



 THE CHURCH
OF ENGLAND

ARCHBISHOPS'
COUNCIL

MINISTRY DIVISION
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*Adviser for Ministry of and among
Deaf and Disabled People*

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FAO Diocesan Secretaries
Copy to Diocesan Bishops

Dear Colleague

Disability Discrimination Duty

I refer to the above matter

I understand that in the current economic climate dioceses have to closely review their financial circumstances and in certain instances reduce expenditure. This has prompted me, as adviser to the Archbishops' Council for ministry among deaf and disabled people, to highlight to you the responsibilities under the disability discrimination legislation to ensure that when budgeting you still take account of your legislative duties.

What is the Duty?

Under the Disability Discrimination Act 1995, churches and other places of worship fall into the category known as "service providers". By way of reminder, a "service provider" is any organisation that provides goods, facilities or services to the public, whether paid for or free of charge. Thus, a duty is imposed on churches and other places of worship, as "service providers" to make "reasonable adjustments", not only to the way in which services are provided but also to any physical features of their premises which make it impossible or unreasonably difficult for disabled people to make use of the service.

What is Reasonable?

I recognise that the issue of whether it is reasonable to make adjustments will be dependent, in part, on affordability and the availability of resources; and this does of course need to be balanced with other priorities. That said, having to budget due to financial restraints and "tighten the purse strings" is not an excuse not to consider what can be achieved and to investigate options. Indeed, it may be the case that as a result of investigations, it is agreed that various adjustments can be phased in on a particular time scale which relates to finances and allows disabled people as full access as possible to the life and worship of the church.

A good indication as to what is regarded as "reasonable" is contained within the Code of Practice published by the Disability Rights Commission (DRC) in December 2006. Although the DRC no longer exists, (its role and functions having been absorbed by the Equality & Human Rights Commission (EHRC) in October 2007), the Code has not been revoked and if

any provision of the Code appears to a tribunal or court to be relevant to any question arising in proceedings, it has to be taken into account. Therefore, if the guidance contained with the Code is followed, it will probably help to avoid an adverse judgment by a court in any proceedings. A copy of the Code can be found at <http://equalityhumanrights.com/advice-and-guidance/information-for-advisers/codes-of-practice/>.

One group of disabled people to whom I wish to draw your attention and who may be particularly affected by budgetary cuts, are profoundly deaf people who use British Sign Language, (also known as BSL), as their first language. Diocesan provision for this group could include, for instance, chaplaincy support and interpreted church services including the 'Occasional Offices'. The interpreted support should be at a high enough skill level to give the deaf people as full access as possible to liturgy and pastoral care.

Ultimately, it is important to ensure that you keep clear records, providing evidence of careful consideration of any access assessment/audit. If it is decided that it is not reasonable to make a particular adjustment, the circumstances and the explanation must be recorded. The failure to address the issue of disabled access, to plan and to budget, even when an organisation has limited finances and/or resources, is unlikely to be viewed sympathetically by a court.

I am anxious that dioceses should have as much support as possible in order to help them fulfil their obligations and if you would like any advice as to how this should be achieved in your diocese I would be happy to provide it.

Yours sincerely



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