

APPLEBY MAGNA PARISH COUNCIL

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Disability Discrimination Act (DDA)

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Introduction

The Disability Discrimination Act comes into full force in October 2004. It requires reasonable provision to be made for equal opportunities for disabled people except where it affects the safety of others. The Act also applies to places where children play (play areas, games area etc). It is illegal to treat disabled persons any less favourably than non-disabled persons.

The key word is "reasonable". The Act does not compel you to make all your play areas suitable for disabled children, indeed you will see later in this book that it is impossible to make a play area totally suitable for all forms of impairment. What you must do is to take all reasonable measures, bearing in mind safety of other users, to make your play area as suitable for disabled children as possible.

Much has been made to attempt to complicate the situation.

This publication aims to both re-assure providers of existing play areas that their area probably provides a higher level of provision than appears at first sight and at the same time give practical advice on how to improve their area to make it suitable at minimal cost. The key message is "DO NOT PANIC". There is no need to close your play area (or panic buy) just because it is not at present fully acceptable. Simple documented planning measures for the future will enable you to bring you play area up to a good level of provision without unduly straining your budget.

The following terms have been used. Where relevant the terms used are those which disabled people tell us they would prefer to be used.

Impairment

A physical or mental factor which affects the ability of the person. We all have some form of impairment. We may be short sighted, unable to run as fast as others etc.

Only when that impairment is sufficiently severe to affect our lifestyle can we be classified as being disabled.

Disabled Person

A person who has an impairment which adversely affects their lifestyle. A Disabled Person therefore is just someone whose level of impairment is greater than that of a non-disabled person.

Non-Disabled person

A person without any impairment that has any measurable effect on their lifestyle

DDA

Disability Discrimination Act. The Act has made it illegal to treat disabled persons less favourably since December 1996. The Act comes into full force from October 2004.

Play is an Important Part of Life

Play is an important part of life. It is an act of "doing". Children learn from their play and it is essential for their physical and emotional development. This is just as true for disabled children as it is for non-disabled children. They have the same rights to develop as persons as do other children. They have the right to experience the same challenges and to experience the same sensations. Playgrounds should therefore be places where children of different abilities can meet and play together.

All children have the same basic needs and go through the same development stages. All children develop at different rates and for some of them development slows or stops entirely before maturity. This should not however prevent them from access playgrounds and to enjoy the experience of play. Play is the medium of bringing children together. Integration and variety is therefore the key. By playing with others children develop social skills and they learn about behaviour, acceptance and friendship.

Socializing is an important function of play areas. Learning from others and learning to share experiences, being able to compromise with others on use of equipment are all part of growing up to be a fully rounded person. Playgrounds therefore should be places where children are encouraged to meet and interact with other children. They should be places where children can play either with others, or on their own whilst still feeling part of society.

However in "doing" children will always make mistakes and may suffer an injury. Children learn from their mistakes and pain is one of nature's warning signals. Mild pain (grazed knees, bruises etc) have always been a component of play and will never be eradicated unless we prevent children being children. It forms part of the learning process. The child who falls off a low balance beam, for example, may bruise themselves. Certainly they will suffer some discomfort or pain. However in the act of falling they are learning that if you do fall off something it hurts. That experience alerts them to the potential dangers of falling. They are therefore less likely to try

walking across a plank between two garage roofs, falling 2.5m and fracturing their skull. The minor pain or discomfort from the low fall has warned them of the dangers of falling from greater heights. Disabled children have the same right as non disabled children to suffer some pain and discomfort and thus to learn survival skills. What is essential is that they do so in an environment where the risks have been assessed for them to minimize the likelihood of any severe injury. It is recognize that there are some forms of disabilities where even minor bruising may be unacceptable but this represents a miniscule proportion of disabled children.

Inclusion

Whilst some time ago the emphasis was on providing special facilities and play areas for disabled children, modern thinking centres around the concept of INCLUSION. Instead of concentrating on the child's impairments, inclusion concentrates on the child's ABILITIES.

"The International Classification of Functioning, Disability and Health" is the result of seven years work by the World Health Organization involving the active participation of 65 countries. Scientific studies have been undertaken to ensure that it is applicable across all cultures, genders, and age groups.

There is still a tendency to concentrate on what a child can't do rather than on what it can. Even the most severely disabled child has some level of ability and thus can enjoy some level of play. It is their ability that we need to explore and help them develop, not, by overprotecting them, stifle this ability and compound their impairment.

What is clear is that disabled children do not want to be treated differently. They recognize that there are some things they cannot do but what they do want to do is to be treated as near "normal" as possible; to be with their friends, to try, as much as possible to do the same things and to make the same mistakes.

A poem by a young disabled Swedish boy (Per Holmberg) sums it up:

"I don't dream of getting out of the wheelchair
because I know that will not happen: if you
are in a wheelchair and have a disability then
you have it...

I don't dream of riding a snowboard
Or climbing trees
Because I know that I cannot do that
Mostly I dream of
Being with somebody
That I like
....a lot"

The emphasis therefore should be in including the disabled child as far as is practical into play on the play area. The child does not want a lot of special equipment which signals them out from other users. They want as far as possible to use the things their non-disabled friends use. However where this is not practical the main thing they want to be there; be part of the overall experience; be with their friends.

Impairments

Play areas should be accessible to all people with an impairment This includes learning difficulties, emotional and behavioural difficulties, visual and audible impairment and of course mobility impairment.

Mobility impairment can be broken down into three basic categories

- Wheel Chair
- Walkers
- Leg Braces

Many wheelchair users also fall into the other two categories and it is important to recognize that many wheelchair users do have some lower limb mobility and can walk, with assistance, a few paces. They also tend to have high upper body strength which can be an aid for accessing play equipment.

Most children in the other categories of impairment have good physical ability although it should be recognized that it is not uncommon for a child to have more than one form of impairment. Certain impairments, such as autism, may even enhance the child's apparent physical ability whilst at the same time reducing or removing the child's ability to assess level of danger.

Visual impairment covers those with total impairment (blind) and those with partial impairment. Sudden changes in levels etc cause problems for both levels of impairment

Audible impairment is not normally a problem with outdoor play areas but can cause some problems with child control and on indoor areas special measures have to be taken with regard to evacuation procedures (Visible as well as audible fire alarms etc)

It should be recognized that due to the wide and complex nature of impairments it is not possible to design a play area which is 100% suitable for all forms of impairment. It should also be appreciated that many "non disabled" children suffer a short period of impairment during their life. A broken or injured leg etc can, for instance, leave a period in a child's life when they have temporary mobility difficulties.

It is also worth noting that many of the provisions that make access suitable for wheelchairs also make it easier for pushchair/buggy access.

Adult Carers

It is important to recognize that the Disability Discrimination Act applies to ALL disabled persons. On play areas this is not just the disabled child but also the disabled parent/carer.

A non-disabled child is discriminated against if their elderly carer with mobility problems (grandparents whilst parents are at work etc) cannot access the play area. If the carer cannot access the play area the chances are that the smaller child will not be allowed to go to the play area

Even if the carer is fully able bodied provision of adequate seating etc is important to encourage the carer to spend time on the site and thus to enable the disabled child to fully enjoy their experience of play. Because of their impairment they may need longer time than the non-disabled child to fully explore and enjoy activities.

Basic Play Activities

There are ten basic types of play activity for children

Swinging

Rocking

Rotating

Climbing/Crawling

Balancing

Sliding

Pretending/Role Playing

Training

Experimenting

Gathering

These can be classified into three main groups

1. Involves the individual experiencing an activity on their own. These are:

- Sliding
- Climbing/crawling
- Rocking
- Rotating
- Swinging
- Balance

2. Involves the individual experiencing an activity with others. These are:

- Pretending/role playing
- Training
- Gathering

3. Involves the individual experiencing an activity directly related to the equipment.

This involves:

- Experimenting

It is appreciated that it is not always possible or practical to make all equipment on a play area suitable for all disabilities. What the operator should aim to provide is at least one experience of the ten basic activities on a play area. Whilst therefore a seesaw provides rocking movement it is unlikely to be suitable for a child with mobility problems a spring item which has hand grips, foot rests and some form of back rest (e.g. a spring cockerel with the tail feathers acting as the back rest) would provide this experience. The fact that the seesaw is not really suitable for use by someone with mobility problems does not matter IF the child is able to experience rocking motion on at least one other item of play equipment.

If some lateral thinking is applied to play equipment it soon becomes obvious that many existing items of play equipment are suitable for disabled children. Many items provide more than one experience of the basic activities.

Children with different disabilities have different abilities. The play area should allow for this. A reasonable proportion of disabled children can walk a few paces, especially if supported by good hand holds/rails and some of those who can't can still crawl or climb (using upper body strength) to enable them to get around.

Some ideas on equipment that provides the basic activity experiences for mobility impaired children are listed below. Lateral thinking will enable you to think of many more.

Swinging

Conventional swings (Some wheelchair users will also be able to use these if they can get the wheelchair close enough). Special seats can prove to be a hazard to nondisabled users

Single Point (cantilever) swing. The wide tyre is ideal for a disabled child to lie across and if necessary the carer can lie alongside them

Nets. Many nets provide a swinging motion. Some multiplays for instance have U shaped climbing nets. Even the most severely disabled child can be laid in the net and swung from side to side. Some manufacturers make horizontal nets. These can provide both swinging and rocking experiences.

Rocking

A spring item which has hand grips to hold, foot rests for feet and some form of support to prevent the child losing control backwards.

A swinging plank bridge. Good handrails will enable those children who are not 100% wheelchair bound to support themselves across the bridge and experience the rocking motion of the plank. (They are also experiencing balance as an activity on this type of equipment)

Rotating

There are now some very good roundabouts on the market which provide this experience for even the most wheelchair bound child.

Other items such as the Galaxy Unit etc allow a child to be laid onto the unit and rotated (spun) safely.

Climbing/Crawling

Besides basic climbing frames, nets on multiplays etc can be used by most children who have good upper body strength.

Crawling tubes can again be used by most children with good upper body strength provided some form of hand hold is present.

Angled ramps with good hand holds allow a child to pull themselves up the ramp.

Balancing

Many items provide the experience of balancing. Many chain bridges etc provide this experience to most children (The child can support most of its weight via the chains or hand rails). Adventure Trails can provide good opportunities.

Clatter bridges with good hand rails are another source (also includes rocking)

Sliding

Provided the child can get to the start of the slide (see Equipment Access) then conventional slide provide this experience. Multitplays with good access to upper levels (ramps with hand grips, hand rails etc) that have slides which exit near the access point are particularly helpful as they reduce distance to wheelchair when exiting the slide.

Circular sliding poles are another possibility

Aerial runways are suitable for most disabilities and provide swinging, racking and sliding experiences.

Pretending/Role Playing

A wide range of equipment provides the experience of pretending. From a Burma bridge (where the child can imagine a 1000ft drop into a crocodile infested river to simple platforms which can become a stage (maybe non disabled children playing a role for the wheelchair bound child.). Play Houses etc also fulfil this role

Training

Again a wide range of equipment provides this opportunity. Anything for instance which develops strength (Chinning bars, agility bars etc) meets this requirement. Also many play panels (OXO Units, Abacus Units etc) provide the experience

Experimenting

Probably sand and water play items are the best providers of this experience. If sand tables are at the right height even the most wheelchair bound child is likely to be able to experiment with playing in the sand. Consideration should be given to the provision of raised play tables.

Gathering

Some wide based rocking equipment has seating for up to three children side by side - a shared experience.

Seating arrangements which allow wheelchair users to sit adjacent to non disabled children and interact.

Equipment Access

Ramps suitable for wheelchairs can prove hazardous to users. They tend to get used for skateboarding etc. They also provide no challenge to the disabled child whilst being expensive and taking up a lot of space. Alternative methods of access to upper levels of equipment can provide more of a challenge (and more fun) for the disabled child.

For those who can get out of wheelchairs the following are some of the possibilities:

- Climbing nets
- Wide steps with good hand rails or holes in steps for better grip (The child can crawl up these if they can walk at all)
- Holes in angled ramps to enable the child to pull themselves up.

- Roomier platforms

In all cases it is important that the wheelchair can get close to the equipment and where appropriate there are good transfer stations to assist with access to the equipment

For those who have to stay in a wheelchair there needs to be play opportunities at the play item; play panels, noise tubes, raised sand and water play items etc all provide opportunities.

Common Mistakes

The most common mistakes made on play equipment that relate to use by disabled children are:

1. No way to the equipment. Raised edges which prevent wheelchair access or unsuitable surfacing
2. Ramps on equipment that lead nowhere
3. Once on the equipment , no way to get off
4. Easy to get on but nothing to do
5. Designs that assume all disabled children are in wheelchairs and cannot leave them
6. Last but not least – the equipment does not provide any risk or challenge.

Basic Design Points

The following basic design points should be incorporated into all new play areas and where practical into existing ones.

Car Parking

1. Where car parking space is available at least one (on road) or two (in car park) designated wide spaces should be provided for use by disabled persons
2. Surfacing of the car park area should be suitable for wheelchair use
3. Slope of car park by special bays should not exceed 1:12 .
4. Designated parking bays should be as close to the access path to the play area as possible

Paths

1. Paths should be a minimum of 1.2m wide and have a maximum slope of 1:12 with a maximum camber of 1:40
2. Path surfaces should be suitable for wheelchairs in all weather conditions
3. Passing spaces (1.8m wide) should be provided on longer paths
4. Where a path is longer than 50m a seat suitable for those with mobility difficulties and a wheelchair space should be provided every 50m.

Gates and fencing

1. Gates should be provided to keep the area dog free (with the exception of guide dogs) They should have an open width of at least 1m. There should be at least two gates.
2. Gates should have low resistance against opening. Gates should be self closing with closure time of at least 3 - 5 seconds
3. Dog grids, styles, kissing gates etc are not suitable.
4. If latches are provided they should be at 900mm height. (Where the area is known to be used by autistic children a second catch should be provided where practical at a height only accessible to adults). They should be smoothly free turning and well maintained for low friction operation
5. Fencing should be provided to keep the area animal free (with the exception of guide dogs)

Seats

1. Seating should be provided on the play area
2. At least one seat should incorporate arm rests to aid those with walking difficulties to get up.
3. Where picnic type benches are provided they should incorporate provision of wheelchair access to the table.

Internal Surfacing

1. A network of unobstructed paths should connect directly with all entrances and exits and main activity centres going around and/or through pieces of equipment.
2. Paths should be stable and suitable for wheelchair use (not sand, gravel, bark etc) and should be slip resistant without gaps in joins etc. Edges of paths should be in good repair.
3. Slopes should not exceed 1:15 (ideally not more than 1:20)
4. Any sudden changes of level should be indicated by change of colour or surface texture (for those with visual impairment) and ramps for wheelchair users.
5. Where there are changes in level a hand rail (max 60mm diameter) should be provide at 650mm-800mm height)
6. Any ramps etc should have a "non slip" surface
7. Different colours can be used to indicate different functions or areas (Bitmac and paving can be coloured as can rubberized surfaces).
8. Different ground textures can also be used for identification
9. Where practical provision of "tapping" surfaces should be provided for use by those with visual impairment. Fences etc provide a surface against which a stick can be tapped. Changes in sound from ground surfaces can also provide sound clues as to routes to be taken (Grass sounds differently to Bitmac for example).

10. Use of different textures can also provide good communication for those with visual impairment (and also stimulate the senses). Where wooden equipment is used different carvings (animal footprints etc) could be used to differentiate different routes etc)

Equipment

1. Equipment should be designed with disabled children in mind and should provide opportunities for disabled children to experience as many basic activities as possible (See Chapter on Basic Play Activities)
2. Play equipment should encourage independence and exploration and provide a level of challenge
3. Play equipment should not look as if it was designed specifically for use by disabled children
4. There should be sufficient space between equipment to allow free access for wheelchairs etc.
5. Use of equipment which provides the opportunity for sound (musical tubes, speaking tubes etc) is particularly suitable for those with visual impairment.
6. Water features such as paddling pools etc should have slip resistant surfaces and gentle slopes to allow disabled children to completely enter the pool. There should be clear visual/surface changes around water areas to help identify them to those with visual impairment.

Surfacing

1. Safer surfacing should allow free access to wheelchairs. This normally means tiles, wet pour, or grass matting type of surfacing. Carpet surfacing, if worn or in poor condition, may have excessive resistance to wheelchairs.
2. Loose fill materials (bark, wood chip, engineered wood fibre) may allow passage for short distances (2-3m).
3. Any raised pits should have adequate ramps for wheelchair users provided.
4. In areas regularly used by particularly vulnerable disabled children the surfacing should be tested to ensure that when installed on site it more than meets the HIC requirements of EN1177.

The material regarding Disability Issues incorporates work undertaken by The Kompan Institute in Denmark.