

# ACCESS FOR DISABLED PERSONS POLICY



*Waterways For All*

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## **1. Background**

Waterways Ireland is the largest of the six North / South Implementation Bodies and was established by means of an international treaty made on 8 March 1999 between the British and Irish Governments. This treaty was given domestic effect, North and South, by means of the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999, and the British-Irish Agreement Act, 1999, respectively.

Departmental responsibility rests with the Department for Infrastructure (DfI) in the North and the Department of Housing, Local Government and Heritage (DHLGH) in the South.

The Body operates under the policy direction of the North/South Ministerial Council and the two Governments and is accountable to the Northern Ireland Assembly and the Houses of the Oireachtas.

Waterways Ireland is responsible for the management, maintenance, development, and restoration of almost 1,100 km of inland navigational waterways and over 600 km of Greenways and Blueways, principally for recreational purpose, comprising:

- the Barrow Navigation
- the Erne System
- the Grand Canal
- the Lower Bann Navigation
- the Royal Canal
- the Shannon-Erne Waterway
- the Shannon Navigation

In July 2007, our remit was extended by the North South Ministerial Council (NSMC) to include responsibility for the reconstruction of the Ulster Canal from Upper Lough Erne to Clones, and following restoration, for its management, maintenance and development, principally for recreational purposes.

Our statutory function is to manage, maintain, develop and restore the specified inland navigable waterways, principally for recreational purpose

## **2. Scope**

This policy sets out the principles and procedures Waterways Ireland will use to ensure disabled people have access to the recreational facilities and services the organisation provides.

The legislative responsibilities of the organisation regarding provision of facilities and services for disabled people are set out in Appendix A.

### Note on terminology

In this Policy, the terms “persons with disabilities” and “disabled people” are used interchangeably. The term ‘disabled people’ is recognised by many within the disability rights movement to align with the social and human rights model of disability, as it is considered to acknowledge the fact that people with an impairment are disabled by barriers in the environment and society. However, we also recognise that others prefer the term “persons with disabilities” because of the inherent understanding in the term that they are first and foremost human beings entitled to human rights. This reflects the language used in the UNCRPD. Finally, we recognise that some people do not identify as being disabled.

## **3. Policy**

Waterways Ireland is committed to creating a universally designed work culture that provides universally designed services that are easy to access, understand and use for everyone regardless of age, size, ability or disability.

Waterways Ireland will seek to ensure, where practical, that people with disabilities have equality of opportunity to access the recreational facilities provided by the organisation.

### **Key Principles**

Wherever possible disabled people will receive the same services and have access to the same facilities as other members of the community, having due regard to the fact that some disabled people may require or prefer modified provision to meet their individual needs.

Where reasonably practical, services and facilities will be provided in ways that do not make it impossible or unreasonably difficult for disabled people to access them and, where necessary, all reasonable efforts will be made to change inadequate services.

The provision of accessible services and facilities will not be seen as an additional cost or activity within the organisation but as an integral part of all works, programmes and expenditure.

### **Standards**

In all situations the organisation will strive to ensure the principles of Access for All and Universal Design are central in the design, upgrade and development of facilities on and along our waterways to ensure these are accessible and usable for everyone.

**Universal Design** is the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability<sup>1</sup>

## **Consultation**

In order to promote positive attitudes towards people with disabilities and encourage their participation in public life, Waterways Ireland has developed a Disability Action Plan. Within this Plan the organisation has focussed on the issue of involvement and participation and is committed to carrying out consultation in a meaningful manner.

As part of our ongoing obligation and commitments the organisation will carry out periodic consultation events in line with our Equality Scheme.

Appendix B lists the relevant organisations which will be consulted with on issues affecting the waterways system. In addition, consultation with disabled people and local or regional organisations representing disabled people will be organised as and when appropriate.

## **Training**

The organisation will ensure that all new employees are informed of our commitment to equality of opportunity for all through the induction process and the provision of copies of the Equal Opportunities and Access for Disabled Persons policies. Disability awareness training will be provided to all staff and specialist training provided for senior managers, recruitment and selection panels, HR officers and front line staff. Where appropriate, employees also have the opportunity to pursue development and training opportunities in access auditing and related fields, such as designing to improve access, to support successful application of this policy.

## **Auditing**

Access surveys and detailed audits of the waterways in the organisation's management will be used to determine current access and utilised to plan and manage a programme of improvements to access. The information from the access audits will also be made available to provide information for disabled people about the current levels of access.

## **Evaluation**

The organisation will evaluate its performance in the delivery of services and facilities for disabled people annually through progress reporting on Disability Action Plan

Corporate Services, with the assistance of the Equality and Diversity Working Group, will lead development of the policy, review delivery and report to Senior Management on access improvements.

The organisation will report under its regulatory and legislative requirements.

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<sup>1</sup> Synopsis of definition from the Disability Act 2005 and UN Convention on the Rights of Persons with Disabilities,

## **Complaints procedure**

The organisation will address any complaints from people with disabilities concerning any aspect of the waterway facilities under management of the organisation, using the existing procedures for handling customer complaints.

All complaints relating to disability matters should be made to:

Equality Unit  
Corporate Services  
Waterways Ireland  
2 Sligo Road  
Enniskillen  
Co Fermanagh  
BT74 7JY

Tel: +44 (0) 28 6632 3004

Email: [informationrequest@waterwaysireland.org](mailto:informationrequest@waterwaysireland.org)

## **APPENDIX A (i)**

### Statutory Obligations North

Disability Discrimination Act 1995

Disability Discrimination (Northern Ireland) Order 2006

### Supporting Legislation

Section 75 of the Northern Ireland Act 1998 – also established and empowered The Equality Commission

### Overview

The Disability Discrimination Act 1995 gives disabled people rights in the areas of employment access to goods, facilities and services, buying or renting land or property and allows the Government to set minimum standards so that disabled people can use public transport.

The definition of ‘disabled person’ under the Disability Discrimination Act is a person who has a physical or mental impairment which has an effect on his or her ability to carry out normal day to day activities. That effect must be –

- Substantial - that is, more than minor or trivial.
- Adverse, and
- Long term – that is, it has lasted or is likely to last for at least a year or for the rest of the life of the person effected.

This legislation affords a corporate responsibility – ‘employer’ ‘service provider’ rather than individual.

The main forms of discrimination in relation to goods, facilities and services are:

***Direct discrimination*** - where a disabled person is treated less favourably than others, on grounds of their disability, e.g. when a service provider:

- Refuses or deliberately fails to provide a service or
- Provides a service of a lower quality, in a worse manner or on worse terms than is normally the case

***Failure to make a reasonable adjustment*** - this is specific to disability discrimination law. It is an anticipatory duty in that service providers must consider all requirements disabled service users may have in advance and take steps to remove barriers, physical or otherwise, that could make it impossible or unreasonably difficult for a disabled person to use their services.

***Harassment*** is not specifically included in the law, but such a complaint can be made under the direct discrimination provisions.

**Victimisation** - where a person has made a complaint of disability discrimination or helped someone else make a complaint about a service provider under the disability discrimination law, and suffered as a result.

### ***Section 49A – Disability Duties***

Public authorities when carrying out their functions must have due regard to the need to:

- promote positive attitudes towards disabled people; and
- encourage participation by disabled people in public life

### ***Section 49B – Disability Action Plan***

Public authorities must submit plans showing how they propose to fulfil their disability duties to the Equality Commission – Action Plans. The plans must conform to guidelines provided by the Equality Commission. Plans must be reviewed and reported on annually

### **General**

Under the Disability Discrimination Act the employer is held responsible for the actions of employees in discriminating against disabled people in a work or service environment and it is advised that employers should provide training and guidance to all staff and develop and implement policies and procedures which will support equality issues and which may be drawn on as a reasonably practical defense in the event of a case being taken against an employee/er.



## **APPENDIX A (ii)**

### **Statutory Obligations South**

Disability Act 2005 – Provides for the facilitation of better access to public buildings and public services by persons with disability.

#### **Supporting Legislation**

Equal Status Acts 2000 to 2015 - Promotes equality and prohibits types of discrimination, harassment and related behaviour on particular grounds, and in connection with the provision of services, property and other opportunities to which the public generally has access.

Section 42 Human Rights & Equality Commission Act 2014 - requires public bodies, in the performance of their functions, to have regard to the need to eliminate discrimination, promote equality and protect human rights of staff and people availing of their services

National Disability Authority Act 1999 – provided that NDA monitors implementation of Codes of Practice developed by the Authority including Code of Practice on Accessibility of Public Services.

UN Convention on the Rights of Persons with Disabilities - promotes, protects and ensures the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

#### **Overview**

Definition of Person with a Disability - “disability”, in relation to a person, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment.

Obligations and responsibilities under Disability Act 2005 lie with the Chief Executive.

Code of Practice has status of Statutory Instrument (SI).

CE in each Body should –

- Determine the extent to which the provisions of the Act apply to the organisation.
- Consider, plan and keep under review the policies, procedures and actions necessary to meet its obligations.
- Examine the practicability and appropriateness of planned measures so as to ensure compliance with the requirements of the Act.

Legislation states –

*Section 26 (1) (a) – Integrated Access to Services*

Public bodies are required to ensure the services they provide are accessible to people with disabilities at the same point of access or location, at the same time as everyone else where practical and appropriate.

*Section 26 (1) (b) – Providing Assistance*

Public bodies are required to provide assistance to enable a person with a disability to access a mainstream service where it is practicable and appropriate.

*Section 26 (1) (c) – Expert Advice*

Public bodies must, where appropriate, ensure the availability of appropriate expertise and skills to advise it in relation to making its services accessible.

*Section 26 (2) – Access Officers*

Each public body is required to have at least one officer authorised to act in the capacity of “access officer”. This officer is responsible for providing or arranging for and coordinating assistance and guidance to persons with disabilities accessing the services provided by the body.

The Access Officer: Equality Unit, Corporate Services Section, 2 Sligo Road, Enniskillen

*Section 27 – Accessibility of services provided to a public body*

Public bodies are required to ensure that the goods or services supplied to the body are accessible to people with disabilities unless it would not be practicable or justifiable on cost grounds or would result in an unreasonable delay. This will relate to a wide range of goods and services, including equipment, materials, IT, etc.

*Section 28 – Access to Information*

*Section 28 (1) (a) – Oral information*

Public bodies are required to ensure, as far as practicable, that information which is provided orally to the public, is provided in an accessible format, where so requested by persons with hearing impairments.

*Section (28) (2) – Electronic communications*

Where a public body communicates with the public in an electronic format it must ensure, as far as practicable, that the contents of its communications are made accessible to a person with a visual impairment availing of adaptive technology eg screen readers, screen magnification software.

*Section 28 (3) – Clear language*

Public bodies must ensure that, as far as practicable, the information it publishes which is directly relevant to persons with intellectual disabilities, is made available to them in clear language that they easily understand.

*Section 29 (1) (b) – Written information*

Public bodies are required to ensure, as far as practicable, that written information and communications which it provides to the public, are communicated in an accessible format, where so requested by persons with visual impairments.

The Act also contains provision on accessibility in relation to buildings and heritage sites.

Sections 38, 39 and 40 of the Act provides for a statutory complaints procedure which requires the appointment of an Inquiry Officer.

Inquiry Officer: Equality Unit, Corporate Services Section, 2 Sligo Road, Enniskillen

Complaints not satisfactorily resolved by the Inquiry Officer may be referred to the Ombudsman.

This legislation has implications for the whole organisation in terms of the services we provide and accessibility to those services.

## **APPENDIX B**

See below list of relevant organisations to be consulted with at a national level. This list is not exhaustive:

- British Deaf Association
- Council for Advancement of Communication with Deaf People
- Deafblind UK (NI Region)
- Deaf Senior Citizens
- Northern Ireland Deaf Youth Association
- Sense
- National Deaf Children's Society
- Mencap
- Blind Centre NI
- Disability Action
- Royal National Institute for Deaf People (RNID)
- The Cedar Foundation
- Royal National Institute of Blind People (NIIB)
- Disability Federation of Ireland
- National Council for the Blind of Ireland
- Enable Ireland National Services
- Inclusion Ireland
- National Disability Authority
- People with Disabilities in Ireland
- National Association for Deaf People
- Irish Wheelchair Association