

**WRITTEN QUESTION TO THE MINISTER FOR INFRASTRUCTURE
BY DEPUTY I. GARDINER OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 21st JANUARY 2020**

Question

In light of the obligations arising from the Discrimination (Disability) (Jersey) Regulations 2018 that all buildings be made accessible from 1st December 2020, will the Minister provide details of how each building owned by the States will be made so accessible and how the Government will ensure that each building leased by the States is so accessible?

Answer

The final stage of the Discrimination (Disability) (Jersey) Regulations 2018 applies from 1 September 2020 and covers reasonable adjustments to premises.

This law requires service providers and employers, including the government, to make reasonable adjustments, ie improvements that are both practical and manageable in 3 specific areas:

1. When a provision, criterion or practice puts a disabled person at a substantial disadvantage, they are required to take reasonable steps to avoid that disadvantage.
2. They must take reasonable steps to avoid a substantial disadvantage to a disabled person caused by the physical features of premises.
3. They have a duty to take reasonable steps to provide an auxiliary aid to a disabled person where the absence of such aid puts the individual at a particular disadvantage.

In meeting the obligation of the law, the duty to make reasonable adjustments arises when the service provider or employer knows or ought reasonably to have known of both the individual's particular disability and the disadvantage that is being caused to them. This means that a case cannot be taken to the Employment and Discrimination Tribunal for failing to make an adjustment to premises in advance of any disadvantage actually being suffered by a disabled person. However, it must also consider if the need for adjustment could have been anticipated and how reasonable it would be to make the adjustment in advance of it being needed.

The Building Bye-laws (Jersey) Order 2007 and the associated technical guidance on access to and use of public buildings already set a high standard for new buildings and renovations that should ensure appropriate access for people with a range of disabilities affecting their mobility. An organisation that has complied with those standards is unlikely to be required to go further in making a physical adjustment to its premises.

Many publicly owned or leased buildings are fully accessible already but the States also owns a wide variety of historic buildings, including the States building itself which may be less accessible. An audit is already underway to determine the extra work that is needed and funds have been allocated in the 2020 government plan to meet the costs of the work.

An example might be that it would not be reasonable to put a lift in or afford disabled access to the public gallery here (the states building), a listed Victorian building, but it will be perfectly possible to create a room with an accessible visual and audible feed on the ground floor with access from outside.