

Equality Act 2010 Report

The Equality Act 2010 incorporates the Disability Discrimination Act 2004. The Act requires public and commercial premises to enable people with disabilities, including hearing, sight, mobility or learning difficulties, to enjoy the same access as those without disabilities. Failure to make reasonable arrangements to do so could be considered as discrimination within the meaning of the Act.

It seems that the only means of enforcing the Act is for an individual complainant to approach the provider to try to reach an agreement whereby a disadvantageous situation can be remedied. If it proves not to be possible to reach such an agreement then the complainants' only recourse is to litigation, there is no government funded agency to which application for arbitration can be made. The court may decide that it is not reasonable for a small business to make alterations it cannot afford in which case the complainant may be responsible for paying all court costs. Further, there appears to be no government funded scheme which could provide financial support to a provider wishing to carry out alterations in order to comply with the Act. The above has been confirmed by New Forest District Council.

I have asked Marchwood Community Association for support in approaching our MP to have the Act revisited to see if a more user friendly means of arbitration can be set up that would not potentially impose court costs on those parties who could least afford it. The MCA Committee has agreed to canvas Village Hall users for their agreement to submit a letter to Dr Julian Lewis on the basis that several letters would be more effective than one with multiple signatories.

I would like to ask the Parish Council to consider whether it would also support this letter (draft attached) and whether an approach to District and County for similar support is appropriate.

Brian Jackson

Dr. Julian Lewis MP

Dear Dr. Lewis

Date:

Equality Act 2010

We are concerned that there are a number of shops in Marchwood Village Centre to which access by wheelchair users is impossible due to the height of steps leading to the premises. This situation contravenes DDA 2004 which is incorporated in the Equality Act 2010 and doubtless is repeated in towns and villages throughout the UK.

We would ask you to read the enclosed summary of our understanding of the Act, which is intended to help disabled people, and to raise our concerns with the appropriate Minister with a view to improving the Act so that both individuals and small businesses can receive help in resolving disputes without incurring court costs potentially beyond their means.

Yours faithfully