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**Disabled Access Scrutiny Task Group**  
Report of the AD Governance & ITT

12 February 2015

**Disabled Access to York's Heritage & Cultural Offer –  
Draft Final Report**

**Summary**

1. This report presents information gathered to date in support on the scrutiny review of Disabled Access to York's Heritage & Cultural Offer, together with the Task Group's draft recommendations for their consideration.

**Background to Review**

2. In June 2014 the Learning & Culture Overview & Scrutiny Committee agreed to proceed with a review of disabled access to York's heritage and cultural offer, and set up a Task Group made up of the following Members to carry out the review on their behalf:

Cllr Julie Gunnell (Chair)  
Cllr Jenny Brooks  
Cllr Fiona Fitzpatrick  
Cllr Neil Barnes (Co-optee)

3. The Task Group met for the first time in early August 2014, and agreed the following review remit:

Aim:

To improve all forms of access to York's heritage and cultural offer

Objectives:

- i. To understand legal requirements & identify best practice from elsewhere
- ii. To assess current levels of access for those with a range of impairments
- iii. To identify possible improvements and barriers

- iv. Facilitate the sharing of good practice across York's network of providers

## **Introduction**

4. The Equality Act defines disability as 'A physical or mental impairment which has a substantial and long term adverse effect on your ability to carry out normal day to day activities'. The social model of disability uses the term 'disabled people' as a political one. People may have physical or sensory impairments, mental health conditions, or learning difficulties, but they face barriers in daily life because of the way society has developed. They are in essence, disabled by society. For example, a wheelchair user may have a physical impairment, but if buildings are developed with ramps and lifts, they are not 'disabled'. Similarly, if we provide sign language interpreters at meetings, deaf people who use signing are not disabled, but if we do not, they are.
5. Nationally about one in five people live with an impairment or long-term health condition. The population of York is 198,051. According to the 2014 Joint Strategic Needs Assessment for York, 6.6% of the population have a long-term health problem or disability which significantly limits day to day activities, this represents 13,018 people. Additionally, 3.1% of those aged 0-24 have a limitation in day-to-day activities. In 2009, 2,304 people in York were diagnosed as having dementia. By 2015, this number is predicted to increase to 2,708. It is estimated that at any one time there are approximately 170 individuals living with a mental health condition for every 1,000 people aged 16 to 74 years in York. This equates to around 25,000 people experiencing various kinds of mental health conditions ranging from anxiety and depression to severe and enduring conditions including dementia and schizophrenia, (data from 2008). Finally, there are 18,224 self-declared unpaid carers in York, 9.2% of the population. Taken together these statistics represent a significant proportion of the local population who are affected by disability or mental health in some way.
6. In summer 2013, Healthwatch York undertook a survey to look at the discrimination disabled people face in York, predominantly in terms of the attitudes disabled people faced both from service providers (GPs, shop assistants etc.) and the general public. They concluded that disabled people face a variety of discrimination from both service providers and the general public.

7. Beyond the moral and legal perspectives, there is a compelling business case for making an organisation's products and services fully accessible to people with disabilities. For example:
  - A third of people in the UK are disabled or close to someone who is.
  - 10 million disabled people live in the UK with a combined annual spending power in excess of £80 billion.
8. In 2006, the Business Disability Forum<sup>1</sup> and the Royal Association for Disability and Rehabilitation (now Disability Rights UK) undertook a survey into the opinions and shopping habits of disabled customers. What emerged was a picture of informed consumers who will reward good customer service and punish providers who don't make any effort to meet their needs. However, 83% of disabled people had 'walked away' from making a purchase, unable or unwilling to do so. The most important factor was inaccessible premises. Other important factors that discouraged disabled consumers from spending were poorly designed products and staff that were not disability confident, rude or appeared prejudiced.
9. Poor or inappropriate communications was another area that affected spending. Inaccessible websites, telephone systems and printed information were all cited by respondents as reasons they did not make a purchase.
10. Over a third of disabled people said that good disability service was the primary reason for choosing a provider or product. Two thirds chose businesses where they had received good customer service related to their disability. Companies that told disabled people about the accessibility of their products attracted those consumers.
11. The Business Disability Forum has also developed a communication tool to explain how disability is likely to affect a customer base. These disability profiles provide some basic management information which helps to explain why an organisation needs to be disability-smart. A disability profile can help managers learn how to meet the needs of a wide range of customers and they can be tailored to reflect the reality of any particular business or industry sector. Their UK customer profile for 2014 is shown at Annex A.

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<sup>1</sup> Business Disability Forum is a not-for-profit member organisation that bringing together business people, disabled opinion leaders and government to understand what needs to change if disabled people are to be treated fairly so that they can contribute to business success, to society and to economic growth.

## Information Gathered

### Objective (i) - Legal Requirements & Best Practice

#### 12. Disability Law in the UK – The Equality Act 2010

The Equality Act 2010 is the overarching piece of legislation that protects the rights of disabled people in the UK. It prohibits all discrimination on the basis of a range of characteristics including age and disability. In addition, the Act aims to promote and achieve equal opportunities for all.

#### 13. Prior to the introduction of the Act, duties on service providers towards disabled people had been phased in, over three stages under the 1995 Disability Discrimination Act (DDA):

- From December 1996 it was unlawful for service providers to treat disabled people less favourably for a reason related to their disability;
- From October 1999 service providers had to make 'reasonable adjustments' for disabled people, such as providing extra help or making changes to the way they provide their services<sup>2</sup>; and
- From October 2004, service providers had to take reasonable steps to remove, alter or provide a reasonable means of avoiding a physical feature which made it impossible or reasonably difficult for disabled people to use a service<sup>3</sup>.

#### 14. The Equality Act 2010 gives rights to people who have, or have had, a disability. 'Disability' covers both physical and mental impairments that have a substantial and a long-term effect on the person's ability to carry out normal day-to-day activities. A long-term effect is one which has lasted, or is expected to last, at least 12 months or the rest of the person's life (if shorter). Treatment and aids which alleviate or remove the effect of the impairment do not mean a person is not disabled.

#### 15. Progressive conditions are covered, as are conditions that have a substantial effect for short periods but are likely to recur. HIV, multiple sclerosis and cancer are deemed to be disabilities from the date of

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<sup>2</sup> This does not place a duty on landlords to make 'reasonable adjustments' to their properties.

<sup>3</sup> The *Disability Discrimination (Providers of Services) (Adjustment of Premises) Regulations 2001* (SI 2001/3253) were laid before Parliament in October 2001 and came into force in October 2004. These Regulations were amended twice to take account of changes to the Building Regulations – see SI 2004/1429 and SI 2005/1121

diagnosis. People with severe disfigurements are also deemed to be disabled by the Act, as are people who are registered as blind or partially sighted with their local authority or an ophthalmologist. People who have had a disability in the past are also protected by the Act. This is the case even if they have now fully recovered.

16. The Act places duties on those providing goods, facilities or services to the public and those selling, letting or **managing premises in the UK**. The Act makes it unlawful for service providers, landlords and other persons to discriminate against disabled people in certain circumstances.
17. People associated with a disabled person and people who are wrongly perceived to have a disability are also protected from direct discrimination and harassment but do not benefit from the duty to make reasonable adjustments.
18. Although current UK equality law says disabled people must receive an equal experience to non-disabled peers, the reality is different. Scotland made disabled access part of its entertainment licensing laws in October 2011 (provision for disabled visitors is now a condition for getting a new alcohol licence), the rest of the UK has no such requirements, and disabled music fans often find themselves excluded from events.
19. Reasonable adjustments – A key aspect of the Equality Act that can impact on organisations is the duty to make reasonable adjustments. A service provider or provider of public functions has a duty under the Equality Act to make reasonable adjustments to prevent a disabled person from being placed at a substantial disadvantage by any provision, criterion or practice, or a physical feature of premises or the lack of an auxiliary aid.
20. Where this is the case reasonable steps must be taken to remove or alter the feature or provide a reasonable means of avoiding the feature. The Equality Act also covers the provision of information which must be provided in an accessible format.
21. The key provision governing reasonable adjustments for disabled people is in section 20 of the Equality Act 2010 and the explanatory notes to the Act explain the duties of service providers under section 20 – see relevant extract from the Act at Annex B.

22. The duty comprises three requirements which apply where a disabled person is placed at a substantial disadvantage in comparison with non-disabled people:
- The first requirement covers changing the way things are done (such as changing a practice),
  - The second covers making changes to the built environment (such as providing access to a building),
  - The third covers providing auxiliary aids and services (such as providing special computer software or providing a different service).
23. Section 20 makes it clear that where the first or third requirements involve the way in which information is provided, a reasonable step includes providing that information in an accessible format.
24. It sets out that under the second requirement, taking steps to avoid the disadvantage will include removing, altering or providing all reasonable means of avoiding the physical feature, where it would be reasonable to do so. It also makes it clear that, except where the Act states otherwise, it would never be reasonable for a person bound by the duty to pass on the costs of complying with it to an individual disabled person.
25. The Equality Act 2010, as with the DDA before it, cannot require anything to be done that would contravene another piece of legislation. For example, where a service provider must get statutory consent to a particular alteration, including listed building or scheduled monument consent, and that consent is not given, the Equality Act 2010 will not have been contravened. However, a service provider would still need to take whatever other steps under the Act were reasonable to provide the service.
26. Planning Guidance on Disabled Access to Historic Buildings  
Planning Policy Guidance Note (PPG 15) issued by the Department of the Environment, Transport and the Regions makes it clear that:
- 'It is important in principle that disabled people should have dignified easy access to and within historic buildings. And that with a proper approach, it should normally be possible to plan suitable access for disabled people without compromising a building's special interest.'*
27. Reconciling the aims of improving access with the needs to conserve the importance and significance of the historic building is the next step. Depending on the sensitivity and importance of the building, owners of

historic buildings are advised to seek the advice of the local authority Conservation Officer, English Heritage, the relevant National Amenity Society, and the local Access Officer to ensure that proposals for alterations protect or enhance the historic building, and are of a suitable quality and effectiveness for people with disabilities to justify the alteration.

28. It is not envisaged that every building will have ramps and lifts everywhere, for all sorts of reasons, and on occasions a strategic review of the services provided might be useful. For example if several premises are owned, would it be acceptable and desirable if one venue is easier to adapt and the others left unaltered? Economic constraint is another aspect of reasonableness.
  
29. Where physical barriers cannot apparently be overcome by making alterations, the Equality Act 2010 allows for alternative means of providing a service (for example such as by mail order or a 'virtual' visit or an alternative venue) or using an alternative route into the building, or providing personal assistance, or ensuring good access to services is provided on the ground floor. These may be referred to as managed solutions. Part M of the Building Regulations 2000 requires the submission of an Access Statement which will explain why the historic specialness of the building requires a deviation away from standard solutions. The Society for the Protection of Ancient Buildings<sup>4</sup> (SPAB) believes this flexible approach is to be welcomed:

*“It is our experience that most buildings can be successfully and effectively altered to provide reasonable access, but this does require a good understanding of both historic building conservation and how to accommodate the needs of people with disabilities. For example, you may have to look at good effective lighting which helps visually and hearing impaired people; sensible choice of colours and tones need not be garish to provide effective contrast to aid identification of possible hazards and changes in levels make the environment safer; automatic door openers may avoid alterations to building fabric being required; and we like to emphasise that beautifully designed and manufactured*

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<sup>4</sup> The Society for the Protection of Ancient Buildings was founded by William Morris in 1877 to counteract the highly destructive 'restoration' of medieval buildings being practiced by many Victorian architects. Today it is the largest, oldest and most technically expert national pressure group fighting to save old buildings from decay, demolition and damage. The Society has a statutory role as adviser to local planning authorities, and must be notified of listed building applications that involve total or partial demolition.

*handrails, for example, and any other additions and alterations, keep our traditional arts and crafts alive.”*

30. The View of English Heritage

English Heritage updated its booklet ‘Easy Access to Historic Properties’, in December 2012 to take account of the 2010 Act and changes to planning legislation – see copy at Annex C. The booklet is designed to help those who own, manage, or are professionally concerned with historic properties to strike a balance between conservation and access.

31. In addition, the English Heritage website contains the following statement on the need to reconcile access requirements without compromising the nature of historic buildings:

*‘Historic buildings, landscapes and monuments, the physical survivals of our past are protected for their sake and for ours. They are irreplaceable but sometimes they need to be changed. Appropriate or sensitive alteration will have due regard for what it is that makes a particular building special or significant. In most cases access can be improved without compromising historic buildings. The key lies in the process of information gathering about the building, understanding its significance and vulnerabilities and knowledge about the needs of people with disabilities.’*

32. English Heritage also provides information on the process through which service providers, including owners of historic buildings that are open to the public, should develop an “access strategy” – see Annex D.

33. Best Practice - Cinemas & Theatres

Cinemas and theatres are popular places for spending leisure time. Most cinemas, especially modern multi-screen types, are able to provide good facilities for people with disabilities, whilst some theatres are more restrictive due to the age and fabric of the buildings. However many disabled people feel that as a disabled customer they often fail to receive the same service as a non-disabled person.

34. In many cinemas and theatres only certain auditoriums are accessible to people with mobility difficulties. This has the effect of leaving disabled people with fewer options and facing discrimination. Disabled people often also have to call cinemas and theatres in advance to find out where performances are taking place which means they cannot make spontaneous choices.



35. Trailblazers, a nationwide organisation of 190 young disabled and non-disabled campaigners<sup>5</sup> reported in 2009 that wheelchair users often had no other option but to sit at the front of the auditorium or stage. This means that they had to lean back to watch the screen or stage - a position that proved tiring and painful for someone with a muscle-wasting condition - rather than straight ahead as a person seated further back in the auditorium would. They also told of being labelled a 'fire risk' by staff members at cinemas, when they transferred from their wheelchairs into a cinema or theatre chair to avoid sitting in an area of the auditorium that caused discomfort.
36. Trailblazers also found it was common for wheelchair users to be refused entry to theatres unless they were joined by a non-wheelchair user and seated in an expensive area, thus being forced to buy a more expensive ticket (although receiving a concession for the PA/carer).
37. The cinema industry however has been commended on its use of the Cinema Exhibitors Association card (CEA) which gives concessionary tickets for carers and personal assistants across the cinema industry. The Cinema Exhibitor Association introduced their card scheme 10+ years ago to assist cinemas in meeting their duties under the Equality Act 2010. It was devised by the CEA in consultation with its disability advisers and representatives from several disability charities.
38. All of the major cinema operators and many smaller cinema companies in the UK accept the CEA card, including all of the cinemas in York. Whilst it is not the only way cinemas can provide assistance to disabled customers, it is widely recognised and accepted as good practice. Most cinemas hold application forms at the box office but they can also be downloaded from The Card Network website: [www.ceacard.co.uk/](http://www.ceacard.co.uk/)
39. The card entitles the cardholder (the person with the disability) to a free ticket for someone to accompany them when they visit the cinema (when one full price ticket is purchased). The CEA card is valid for 1 year, and the cardholder can visit the cinema as many times as they wish during the year. To apply, applicants need to supply a passport-sized photo with their application to appear on the Card, and submit proof to show that they meet one (or both) of the following criteria:

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<sup>5</sup> Trailblazers are part of the Muscular Dystrophy Campaign, the leading UK charity focusing on all muscle disease. They aim to fight the social injustices experienced by young people living with muscle disease and ensure they can gain access to the services they need.

- Be in receipt of Disability Living Allowance, Attendance Allowance or Personal Independence Payment.
- Be registered blind.

40. Best practice for cinemas suggests the following should be made available:

- Audio description in films for the blind and visually-impaired. This is where the action, scene changes and the actors' body language is described in addition to the dialogue. You listen to the commentary through a lightweight headset. Some cinemas have the system for all their screens which means that every screening of a film can be audio-described. At others, audio-described films are indicated in listings on the cinemas websites.
- The layout of the cinema complex and other information in Braille and programme times available as a recorded message over the telephone.
- Induction loops for deaf and hearing-impaired customers (infrared, induction or both). Many cinemas also run subtitled screenings on a regular basis. This is usually indicated in listings.
- A designated area for wheelchair users. Wheelchair users or those with restricted mobility are encouraged to contact a cinema in advance to check their facilities.
- For those with an Assistance dog, most cinemas ask to be informed in advance so that they can allocate the most appropriate seating.

41. The 'Your Local Cinema.com' website has country-wide listings of audio-described screenings and subtitled screenings in cinemas, as well as available audio-described DVD titles. Full details of the facilities offered by York's cinemas are given in Annex E.

42. Best Practice - Live Music Venues

The charity 'Attitude is Everything' improves deaf and disabled people's access to live music by working in partnership with audiences, artists and the music industry.

43. Having begun as a pilot project in 2000, they are now a fully independent charity and part of Arts Council England's National Portfolio of Organisations. Their aim is to encourage events producers to go beyond the legal obligations set out in the Equality Act and implement best

practice, providing a fair and equal service to their deaf and disabled customers.

44. They support the music industry to understand Deaf and disabled people's access requirements at music venues and festivals by building equality into the strategic process using a Charter of Best Practice. The ethos of the Charter is that Deaf and disabled people should be as independent as they want to be at live music events and over 90 venues and festivals have already signed up.
45. They also created a Charter Toolkit in order to bring together all of the knowledge, guidance and best practice advice they had developed from working with the live music industry. It was designed to guide event organisers through a wide range of accessibility topics, and ultimately enable organisations to be awarded the Charter and improve their accessibility.
46. In 2014, as part of their initiative to help live music venues adapt, the charity produced its latest 'State of Access' report, a comprehensive study based on 228 mystery shopping reports, 159 from venues and 69 from festivals, 40 questionnaires, and 13 interviews collated between April 2011 and March 2013. The study had to exclude establishments where the mystery shoppers couldn't even enter the building. Not just access but also the attitude of staff was rated. – The detailed findings can be viewed at:  
<http://www.attitudeiseverything.org.uk/resources/publications/state-of-access-report-2014>
47. Best Practice - Tourist Attractions  
Visit England's Visitor Attraction Quality Assurance Scheme, through its network of regional assessors, boasts an incredible reputation for instigating, modifying and shaping change to the customer experience at visitor attractions across England.
48. Signing up to its National Code of Visitor Attractions is the first step in its accreditation process. The 15 simple points of the Code, compiled by an independent panel of industry experts, are the basic fundamental actions that all well managed attractions should already be following. It acts both as a checklist but also provides a certificate for display in a public area, preferably at admission point. The Code confirms that a site is recognised by VisitEngland as a visitor attraction and that it fulfils the basic requirements of a recognised industry standard. The code also

includes what is expected of an attraction in regard to addressing the needs of disabled visitors – see copy of code at Annex F.

49. Specifically in regard to wheelchair users, a new study published in April 2014 by disability charity Vitalise<sup>6</sup>, revealed the best and worst UK tourist attractions. The study rated 85 of the nation's most popular destinations by wheelchair access, number of disabled toilets and disabled parking spaces, as well as additional wheelchairs and disability and carer concessions. The tourist destinations that made top place, with equal ratings for the best access for disabled visitors included York's National Railway Museum. There were no other York attractions in the Top 10 best and worst ranking attractions.

### **Objective (ii) – Current Levels of Access**

50. At their meeting in August 2014, the Task Group considered a report detailing the Access information currently being made available on the city's heritage and cultural providers' websites – see Annex E.
51. They also received information on **DisabledGo** who are the leading providers of access information for disabled people in the UK, featuring over 120,000 places of interest. Their aim is to provide information so that a disabled person can make up their own mind whether somewhere is right for them, before they get there. Every single venue featured by DisabledGo is visited in person by one of their own specialist surveyors, and they cover any type of venue that a member of the public would visit, including:
- Council offices
  - Parks
  - Leisure and sports centres
  - Stadiums and sports grounds
  - Tourist Attractions
  - Colleges
  - Restaurants
  - Libraries
  - Cinemas
  - Hotels
  - Hospitals
  - Pubs
52. There are currently 980 York venues on the DisabledGo website – see list at Annex G. DisabledGo inspects 25 additional York venues per year as part of their contract arrangements with the Council. The Head of Communities and Equalities is responsible for monitoring the contract and commissioning those reviews. Venues can be suggested by community groups, Equality Advisory Group and CYC officers e.g. the Sport and Active Leisure Team, and the findings are uploaded onto

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<sup>6</sup> Vitalise is a national charity providing short breaks and holidays (respite care) for people with physical disabilities and carers.

DisabledGo's website - there are currently approximately 250 entertainment, leisure and culture venues in York listed on their website.

## **Consultation**

53. In order to assess the current access to York's many heritage and cultural venues against the best practice information they considered, (review objectives i-ii), the Task Group agreed to carry out a number of consultation meetings.
54. In October 2014, the Task Group held a consultation event with a number of interested individuals and representatives from the following user-led organisations:
- York Access Group
  - York CVS
  - Healthwatch
  - York Independent Living Network
55. Recognising the Council has no powers to make external providers improve their access arrangements, those attending the event asked the Task Group to consider how best to build peer pressure amongst York's providers to encourage improvements across the board. They also raised the following issues for Task Group's consideration:
- Access to cultural and heritage offer should start with the ability to access the city centre via public transport. Issues with buses not allowing wheelchairs on board; drivers not asking those with pushchairs to collapse them to allow space for wheelchairs, drivers not lowering the bus ramp etc
  - There is a need to improve understanding and raise awareness of the needs of disabled people – improved training for public transport staff and staff at heritage and cultural venues, shops, cafes, restaurants etc.
  - In regard to the 'Residents First Weekend', it would be helpful if information on the weekend was provided well in advance to all of the appropriate disability organisations, to allow them to raise awareness of the event to increase the number of disabled patrons taking advantage of the offer. A query was also raised about whether any signed tours were available during the Weekend.
  - In regard to the city's heritage and cultural providers, they should be encouraged to consider their access arrangements for:

- Those with sight/hearing impairments,
  - Those with a range of mental health needs e.g. Dementia etc
  - Those with Autism
  - Those with physical disabilities e.g. those using mobility scooters, wheelchairs etc
  - The elderly
  - Those with learning difficulties or learning disabilities
- The city's heritage and cultural providers should also be encouraged to improve the access information on their websites
  - There should be no need to ring a venue first before deciding whether or not it is an accessible venue to visit.
  - It would be good to raise the profile of disabled people. Perhaps by celebrating the lives of disabled people in a way that is specific and relevant to York, e.g. by perhaps marking disability history month, or international day of disabled people, or by marking the life of any disabled York residents (past or present).
  - It was suggested that more public seating was required within the city centre of the right type to aid sitting and standing. Also that there was insufficient number of public toilets in the city centre. Both issues being something that some disabled people need to consider when planning an outing.
  - A number of specific issues were raised around unmarked steps, lack of labelling, increased intolerance by drivers and cyclists, not enough large print or audio provision and signage at the wrong level.
  - The need for improvements at West Offices was raised – issues raised around signage, lack of large print, verbal announcements, staff training etc.
  - Information was provided on North Yorkshire's 'Safe Places' scheme, where a venue can display a symbol on their window which identified the venue as somewhere people with learning difficulties can go to ask for help if they are lost or maybe want more information etc. York Independent Living Network confirmed that have been talking to the Council, Inclusion North and North Yorkshire Police about introducing the Safe Places scheme in York as part of their 'Keeping York Safe for Disabled People' project.
  - The economic value of disabled tourists was also discussed, and all recognised that improved accessibility for disabled people benefitted

other people too e.g. ramps are useful for young families with pushchairs and older people.

- The attendees questioned how best to address the challenge of 'historical building' inaccessibility, recognising that many of the heritage and cultural venues may be restricted in what they can change.
- The organisations present questioned what they could do to contribute e.g. when a venue is being refurbished it is important to use focus groups and qualified assessors, rather than random volunteers. An example was given of where an organisation had relied on the words of a wheelchair user telling them that it was alright not to have automatic doors as they would always have someone with them to open the doors. However when they started getting complaints from people, they then had to spend quite a bit of extra money to install an automatic door and a path leading to it.

56. Finally, the attendees questioned what information was being provided by tourist information on the accessibility of tourist attractions in York.

57. With this in mind, the Task Group held a meeting with Visit York in early November 2014, to gather their views on improving accessibility, and to share with them what they had learnt from their consultation event.

58. The Head of Visit York, the Marketing Manager and the Visitor Information Centre Manager attended the meeting, and confirmed that some time ago Visit York carried out an exercise with DisabledGo, focussing on Museums and Galleries etc to assess the accessibility of those venues. However they accepted that the information produced was now likely to be out of date and therefore ready for refreshing.

59. They confirmed that Visit York:

- Relies on organisations to provide information on their facilities for the disabled. Also that the number of Hotels and bed and breakfasts etc attempting accreditation is low in York, perhaps due to the criteria being very stringent which may be putting a lot of organisations off.
- Requires no particular Access standards, but does require Health & Safety standards.
- Often receives requests from users about Access, but they do not always feel qualified to offer advice on behalf of the organisations

they represent. Instead it is their practice to direct visitors to the information on individual organisation's websites.

- Reviews the information in their database on an annual basis. However they have some restrictions in their IT software which limits the amount of information they can hold
- Is not always aware of the access issues affecting specific venues, and they recognise some buildings will be very hard to adapt

60. The Head of Visit York highlighted Lincoln Castle as an example of best practice, which is currently being refurbished and will include state of the art access facilities. The Castle, owned by Lincolnshire County Council, was built in 1068 and has housed the Magna Carta since 1215. The refurbishment works include providing full access for disabled visitors to all parts of the building including a lift to the walls enabling them to access the wall walk.
61. Information was also provided on a Visit England pilot scheme called 'Access for All'. It was confirmed that 10 cities had already been given pilot status (including Nottingham and Lincoln) and Visit England were currently looking for more. It was also confirmed that Visit York had already submitted their interest in participating (subsequently, the Task Group learnt that that Visit York had been unsuccessful in its submission).
62. Overall, the Head of Visit York expressed the view that two things were needed – to find out what is happening already and to educate organisations/businesses on how they can do more. She confirmed that Visit York would be happy to facilitate a training event for businesses/organisations to help raise awareness and encourage improved standards.
63. In December 2014 the Task Group met with a representative of 'DisabledGo' – see paragraphs 51-52 above, and received a presentation on how easy it is to access information through their website - users can choose from a wide range of access and language options.
64. He also provided information on the 'AccessAble app' which is currently being commissioned by many Local Authorities to help promote their towns and cities better to disabled residents and visitor, and the best practice guides they can provide through the council's contract.



65. Both the best practice guidance and the App come at an additional cost. An App costs £5,000 per App per platform and it takes approximately 6 weeks for an App to be completed. There is also an annual fee of £1,000 for maintenance and updates per App. As the Council can currently develop for iPhone and Android devices, an App for both would cost £10k for set up and £2k annual maintenance (negotiable if the Council chose to introduce Apps for both platforms). The cost per venue for best practice guidance would be £100 and would take approximately 2 weeks to create for each. However, the Head of Communities and Equalities has confirmed there is currently no funding available for introducing the Apps and best practice guidance.
66. The Council's current contract with DisabledGo comes to an end in 2016. The Head of Communities & Equalities has not to date carried out any research on other providers of similar access information for disabled people, but would look to do so as part of a procurement exercise towards the end of the current contract.

## **Analysis**

67. Objective (i) – Legal Requirements & Best Practice  
In considering section 20 of the Equality Act 2010, the Task Group noted the three requirements detailed in paragraph 22. Recognising that some of the heritage/cultural offer in York are based in historical buildings, they accepted that there would be limitations to the alterations that could be made due to other pieces of legislation e.g. listed building consent. However, they agreed that those providers should be encouraged to be more innovative in finding ways to provide access to their offer.
68. The Task Group noted English Heritage's views on balancing conservation and access. They questioned if any of the heritage and cultural providers based in an historical building in York, had developed an 'Access Strategy' and have an Access Plan in place (as described in Annex D).
69. In regard to best practice, the Task Group was pleased to note that all York cinemas accepted the CEA card (see paragraph 38) and that the National Railway Museum had made top place in the 2014 study of the best and worst UK tourist attractions conducted by the charity Vitalise (see paragraph 50). On further investigation the Task Group learnt that the study had looked specifically at the top 100 most visited attractions in

the UK and that the only other venue in the York area that appeared in that list was Castle Howard.

70. They questioned whether the Charter Toolkit created by the Charity 'Attitude is Everything' could be adapted for use in theatres, and agreed York's live music venues should be encouraged to sign up to the live music industry's Charter of Best Practice (see paragraphs 44-45). They were also pleased to note the good work of Visit England in shaping improvements to the customer experience at visitor attractions, and agreed it would be good if York's heritage and cultural venues signed up to the Visit England's national code (see paragraphs 47-48).
71. Objective (iii) – To identify possible improvements and barriers  
The Task Group noted all of the feedback provided at their consultation event held in October 2014, and agreed with many of the points raised. Whilst not strictly within the remit of the review, they acknowledged that more could be done to reduce the barriers identified by the consultees which were preventing disabled people from accessing the city centre generally. They noted the problems with public transport, the design of some of the public seating in and around the city centre (particularly close by to heritage and cultural venues), and the lack of disabled toilets in convenient locations. They also acknowledged the need for ongoing training for public transport staff and staff at heritage and cultural venues, shops, cafes, restaurants etc and appreciated the offer made by Visit York to facilitate a training event.
72. In regards to the Residents First Weekend, the Task Group agreed that disability organisations should be given advance warning and that all providers should be encouraged to provide a full range of their accessible services and aids during that weekend, to enable as many disabled people as possible to take advantage of the offer.

They noted the request for improved access information on the website of the heritage and cultural venues. Having assessed that information (as detailed in Annex E), the Task Group noted that in some cases the information had been easy to find and in others it had not, which highlighted the difficulties faced by potential patrons. In a few instances, the information provided was minimal and patrons were recommended to ring the venue to discuss their access requirements before attending. They agreed with the consultees that ideally a disabled person should not need to do that. The Task Group were also disappointed to note that in one or two cases there was no access information provided on a venues website. Having considered the mixed quality and quantity of

information provided on provider's websites, they agreed the city's heritage and cultural offer would benefit from some standards in approach, which in turn would lead to greater confidence in the information provided online and empower disabled people to make informed choices without drawing attention to their condition.

73. The Task Group questioned whether Visit York could improve the level of support it gave to disabled visitors, suggesting that perhaps they could encourage providers to achieve an improved standard of access information and signpost visitors to where they can find that information.
74. Objective (iii) – Possible Improvements & Barriers  
The Task Group was disappointed that Visit York had been unsuccessful in its submission to participate in the Visit England pilot scheme (see paragraph 61). They also liked the idea of introducing a Tourism Award to encourage member organisations to make their venue more accessible, agreeing it would be good if it were a user-group nominated award.
75. The Task Group favoured the idea proposed at their consultation event to raise the profile of disabled people, and agreed this idea should be further explored with CYC's Communities & Equalities Team, and agreed to pass on the information provided on the many issues affecting disabled people visiting West Offices.
76. In regard to their meeting with DisabledGo's Local Authorities Account Manager, the Task Group was impressed with the look and feel of the DisabledGo website recognising the quality of the information provided on venues. They agreed that the benefits of the site were the range of access and language options, enabling not only disabled visitors but foreign visitors to access the information, and the use of quick and easy symbols. Also, they recognised the benefit of using only one website to find access information as it provides the information in a standardised easy to follow format (rather than looking at each venue's website separately which brings with it the difficulties of locating the access information they provide, as highlighted elsewhere in this report).
77. The Task Group questioned how best to expand the reach of the access information held by DisabledGo, and learnt that it was possible for each venue to include on their own website a link to the relevant page on the DisabledGo website - this facility being provided as part of the Council contract. The Task Group agreed they would like to encourage all venues to take this approach, as it would better promote the accessibility

of each venue, giving disabled people more confidence to visit the venue/site, and provide a recognisable standard of information across all York venues. The also recognised the benefits it could bring to the providers as it would negate the need for them to provide and maintain access information on their own website (thereby reducing their costs), and potentially help generate additional income, being in mind that disabled people have an annual spend of £80billion plus in the UK.

78. Noting the cost of providing the App and best practice guidance, the Task Group acknowledged the benefits that both would bring and queried whether the cost of commissioning the guidance per venue could be covered by re-charging each venue. Whilst the cost of the App was higher, the Task Group agreed that if York was serious about its reputation as a visitor friendly, top quality tourist venue, the cost was not excessive and it could help to encourage more of that £80billion plus to be spent in the city. They agreed that this is something that 'Make it York' could pursue as a way on generating additional income for the city as a whole.
79. Objective (iv) – Facilitating the sharing of good practice  
The Task Group agreed that it may be possible to send a 'best practice' leaflet with business rates letters to encourage businesses to better promote their disabled access arrangements.
80. They also agreed the council could better promote its contract with DisabledGo by jointly writing to all venues to encourage them to include the DisabledGo link on their websites (see paragraph 77 above).
81. Having considered all the information on the way DisabledGo works, the Task Group agreed this could be the ideal way for Visit York to assist in the sharing good practice across York's network of providers, by:
  - a) Promoting the use of the link to the DisabledGo website to the heritage and cultural providers it works with, as a minimal standard of access information and;
  - b) Signposting the link on each venue's website in response to requests for access information from disabled visitors.
82. Finally the Task Group were pleased to note the Council were in talks with York Independent Living Network to introduce the 'Safe Places' scheme here in York. They agreed that both the Council and Visit York could help to promote the scheme to the city's heritage and cultural providers.

## Draft Review Recommendations

83. Following the transfer of CYC's tourist activity to 'Make it York', the Task Group would recommend that full disabled access should be one of their major aspirations for the city.
84. In addition, they would recommend that Make it York:
- i) Work with venues to assess their interest in accessing DisabledGo's best practice guides, with the intention of charging a fee covering the costs of those guides.
  - ii) Promote and encourage York's live music venues to achieve the Live Music Industry's Charter of Best Practice (see paragraphs 44-45 & 70)
  - iii) Promote and encourage York's heritage and cultural venues to sign up to Visit England's National Code of Visitor Attractions and seek accreditation to Visit England's Visitor Attraction Quality Assurance Scheme (see paragraphs 47-48 & 70)
  - iv) Encourage Visit York and other relevant tourist bodies to assist in the sharing of good practice across York's network of heritage and cultural providers (see paragraphs 81-82), by:
    - Making adequate accessibility a requirement of membership
    - Promoting the use of the link to the DisabledGo website to the providers it works with, as a minimal standard of access information and;
    - Signposting the link on each venue's website in response to requests for access information from disabled visitors.
    - Promoting the 'Safe Places' Scheme
    - Including a link to 'yourlocalcinema' when displaying details of cinemas in York
  - v) Support Visit York in the creation of a best practice accessibility-related award at their annual Visit York Tourism Awards (see paragraph 74)

- vi) Consider the introduction of a free, downloadable mobile application for the public – the application to contain a comprehensive guide to accessible facilities in York. One example is the ‘AccessAble’ app provided by DisabledGo (see paragraph 78)
- vii) If such an application is adopted, a marketing campaign should be run advising residents and visitors of the availability of the application and its benefits
- viii) Create a training package for public transport staff and staff at heritage and cultural venues, shops, cafes, restaurants etc and/or facilitate a training event to raise awareness and encourage improved standards (see paragraph 71).

85. Furthermore, they would recommend that City of York Council:

- ix) Continue to commission the services of an organisation (such as DisabledGo) that assesses the accessibility of heritage and cultural facilities in York, beyond the lifetime of the current DisabledGo contract (which ends in 2016)
- x) Communicate comprehensively through DisabledGo, with all York venues included on the DisabledGo website the benefits of including a DisabledGo link on their own website – highlighting the benefits it could bring to the venue and its visitors/customers (see paragraphs 77 & 80)
- xi) Liaise with relevant groups over improving disabled access to future ‘Residents First Weekend’ events (see paragraph 72)
- xii) Work with CYC festival team (or Make it York) on introducing an event around York’s disabled people past and present (see bullet point 7 in paragraph 55 and paragraph 75)
- xiii) Improve inter-departmental working i.e. between Equalities staff, Reinvigorate York, Planning and Transport staff to raise and make consistent our approach to access, reminding all of the impact on the cultural/heritage offer of the barriers created by poor access to transport and moving around the city centre (see paragraphs 71)
- xiv) Liaise with bus providers on policy around disabled access and remind them of the needs of York residents and visitors and the

barriers poor access to public transport creates for disabled people trying to access York's heritage and cultural offer (see paragraphs 71)

## Options

86. Having considered the information provided in this report, the Task Group may choose to:
- Identify amendments to this draft final report
  - Revise the draft recommendations listed in paragraphs 82-85 above
  - Include additional information/review recommendations

## Council Plan 2011-15

87. The work on this review supports the 'Protect Vulnerable People' priority within the Council Plan 2011-15.

## Implications & Risk Management

88. Information on the associated implications and risks will be identified, once the Task Group have agreed the draft recommendations they wish to make.

## Report Recommendations

89. Members are recommended to agree:
- Any changes required to this draft final report.
  - The draft recommendations listed in paragraphs 82-84 above

Reason: To conclude the work on this review in line with scrutiny procedures and protocols thereby enabling this draft final report to be presented at the next meeting of the full Learning & Culture Overview & Scrutiny Committee

## Contact Details:

### Author:

Melanie Carr  
Scrutiny Officer  
Tel No. 01904 552054  
e: [melanie.carr@york.gov.uk](mailto:melanie.carr@york.gov.uk)

### Chief Officer Responsible for the report:

Andrew Docherty  
AD ITT & Governance

Report Approved  Date 4 February 2015

Wards Affected:

All

**Background Papers:** None

**Annexes:**

**Annex A** – 2014 UK Customer Profile on Disability

**Annex B** – Equality Act 2013 Extract (online only)

**Annex C** – English Heritage Booklet

**Annex D** – English Heritage Access Strategy Information

**Annex E** – Access Information on York's Heritage & Cultural Venues

**Annex F** – Visit England Code of Practice for Visitors

**Annex G** – List of York Venues currently on DisabledGo's website

**Report Abbreviations:**

CEA – Cinema Exhibitors Association

CVS – Community Voluntary Sector

CYC – City of York Council

DDA – Disability Discrimination Act

EAG – Equality Advisory Group

GP – General Practitioner