



**Isle of Man**  
**Government**

*Reiltys Ellan Vannin*



# Disability Discrimination Act 2006

## Response to the Public Consultation on the Guidance and Code of Practice

Department of Health and Social Care  
*Rheynn Slaynt as Kiarail y Theay*

May 2016

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# 1. Introduction

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The consultation on the “Guidance on matters to be taken into account in determining questions relating to the definition of disability” (the “Guidance”) and the “Code of Practice on Rights of Access, Goods, Facilities, Services and Premises” (the “Code”) commenced on 25<sup>th</sup> January 2016 and closed on Friday 4<sup>th</sup> March 2016. The documents were prepared for the introduction of the Isle of Man Disability Discrimination Act 2006 (the “2006 Act”).

Section 3(4) of the 2006 Act provides that the Department must consult with persons it considers appropriate about the Guidance.

Although section 19(1) of the 2006 Act only requires the Department to consult with the Tynwald Advisory Council for Disabilities about the Code, the Department also consulted more widely on this document to ensure as many people as possible, service providers in particular, are aware of their duties under the 2006 Act.

A short summary of responses is set out in this document and the full text of responses is included at Appendix 3, although a couple of responses have been redacted where they contained personal information.

## **Who was invited to comment**

The consultation was publicised by way of a press release to the local media inviting everyone to make comments and/or a letter to various persons and organisations including -

- Tynwald Members
- Attorney General
- Local Authorities
- Chief Officers of Government Departments
- Isle of Man Chamber of Commerce
- Isle of Man Law Society
- Other voluntary organisations

A full list of direct consultees is included at Appendix 1, and those who responded are included in Appendix 2.

## **Responses**

The consultation was published on the Isle of Man Government’s consultation website on 25<sup>th</sup> January 2016 for a period of 6 weeks.

Although the consultation closed on 4<sup>th</sup> March 2016, there were a few responses received slightly later than that date which were accepted. In total there were 21 responses, and views expressed covering the Guidance and Code varied greatly and a sample of these comments are summarised in the following parts.

## 2. Guidance responses

### The 2006 Act

Section 1(1) of the 2006 Act provides that –

- (1) Subject to the provisions of Schedule 1, a person has a disability for the purposes of this Act if they have 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.

Schedule 1 of the 2006 Act provides further information in respect of what is meant by impairments, long-term effects, severe disfigurement, normal day-to-day activities, substantial adverse effects, effect of medical treatment, persons deemed to be disabled and progressive conditions.

This is further supplemented by the document “Guidance on matters to be taken into account in determining questions relating to the definition of disability” (the “Guidance”) which provides detailed practical guidance and examples, which the Department prepared and consulted on.

### Summary of the comments relating to the Guidance

Sample of comments	Department response (if applicable)
“I would like to add on the definition of a person with a disability. Ex service personnel in receipt of War Disablement Pension or a Armed Forces Compensation Scheme montly <i>[sic]</i> pension are afforded the rights of a disabled person under the legislation by right. In line with the Armed Forces Covenant.”	This would require a change to the Act, the definition of a disabled person is already defined in the Act, other definitions of disabled for the purposes of other Acts and Schemes don't apply. That doesn't mean that a person who satisfies the meaning of disabled in other legislation wouldn't meet the definition of a disabled person for the purposes of the DDA.
“In relation to the guidance they felt that the detail contained therein, whilst possible considered appropriate, was too	The guidance is primarily for the High Court to use, to be taken into account under section 3(3) to determine the legal

Sample of comments	Department response (if applicable)
<p>much for a normal layman to comprehend, and that any practical responses would have to come from someone with a degree of experience or expertise in the subject matter."</p>	<p>interpretation of a disabled person for the purposes of the Act and it is only the court which can make such a determination. The guidance may be of benefit to other persons and organisations as to how the definition operates.</p>
<p>"Whilst the consultation document clearly states that the Guidance is primarily for the Courts which "will determine cases brought under the 2006 Act", the forum believes that the Guidance is also important for organisations and providers of goods and services to understand the definition of disability and how the legislation arises within the context of their organisation;"</p>	
<p>"Chamber envisages that the Guidance will also be very important for organisations and providers of goods and services to understand the definition of disability and how the legislation arises within the context of their organisation. Chamber also sees merit in the Guidance and definition being very similar to previous UK guidance and current Northern Ireland Guidance so that there will be precedents and case law to further assist."</p>	
<p>"On page 4 of the Guidance, paragraph 3 it states "<i>in the vast majority of cases there is unlikely to be any doubt whether or not a person has or has a disability...</i>". Chamber does not feel that this is necessarily an accurate statement given the wide range of disabilities that the Act will cover and is slightly contradictory to paragraph A7. Chamber feels that this statement underplays the complexities of the legislation which it is critical for service providers to understand."</p>	<p>In context, paragraph A7 of the Guidance states that "It may not be possible, nor is it necessary, to categorise a condition as either a physical or a mental impairment. The underlying cause of the impairment may be hard to establish". This is recognising in the Act that it doesn't matter if an impairment is physical or mental, not whether an impairment exists or if there is doubt about a disability.</p> <p>Many disabilities may be obvious, but service providers will need to anticipate and prepare to accommodate the needs of all disabled persons, some may be less obvious such as hearing or mental impairment. Adequate</p>

Sample of comments	Department response (if applicable)
	disability awareness training for staff and recognised policies and procedures will assist service providers in this respect.
"We believe that the consultation guidance issued is helpful in general terms and we offer no improvements at this stage."	

### 3. Code of Practice responses

The Code of Practice (the "Code") gives practical guidance to assist a provider of services to comply with the 2006 Act by preventing discrimination against disabled persons in accessing services and premises, and encouraging good practice.

#### Summary of the comments relating to the Code of Practice

Sample of comments	Department response (if applicable)
"In essence, this document is an impractical and onerous tool with which to communicate the key aspects of the DDA. It has been written from <i>[sic]</i> an academic viewpoint and not a practical "how to and by when", and for this reason, is inappropriate."	It is the High Court which will ultimately decide whether discrimination has occurred; it wouldn't be possible to say exactly what the outcome of that court decision would be in every case. The Code of Practice offers advice and practical suggestions regarding what the court is likely to determine in a particular example to assist service providers in making reasonable adjustments to their services.
"The Code of Practice is no such thing – it is couched in tentative terms, mostly predicated on what a court <i>might</i> decide. 300 pages, and little realistic, practical, down-to-earth guidance on what an organisation should actually do – and when."	
"Some concern/disappointment was raised in relation to youth and community services being exempt. We felt this was a public service and would like to reiterate the importance of engagement and active participation of young people with disabilities in the community and with their peer group."	Initially youth and community services were exempted from the DDA 2006; however this has been reviewed and removed. Youth and community services will therefore be subject to reasonable adjustment under the Act.

Sample of Comments	Department response (if applicable)
<p>“On a specific point of wording: we note that there are a number of references in the Code of Practice which must have been taken directly from the UK in that they refer to “Listed” buildings as opposed to “Registered” building which is the Manx terminology. It would be helpful if these could be edited.”</p>	<p>The Code of Practice has been edited to reflect the form of wording used in respect of Registered buildings in the Island.</p>
<p>“The Forum believes that the Code of Practice is a good starting point for businesses to refer to in relation to ensuring compliance with the legislation.”</p>	
<p>“Chamber does think that the practical examples that are featured throughout the Code are particularly useful to businesses in helping them understand how the legislation will operate in practice. Again, as for the Guidance, Chamber recommends that a streamlined, shortened, easy- reading version of the Guidance would perhaps be less daunting for small businesses and more effective in encouraging businesses and service providers to learn about and embrace the legislation. Chamber would welcome further details as to what resources are being prepared in this regard.”</p>	<p>The Department has prepared and issued a “guide for small to medium businesses” which while not meant to be a substitute for the Code is a shortened version and includes contact details and resources for service providers to assist them in complying with the Act.</p> <p>This document is available on the Department of Health and Social Care’s website under ‘downloadable documents’.</p>

## 4. Next steps

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Some minor changes were made to the Code of Practice only following the consultation.

The Guidance and the Code will be submitted to the May 2016 sitting of Tynwald. The Guidance is subject to Tynwald approval and the Code is to be laid before Tynwald.

Both documents will come into operation by an Appointed Day Order which will be submitted to a later sitting of Tynwald to bring the documents into operation to coincide with the commencement of phase 2, 15<sup>th</sup> December 2016.

**List of direct consultees**

Tynwald Members	Clerk of Tynwald
Acting Attorney General	Local Authorities
Chief Officers of Government Departments, Boards and Offices	IOM Association of Optometrists and Registered Opticians
Manx Industrial Relations Service	Isle of Man Law Society
IOM Nursing Homes Representative	Age Isle of Man
Isle of Man Chamber of Commerce	Praxis
Autism Initiatives	DisabledGo
Prospect, Unison and Unite unions	Hospice Isle of Man
Disability Networks	Circa IOM
Clinical Governance Board	Crossroads Care
Cruse Bereavement	Independent Chair, SCB and SAB
Down's Syndrome IOM	IOM Medical Society
Live at Home Schemes	Manx Blind Welfare
IOM Health and Care Association	IOM Pharmacy Contractors Association
Learning Disabilities Partnership Board	Leonard Cheshire Disability
IOM Council of Voluntary Organisations	Manx Gateway
Manx Workshop for the Disabled	Multi Agency Forum
Positive Action Group	Health Services Consultative Committee
RNIB	Service Users Network
Southern Befrienders	United Response
Visual Impairment Partnership	IOM Council of Cancer Charities
Tynwald Advisory Council for Disabilities	



**List of responders**

**Individuals**

Tim Norton  
Sean Young  
Helen Gibson

**Members of Tynwald**

Bill Henderson MLC

**Organisations**

Isle of Man Enterprises Ltd  
AFD Group  
British Red Cross  
Peel and Western District Housing Committee  
Multi Agency Forum  
IOM Chamber of Commerce  
IOM Steam Packet Co Ltd  
Manx Blind Welfare Society

**Government Departments**

Adult Social Care  
IOM Constabulary  
Office of Fair Trading  
Department of Home Affairs  
Manx National Heritage  
Department of Infrastructure

**Local Authorities**

Patrick Parish Commissioners  
Ramsey Town Commissioners  
Douglas Corporation

**Full text of responses to the consultation**

Respondent	Comments
Bill Henderson (MLC)	<p>In response to both documents I have no comment on either other than I am very supportive and of the Act, and have asked questions on it over the years as to try and push things on to get 'it live.' I was on the board for the Manx Foundation for the Physically Disabled for a few years. When I was Chair of the IOM Planning Committee up to 2004, at the Directors request – I** M*****, we were stipulating conditions and making queries on 'new builds' as to disabled access etc.</p> <p>This should help the introduction of the Act here. As premises where being encouraged to comply then.</p>
Tim Norton	<p>I welcome the introduction of the Disability Discrimination Act which is, in my opinion, long overdue. My only comment is that, given the ten-year delay, the phased introduction over four years is unduly protracted. I cannot see why Phase 4 should not come in within two years at the most.</p>
Sean Young	<p>Why has it taken so long to enact this legislation? having suffered from this form of discrimination it is regrettable that it has not been enacted sooner.</p> <p>we have a number of employers who use the UK as the basis of they're employee handbooks etc already.</p> <p>the UK act is a long established and understood act, as such it should be directly mirrored here on the island, this would avoid any confusion as to it's provisions. this in it's self could be seen as an effective piece of legislation, also the costs to the government could be substansially reduce in producing the legislation.</p> <p>in addition, without a full discussion on all of the points. I would like to add on the definition of a person with a disability.</p> <p>Ex service personnel in receipt of War Disablement Pension or a Armed Forces Compensation Scheme montly pension are afforded the rights of a disabled person under the legislation by right. In line with the Armed Forces Covenant.</p> <p>They have already undergone assessments etc in order to receive these pensions</p> <p><a href="https://www.gov.uk/government/organisations/veterans-uk">https://www.gov.uk/government/organisations/veterans-uk</a></p>

Respondent	Comments
Helen Gibson	<p>Has any thought been given to the consultation of people with disabilities themselves... particularly those with difficulty communicating in conventional ways? This was certainly proposed back in 2006 as I was one of the people spoken to about it, through H***** W***** at Edinburgh University.</p> <p>Seems like primary discrimination not to do this.</p>
Patrick Parish Commissioners	<p>The Commissioners discussed the above at their meeting on Monday last</p> <p>Members resolved to make individual comments should any member have particular views. The Board as a whole does not wish to make any comment.</p>
Ramsey Town Commissioners	<p>The Ramsey Town Commissioners discussed the DDA Guidance consultation at their public meeting last night. Whilst pleased to see progress now being made they were disappointed to see that the total implementation period, for a piece of legislation which was approved 9 years ago, will result in it being 14 years before it is effective.</p> <p>In relation to the guidance they felt that the detail contained therein, whilst possibly considered appropriate, was too much for a normal layman to comprehend, and that that any practical responses would have to come from someone with a degree of experience or expertise in the subject matter. This position obviously raises the question of how practical and understandable guidance will be given to small businesses or property owners on how to comply with the requirements.</p> <p>Overall the Commissioners were however pleased to see some progress being made.</p>
Douglas Corporation	<p>I have been directed this afternoon by the Executive Committee of Douglas Borough Council to thank you for its inclusion in the consultation on the Draft Code of Practice and Draft Guidance under the Disability Discrimination Act 2006, and to inform you that the Council supports the two documents as presenting clear, comprehensive and readily understood guidance on the application of the Disability Discrimination Act.</p>

Respondent	Comments
Isle of Man Enterprises Ltd	<p data-bbox="379 353 1283 392">As a business we welcome and support the introduction of the DDA.</p> <p data-bbox="379 421 1241 495">As a large property owner and operator, we have paid particular attention to the "rights of access" code of practice.</p> <p data-bbox="379 524 1198 598">This document is comprehensive and attractively colour coded and compiled.</p> <p data-bbox="379 627 1257 701">At 181 pages long, I would consider it "onerous" in terms of detail, examples and practicality.</p> <p data-bbox="379 730 1369 837">As a wide ranging business, who already supplies and supports a number of disabled clients, what we really want to know is what we have to do and by when.</p> <p data-bbox="379 866 1035 904">It is in no way a working or a "how to" document.</p> <p data-bbox="379 934 1334 1041">As a business we have found it very frustrating that someone has had to read the 181 pages, to make sense of them, and then has to turn them into an action plan for all of our 600+ colleagues.</p> <p data-bbox="379 1070 1347 1218">This document would benefit from more visual aids for users, in the form of flow charts, and standard documentation, that can be used to appraise current status on the key issues versus requirements and then to carry out a gap analysis.</p> <p data-bbox="379 1247 1334 1395">The document suggests a "one size fits all" approach to each issue, and thus people are having to read about lots of info that doesn't apply to them. e.g. a hairdresser.</p> <p data-bbox="379 1424 1362 1532">Some of the terminology is outdated and inappropriate e.g. para 3.9 "what is a disco?" there are far too many examples given that appear to have been cut and pasted from elsewhere.</p> <p data-bbox="379 1561 1289 1668">It would be more helpful if sectors eg retail, office, hospitality , were segmented and then for each the key issues to be approached were defined.</p> <p data-bbox="379 1697 1327 1805">For a small business this document is very bureaucratic, and I suspect likely to be ignored due to its onerous nature. This defeats the object of the legislation.</p> <p data-bbox="379 1834 1337 1942">In essence, this document is an impractical and onerous tool with which to communicate the key aspects of the DDA. It has been written from an academic viewpoint and not a practical "how to and by when " , and for</p>

Respondent	Comments
	this reason, is inappropriate.
Respondent	Comments
AFD Group	<p data-bbox="384 472 1331 607">As an organisation who was worked passionately, over many years, to support those with disabilities, we are extremely disappointed with the quality, content and timescales of the introduction of the DDA and these various documents.</p> <p data-bbox="384 645 780 678">We make the following points:</p> <ol data-bbox="432 714 1362 1944" style="list-style-type: none"> <li data-bbox="432 714 1362 1066">1) There are only 85,000 people on the IOM. There <i>has</i> to be a better way of supporting people with disabilities than introducing this sort of legislation. It can only lead to acrimony and community tension as “rights” are asserted in the face of basic common sense. How on earth is the hardware shop in Ramsey or the local Scout Group expected to know about Carpel Tunnel Syndrome in order to avoid infringing the Act? It would be far better to focus all our Island resources on educating then addressing the needs and adapting sensibly, than by introducing this unproven legislation and its very hard-line approach.</li> <li data-bbox="432 1070 1362 1205">2) The documents appear to be glaringly plagiarised without thought or consideration of the Isle of Man. Which Airport here might use electric buggies to transfer people between Terminals, for example?</li> <li data-bbox="432 1209 1362 1344">3) The Code of Practice is no such thing – it is couched in tentative terms, mostly predicated on what a court <i>might</i> decide. 300 pages, and little realistic, practical, down-to-earth guidance on what an organisation should actually do – and when.</li> <li data-bbox="432 1348 1362 1525">4) The timeframes are impossibly short: it seems that the orders start to have teeth at the end of this year – yet there is a massive job of education and explanation to be done – and service providers then need to work out just what to implement, and organise that implementation.</li> <li data-bbox="432 1529 1362 1736">5) Before even starting these processes, there ought to have been proper economic and impact assessments. Where are they, and why do they not appear to have they not been published? It is highly likely that if introduced, the main initial target of litigation will be IOM Government itself – so the Electorate / Taxpayer ought to have a measure of this before it is imposed.</li> <li data-bbox="432 1740 1362 1944">6) Third-Sector organisations in particular will be very hard-pressed to meet these requirements, and the social consequences of the resulting loss of their services and facilities could be massively damaging to our Island and completely out of proportion to the benefit to some people who have disabilities that are helped by the introduction of the DDA.</li> </ol>

Respondent	Comments
IOM Steam Packet Co Ltd	<p>All EU ferry operators including Isle of Man Steam Packet Co (IOMSPC) now have to comply with EU1177/2010 regulations regarding the carriage of disabled passengers and others with reduced mobility. The EU Regulation aims to provide disabled persons and persons with reduced mobility with the same opportunities to travel by sea and inland waterways as they have in other transport sectors across the EU.</p> <p>Disabled people and others with reduced mobility are entitled to make a booking for, buy a ticket for, and travel by ship on the same basis as other passengers. They must be charged no more than any other passenger would be charged for their ticket, and must be provided with defined assistance as necessary for them to travel.</p> <p>Guidance notes for operators and passengers was prepared by the UK Government ( see links below) and it was agreed with IOM DoI and OFT that IOMSPC would apply the Legislation on our services. Our Passenger Charter was also changed to incorporate the new EU requirements.</p> <p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/194792/draft-guidance-note-5.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/194792/draft-guidance-note-5.pdf</a></p> <p><a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/194789/draft-guidance-note-2.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/194789/draft-guidance-note-2.pdf</a></p> <p>Can you clarify for me how you see the IOM 2006 Act applying to our services as we don't really want any duplication or conflict with the EU law specifically addressing disabled access to ferry services? In practice it has never been a customer service issue and we have never refused a booking but under maritime safety legislation we are not permitted to carry more than 8 wheelchairs on Manannan which is deemed the maximum permitted for emergency evacuation purposes.</p>
British Red Cross	<p><b>DDA 2006 Guidance and Code of Practice Consultation</b></p> <p>I am writing this letter on behalf of the British Red Cross in the Isle of Man by way of response to the above mentioned consultation. The British Red Cross welcomes the opportunity to provide its views to the Department of Health and Social Care ('the Department') on the Disability Discrimination Act 2015 (DDA) Guidance and Code of Practice and wishes to raise a number of points for consideration.</p> <p>In 2014, the British Red Cross in the Isle of Man responded to the public consultation on the draft Equality Bill and indicated our support for its principles and provisions:</p> <p style="text-align: right;">The British Red Cross is supportive of the Isle of Man's approach to</p>

Respondent	Comments
	<p>this major issue, and recognises the efforts it has taken to bring equality legislation on the Isle of Man more in line with that which exists in the UK and elsewhere. It is a challenging arena with many sensitivities and sensibilities, and we appreciate the work which has taken place to develop the new legislation. We welcome the attention to detail in the Bill and we are fully supportive of the approach being taken. It would appear to be a comprehensive piece of legislation and we welcome the list of protected characteristics.<sup>1</sup></p> <p>The draft Equality Bill includes greater protections against discrimination for people with disabilities than the DDA and, if implemented, would also ensure greater harmonisation with legislation in Great Britain (including in relation to the other 'protected characteristics' within the Bill). While enactment of the draft Equality Bill is beyond the competence of the Department of Health and Social Care, we wish to highlight our preference for the draft Equality Bill's enactment so that people in the Isle of Man do not experience less protection against disability discrimination, or discrimination based on other grounds, than people in England and Wales. We understand from the Government's response to the submissions on the draft Equality Bill in 2014 that a decision was taken by the Tynwald in July 2015 to proceed with implementation of the DDA. Although the rationale for this decision is not outlined, the intention in implementing the DDA may well be to ensure interim protection for people with disabilities until the draft Equality Bill is enacted. We are grateful for the consultation team's response to our email query regarding the relationship between the DDA and progress of the Isle of Man draft Equality Bill. The broader context relating to the Government's work on the draft Equality Bill, and how introduction of the DDA relates to it, is important. We believe explicit reference to this context should be included in any future documentation relating to the DDA's introduction.</p> <p>The British Red Cross welcomes and encourages all steps taken by the Isle of Man Government to enhance protection for people with disabilities against discrimination. In this respect, and in so far as the DDA is an interim protection measure until the draft Equality Bill is in force, we ask that all measures are taken to ensure its implementation does not detract from what is required to implement the draft Equality Bill. For example, introduction of the DDA is said to span a four year period with the final phase not commencing until 1 January 2020 (p.4 of the consultation document). Noting the Government's expectation that the Equality Bill will be 'introduced into the legislative branches in March 2016'<sup>2</sup>, it is our ask that the Equality Bill is passed and will have begun commencement within this time period.</p> <p>Acknowledging again that this is not within the Department's current remit, we ask it to consider actions it can take to help expedite its introduction once passed. This could include establishing a monitoring framework that helps evidence how the DDA Guidance and Code of Conduct are working and what improvements are required to ensure</p>

<sup>1</sup> British Red Cross (2014) Submission to the draft Equality Bill consultation

<sup>2</sup> <https://www.gov.im/categories/working-in-the-isle-of-man/employment-rights/equality-at-work/> (accessed 01.03.16)

Respondent	Comments
	<p>compliance with enhanced provisions within the Equality Bill.</p> <p>The Isle of Man documents are based on the DDA in Northern Ireland. In Northern Ireland, various shortfalls in protection have been identified in relation to the DDA. The Equality Commission for Northern Ireland (ECNI) 2012 document 'Strengthening Protection for Disabled Persons' sets out ways in which the law in Northern Ireland should be enhanced to ensure similar protections against disability discrimination compared to people living in Great Britain.<sup>3</sup> It recommends, inter alia, strengthening in relation to the definition of disability so that the 'list of capacities' is removed (a 'list of capacities' is included in the Isle of Man DDA definition);<sup>4</sup> enhanced provisions on direct and indirect discrimination;<sup>5</sup> protections for people such as carers, friends or family members;<sup>6</sup> and increased protection from harassment when accessing goods, services or private clubs.<sup>7</sup> We believe the shortfalls in protection identified by ECNI should be considered by the Department with a view to assessing whether any can be addressed through introduction of the Guidance and Code of Conduct.</p> <p>We wish to highlight the Isle of Man Government's commitment to ensure protections against disability discrimination as an opportunity for it to take a lead across the UK by defining disability according to UN Convention on the Rights of Persons with Disabilities (UNCRPD). The UNCRPD, Article 1 provides that 'Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.' As noted by the ECNI, this definition is based on a 'social model' of disability and is non-exhaustive.<sup>8</sup> We urge the Government in the Isle of Man to adopt this definition, and the Department as the implementing body for the DDA to consider ways in which it can evidence what would be required to do this.</p> <p>Finally, we welcome that the Department has invited various individuals and organisations to participate in this consultation. We believe it is particularly important that the Department facilitate participation of people with disabilities throughout the consultation process, as well as implementation and evaluation of the DDA Guidance and Code of Practice, and urge it to develop appropriate mechanisms to ensure this.</p> <p>The British Red Cross is supportive of the Isle of Man's commitment to enhance protections against discrimination for disabled people. We welcome all opportunities to engage with the Isle of Man Government and its Departments on this important matter.</p> <p>As a UK wide organisation we have experience of working with equality legislation in Great Britain and Northern Ireland; if it is possible and</p>

<sup>3</sup> Equality Commission for Northern Ireland (2012) Strengthening Protection for Disabled Persons <http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Disabilitylawreformproposalsfullreport2012.pdf> (accessed 01.03.16)

<sup>4</sup> As above, p.9.

<sup>5</sup> As above, pp.7-8.

<sup>6</sup> As above, pp.10-11.

<sup>7</sup> As above, pp. 11-12.

<sup>8</sup> As above, p.22.



Respondent	Comments
	<p>appropriate we would also welcome any opportunity to provide assistance in relation to the implementation and development of legislation protecting against discrimination in the Isle of Man. Please do not hesitate to contact me for any queries in relation to this or regarding this response. I would be happy to provide further information or clarification.</p>
<p>Adult Social Care</p>	<p>Adult Social Care welcomes the implementation of the DDA and we are looking forward to its implementation to the benefit of the community.</p> <p>Both the CoP and the guidance appear very thorough and well considered. We had one slight concern about the use of diabetes being a hidden disability. Diabetes is a long term chronic condition but does not necessarily lead to disablement.</p> <p>Some concern/disappointment was raised in relation to youth and community services being exempt. We felt this was a public service and would like to reiterate the importance of engagement and active participation of young people with disabilities in the community and with their peer group.</p>
<p>Isle of Man Constabulary</p>	<p><b><u>Isle of Man Constabulary review of DDA (2006) Guidance documents and Codes of Practice.</u></b></p> <p><b><u>Review of the document – Guidance of the Meaning of Disability.</u></b></p> <p><i>Only persons defined as disabled are protected under the 2006 Act.</i> The Constabulary acknowledges and agrees on the definition provided in Section 1(1) of the Act (section 2 of the guidance) and also agrees with the definitions / descriptions outlined in Schedule 1 of the Act in respect to the meaning of the terms Impairment, Long term effects, Severe disfigurement, Normal day-to-day activities, Substantial adverse effects, Effects of medical treatment, Persons deemed to be disabled and Progressive conditions,</p> <p>Section 2 – part A (p9) of the guidance document – What would be the Constabularies position if an employee (Police Officers) suffered from Respiratory Condition or Heart Disease sustained as a direct result of inappropriate lifestyle (e.g. smoking, excessive alcohol or poor diet and exercise). Is this related to B7 (p18) regarding if a person can reasonably be expected to modify their behaviour.</p> <p>The list in Section 2 - A11 (p12) excludes the cause of such conditions but does not sufficiently state if someone would be discriminated against or protected as a result of them not being able to fulfil the standard role they were originally employed for. A13 (p13) does not appear to give definitive guidance; a person <u>may</u> still meet the definition...</p>

Respondent	Comments
	<p><b><u>Review of the Codes of Practice document.</u></b></p> <p>The Constabulary fully agrees with the description of 'what is unlawful under the act' defined on pages 7 and 8 of the codes of practice (section 4(1) of the DDA). The constabulary also agrees with the definition of 'discrimination' and 'who has rights' escribed on pages 8 – 11</p> <p>The Constabulary recognises itself as a public service as defined on page 11 of the code of practice (s4(3) of the DDA.</p> <p>Para 2.14 implies some exemption for the Police in respect of having to comply with the act when providing public service (e.g. providing information to the public, but not necessarily when making an arrest. <b>The responsibility of the Constabulary is unclear in respect of needing to comply with persons detained or arrested under the Police Powers and Procedures Act 1998.</b></p> <p>Para 2.19 and 2.20 (s 4(3)) relates to access to building for the public. Much of the Constabularies daily (and expected) workload relates to interaction with the general public, both in an external environment (on the street or in other properties), and in an internal environment (police buildings – open public access or otherwise, including custody). The DDA has a possible impact on the Constabulary, particularly regarding access to police buildings for both public and staff who use Police buildings. At various times members of the public could access common areas of a police building or be invited to attend more secure area for the purpose of meetings, visits or as a victim to attend doctors and photo clinics. The access from one particular building to another varies and is outlined below;</p> <p><b>Peel Station</b> – There is ramp access (easy incline) to gain access and avoid a single set of steps. Within the building it is single storey with access to reception via a public counter, all offices and a disabled toilet are easily accessible. The station does not have a hearing assistance system. For staff – the changing areas cannot be accessed without utilising steep steps. The basement area for storage and changing does not have lift access and is not wheelchair friendly. This station has a close shared car-park but does not have designated disabled parking.</p> <p><b>Ramsey Station</b> – Shared building with Ramsey Town Commissioners. The station area is on a single ground floor for public visitors with an easy incline to access the building by wheelchair. There is not a hearing assistance system in this station. The nearest public toilets, including disabled toilets are within the town hall.</p>

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	<p><b>Castletown Police station</b> – the current historic station is currently being closed down and a new facility is to be shared with Castletown Commissioners with the expected facilities to be similar to those at Ramsey. This move is expected to occur in late summer / early autumn 2016. The historic nature of Castletown Police Station does not make it DDA compliant.</p> <p><b>This Yn Lheiyhs Interview Facility.</b> – shared building with social services. This is not routinely accessed by the public and interviews of vulnerable victims are facilitated by police. Within the interview area it is fully accessible with regards to disabled parking, easy access, single floor (Police) and disabled toilets but does not have a hearing assistance system.</p> <p><b>Lord Street Police Station</b> – This station is due for imminent closure (March / April 2016) and all services are being moved to Police Headquarters in Douglas.</p> <p><b>Police Headquarters</b> – This station has its own car park with designated disabled parking closest to the front entrance which is accessed via an easy incline ramp. The public counter is on the ground floor and there is access here to disabled toilet facilities. Within Police headquarters any guests or public with mobility needs will be largely restricted due to multi-level stairs and smaller sets of steps on the same floors. Some meeting rooms and offices are located on the first floor and there is no lift access. Currently victim needing photographing of injuries are required to go to the first floor however, arrangements can be made for SOCO officers to attend the ground floor with the equipment. Upcoming changes and upgrading of the buildings infrastructure is relocating a victim suite to the ground floor which has alternative access for limited mobility users to avoid stairs / steps. There is a hearing assistance system available at the front counter.</p> <p><b>Police Custody</b> (Based at Headquarters) – this is a new modular building on a single floor. There are disabled toilet facilities and access to limited mobility users can be facilitated via staff entrance (as opposed to the more routinely used prisoner entrance). As would be expected in such a building, doors at the entrance are particularly heavy and may be too difficult for certain visitors.</p> <p><b>Police Registry</b> – This department is located on the first floor (Old Water-board building) with access currently only via the external steep metal staircase. There is not believed to be suitable access from other parts of the shared building and it is unknown if there are any disabled facilities available.</p> <p>Issues with public access to particular areas of Police premises may be</p>

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	<p>exempt in respect of the guidance under paragraph 2.26 and 2.27</p> <p>The Constabulary fully agrees with the remaining chapters of the Code of Practice.</p>
Peel and Western District Housing Committee	<p>Peel and Western District Housing Committee discussed the Consultation on DDA Guidance and Code of Practice at their recent meeting. They have asked me to inform you that they are fully in favour of the Act and Code of Practice. The Committee are currently in the process of a major £15m redevelopment of the Westlands Complex, Phase A which is currently taking place at the present moment involves building a new complex on Douglas Road. Once this has been built the tenants from Phases two and three will then be moved into the new complex and phase two and three will then be demolished and a new complex built. (Phase B). The tenants will then be moved from Phase one and the bungalows into Phase B and 12 of the bungalows will be made into 6 which can be fully adapted (Cat 3) for disabled people. The other 12 bungalows will be demolished and a new complex built in their place. The old phase one will be extended. (Phase C). All the new accommodation is being built to the latest Housing Standards and will allow the Committee to cater for disabled people. Some of our present accommodation built in the 1970's and 1980's which is being demolished is not suitable for people with major disabilities mainly due to the small size and layout of the accommodation.</p> <p>We have also provided our Wardens with a copy of all the paperwork so they are aware of what the terms of the act and code of practice are.</p>
Office of Fair Trading	<p>First of all, thank you for affording the Isle of Man Office of Fair Trading ('the OFT') the opportunity to comment. The Board considered the Public Consultation at its meeting on 25<sup>th</sup> February 2016.</p> <p>Members agreed that there was no need to comment on the Guidance and Code of Practice but that the need for adequate resourcing in the OFT's conciliation role should be re-iterated.</p> <p>Accordingly, below is an extract from a message I sent to you on 13<sup>th</sup> October 2015:-</p> <p><i>"Subject to the provision of the necessary resources, the OFT would be</i></p>

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	<p><i>pleased to take on the role. The OFT is already the focal point for consumer complaints arising from purchases of goods and services so it might be seen as the natural home for complaints concerning disability issues arising from such purchases. The OFT already has staff trained in mediation operating under the Financial Services Ombudsman Scheme but specialist training in dealing with disability issues would be required.</i></p> <p><i>With regard to any work necessary to bring the building in line with the requirements of the DDA, the OFT transferred £100,000 to DOLGE in January 2007, this being its contribution towards the full cost (£200,000?) of installing a lift. The lift has still not been installed. The £100,000 was not returned to the OFT when DOLGE became defunct in 2010. In addition to the installation of a lift, if indeed this is deemed to be necessary, some work may be required on the ground floor to make it wheelchair friendly, etc.</i></p> <p><i>Given that mediation will involve face to face discussions it is unthinkable that we should do so in a building which is non-accessible. Whilst we have assumed that the installation of a lift, etc. in Lord Street is the answer, accelerated relocation of the OFT may be an alternative approach which could be more cost effective."</i></p>
Department of Home Affairs	<p>I have consulted the various DHA Service Heads and I have received no comments of concern. The Services are pretty relaxed about the consultation, but with one caveat. Our estate would require work to adapt it to comply with the access requirements and Police Headquarters in particular has limited disabled access.</p> <p>The question is therefore - is funding going to be made available to make necessary adjustments and alterations to buildings?</p> <p>This response is from an operational standpoint and from officer level.</p> <p>Thank you for the opportunity to provide comment on the Guidance and Code of Practice.</p>
Manx National Heritage	<p>Manx National Heritage is the Island's statutory agency for the protection and promotion of the historic and natural environment of the Isle of Man. It works closely with relevant Government agencies such as DEFA but is</p>

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	<p data-bbox="384 344 1007 378">governed by an independent board of Trustees.</p> <p data-bbox="384 441 1362 936">MNH welcomes the new legislation. Historic buildings, landscapes and places exist for the enjoyment and appreciation of everybody. Too many people think of the historic environment as being inaccessible. This need not be the case. On the contrary, we know that good quality access can enhance our understanding of the historic environment and ensure its sustainability. What we have learnt is that with the right kind of thought and discussion a way can be found round almost any barrier. We also recognise that people’s expectations – and the technical opportunities to meet them – are constantly evolving. While the needs of disabled people must be a priority, we also know that easier access will benefit almost all of us at some stage in our lives. Whether during pregnancy, as a parent pushing a buggy or an older person who is finding steps a bit harder to manage, we all value thoughtful and effective design for our access needs.</p> <p data-bbox="384 999 1326 1182">MNH wants to see the broadest possible public access to the historic environment and to the interpretation that makes it come alive. For that reason we will promote good quality solutions that make access easier while simultaneously encouraging responsible care of the historic places that matter to us all.</p> <p data-bbox="384 1245 1366 1547">We would recommend the work that similar organisations have undertaken to find a more inclusive approach to the historic environment. Under the principle of “Informed Management of Change” we are keen to celebrate access solutions that combine conservation with excellent and innovative modern design. In particular we would recommend the Historic England 2015 publications on <i>Easy Access to Historic Landscapes</i> and <i>Easy Access to Historic Buildings</i> which show how this vision can be turned into practical reality.</p> <p data-bbox="384 1610 1362 1839">However, the provision of “heritage” is not a specific and narrowly defined service in the same way as, for example transport. MNH provides a wide range of services to a wide range of audiences across a wide range of buildings, structures and landscapes. Our primary mission is to preserve and improve access to this historic environment. We try to strike a balance between improving access and conserving historic character.</p> <p data-bbox="384 1901 1334 1968">It is accepted that the UK Equality Act 2010 does not override other legislation such as that applying to historic structures. It is also accepted</p>

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	<p>that departure from Building Regulations due to historic issues can be explained in access statements.</p> <p>Our view is that we are content to adopt a philosophy of inclusion and will use best practice to improve what we do. Much of this will not be about physical access for wheelchair users – but will tackle issues about readability of text, visibility of signs, subtitling of audio/visual exhibits etc. Inevitably some parts of some buildings and landscapes will not be accessible to certain users but we are content that the “reasonable” test is sufficient to balance the two imperatives of access and preservation. We would draw on English case law where appropriate if necessary.</p> <p>We should add that many businesses and public services on the island operate out of historic buildings with complex access issues. We are happy to discuss with the Department the potential role of MNH in helping advise owners how to address these issues. It may be that we could jointly host some training or awareness sessions.</p> <p>On a specific point of wording: we note that there are a number of references in the Code of Practice which must have been taken directly from the UK in that they refer to “Listed” buildings as opposed to “Registered” building which is the Manx terminology. It would be helpful if these could be edited.</p>
Multi-Agency Forum	<p>The Forum is very supportive of the principles behind the legislation and the proposed update in discrimination law generally. In particular, the members of the Forum that provides services to the public which include people with a disability feel that this legislation is long overdue.</p> <p>Individual members of the Forum will respond to the consultation with specific comments relevant to their organisation.</p> <p>This response provides the following general points which all forum members agree upon:</p> <ul style="list-style-type: none"> <li>- The Forum believes that it is important that the legislation is progressed forthwith;</li> <li>- The Forum is mindful that a consultation exercise has recently been carried out in relation to the proposed Equality Bill. The Forum would like to express that it hopes that the progression of the Disability Discrimination Act 2006 is merely a precursor to the introduction of the Equality Act which will obviously provide all-encompassing remedies for</li> </ul>

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	<p>disability discrimination in all circumstances including in employment;</p> <ul style="list-style-type: none"> <li>- The Forum welcomes the opportunity to be consulted on the Guidance and Code of Practice in relation to the Disability Discrimination Act 2006 prior to these documents being finalised;</li> <li>- The Forum believes that a phased introduction for the activation of the provisions is sensible and pragmatic as it will realistically allow organisations time to ensure that they can review the legislation and their practices and procedures to ensure compliance;</li> <li>- Whilst the consultation document clearly states that the Guidance is primarily for the Courts which “will determine cases brought under the 2006 Act”, the Forum believes that the Guidance is also important for organisations and providers of goods and services to understand the definition of disability and how the legislation arises within the context of their organisation;</li> <li>- In relation to the Code of Practice, the Forum recognises that it is impossible to produce definitive guidance to deal with every situation that could arise in this area but feels that it is critical for organisations to have some examples and points of reference to use when considering the new legislation and the obligations that it introduces. The Forum believes that the Code of Practice is a good starting point for businesses to refer to in relation to ensuring compliance with the legislation. The Forum notes that the Guidance and Code of Practice are heavily based on versions currently in force in Northern Ireland and believes that this will be helpful so that case law and precedents can be used as further guidance.</li> <li>- Whilst the Forum appreciates that the consultation is in relation to the Guidance and the Code of Practice, it would welcome clarification as to the advice and assistance available to promoting settlement of disputes. The Forum is mindful that in terms of enforcement the Act states that application to the High Court is the method for resolving disputes. This will be both time-consuming and costly. Section 14 of the Act states that the Department shall make arrangements for the provision of advice and assistance with a view to promoting the settlement of disputes. The Code mentions briefly in two places that the OFT will have responsibility for arranging independent conciliation of disputes. The Forum submits that it will be critical to the effectiveness of the legislation that there is a adequately resourced body with knowledge of a highly technical area of specialty available to assist in the smooth running of the legislation with particular remit to deal with conciliation of this nature. The Forum would welcome further information as to what training and resources are</li> </ul>



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	<p>planned in this regard.</p> <ul style="list-style-type: none"> <li>- The Forum believes that in addition to the Code and the Guidance, central to the success of the legislation, will be the creation of practical supporting easy read guidance perhaps focussed on individual sectors and certain organisations.</li> </ul>
<p>Isle of Man Chamber of Commerce</p>	<p><b>Response to the Public Consultation on Disability Discrimination Act 2006 (“the Act”) Guidance (“the Guidance”) and Code of Practice (“the Code”) - Isle of Man Chamber of Commerce (“the Chamber”)</b></p> <p><b><u>Introduction</u></b></p> <p>Chamber recognises that the progression of the Act is an important landmark piece of social legislation. It will affect all businesses and individuals on the Island in both the public and private sector and its potential impact on everyone must be carefully considered, managed and prepared for.</p> <p>Chamber has encouraged its members in the business community to provide feedback directly to the Department of Health and Social Care on the Guidance and the Code if they have specific concerns related to their organisation. Alternatively, Chamber also invited members to provide feedback for inclusion within this response if they so wished.</p> <p>All members agree and support the principles behind the legislation and feel that it is important that individuals with a disability are not discriminated against in the provision of goods and services.</p> <p>Whilst it is acknowledged that this consultation is limited to feedback on the Guidance and the Code, Chamber feels it appropriate to take this opportunity to point out that there remains concern as to:</p> <ul style="list-style-type: none"> <li>- the cost to businesses of implementing the legislation;</li> <li>- whether the proposed staggered timescale for its introduction is realistic;</li> <li>- the support that will be available for organisations in addition to the Code and the Guidance and the timing of the progression of</li> </ul>

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	<p data-bbox="485 344 1299 416">the Act which has remained on the statute books for a decade before being brought into force.</p> <p data-bbox="384 477 1353 898">The idea of the staggered timetable is welcomed by Chamber and obviously viewed as a pragmatic way forward to allow business to get to grips with and, more importantly, budget for the changes that the Act will introduce. However, it is considered disappointing that consultation or feedback from the business community concerning the implementation timescale was not sought before it was finalised. Therefore, whether the timescale that has been set is adequate or realistic is uncertain. One chamber member has raised concern as to whether a proper economic impact assessment has been carried out prior to its progression (particularly given that the Act has been dormant on the statute books for such a long period of time).</p> <p data-bbox="384 958 1358 1464">Chamber has previously raised concerns about quality of the economic impact assessments produced in support of legislation including the proposed Equality Act. One Chamber member has provided feedback indicating that, for their particular business, to compel them to comply with the cost of making physical adjustments to premises (in their case by providing toilet facilities for disabled people) would lead them to shut down. Whilst Chamber notes that the requirement to make physical modifications will be the last to be introduced according to the phased timetable (on 1 January 2020), the reality is that this is less than four years away and in the context of a small business, not very long for budgeting purposes. This is particularly so when the same businesses will be dealing with the other phased introductions under the Act in the interim.</p> <p data-bbox="384 1525 1366 1944">Chamber appreciates and welcomes the opportunity to provide feedback concerning the Code and Guidance. Chamber submits that critical to the success and smooth implementation of the Act will be the support available to organisations in addition to the Code and Guidance, both of which are detailed, complex and technical documents which will undoubtedly be daunting for many businesses. Chamber believes that easy to read, shorter and more concise guidance and resources perhaps tailored to individual sectors will most certainly be needed and welcomes the Department to provide more information in this regard. Chamber would be happy to work with the Department as necessary in this area and invites the Department to continue to liaise with Chamber going</p>

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	<p>forward.</p> <p><b><u>The Guidance</u></b></p> <p>Whilst the consultation document clearly states that the Guidance is primarily for the Courts which “will determine cases brought under the 2006 Act”, Chamber envisage that the Guidance will also be very important for organisations and providers of goods and services to understand the definition of disability and how the legislation arises within the context of their organisation. Chamber also sees merit in the Guidance and definition being very similar to previous UK guidance and current Northern Ireland Guidance so that there will be precedents and case law to further assist. Chamber recommends that a streamlined, shortened, easy-reading version of the Guidance would perhaps be less daunting for small businesses and more effective in encouraging businesses and service providers to learn about and embrace the legislation. Chamber would welcome further details as to what resources are being prepared in this regard.</p> <p>On page 4 of the Guidance, paragraph 3 it states “<i>in the vast majority of cases there is unlikely to be any doubt whether or not a person has or has a disability...</i>”. Chamber does not feel that this is necessarily an accurate statement given the wide range of disabilities that the Act will cover and is slightly contradictory to paragraph A7. Chamber feels that this statement underplays the complexities of the legislation which it is critical for service providers to understand.</p> <p><b><u>The Code</u></b></p> <p>In relation to the Code, Chamber recognises that it is impossible to produce definitive guidance to deal with every situation that could arise in this area but feels that it is critical for organisations to have some examples and points of reference to use when considering the new legislation and the obligations that it will introduce. The Chamber believes that the Code is a good starting point for businesses to refer to in relation to ensuring compliance with the legislation. The Chamber notes that the Guidance and Code of Practice are heavily based on versions currently in force in Northern Ireland and believes that this will be helpful so that case law and precedents can be used as further guidance.</p> <p>Chamber does think that the practical examples that are featured</p>

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	<p>throughout the Code are particularly useful to businesses in helping them understand how the legislation will operate in practice. Again, as for the Guidance, Chamber recommends that a streamlined, shortened, easy-reading version of the Guidance would perhaps be less daunting for small businesses and more effective in encouraging businesses and service providers to learn about and embrace the legislation. Chamber would welcome further details as to what resources are being prepared in this regard.</p> <p>Members have expressed concern that there is a lack of focussed support (both financially and in terms of guidance) for small service providers. There is no doubt that it is likely that small businesses (which form the majority of the Island's economy) will be hit hardest by this legislation. These are businesses with little surplus funds, no HR department and little other support generally. Members have also expressed concern that consideration should also be given to grants for small businesses in particular in order to assist them in complying with the legislation.</p> <p><b><u>Conciliation and enforcement concerns</u></b></p> <p>Chamber would welcome clarification as to the advice and assistance available to promoting settlement of disputes. Chamber notes that in terms of enforcement the Act states that application to the High Court is the method for resolving disputes. This will be both time-consuming and costly.</p> <p>Section 14 of the Act states that the Department "<i>shall make arrangements for the provision of advice and assistance with a view to promoting the settlement of disputes</i>". The Code mentions briefly in two places that the OFT will have responsibility for arranging independent conciliation of disputes. Chamber would welcome further clarification as to what is meant by "arranging" conciliation. Chamber submits that it will be critical to the effectiveness of the legislation that there is a adequately resourced body with knowledge of a highly technical area of specialty available to assist in the smooth running of the legislation with particular remit to deal with conciliation of this nature. The Code provides no indication of what training and resources are planned in this regard. Are further appointments going to be made? Has there been a training budget identified? The Chamber has concerns that the current OFT would not have the resources or the support or technicality to be able to properly</p>

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	<p>manage this important issue. Chamber is concerned that the training that will be required will be substantial and should not be underestimated.</p> <p>Furthermore, whilst it is acknowledged that the Act provides only to the provision of goods and services, there is still a potential significant impact for employers who could also be deemed to be a service-provider. This point is made in the Code itself in pages 158/9. Chamber does have concerns that little thought has been given to the impact of this legislation on the MIRS. Many organisations may still go to the MIRS as the first port of call when they realise that there is still a discrimination issue. Equally, there may well be cases where there is a genuine employment case which also has an related disability discrimination element under the Act. There appears to be no thought as to whether resources or support need to be provided to the MIRS or what procedure should be adopted if the OFT has to jointly liaise with the MIRS. In Chamber's view, it is artificial to pretend that there is no overlap between the Act's remit and the work of the MIRS. It would seem critical that officers are appointed within government in order to assist with this legislation. Chamber would also be concerned that if this is for a limited term then the burden will partially fall on the MIRS.</p> <p>To put it plain, in Northern Ireland they have the benefit of the Equality Commission for Northern Ireland. As you will know, this is a non-departmental public body in Northern responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations, sexual orientation and disability. Therefore, it would seem that we are introducing practically the same legislation, guidance and code that is in place in Northern Ireland without the back-up, support and enforcement/conciliation options. This is a key concern for Chamber.</p> <p><b><u>Conclusion</u></b></p> <p>In short, Chamber feels that the Code and the Guidance are useful documents and a good starting point in relation to providing a resource to explain obligations that will arise under the legislation. There is clear merit in the Code and Guidance being very similar to the old UK DDA and the existing Northern Irish legislation so that there are precedents and case law that can be relied upon for further guidance. The Code and Guidance are however complex and rather daunting for businesses (particularly small businesses that do not have the time or resources for HR and legal</p>

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	<p>advice). It is unclear to Chamber what other resources and support will be available to businesses in terms of education, training, financial support and dispute resolution.</p> <p>Chamber would reiterate that it is fully supportive of the principles behind the legislation and the fact that disability discrimination (or any discrimination) should not be tolerated. However, it is of course important that the public and private sector where possible work together to ensure that the legislation will be a success and be implemented as smoothly as possible with as much support provided to service providers affected by the legislation as possible.</p>
<p>Manx Blind Welfare Society</p>	<p><b>Response on behalf of Manx Blind Welfare Society to the public consultation on the Disability Discrimination Act 2006 Guidance and Code of Practice</b></p> <p><b>Introduction</b></p> <p>This Organisation (Manx Blind Welfare Society) welcomes the introduction of legislation which will encourage our wider society to take appropriate actions in the interests of developing a more inclusive experience for those individuals or groups of individuals who from time to time experience discrimination of one type or another.</p> <p>As with many others, we have been supportive of what we had understood was the Manx Governments commitment to the introduction of an Equality Act.</p> <p>The contents of such an Act as outlined to in the Equality Bill in our view form a more appropriate piece of legislation to support a fairer and more equitable Society, furthermore, it will demonstrate even greater concern for those described under the protected characteristics defined within that Bill.</p> <p><b>Response</b></p> <p>We understand that the implementation of the DDA is important but we believe that full implementation should occur no later than 2018.</p> <p>We believe that the consultation guidance issued is helpful in general terms and we offer no improvements at this stage.</p> <p>We would recommend that Government rethink the role of the Office of Fair Trading as outlined in the guidance. We would suggest that a more independent "organisation" be created with proven cross sector</p>

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	<p>experience. In our view this would have much more credibility within the third and private sectors and have a better chance to deliver successful dispute arbitration.</p> <p><b>Outside of the specific observations made herein, we support the response put forward by the Isle of Man Department of Health and Social Care's Multi-Agency Forum</b> (MBWS form part of that forum).</p> <p>We are mindful that it has taken 10 years to get to this point. Whilst we believe that time is of the essence in regard to the implementation of the DDA, <b>it remains our firm view that the introduction of an Equality Act must be the urgent goal of the next Government of the Isle of Man.</b></p>
Department of Infrastructure	<p><b>Consultation on DDA Guidance and Code of Practice</b></p> <p>Thank you for giving the Department the opportunity to comment on the Guidance and Code of Practice relating to the Disability Discrimination Act 2006 (DDA). The Department provides a range of relevant services including Public Transport, Highways and Estates Management.</p> <p>The Code of Practice document is of a considerable size and whilst it contains a lot of common sense, it may benefit from being split into documents covering the individual sections. It appears to mix the rights of disabled people with the requirements on both treatment and accessibility. This does not aid sectors that are more concerned with matters such as access to readily understand their requirements. It requires the service provider to undertake its own surveys with members of the public; perhaps a nominated group of volunteers or more precise advice would assist the service provider in meeting the requirements.</p> <p>The Department would suggest that a clearer and more concise definition of disability would assist service providers to determine how best to meet the requirements. It may be useful to provide examples to assist in this understanding of the definition.</p> <p><b>Public Transport issues</b></p> <p>We understand it is not the intention to offer detailed explanations of the working of the DDA, however, the documents do not give any practical advice to bus, coach and rail operators in serving disabled passengers to avoid transport operators discriminating against them. In terms of public transport provision, the Department is fully aware of what is required and intends to adopt the legislation. However, there are other road passenger operators who may need some additional assistance.</p>

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	<p>There are a number of practical guides for buses, coaches and rail services available in the UK; these provide advice and information on a number of issues:-</p> <ul style="list-style-type: none"> <li>• DDA awareness staff training - and the continuous training cycle</li> <li>• Pre journey telephone enquires</li> <li>• Website designs</li> <li>• Boarding and alighting of buses, trams and trains</li> <li>• The operation of the kneeling suspension on buses, railway platform heights</li> <li>• Carriage of wheelchairs - non carriage of mobility scooters - assistance to mobility impaired passengers</li> <li>• Hail &amp; Ride request stops - rural bus stops</li> <li>• The provision of appropriate infrastructure</li> <li>• The use of the wheelchair pen space on a bus</li> <li>• On bus audible and visual announcements</li> </ul> <p><b>Highways Issues</b></p> <p>Rights of Way issues are in many (if not all) cases, inaccessible to wheel chair users and people with restricted mobility. It may be possible to improve accessibility on a small number of paths however, a great many would be difficult if not impossible to change to cater for the disabled user i.e. glens with steps, footpaths on the beach, footpaths close to cliffs etc. This would also alter the nature of the route in a negative way for other users who enjoy crossing rugged landscape.</p> <p>It is also important to note that, for example, Crellins Hill, Well Road Hill and parts of Victoria Street have a significant gradient, which is defined by the topography of the land and the historic nature of our towns. Putting in place measures to assist disabled people to use and access these areas is, in most cases, impractical.</p> <p>Similarly, the width of pavements due to the historic nature of our towns fall below the required minimum standard. Widening pavements in many instances would not be an option, due to the buildings adjoining the carriageway.</p> <p>The Department is, however, continuing to invest in drop kerbs on a scheme by scheme basis. Due to the high tidal range of the Irish Sea, access to beaches is often via steps and a disabled person would currently need to make a significant detour to access a slip way. Putting in place a sufficiently shallow ramp to allow access to beaches would be significant in terms of cost and engineering.</p> <p><b>Buildings</b></p> <p>With regard to registered buildings, the Department would hope that the</p>



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	<p>approach taken will accept that the Department cannot alter such buildings and as such will be covered by the reasonably practical requirements. The Department has been working on DDA issues for some time now and most non registered buildings that need to be, should already be compliant to meet the reasonably practical requirements.</p> <p><b><u>DETAILED COMMENTS</u></b></p> <p><b><u>Page 2.36</u></b>  With regard to making reasonable adjustments to waiting rooms, it is assumed that Snaefell Mountain Railway (SMR) will be exempt from the legislation as wheelchair users cannot travel on the SMR. The Summit can only be reached by foot or SMR.</p> <p><b><u>Page 2.37</u></b>  In relation to the last bullet point, in order to future proof the legislation so other later heritage vehicles can be included, it would be prudent to add a note after "1st January 1970" to say the 1970 cut off year will be increased by one year, every year from the date of the legislation. Although the DOI would enforce the legislation, it would apply to all registered operators.</p> <p><b><u>Page 37.3.20</u></b>  Regarding the last example concerning an obstructed view from a seat. On the Steam Railway the conditions of carriage state:</p> <p><i>'Most of our carriages can accommodate people with disabilities but our heritage carriages have narrow aisles so wheelchair access is not possible with a conventional wheelchair. However, conventional wheelchairs can be stored in the rear guard's compartment or alternatively we are happy to accommodate conventional wheelchair users and carers in the guards van although we acknowledge that this is far from ideal in terms of comfort and viewing'.</i></p> <p>The Department would still like to offer this facility without breaching the DDA.</p> <p><b><u>Page 42/43</u></b>  With regard to the point on providing reasonable services by alternative methods. This needs clarification, there are numerous places on the railway network that are not served by bus. Therefore, an expectation should not be given to disabled passengers that the Department will provide buses or finance taxis to these areas.</p> <p><b><u>Page 78</u></b></p>

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	<p>The example refers to a Coach Station booking office. To make the example relevant to the IOM the Department would suggest this is changed to a railway station.</p> <p><b><u>Page 81</u></b></p> <p>The last example refers to a coach company - the Department would suggest this is changed to a bus operator.</p> <p><b><u>Page 94</u></b></p> <p>With regards to the example of a lakeside walk, the removal of a stile and replacing it with an accessible gate is a reasonable step. The Department has a significant number of stiles and "kissing" gates that are not suitable for the disabled and would need to be changed at considerable cost. These may be in areas that are inaccessible or may be designed to reduce the risk of livestock escaping.</p> <p><b><u>Page 109</u></b></p> <p>The amusement park high speed ride example is not relevant to the Isle of Man. In the Department's Railway Conditions of carriage the following clause is included for reasons of health and safety and dignity:</p> <p><i>'Snaefell Mountain Railway: No wheelchair access is available on our mountain trams; additionally the Summit facilities do not provide full access for people with a disability. The steps on the carriages are quite steep and some abled bodied people will also have difficulty boarding these trams'.</i></p> <p>It would be more relevant therefore to include a scenario that relates to the Snaefell Mountain Railway.</p> <p><b><u>Page 114</u></b></p> <p>Regarding the example of the tour guide, the Department would suggest that this example be changed from old city walls to Victorian tram and train workshops. It would assist the Department to explain that its railway engineering facilities are not DDA compatible for prospective employees and visitors with mobility issues.</p> <p>I hope the foregoing is useful; if you require any clarification please let me know.</p>

The information in this response can be provided in an alternative format on request.

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