



FOREST RESEARCH

“Enhancing the Forest Sector’s contribution to equal access for disabled people to recreation goods, facilities and services in Scottish Forests”

Task 1

ACCESSIBILITY AND DISABILITY: A Guide to the Application of Disabled Access Legislation to Scotland’s Woodlands

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Prepared for Forestry Commission Scotland

by

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1.0 Introduction

Scottish people are extremely proud of their history, heritage and land, whose natural beauty attracts thousands of tourists every year and forms one of the nation's most prosperous industries and economic assets.

Given the value and magnetism of this asset, it is important that as many people as possible have access to enjoy it. However the nature of the landscape, with its rugged terrain, hostile climate, travelling distances and remoteness can present many challenges for people with physical and mental disabilities or impairments.

In recent years, Westminster and the Scottish Parliament have passed legislation designed to ensure that access rights for the disabled are strengthened and that public rights of access to the countryside are extended and protected. This legislation is explored below in the context of Scotland's woodlands and forests.

This paper will look at some of the general principles of the law and specific areas of prime importance to forestry managers if disabled access is to be promoted and barriers removed.

2.0 The legislation: an overview and summary

2.1 The Disability Discrimination Acts, 1995, 2005 and the Disability Discrimination Regulations, 2003

The primary purpose of this legislation is to establish equality between those who are and are not disabled, and to ensure that as far as possible, no-one should be disadvantaged in carrying out their normal everyday activities by reason of their disabilities.

The Act of 1995 began a comprehensive attempt to achieve this primary purpose in regard to large businesses and concerns, this being extended to all regardless of size by the Regulations of 2003 in October 2004. The 2005 Act stressed the application of the law to public bodies, for whom it brought in the Disability Equality Duty (which came into force Dec 2006) and further extended the aim of the law to end the discrimination which many disabled people face, by establishing their rights in other arenas – and the sum of the legislation now includes:

1. Access to goods, facilities, services and premises
2. Employment
3. Buying or renting land or property
4. Membership of trade or professional institutions
5. At school
6. In post-16 education

This paper concentrates on point 1.

The duties apply to service providers where physical features make access to their services impossible or unreasonably difficult for disabled people.

2.2 The Land Reform (Scotland) Act 2003

People with disabilities have the same right to enjoy the countryside as anyone else. Guidance on this legislation can be found within the Scottish Outdoor Access Code which applies to the public and to land managers, and which advises:

“The Land Reform (Scotland) Act 2003 establishes a statutory right of responsible access to land and inland waters for:

- outdoor recreation,
- crossing land, and
- some educational and commercial purposes.”

The Scottish Outdoor Access Code also gives detailed guidance on the responsibilities of managers of land and water in terms of providing access. The Act and the code accept the use of adapted motorised vehicles by disabled people to allow them to exercise their rights.

The Act sets out where and when access rights apply. The Code defines how access rights should be exercised.

The Code is based on three key principles for responsible access and these apply equally to both the public and land managers:

- Respect the interests of other people: be considerate, respect privacy and livelihoods, and the needs of those enjoying the outdoors.
- Care for the environment: look after the places you visit and enjoy. Care for wildlife and historic sites.
- Take responsibility for your own actions

(The Scottish Outdoor Access Code
<http://www.outdooraccess-scotland.com/default.asp>)

The Scottish Outdoor Access Code defines Land Managers’ main responsibilities to:

- Respect access rights in managing land and water
- Act reasonably when asking people to avoid land management operations
- Work with the local authority and other bodies to help integrate access and land management

3.0 Definitions

3.1 Disability – the statutory definition

Part I of the 1995 Act defines a person as having a disability for the purposes of the law if he or she has a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. Such an ambiguous generalisation has arguably led to many problems, although each individual Code of Practice aims to expand further on legislative interpretation relevant to it. Under the term “disabled”, the legislation includes persons who are physically impaired, mentally impaired, and those who experience learning difficulties (schoolchildren and those in further education) – in other words those with “special needs” and not solely those confined to wheelchairs.

3.2 Landowners

Landowners and land managers subject to this legislation include both private and public bodies. Local authorities are also given a duty to oversee that the provisions of the legislation are implemented in their areas, including the carrying out of appropriate inspections. A fuller list of duties is provided in later paragraphs analysing the Codes of Practice.

In short, the statutes apply to virtually all those providing goods, facilities or services to the public and those selling, letting or managing premises. This includes woodland managers providing recreational goods, facilities and services.

3.3 The term “reasonable”

The liability of those providing access and facilities is mitigated in law by the application of the principle of ‘reasonable care’. This means that the duty of care is such as a reasonable ‘man in the street’ would expect - a man of reasonable but not ‘genius’ intelligence, reasonable but not superlative education, and without specialised knowledge of or training in the topic of the case.

However, it is essential to bear in mind that the legal application of the word “reasonable” is a flexible one as it has to take into consideration the differing needs of the wide variety of disabilities, the extent of necessary alterations to facilities and, subject to case law interpretation, the cost of such alterations.

3.4 The term “discrimination”

Discrimination is seen as including any and all forms of harassment based upon general and individual disabilities. The purpose of anti-discrimination law is to encourage disabled people to participate fully in enjoyment of public services alongside their non-disabled fellows.

It is recognised that in some cases this may lead to an outward appearance of favourable treatment and services for the disabled in order to meet their specific individual needs.

However, this does not only apply to rights of access; usage of public properties is included under the Acts, and changes are foreseen in the areas of management, employment, policies, research, regulation and project management.

3.5 General duties of public bodies

As indicated, the Disability Discrimination Acts and Regulations have placed wide-ranging statutory demands upon public bodies both generally and with specific regard to their individual areas of remit. These are designed to introduce sustainable equality of access, opportunity and treatment for all members of the public and include the eradication of all forms of discrimination on the grounds of physical and mental disability covered and made unlawful by the legislation. This is seen as inducing pro-active steps where needed to alter the attitudes of both staff members and non-disabled members of the public, and demonstrates a need for such bodies as the Forestry Commission to study their own particular duties to meet the requirements of the legislation.

The General Duty requires public organisations to have due regard to the need to:

- Promote equality of opportunity.
- Eliminate discrimination.
- Eliminate harassment.
- Promote positive attitudes towards disabled persons.
- Encourage participation.
- Take steps to account for disabled persons' disabilities.

3.6 Specific duties of public bodies

In addition to general duties, many public authorities have specific duties which require them to produce a Disability Equality Scheme. The Forestry Commission has produced one, available at <http://www.forestry.gov.uk/forestry/infid-6z8kx7>

Further examples of duties applying specifically to forestry and woodland managers can be found in Section 9.0, including the requirement to consult and co-operate with disabled groups in preparing and publishing a Disability Equality Scheme and Action Plan. Such documentation should include details of how the organisation intends to meet its new duties, and how it intends to assess its success.

A deadline of three years from publication of the Scheme has been set for implementation of the Action Plan. By this time, each organisation must publish a report detailing steps taken and the results of data collected.

4.0 Equality before the law

The end goal is to eradicate any form of perceived discrimination against disabled people and where at all possible to grant them the same rights and opportunities as those without disabilities. As far as access is concerned this includes a range of

facilities which may not be currently available to satisfactory standards, including access to and from property, suitable toilet facilities and a variety of other features with specific reference to woodland and forestry management, which will be looked at later in this paper.

5.0 Rights of access

5.1 The Code of Practice (Rights of Access to Goods, Facilities, Services and Premises - Disability Rights Commission)

This Code deals with the duties placed by the Disability Discrimination Acts making it unlawful for service providers, landlords and other persons to discriminate against disabled people in certain circumstances.

The duties on service providers were introduced in three stages:

- Since 2 December 1996 it has been unlawful for service providers to treat disabled people less favourably for a reason related to their disability;
- Since 1 October 1999 service providers have had to make “reasonable adjustments” for disabled people, such as providing extra help or making changes to the way they provide their services; and
- From 1 October 2004 service providers may have to make other “reasonable adjustments” in relation to the physical features of their premises to overcome physical barriers to access.

The Disability Rights Commission’s ultimate aim is to create “a society where all disabled people can participate fully as equal citizens”, and the Code is seen as a major tool in helping to achieve this. It also gives practical guidance on how to prevent discrimination against disabled people in accessing services or premises.

The code recommends that in order to meet the General Duty public authorities should focus on:

- Mainstreaming – impact assessment.
- Gathering and analysing evidence.
- Prioritising remedial actions.
- Involving disabled people.
- Public reporting – transparency.

Important mechanisms for successful compliance are:

- Leadership.
- Staff expertise and training.
- Attention to working with others: partnerships and procurement.
- Focusing on effective change.
- Efficient use of resources.

The Code also outlines the duties on service providers to make adjustments when the physical features of their premises make it impossible or unreasonably difficult for disabled people to use their services, and provides guidance on the measures which should be taken to ensure that a physical feature is not making their service impossible or unreasonably difficult for disabled people to use.

The Act sets out four possible options for service providers: removing, altering or avoiding a physical feature or providing the service by alternative means. The Acts do not prescribe what approach the service provider should use. However, a sensible approach should be to remove or alter the physical barrier to the service wherever this is possible.

6.0 General Principles

The Code of Practice on Rights of Access in accordance with the 1995 and 2005 Acts summarise the general principles of eradicating discrimination in the provision of facilities or goods as follows:

“It is unlawful to discriminate against a disabled person by

- deliberately not providing a service which is provided to other members of the public
- deliberately offering a standard of service to the disabled inferior to that offered to other members of the public
- discrimination in terms of provision of a service or goods.
- failure in the duty to make reasonable adjustments where such failure results in making it impossible or unreasonably difficult for a disabled person to use a service
- treating a disabled person less favourably for a reason relating to the disability”

7.0 Application

The DDA legislation provided in the 1995 and 2005 Acts applies to the provision of facilities by virtually all who are involved in the UK provision of services to the public. This includes the private, public and voluntary sectors whether or not such facilities are provided free of charge.

Included are a wide range of places where disabled people should be able to gain access: local councils, government departments, agencies, emergency services, charities, voluntary organisations, hotels, restaurants, pubs, post offices, public utilities, national utilities, banks, building societies, solicitors, accountants, telecommunications, national parks, sports stadiums, leisure centres, advice agencies, theatres, cinemas, hairdressers, shops, market stalls, petrol stations, telesales businesses, places of worship, courts, hospitals and clinics.

APPENDICES

Making Woodlands More Accessible

This section considers the different aspects that a manager of typical small recreation and path networks needs to think about if a disabled person were to visit his or her forest. It is laid out as a checklist of issues that follows the different stages from planning through to the actual visit by a person with a disability. It is intended to help you think about the issues someone with a disability needs to consider and have addressed before having a successful visit. If you have thought about and addressed these points then there will be as few barriers as possible to use by disabled people. The checklist refers to the more basic elements of an informal recreation development on a small to medium scale.

Following this is material developed by Forest Enterprise England aimed at the issues faced by a larger forest recreation area and is more comprehensive.

Appendix 1.0

A check list of issues to be thought about and addressed to make a recreation facility more accessible

Before the visit – planning by the potential visitor:

- Is information available to potential visitors in a suitable format?
- Does the information explain the physical features of the site?
- Does it explain how to find the location?
- Does it provide information on transport?

En route to the site:

- Is the site waymarked so it is easy to find?
- Is the entrance well signed?
- At the entrance do any signs make it clear of the provisions for disabled access?

At the point of arrival:

- If car parking is provided are sites set aside for disabled use?
- If any information is provided is it in a format suitable for people with different disabilities to understand?
- Does the information explain the facilities and their suitability?
- Is the sign structure at a height suitable for wheelchair users?
- Is the surfacing around the site suitable for physically disabled people?
- Is information provided on what to do in an emergency?

Toilet facilities

- What are the options if there are no toilets available?
- Is there alternative provision elsewhere?
- Is information available on this alternative provision?

- If a toilet is provided is it accessible (it needs to meet specific standards)?

Picnicking

- If a picnic area is provided, is the surface accessible to some tables?
- Are tables, if provided, modified for a wheelchair?
- Are benches accessible to other physically disabled people (not in a wheelchair)
- If a barbecue is provided is it accessible from a wheelchair (eg height, surfacing)?
- Can litter bins, if provided, be used by disabled people?

Trails

- Is information about length, surface, gradients and obstacles provided at the start of any trails?
- Are trails waymarked using techniques that are accessible for disabled people (eg. tactile arrows/symbols, contrasting colours, visible from a wheel chair)?
- Has the trail been audited?

Appendix 1.1

Guidance from Forest Enterprise England (Source: Harrop, P., Fryers, A. and Knock, P. 2004 Making Woodlands More Accessible, Forest Enterprise England).

Work area and action	Notes
Visitor Centres	
<ul style="list-style-type: none"> • Audit buildings with building surveyor/land agent/ building manager and prepare improvement plan if necessary • Raise awareness of staff in dealing with disabled people 	<ul style="list-style-type: none"> • Use a trained access auditor to ensure that the audit and suggested solutions are workable. • Provide training to staff and/or use a disabled auditor to point out different issues.
Toilets	
<ul style="list-style-type: none"> • Check all toilet facilities have separate unisex accessible toilet. Prepare a plan for replacement if they have not. 	<ul style="list-style-type: none"> • See BS 8300:2001
Car Parks	
<ul style="list-style-type: none"> • All car parks, associated with any accessible facilities, for example toilets and/or easy access trails, should have designated parking bays for disabled visitor 	<ul style="list-style-type: none"> • 3.6m width recommended minimum 3.2m, layout of bay also crucial. See British Standard BS 8300:2001, Bell1997
Trails and wider access	
<ul style="list-style-type: none"> • Carry out an audit to establish what paths are currently accessible, other physical barriers to access and set priorities for improvements • Be prepared to provide keys or use RADAR locks where barriers must be locked and gaps or accessible gates cannot be used. 	<ul style="list-style-type: none"> • Use or adapt Forestry Commission Scotland access audit process. • Apply the Countryside for All standards and supply information about trail conditions and any barriers that may be impossible to remove • It is not acceptable to charge for these keys although a deposit may be requested.

Play	
<ul style="list-style-type: none"> • Carry out access audit of all play structures/areas and surfaces • Complete an action plan based on audit to improve existing play structure 	<ul style="list-style-type: none"> • Use or adapt Forestry Commission Scotland checklist. • Ensure paths to and within play areas are as accessible as possible and that some play equipment has accessible features
Providing information	
<ul style="list-style-type: none"> • Check existing printed information against guidance and improve where necessary at next print run • Review on site signage and information and prepare a plan for improvement 	See Countryside for All Interpretation guidelines and RNIB See it Right pack. Use Countryside for All guidelines

Table 2 issues and action for tackling accessibility problems

Work area and action	Notes
Education	
<ul style="list-style-type: none"> • Ensure activities are available/provided for disabled people • Provide information in a range of formats • Check groups needs and any assistance required in advance of visits 	<ul style="list-style-type: none"> • See Countryside for All Interpretation guidelines and • See RNIB see it right pack • See Recreation Access and Safety Guidance (only on FC Intranet)
Events	
<ul style="list-style-type: none"> • Review guided walk and event programmes to ensure activities cover a range of abilities • Review big event plans to ensure disabled facilities are provided • Ensure booking staff understand the nature of the events to help the customer make an informed decision whether the event is suitable for them. 	<ul style="list-style-type: none"> • See Countryside for All Events guidelines
Consultation	
<ul style="list-style-type: none"> • Involve a range of disabled groups and individuals in consultations about recreation and education facilities and services 	<ul style="list-style-type: none"> • Consider people's needs in terms of meetings (sign/audio loop) and information (large print, Braille, audio) and support requirements.

Table 2 issues and action for tackling accessibility problems

Guidance notes

These guidance notes cover a range of subject areas. They are not meant to be definitive and refer to other information sources.

Visitor Centres (shops, café's, display areas and their physical surroundings)

What do we need to do?

In terms of the physical buildings we must ensure that all public buildings are accessible (this means you can get a wheelchair or pushchair round the shop and café too!). We should also make sure staff are trained to deal with disabilities. How many Centres are geared up for deaf/blind people? We need to check to make sure our buildings meet basic needs of disabled people. A simple site audit should be completed in conjunction with the land agent or building manager.

We should also consider provision on a rental basis of accessible buggies and suitable paths to provide better access opportunities. Partnerships with organisation such as the Disabled Ramblers or direct should both be considered.

Some examples of what to check for:

- All entrances ramped for wheelchair access
- Doors wide enough to accommodate wheelchairs
- Key information available in large print format
- Staff awareness of customer care relating to disabled people (e.g. disability etiquette) and of on and off site opportunities
- Café and shop accessible with wheelchairs
- Public areas up stairs (not offices) are accessible via a lift or stair lift.

More help

1. Disability Discrimination Act code on Disability Rights Commission website <http://www.drc-gb.org/>
2. DDA guide " Making goods and services more accessible for disabled customers: a practical guide" <http://www.drc-gb.org/>
3. Disability etiquette guidance - Disability Wales <http://www.dvac.demon.co.uk/>
4. Access to the Countryside for Deaf Visitors, SNH 2006

Forestry Commission internal documents

5. FC Estates Guidance note on e-connect http://alpoak.forestry.gov.uk/pls/portal30/docs/FOLDER/EMD_CA/ESTCODE/PROPERTY_MANAGEMENT/DISABILITY+DISCRIMINATION.DOC
6. Guidance on the use of access buggies, Forest Enterprise

Toilets

What do we need to do?

Where toilets are provided there should be an accessible toilet, (this applies to temporary toilets too). The toilet should be a separate, unisex toilet, not one inside either the men's or ladies. This is important if the disabled person requires assistance and has a carer of the opposite sex. The preference is for accessible toilets to be available 24 hrs a day where possible. This can be achieved by fitting a RADAR lock but leaving the toilet unlocked during normal opening hours. Toilets should also incorporate a baby-changing unit where possible.

More help

Countryside for All - <http://www.fieldfare.org.uk/>

Bell, S. (1997) Design for Outdoor Recreation. Sponpress

Car parking

What do we need to do?

All car park surfaces should be in a good enough condition to allow access for disabled people. All car parks, associated with any accessible facilities for example toilets and/or easy access trails, should have designated Blue Badge parking bays for disabled visitors. Blue Badge bays should be situated close (within 50 m) to facilities and linked to facilities by a fully accessible path without having to cross major traffic flows. The bays should be larger than standard bays to allow for wheelchair access. The width for an accessible parking bay is 3.6m but the absolute minimum is 3.2m.

More help

Countryside For All - car park specifications <http://www.fieldfare.org.uk/>

British Standard BS8300 - <http://www.bsi-global.com/index.xalter>

Bell, S. (1997) Design for Outdoor Recreation. Sponpress

Trails and wider access (including Forest Roads, PROW and estate access tracks)

What do we need to do?

It is widely accepted that the whole countryside cannot be made fully accessible, and that the idea of "least restrictive access" can be usefully applied to the managed countryside. Equally, being unable to achieve access standards aimed at meeting the requirements for wheelchairs does not mean that many other people with various disabilities or impairments cannot use a path. The aim should be to provide a range of opportunities for everyone. The forest road network presents an ideal opportunity for good access often only limited by a locked gate.

When considering opportunities it is important to look at what other access providers are doing and where possible to link your policies with theirs. Consultation with access and disabled groups is also important to get a balanced approach. The following approach could be adopted based on access audit:

Note: This is not an exhaustive list but covers some of the key points you need to consider. Further points can be found through the reference section.

- Key visitor attractions (e.g. visitor centres and other busy locations) should have some fully accessible paths to meet the *Countryside for All* standards
- Other sign posted paths should be audited to identify any quick fixes such as removal of gates and stiles and to identify longer-term aspirations.
- Information on the conditions of all paths should be provided in terms of length, width, gradients, surfacing, obstacles, benches and main attractions such as viewpoints so that a disabled person can decide if they are capable of using them.
- Access should be allowed on the forest road network for wheelchairs and accessible buggies by either removing gates, providing a gap or accessible gate. If none of the above is possible providing keys may be an option but disabled people should not be charged for this service. Asking for a returnable deposit for a Forestry Commission key or using a radar lock is acceptable.
- Allowing vehicle access for one off visits is acceptable but not on a routine or regular basis to the same individual.
- On public rights of way stiles should be replaced with accessible gaps or gates wherever possible and path routes and surfaces should be discussed with local authorities as part of their core path improvement plan process
- Plans for any new paths must be accompanied by a detailed access audit.
- Districts should complete an access audit based on the audit manual provided. Timescale for carrying out the audit will be decided locally and can be linked to regular safety inspections for paths.

More help

Countryside for All - planning, path standards and design, artefacts <http://www.fieldfare.org.uk/>

Sensory Trust - A guide to disabled green space <http://www.sensorytrust.org.uk/>

SNH - Countryside Access design (*lots of stuff on artefacts and making decisions about barriers*) www.snh.gov.uk

Countryside agency - Sense and accessibility - report on improving access <http://www.countryside.gov.uk/>

Countryside Agency - Increasing access to the wider countryside for disabled people (to be published 2004) <http://www.countryside.gov.uk/>

Centrewire - designs for gates etc <http://www.centrewire.com/>

BT Millennium Miles Audit Pack <http://www.fieldfare.org.uk/>

Bell, S. (1997) Design for Outdoor Recreation. Sponpress

Play

What do we need to do?

Play comes within the scope of DDA. This does not mean that all play furniture needs to be accessible but it does mean that in sites with large play areas (more than four structures), some elements should provide full access. Steps should be taken to adjust existing play equipment to make it more accessible. As a minimum play furniture should be audited and an action plan initiated for further development.

Examples:

- When adding new pieces consider introducing more accessible furniture with ramps or ground level access such as crawl through tubes.
- On existing play furniture remove or ramp raised edges around bark and other play surfaces.
- When replacing play surfaces consider using matting or other solid surface on main access routes through a large play area.

More help

Developing accessible play space (ODPM) <http://www.odpm.gov.uk/>

Accessible and Inclusive Playspace (John Hicks). Useful report including checklists and suggestions for making play space more accessible <http://website.lineone.net/~johhicks/playarea.htm>

Access to play areas, National Center on Accessibility , USA - <http://www.ncaonline.org/playgrounds/index.shtml>

Bell, S. (1997) Design for Outdoor Recreation. Sponpress

Providing information

Inaccessible information is one of the key barriers to people trying to access the outdoors. Expectations of what services and facilities are available are often very low because people do not have access to the information they need.

What do we need to do?

Know where the accessible sites/routes are and make this information easily available. Be prepared to provide information in a range of formats, for example in large print, Braille or audio. RNIB provide a Braille translation service and it is often very easy to produce large print text only versions of information.

Review the standard of existing publications. Do not use fonts below 12 point wherever possible and try to have key information in 14 point. Use simple fonts. Use strong contrasting colours rather than pastels.

Ensure signs and information boards are readable from a wheelchair and that people can get close enough to the sign to read it if they are partially sighted. Consider producing key information in Braille.

More help

Countryside for All - Interpretation guidelines <http://www.fieldfare.org.uk/>

RNIB See it right pack - <http://www.rnib.org.uk>

Countryside Agency - Paths Without Prejudice <http://www.countryside.gov.uk/>

Education and Learning

What do we need to do?

Education is now covered by the Special Educational Needs and Disability Act (SENDA), which built upon the education clauses of the DDA. The main issue here is that public organisations are prepared to adapt their programmes for disabled students and groups and should not charge extra for this. Organisations must also ensure that classrooms or other facilities are accessible and have accessible toilets, and that these are all accessible from the car park. Most of the information detailed previously on facilities and information is applicable here, together with some extra considerations for educational groups.

- At least some educational activities should be accessible so you can offer these to disabled people. This doesn't mean you have to offer everything (for example it may be impossible to see a particular feature in a forest in a wheelchair), however you should make sure you have some alternatives to offer.
- Ensure leaflets, publicity and worksheets for use with groups are provided in a variety of formats - large print, Braille, audio information - as well as talking to groups. Pictorial information and simple language for those with learning difficulties could also be used. Developing accessible materials should be carried out in consultation with a local special school or SEN (Special Educational Needs) dept. in a larger school to make sure the information provided is appropriate
- Generally, formal education groups will have booked in advance, and any access requirements should be enquired about as a matter of course. These should be taken into account when leading the group and preparing activities. In mixed ability groups, you should be inclusive as far as possible - i.e. the whole group goes on an accessible trail and takes part in similar activities where possible, rather than singling out and offering the disabled person alternatives.
- Some activities - using tools, for example - may require appropriate support for disabled students. Usually with formal education groups, the disabled learner will have a Learning Support Assistant or carer with them who can help provide this extra support, but it's worth checking when you plan your activities with the group.
- If groups do come to a site unannounced, having a small stock of worksheets etc. in a variety of formats with some additional information on accessibility would be useful

More help

Special Education Needs and Disability Act (SENDA) 2001 and Education (DSPER) (Scotland) Act 2002 <http://www.drc-gb.org/>

Events

What do we need to do?

Large concerts and small guided walks all come within the scope of the DDA. This does not mean that a disabled person would get preferential treatment but it does mean that if it is reasonable to expect that disabled people will want to attend the event, this should be accommodated.

With a guided walk we should be prepared for all abilities but it would be acceptable to turn down a disabled person if the nature of the activity was unsafe or to change the event to include participation by a disabled person affected the nature of the activity. It is vital that all events should be planned to ensure that everyone can participate and be included as much as possible.

Ideally within a programme of events there should be opportunities for a diverse range of disabled participants. This means that when somebody rings up to book an event the staff member taking bookings must have full details of every type of event available, and the access facilities of each. They should know whether wheelchairs are catered for, if someone who can use sign language is available, if guide dogs are permitted, what, regarding the nature of the activity might make it inappropriate, e.g. steepness, boggy ground, viewing animals that would be scared by a dog. The staff member should be able to suggest any alternative events which could meet the client's needs.

With larger events, concerts, festivals etc, provision must be made for disabled people. The following issues need to be considered: access, ramps, viewing areas, facilities, support staff, signage for impaired vision, emergency evacuation and publicity.

More help

Countryside for All - Interpretation Guidelines and Events Guidelines
<http://www.fieldfare.org.uk/>
HSE: The Event Safety Guide <http://www.hse.gov.uk/>

Other facilities (picnic, BBQ, etc)

What do we need to do?

We need to make sure that a proportion of all tables and benches are designed with accessibility in mind. Where picnic tables are provided at least one should be fully accessible. There are plenty of good designs around and the main issue is to get amenities sited in the right place. For example: close to parking areas, on flat firm ground, easily accessible from paths (no steps). Year round access is important so if the ground conditions are unsuitable, the access and standing should be surfaced.

More help

Countryside for All - planning, path standards and design, artefacts
<http://www.fieldfare.org.uk/>
Bell, S. (1997) Design for Outdoor Recreation. Sponpress.

Consultation

What do we need to do?

Ensure that disabled people and groups are included in consultation on our recreation services and that the format of the consultation does not in itself exclude them. Where we offer to cover costs for consultation, this must cover everyone invited and where necessary carer/personal assistant costs. Meetings should be run in accessible buildings. Make sure that documents can be converted to large print, Braille or audio if required. Consider contacting local disability groups or access forums but be wary of being led too much by a single individual or group who may have very specific interests.

More help

Countryside for All - Networking guidelines <http://www.fieldfare.org.uk/>

Disability Wales/Anabledd Cymru Conference and Event Planning checklist - <http://www.dvac.demon.co.uk/>

Some contacts

Fieldfare Trust	Fieldfare maintains the Countryside for all guidance and also provides a consultancy service. http://www.fieldfare.org.uk/
SNH (Scottish Natural Heritage)	SNH have produced a design guide for gates and other access infrastructure www.snh.gov.uk The new guidance on Access to the Countryside by Deaf Visitors (Commissioned Report No 171) is also available on line
DRC (Disability Rights Commission)	Maintain the DDA code of practice and will provide advice on what service providers duties are under DDA. http://www.drc-gb.org/
Disabled Ramblers	Organise trips for wheelchair users and campaign for barrier free access. Good advice on disabled buggies. http://website.lineone.net/~disabledramblers/
DCLG (Department for Communities and Local Government)	DCLG has produced some guidance on design of accessible play. http://www.communities.gov.uk/
Sensory Trust	The sensory trust provides consultancy and guidance, a regular newsletter and some online case studies relating to design of green space and interpretation. They are based at The Eden project http://www.sensorytrust.org.uk/
RNIB	RNIB provide guidance on design of written material and also provide a Braille translation service. http://www.rnib.org.uk

RADAR	RADAR manages and promotes the national key scheme for accessible toilets. Http://www.radar.org.uk
Break Free	Organisation involved in developing and providing information on the outdoors or disabled people www.breakfreeinfo.com
Countryside Agency	Provides guidance on making the countryside more accessible. http://www.countryside.gov.uk/
Sportability	Organisation promoting sport for disabled people http://www.sportability.org/about.htm
Disability Wales	http://www.dvac.demon.co.uk/
Countryside Commission Wales	Provides guidance on making the countryside more accessible http://www.ccw.gov.uk/

Appendix 1.2.

Problems and Solutions (Source: Harrop, P., Fryers, A. and Knock, P. 2004 Making Woodlands More Accessible, Forest Enterprise England.)

1. **A disabled person with arthritis complains that standing in a queue for an audio-visual presentation at a visitor centre causes them pain.** The centre's queuing policy makes it unreasonably difficult for this person to use the service as no other people would be expected to suffer similar discomfort to access it. The provision of seating in the queuing area would probably be a reasonable adjustment. Allowing disabled people to the head of the queue might or might not be a reasonable adjustment to expect, depending on the effect on other visitors.
2. **On a countryside path there is a locked gate with an adjacent stile.** It would be a reasonable adjustment for the gate to be unlocked for people who cannot use the stile. The erection of a sign indicating that disabled people may obtain a key from the visitor centre (several hundred metres from the gate) is unlikely to be sufficient adjustment unless there is justification for the gate to remain locked.
3. **A country park amends its car parking policy by making designated car parking spaces close to the visitor centre for disabled people. However, non-disabled visitors frequently use these spaces. In the light of this, simply making designated places available is no longer a reasonable adjustment because in practice it does not make the visitor centre accessible to disabled people.** The country park manager instructs the rangers to monitor the use of the car park and discourage inappropriate use of the designated parking spaces. This is likely to be a reasonable step for the country park to take in the circumstances then known to it.
4. **A residential field studies centre refurbishes a number of rooms in its main block so that they are accessible to disabled people. However, the booking policy is such that rooms are allocated on a first come first served basis with better rooms in the main block being allocated first. The effect is that sometimes only non-accessible rooms are left for disabled people seeking accommodation.** The centre decides to change its booking policy so that the accessible rooms are either reserved for disabled people in advance or are allocated last of all. This is likely to be a reasonable step for the centre to have to take.
5. **The route from a car park to a popular viewpoint climbs a steep track.** It might be a reasonable step to allow disabled people to drive to the top of the gradient in order to reach the viewpoint.
6. **Disabled visitors with a visual impairment or learning disability may need assistance to locate various events and activities at a large countryside event.** The organisers have volunteers available to help such people find their way around and this makes the event accessible to them.
7. **A country park refuses to loan a disabled person a powered scooter because they believe that person to be unable to operate the braking system effectively. The refusal is based on genuine concerns for the safety of the individual involved, and for others, and is likely to be justified.** This justification

cannot be used to bar all disabled people from using this service. If the braking system of the scooters can be modified or alternative access routes opened up, these may be reasonable steps for the service provider to have to take.

8. A guided walk leader refuses to allow a person with a mobility impairment on a moorland walk because he has well founded reasons to believe the extra help the leader would have to give would prevent the rest of the party from completing the walk. This is likely to be justified.

9. A fishing facility restricts a wheelchair user to those fishing stations accessible from a surfaced track. These are by the poor fishing areas but the disabled person would otherwise not be able to fish the lake. The restriction is necessary in order to provide the service to the disabled angler. This is likely to be justified.

10. A canoe builder charges more for a paddle with a special moulded grip for a disabled person than for standard paddles. This is likely to be justified.

11. A visitor centre modifies its audio-visual presentation so that subtitles can be displayed on request. People requesting this service are charged an additional fee even though the presentations are the same in every other way. This is unlikely to be justified.

12. A public enquiry point is located up a flight of steps. This makes it impossible or unreasonably difficult for people with a variety of disabilities to get to it. From October 2004 it might be reasonable to install a lift or move the enquiry point to an accessible position. However, under current requirements the service provider should consider whether a reasonable alternative method of providing the service to disabled people can be provided. For example, auxiliary personal assistance initiated from a telephone call point.

13. A community centre, which accommodates pre-booked groups, provided, when necessary, a suitably chosen portable temporary ramp which helps disabled people with a mobility impairment to enter the premises safely. This is an auxiliary aid which is suited to the requirements of that group of people.

Links for further information

Disability Discrimination Act 1995 – text:

http://www.opsi.gov.uk/acts/acts1995/ukpga_19950050_en_1

Disability Discrimination Act 2005 – text:

http://www.opsi.gov.uk/acts/acts2005/ukpga_20050013_en_1

Disability discrimination – the rights of disabled people:

http://www.direct.gov.uk/en/DisabledPeople/RightsAndObligations/DisabilityRights/DG_4001068

Disability Rights Commission: www.drc-gb.org/

Forestry Commission Scotland: www.forestry.gov.uk/scotland

Land reform Scotland act 2003:

http://www.opsi.gov.uk/legislation/scotland/acts2003/asp_20030002_en_1

Scottish Outdoor Access Code: <http://www.outdooraccess-scotland.com/default.asp>