could be made accessible by installing a portable ramp, but the club decides that it will provide an alternative service by bringing goods to the door of the shop for its disabled customers to buy. Unless there are other legitimate reasons why the ramp could not be installed the club is likely to be discriminating by providing a lesser service, since disabled customers will be denied the opportunity to browse along with non-disabled customers.

In any event, the only grounds on which a club can legally “justify” less favourable treatment, or failing to make a reasonable adjustment, are as follows:

- (a) Because the treatment is necessary in order not to endanger the health or safety of any person (which may include the disabled person).
- (b) Where the disabled person is incapable of entering into an enforceable agreement, or of giving an informed consent, and for that reason the treatment is reasonable in that case.
- (c) In a case of refusal to make provision, because the provider of services would otherwise be unable to provide the service to members of the public.
- (d) In cases about the terms or standard of provision, because the treatment is necessary in order for the provider of services to be able to provide the service to the disabled person or to other members of the public.
- (e) Because the difference in the terms on which the service is provided to the disabled person and those on which it is provided to other members of the public reflects the greater cost to the provider of services in providing the service to the disabled person.

Changes to the law brought about by the Disability Discrimination Act 2005 have not affected the above obligations on service providers. However, this Act has extended the law in two relevant respects:

- First, the law now covers the actions of ‘private clubs’.
- Second, the law now also covers some aspects of the provision of transport. This may mean that if clubs arrange transport to away games (either alone or as part of a package including tickets and accommodation) they may have to ensure that such transport is accessible to disabled people as part of the duty to make reasonable adjustments.

See further guidance for clubs on ‘Match day access’ (page 17).

Private members clubs

Private clubs are defined as clubs with more than 25 members and which regulate membership by a constitution. Generally, this means a membership policy that is based on personal criteria that would require a personal application and (for example) sponsoring or nomination by an existing member, or some form of voting process by existing members.

It may be that clubs will operate private clubs, alongside the services that they offer to the public. Supporters associations may or may not be private clubs, depending on the way in which their membership is decided. It seems most likely that 'VIP' groups offering particular benefits to members would be the type of group that is covered by these new provisions. Of course, each association would need to be assessed against the legal test but in any event there will no longer be any basis for arguing that certain clubs are not covered by the DDA.

Disabled applicants, members, and guests of private clubs are protected under the new provisions. The forms of discrimination that are prohibited are the same as under the general Part 3 provisions, and private clubs are prevented from discriminating:

- By refusing an application for membership, or in the terms on which it is prepared to admit a person to membership.
- By refusing a member or a guest access to club benefits, or in the way it offers that access.
- By varying the terms of membership.
- In the terms on which it invites, or allows members to invite, persons to be guests.
- By depriving someone of their membership.

The duty to make reasonable adjustments requires changes to practices, policies or procedures, alterations to premises and the provision of auxiliary aids and services, as in the general Part 3 provisions.

Provision of other services: tie-ins and sponsorship

Clubs are now frequently involved in the provision of other services, either themselves or in partnership with others.

Of course, contractors and other companies with whom clubs work will almost certainly have their own duties under the DDA and it is not the clubs' obligation to make them comply with those duties. However, clubs cannot ignore discrimination by companies that they work with, and risk being liable (at least jointly).

When entering into contracts for provision of other services, tie-ins and sponsorship agreements, clubs should accordingly give consideration to the extent to which the other party to the agreement meets their duties under the DDA.

As with the provision of transport to away matches, clubs should seek to determine, in advance, whether there are any disability discrimination issues that could arise under contracted arrangements and to what extent the contractor complies with its duties.

Taking steps to check these issues in advance is potentially a requirement of the "anticipatory" duty to make reasonable adjustments. It is unlikely to be necessary for clubs to reconsider existing contractual arrangements but where contracts are renewed or new agreements entered into, these matters should be given some consideration and a record kept in order that it may be produced if any claim is brought against the club.



TICKETING ISSUES

Ticketing policy

Although there is no legal requirement under the DDA to have a written policy on ticketing, this is likely to be an important element in defending any claim of discrimination.

A club's policy in relation to ticketing arrangements for disabled supporters should seek to provide the same level of service as they provide to non-disabled supporters. Clubs will accordingly need to make reasonable adjustments to ensure, where reasonably possible, that this happens.

The disabled persons ticketing policy should be clearly set out as part of the club's written customer charter. Clubs should seek to ensure that the disabled persons ticketing policy:

- Provides general information about availability and pricing, giving details of changes at the earliest possible opportunity.
- Aims to promote greater accessibility.
- Allows for a broad range of ticket prices, including reduced prices for seats with restricted view and concessionary prices.
- Include details of any membership or loyalty scheme (whether limited to disabled supporters or not). It should be noted that any such scheme for disabled supporters should be voluntary, unless all non-disabled supporters are also required to join a scheme.

The policy must also comply with supporters Regulation 31.2.12, in relation to the provision of a percentage of the disabled spaces to disabled away supporters. Currently, the rule requires that 10% of the disabled spaces in the stadium must be allocated to away disabled supporters. Ideally these should be situated within the away supporter areas. Reasonable adjustments should be taken to ensure this.

Ticket eligibility

For some clubs, there will be times when the demand for seats is greater than the supply. Determining eligibility for accessible disabled seating such as wheelchair spaces (or other seating for disabled supporters) should so far as possible be on the same basis as for non-disabled supporters. However, whatever arrangements are made clubs should ensure that these are clearly set out in advance.

For example, if a disabled person is seeking a season ticket, they should be subject to the same rules as a non-disabled applicant. If a club sets aside a number of wheelchair spaces for season ticket holders, then it should allocate these on the same basis as it allocates other season ticket seats.

Where a non-disabled season ticket holder claims that they have become disabled and wish to change from a non-disabled seat to, for example, a wheelchair space, it would be reasonable for a club to seek to accommodate that request. If all of the wheelchair spaces are already allocated, it may not be reasonably possible to permit this and the disabled person could be placed on the waiting list instead.

One issue that has been raised by a number of clubs is that of how eligibility for concessionary disabled seating should be determined. There are a number of potentially lawful arrangements that could be adopted. However, given clubs' duties under the DDA, the League would recommend that eligibility for concessions for disabled people should be determined by the club themselves.

Clubs are entitled to seek evidence from people claiming to be disabled, where that might be in doubt. However, they should not do so save where necessary and a club's policy in this regard should clearly explain the circumstances in which this could arise. In particular, clubs should not seek evidence of disability unless a person is applying for the admittance of a PA or for designated disabled seating such as a wheelchair space, or are seeking other assistance from the club as a result of their disability.

Where a person does not disclose their disability (or does not let the club know, for example, that they will not be bringing their own personal assistant), it may be reasonable for a club to refuse to admit them if it would not be possible to make any necessary adjustments (such as arranging for someone to support them) at short notice. Clubs should encourage disabled persons who will require support and assistance to make this clear to them as soon as possible.

Ticket administration and purchasing

This is a key area in which the duty to make reasonable adjustments is likely to have a day-to-day effect on clubs. There are now a number of different ways that non-disabled supporters can purchase tickets and clubs will normally need to make reasonable adjustments to ensure that disabled supporters can use the same routes to purchase tickets.

Wherever supporters can buy tickets in person, clubs should endeavour to make those locations accessible to disabled supporters. Reasonable adjustments might include ramps or other assistance for external access, an induction loop for those with hearing impairments, and lowered counters for wheelchair users.

Equally, where supporters can use other arrangements for purchasing tickets, clubs should seek to ensure that they are accessible as well. Where non-disabled supporters can purchase tickets over the telephone or on the Internet, it is likely to be reasonable to provide textphone services and accessible internet pages to allow disabled supporters to do so as well. Where paper applications (such as forms applying for season tickets) are required, clubs should ensure that there are suitable alternatives available for disabled supporters who cannot use this method.

Clubs should seek to ensure that disabled people can buy tickets on match days in the same way that non-disabled people can, subject, of course, to availability. It is unlikely to be lawful for clubs to refuse to make such arrangements, given that there are likely to be reasonable adjustments that can facilitate such sales.

Staff training has always been an important aspect of meeting the duty to make adjustments. It remains important that all staff and managers who are likely to deal with customers should receive Disability Equality training, including clear training on the club's policies and the adjustments that have been made. This is to ensure that not only are adjustments made, but that disabled people can easily access them.

In that regard, some clubs have a named contact to assist with disabled ticketing issues. This may well be a reasonable adjustment for them to make. However, clubs should not rely on that person alone as a source of information for disabled supporters, as that would mean that they would be given fewer options when buying tickets than non-disabled supporters.

As detailed above, the League recommends that clubs should determine eligibility for, and distribute, concessionary disabled tickets (such as for wheelchair spaces) themselves. If clubs use external agencies for ticket sales, it is unlikely that such agencies will sell tickets for disabled supporters. However, it might be a reasonable adjustment for the agencies to be given details of appropriate contacts at the club to whom they can refer disabled supporters seeking tickets.

Ticket pricing

Some clubs offer concessionary prices for disabled supporters. Subject to the points set out below, this is permitted under the DDA (as it is more, rather than less, favourable treatment) although it is not required, and clubs can charge disabled supporters the full price, should they wish.

Such concessions should be clearly set out in the ticketing policy. There are likely to be two lawful ways in which concessions could be given to disabled people:

- By reference to the fact that they are disabled. This would have to apply to all disabled supporters, and could not be limited to those with only certain impairments. A policy that provided simply that blind supporters would have a concession, while deaf supporters would not, would be likely to be unlawful.
- By reference to certain sections of the stadium, e.g. the wheelchair accessible seating, or other areas reserved for disabled supporters.

Where non-disabled children receive a concession, disabled children should receive a similar concession, by reference to the relevant disabled adult ticket price.

Clubs may also have arrangements for providing free tickets to various groups (such as schools or local community associations) as part of their ticketing policy. In principle, disabled people should be included in this provision and where an offer is made to a school and a disabled student wishes to take up a seat, where possible that should be offered as a reasonable adjustment. Depending on the arrangements, it may also be reasonable, for example, to arrange that the other children attending should sit near the disabled student, so that they are not isolated. If, however, all of the accessible seating is already occupied, then the club may be justified in not offering any disabled seats as part of a free ticket offer.

Personal Assistants (PAs)

Questions regarding clubs' obligations to admit, charge and provide for PAs for disabled supporters are among the most common that are posed.

First, clubs are entitled to ask for confirmation that a disabled person requires a PA in order to access the services that are being provided (including a free ticket for a PA). If the disabled person could access the service without a PA, the club would not be obliged to admit a PA (unless, of course, they purchased a separate ticket). However, where a person is disabled within the meaning of the DDA, it is often more straightforward to offer a free ticket to a PA, rather than to enquire as to whether that particular disabled person does in fact require extra help.

Where a disabled person does require a PA in order to be able to access the services that the club provides, the League recommends that the club should admit both the disabled supporter and the PA, and charge only the price of admission for the disabled person. This is likely to be a reasonable adjustment that the club should make to permit the disabled person to access the services they provide.

Charging a disabled supporter and their PA a total greater than the full price of one ticket for the disabled supporter (including any concession for which they are eligible) would be likely to be unlawful. Where a disabled person requires personal support in order to attend a match, if the club do seek to charge for a PA and the disabled person refuses, the club would have to make reasonable adjustments – in particular arranging their own support – to allow the disabled person to access the services they provide.

Although they do not have to, a club may admit both the disabled supporter and their PA without charge. Where they do charge a price, this should be charged to the disabled supporter, as they are the person receiving the service.

Clubs cannot require disabled supporters to be accompanied by a PA, although they can encourage this. If a disabled supporter decides not to bring a PA, then the club cannot refuse to provide them with any service, unless there are valid reasons for doing so, and such reasons would need to fall within those described in the section on 'What Duties are Placed on Clubs by the DDA'.

It is sometimes proposed by disabled people that children act as a PA. Providing that the child is indeed providing assistance to the disabled person to allow them to attend, the club should permit the child to act as a PA. Accordingly, clubs should not seek to impose a minimum age for PAs. Equally, other disabled people may act as PAs.

Where the disabled person is a young child, and their PA is their parent, it is unlikely to be necessary for clubs to allow the adult to attend for free as part of the reasonable adjustments duty, if they require all children (including those who are not disabled) to be accompanied by an adult. For example, if the club's policy requires all children under 12 to be accompanied by an adult, then charging both a disabled child and their parent would not be treating them less favourably than non-disabled children.





MATCH DAY ACCESS AND FACILITIES

Car parking

Where clubs provide parking for supporters (whether this is at the stadium itself or at other locations) on match days, it is likely to be a reasonable adjustment for them to provide some spaces reserved for disabled supporters.

Allocation of such spaces can be limited to those disabled people who would have difficulty accessing the stadium unless they are able to secure a nearby parking space (such as a Blue Badge holder). There may well be disabled supporters who have no difficulty with mobility and could make their way to the stadium without the need for such parking, in which case clubs would not need to seek to provide it. In any event, if demand is greater than supply then the club can allocate spaces to those who require them, on a first come, first served basis or by lottery.

There is no statutory requirement for any particular number of disabled parking spaces to be made available. However, guidance from the Department of Transport suggests the following:

CAR PARK USED FOR	CAR PARK SIZE	
	UP TO 200 BAYS	OVER 200 BAYS
<ul style="list-style-type: none">Employees and visitors to business premises	<ul style="list-style-type: none">Individual bays for each disabled employee plus 2 bays or 5% of total capacity whichever is greater	<ul style="list-style-type: none">6 bays plus 2% of total capacity
<ul style="list-style-type: none">Access to shopping, recreation and leisure	<ul style="list-style-type: none">3 bays or 6% of total capacity whichever is the greater	<ul style="list-style-type: none">4 bays plus 4% of total capacity

Clubs are of course permitted to arrange for greater numbers of disabled spaces, and the above figures are not requirements of the DDA, so clubs may be able to justify lower percentages. However, the League would recommend that, as a minimum, the guideline figures in the bottom row of the table above should be adopted, so that a minimum of 5-6% of total capacity should be designated as for disabled supporters.

As well as designating spaces for disabled supporters, clubs will also need to ensure that steps are taken to prevent abuse or misuse of these spaces, so that they are in fact available to disabled supporters. Notes of guidance issued by the Department for Transport provide that:

“Part III of the DDA requires service providers to take reasonable steps to ensure that disabled people do not find it impossible or unreasonably difficult to enjoy the services on the same basis as non-disabled people. This will have implications for car park operators who may have to demonstrate that, as well as marking out disabled parking spaces, they have taken reasonable steps to ensure that they are available to disabled people.”

If a disabled person were to seek a space, but find that all the designated spaces are taken by cars of non-disabled people, then they could bring a claim and the club may need to show that they had taken steps to prevent that situation arising. The only step that is likely to satisfy this is to have stewards supervising the spaces.

In addition to the above recommendations, clubs should consider taking other steps to improve parking and other access issues. For example, clubs could seek to arrange for ‘Park and Ride’ type services for car parks further from the stadium, or specify a particular area as a ‘drop-off’ area for disabled people.

Transport to away games

There is no general requirement that a club arrange for transport for supporters to away games. If a club does not arrange transport for anyone then it is unlikely that it will be required to do so under the DDA for disabled people. However, if a club does arrange transport, it is likely that they will need to take into account the needs of disabled supporters who may wish to take advantage of this, in two ways:

- First, as part of their general duty to make reasonable adjustments, when booking coaches (or any other form of transport), clubs should investigate whether the company providing the transport can arrange accessible transport and, where available, make use of providers who can do this.
- Second, under the new duties in relation to the provision of “transport services”, providers cannot discriminate in the provision of transport by way of coaches or other hire or rental vehicles. Although this obligation will be primarily placed on the company providing the vehicle, where a club contracts with such a company it will need to ensure that the company’s vehicles comply with this requirement. The new duties require that disabled people are not treated less favourably by being refused access to transport and that providers must make reasonable adjustments to allow for disabled people to access services. However, this does not require them to make physical changes to vehicles or permanent additions to the fabric of the vehicle.

Seating and viewing: the duty to make adjustments to physical features

Arrangements for seating and ensuring that supporters can be fully involved in match day events will, of course, need to be planned well in advance, and some issues will need to be considered in the long term – such as the physical layout of the stadium and the number of wheelchair accessible spaces. However, clubs do have to consider these issues as part of their duty to anticipate necessary reasonable adjustments.

With regard to the physical layout of a stadium, clubs are required to make adjustments to ensure that disabled people are not prevented from accessing the services that are being provided. This can involve creating or modifying access routes for those with mobility impairments and also providing wheelchair accessible spaces and seating for ambulant disabled people.

Whether or not certain adjustments are reasonable in this context will depend on a number of factors. The extent to which it is possible to alter an existing stadium, particularly older stadia, may be less than in new-build or recently built stadia. Whenever construction work is undertaken, clubs should ensure that their DDA duties are considered.

In addition, Part M of the Building Regulations deals with access to buildings for disabled people, and these must be borne in mind whenever new construction work is being undertaken. If new construction work does meet the standards set out in those Regulations, as should usually be the case, clubs will not be required by the DDA to make any adjustments to physical features which are dealt with by the Regulations, even if they would otherwise be reasonable, for a period of 10 years.

One particular issue that has arisen is whether wheelchair accessible spaces for away supporters should be placed next to the areas for non-disabled away supporters. The position is that this is not automatically required under the DDA. However, it is likely to be necessary, and would certainly be prudent, for clubs to make reasonable adjustments to permit this where it is possible to do so.

The duty to make adjustments to physical features applies to all areas of the stadium and not just the general seating areas. Clubs should thus seek to ensure that accessible toilets for disabled people are available and that other services on the premises, such as food outlets, are accessible. Executive boxes, lounges and bars should also be made accessible as far as is reasonably possible.

Provision of match day information and other auxiliary aids and services

As well as the 'core' service of providing a seat to watch a match, clubs will offer a large variety of other additional services to supporters and are required to make reasonable adjustments to ensure that these can be accessed by disabled supporters.

Examples of the additional services that might need to be adjusted include:

- External signs, including for disabled parking bays, drop-off points, etc.
- Direction and facilities signs within the stadium.
- Stadium video boards.
- Tannoy announcements.
- Football commentary facilities.
- Evacuation procedures.
- Match day programmes.
- Food and beverage facilities.
- Stadium shops and merchandise outlets.

This list is far from exhaustive, and there are likely to be a number of other facilities available to supporters that may need adjustment to meet the needs of disabled supporters. Clubs should ensure that they carry out regular access audits to ensure that reasonable adjustments are in place.

Taking, by way of example, match day programmes, the type of adjustment that may be required could include arranging for the programme to be available in different formats such as Braille, large print or audio tape. A number of factors will need to be borne in mind when determining what alternative formats are reasonable, including:

- Would it be feasible to produce, for example, a Braille translation within the time available from the deadline for the programme and the match?
- Would certain information be capable of being transferred into alternative formats (for example, could a league table be reproduced on audio tape, and if not would it still be reasonable to put the rest of the programme on tape)?
- What would be the cost of production as against the likely demand?

Match day catering is another service that may need to be adjusted. Where catering is subcontracted, the duties under the DDA with regard to provision of the catering are likely to fall on the contractor. However, the club may be liable for issues relating to the accessibility of the facility – such as the need for a lowered counter.

As stated above, clubs should seek to ensure that accessible toilets for disabled people are available. Clubs should take steps to prevent use of these toilets by non-disabled people and thus ensure that they are available when required by disabled people. Toilets could be kept locked until required, although it should be possible for disabled people to easily obtain access when necessary.

Clubs should usually permit disabled people to bring a PA with them, where they require this to access the services provided. However, where a person requires assistance but does not have anyone with them, the club may be required to provide such assistance by way of a reasonable adjustment.

Match day stewards

All club staff, including managers, who may be involved in providing services to the public should receive Disability Equality Training. This would include stewards, whether or not they are paid and whether or not they are employees of the club.

The club is likely to be responsible for stewards' actions, and if a steward discriminates against a disabled supporter then the club is likely to be liable for this. Stewards' training should therefore ensure that they are aware of the support available to disabled people and can either provide it themselves or direct the disabled person to the correct location to access it.

The following are some examples of assistance that could be provided by stewards. In some cases, stewards will be employed specifically to undertake this work but all stewards should be aware that they should do so where reasonable:

- Giving directions to disabled people to appropriate entry gates.
- Assisting disabled people from drop-off points into the stadium.
- Ensuring that disabled parking bays are correctly used.
- Ensuring safe crowd flow through club shops.
- Supervising access to accessible toilets for disabled people.
- Assisting access to lower counters at catering and other concourse facilities.
- Lounge stewards might carry food for disabled customers where otherwise arrangements are self-service.







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