Draft Code of Practice on Accessible Public Buildings

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# Statement on language

In this Code of Practice, the terms “people / persons with disabilities” and “disabled people” are used interchangeably. The term “disabled people” is recognised by many within the disability rights movement in Ireland to align with the social model and human rights approach 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 “people / persons with disabilities” because of the inherent understanding in the term that they are first and foremost human beings entitled to human rights. This also reflects the language used in the UNCRPD and the Disability Act 2005. We recognise that many people with an intellectual disability, people with a mental health difficulty or psycho-social disability prefer person-first language. We also recognise that some people don’t identify with either term.

Please see the NDA Advice Paper on Disability Language and Terminology on the NDA website for further information.

# Introduction

## Aim and application of this Code of Practice

The Code for Practice for Accessible Public Buildings is a statutory instrument.

It has been developed in order to support public bodies in fulfilling their statutory obligation under Section 25 of the Disability Act 2005.

It is also a source of information for disabled people and their supporters about accessing public buildings, and organisations of and for persons with disabilities.

The Disability Act 2005 (also sometimes referred in this Code as ‘the Act’) is a positive action measure that provides a statutory basis for making public buildings and services accessible.

Section 25 of the Act requires public bodies to ensure that their public buildings are, as far as practicable, accessible to persons with disabilities, subject to limited exceptions.

As a statutory instrument, the Code should be used and adhered to by those responsible for the management, maintenance and design of public buildings in conjunction with other legislation, technical documentation and guidelines concerning the accessibility of public buildings.

Further information on relevant resources is provided in this Code and in Annex 4.

## Basis for this Code of Practice

This Code of Practice was prepared by the National Disability Authority at the request of the Minister for Children, Equality, Disability, Integration and Youth, under Section 25(2) of the Act, for the purpose of guiding public bodies in what is necessary to ensure the accessibility of their public buildings to persons with disabilities.

## Status of this Code of Practice

* The Code provides guidance on Section 25 of the Act, which imposes significant statutory duty upon public bodies and came into effect from 31 December 2005. Section 25(2)(f) states that the Code of Practice shall be complied with in particular, at the time of the construction, material alteration or extension of a public building, to such extent as is practical having regard to its resources and obligations.
* Separately, the National Disability Authority Act, 1999, (NDA Act, 1999), provides for a monitoring role for the National Disability Authority (NDA) in relation to the implementation of codes of practice developed by the NDA and declared approved by the Minister. This includes codes such as this one. Part II, Section 8(2)(d) of the NDA Act, 1999, specifies the NDA’s monitoring functions as being: “to monitor the implementation of standards and codes of practice in programmes and services provided to persons with disabilities and to report to the Minister thereon”.

# Scope and definitions of the Code of Practice

## Scope

### Section 25 of the Disability Act

* Section 25 of the Disability Act is the focus of this Code of Practice. Section 25 states that a public body shall ensure that its public buildings are, as far as practicable, accessible to persons with disabilities.
* “Public buildings”, as defined in the Disability Act “means a building, or that part of a building, to which members of the public generally[[1]](#footnote-2) have access and which is occupied, managed or controlled by a public body.”
* Section 25(2)(f) states that this Code of Practice shall comply with an approved code of practice to such extent as is practical having regard to its resources and obligations and, in particular, shall do so- (i) at the time of the construction, material alteration or extension of a public building,. Or (ii) if by doing so, access to the public buildings would be provided to a greater number of persons with disabilities in a more cost effective manner than would otherwise be the case.
* Section 25(3) and Section 25(4) refers to Part M of the Building Regulations. Public buildings shall be brought into compliance with these regulations in accordance to these sections of the Act.

### Exceptions and Exclusions

* Section 25 does not apply to public buildings deemed as heritage buildings (as defined within the Heritage Act 1995), which are subject to the separate requirements of Section 29 of the Disability Act and for which there is a separate Code of Practice on Accessible Heritage Sites. The Code of Practice on Accessible Heritage Sites outlines specific requirements as set out under Section 29 of the Act to ensure that heritage sites under ownership, management, or control of a public body are as far as practicable accessible to persons with disabilities.
* Where a Minister of the Government declares by order that the public building is not subject to Section 25(1) of the Disability Act when they are satisfied that-

(a) the building is being used temporarily as a public building and will cease to be used as such after 3 years from the date of the making of the order,

(b) the building will not be used as a public building after 3 years from the date of the making of the order, or

(c) making the building accessible to persons with disabilities would not be justified, on the grounds of cost, having regard to the use to which the building is put.

### Who should use this Code of Practice?

* The head of the public body is responsible and accountable for ensuring the accessibility of the building of the public body. They should be familiar with the legislation and the statutory obligations under this Code of Practice. They should be dedicated to providing an accessible service and ensuring their public buildings are accessible to disabled people. They should promote accessibility and a universal design approach throughout all business functions within the public body.
* Access officers support the implementation of practical strategies to meet the requirements of this Code of Practice where practicable and appropriate.
* This Code strongly recommends that a member of the senior management team is appointed responsibility for meeting the obligations under Section 25 of the Disability Act (see Section 4.1.3 of this Code of Practice). They should be familiar with the legislation and the statutory obligations under this Code of Practice, and will have regularly contact with the head of the public body to report on, and progress accessibility of their public buildings. This role is deemed separate to that of the access officer.
* Procurement managers have responsibility to ensure that accessibility is an important criterion when procuring goods and services, and when purchasing, leasing or performing work to buildings.
* Building designers should be aware of building standards, the building regulations and the legislative requirements under Section 25 of the Disability Act and the statutory obligations of this Code of Practice.
* Building, maintenance and facilities managers are responsible for managing and maintaining buildings and the grounds they are on so that they are accessible to persons with disabilities in accordance with this Code of Practice.
* Staff who are directly involved in promoting equality, diversity, inclusion and accessibility, such as accessibility managers, should be aware of the requirements under Section 25 of the Disability Act and the statutory obligation of this Code of Practice.
* Staff who are responsible for corporate compliance and reporting should be familiar with the Code of Practice so that they are aware of the statutory obligations concerning their public buildings, and can provide information for the purpose of monitoring, when requested, to the NDA.
* All staff should have an awareness of the legislative requirements of the Disability Act and strive to promote an accessible building so that disabled people can access public services provided within it.

### Who will benefit from this Code of Practice?

* **Public bodies –** this Code of Practice provides clear guidance to public bodies on how to meet their legal obligations under Section 25 of the Disability Act. In meeting the requirements outlined in this Code of Practice, public bodies will have:
* improved accessibility of their building;
* a better user experience, which positively impacts feedback and complaints received;
* find that users will be able to access services independently within the building, therefore there will be no need to find alternative operational and management solutions to “work around” instances where the building is not accessible;
* better user safety; and
* increased income (where relevant) when more users can access their building and services.
* **The general public,** especially **users with disabilities** of all ages, sizes and abilities.
* **Employees in public bodies** particularly employees with disabilities who work in accessible public buildings.

### Addressing accessibility issues

To ensure buildings are accessible, it is important to be aware of the obstacles encountered by persons with physical, sensory and intellectual disabilities, mental health difficulties, autism and other neurodiverse conditions.

Obstacles to accessibility for persons with disabilities are wide-ranging; they can include, for example:

* Lack of awareness of the needs disabled people may have;
* Attributes of the physical environment such as acoustics, design, layout, signage and lighting;
* Information, where presented in inaccessible formats;
* Service design – the design of systems, procedures and practices.

Buildings can be made more accessible when they are designed, managed and maintained to meet the needs of individuals who may otherwise not have access to them. This is facilitated by adopting a universal design approach regarding consulting on design and delivery of service.

Adopting a universal design approach to improving the accessibility of public buildings will assist public bodies in their compliance with this Code of Practice. Taking a universal design approach places human diversity at the heart of the design process so that buildings can be designed, managed and maintained to meet the needs of all users. It therefore covers all persons regardless of their age or size and those who have any particular physical, sensory, mental health or intellectual disability, autism or other neurodiverse conditions. Universally designed buildings can be accessed, understood and used, to the greatest extent possible by all people, regardless of their age, size, ability or disability. Applying universal design will assist with future-proofing against demographic and possible regulatory change.

### Complaints

A person with a disability may make a complaint to a public body in relation to a failure to comply with Section 25 (and 26, 27, 28 and 29) of the Disability Act. Under Section 39 of the Act, the head of each public body is required to follow a specific statutory process in dealing with this complaint, including having a formal published procedure in place and appointing an inquiry officer to investigate and report on the complaint. Further guidance about complaints is found in Annex 3.

## Definitions

### “as far as practicable”

* In the context of Section 25 of the Disability Act, and in accordance to Section 25(f), "as far as practicable" means that the obligation applies as far as practicable. Deciding whether something is practicable may be guided by a public body’s capacity, including the human and financial resources available to it.
* A public body shall ensure that its public buildings are accessible "...to such an extent as is practical having regard to its resources and obligations and in particular, shall do so-

(i) at the time of the construction, material alteration or extension of a public building, or

(ii) if by doing so, access to public buildings would be provided to a greater number of persons with disabilities in a more cost effective manner than would otherwise be the case.”

* The term “practicable” is used, and examples are provided with respect to “practicability“ in the Technical Guidance for Part M of the Building Regulations. These examples may help determine what might be deemed practicable with respect to the Act.

### “accessible to persons with disabilities”

* “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[[2]](#footnote-3).
* Disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others[[3]](#footnote-4).
* Persons with disabilities are of all ages, sizes, and abilities. People of diverse abilities should be able to use buildings and places comfortably and safely, as far as possible without assistance. Given the wide diversity of the population, a universal design approach, which caters for the broadest range of users from the outset, can result in buildings and places that can be used and enjoyed by everyone.
* “Accessible” means that “products, systems, services, environments and facilities can be used by people from a population with the widest range of user needs, characteristics and capabilities to achieve identified goals in identified contexts of use. Context of use includes direct use or use supported by assistive technologies”. [Adapted from ISO 21902, <https://www.iso.org/standard/72126.html>]
* The term “Accessibility” is used throughout this Code of Practice and means “**the extent to which** products, systems, services, environments and facilities can be used by people from a population with the widest range of user needs, characteristics and capabilities to achieve identified goals in identified contexts of use.” [Sourced ISO 21902, link as above]

### “public buildings”

* “Public buildings”, as defined in the Disability Act “means a building, or that part of a building, to which members of the public generally have access and which is occupied, managed or controlled by a public body.”
* In this document, the term ‘building’ encompasses the approach to the buildings and the facilities related to the building, such as car parks that are managed occupied or controlled by a public body.
* The definition of a public building only extends to those parts of a building to which members of the public generally have access. Therefore, the requirements to make a public building accessible do not apply to the whole building. For example, they would generally not apply to parts of a building only accessed by staff.
* Please note that this Code of Practice does not apply to public buildings deemed as heritage buildings (as defined within the Heritage Act 1995), which are subject to the separate requirements of Section 29 of the Disability Act and for which there is a separate Code of Practice on Accessible Heritage Sites.

### “public body”

The public bodies covered by the Code are defined in Section 2 of the Act to cover:

(a) a Department of State;

(b) the Office of the President;

(c) the Office of the Attorney General;

(d) the Office of the Comptroller and Auditor General;

(e) the Office of the Houses of the Oireachtas;

(f) a local authority;

(g) the Health Service Executive;

(h) a person, body or organisation (other than the Defence Forces) established -

(i) by or under any enactment (other than the Companies Acts 1963 to 2003), or

(ii) under the Companies Acts 1963 to 2003, in pursuance of powers conferred by or under another enactment, and financed wholly or partly, whether directly or indirectly, by means of moneys provided, or loans made or guaranteed, by a Minister of the Government or shares held by or on behalf of a Minister of the Government.

# Other mandatory requirements to be aware of when using this Code of Practice

## Part M of the Building Regulations

Part M of the Building Regulations sets out minimum provisions for the access and use of buildings. In general, Building Regulations apply to the construction of new buildings and to extensions and material alterations to buildings. In addition, certain parts of the regulations apply to existing buildings where a material change of use takes place. Otherwise, Building Regulations do not generally apply to buildings constructed prior to 1992. However, **Section 25 of the Disability Act applies Part M retrospectively to public buildings**, as defined in the Disability Act.

Section 25 requires the upgrading of older public buildings so that they comply with **Part M** within a ten-year timeframe of any amendment to Part M. When the Disability Act commenced in 2005, the version of Part M at the time was Part M 2000 and Section 25 required public buildings to be brought into compliance with Part M 2000 no later than 31 December 2015. Part M 2000 was reviewed and replaced with Part M 2010, which commenced on 1 January 2012. It was reviewed and replaced again with Part M 2022, which commenced on 1 January 2023. Under Section 25 therefore, public bodies are required to bring their public buildings into compliance with:

* Part M 2000 by 31st December 2015
* Part M 2010 by 1st January 2022
* Part M 2022 by 1st January 2033

The **Technical Guidance Document M 2022 (Access and Use)** indicates how the requirements of Part M of the Building Regulations can be achieved in practice. Adherence to the approach outlined in a Technical Guidance Document is regarded as evidence of compliance with the requirements of the relevant part of the Building Regulations.

It is important to note that Technical Guidance Document M 2022 advises public bodies to apply the design philosophy of Universal Design, rather than the minimum requirements of Part M, where practicable and appropriate. Further information on how to design, build and manage buildings and spaces so that they can be readily accessed and used by everyone, regardless of age, size ability or disability is provided within **Building for Everyone: A Universal Design Approach (NDA),** which provides comprehensive best practice guidance to the universal design of the built environment

## Section 26-28 of the Disability Act - The Code of Practice on Accessibility of Public Services and Information provided by Public Bodies

The Code of Practice on Accessibility of Public Services and Information provided by Public Bodies provides guidance that support public bodies to fulfil their statutory obligations under Sections 26, 27 and 28 of the Disability Act and make their services and information accessible to persons with disabilities.

It is important to keep in mind that Section 26 of the Disability Act, which requires public services to be accessible to people with disabilities, defines a public service as “a service or facility of any kind provided by a public body which is available to or accessible by the public generally or a section of the public and…includes…**the use of any place or amenity owned, managed or controlled by a public body**…”. Thus, the statutory requirement for public bodies to ensure its buildings are accessible is an obligation reflected in other sections of the Act, not just Section 25, so that people with disabilities can access public services.

### The access officer

A crucial component, to bear in mind, in supporting persons with disabilities access to public buildings is the appointment of an access officer, which is required under Section 26(2) of the Act. The access officer provides, or arranges for and co-ordinates the provision of assistance and guidance to persons with disabilities accessing the services of that public body and includes supporting users to use any place or amenity owned, managed or controlled by a public body which is accessed by the general public.

Public bodies shall ensure that the contact information of their access officer(s) is easy to find on their website so that the general public can contact them regarding information about accessing the public building.

The access officer shall devise and drive or support the implementation of practicable strategies to address accessibility matters where appropriate.

The access officer shall have regular contact with senior management with the objective of building disability awareness and competence across the organisation.

### Providing assistance

* Under section 26 (1)(b), public bodies are required to provide assistance, where it is practicable and appropriate, to enable a person with a disability to access mainstream services if requested by that person. This means developing alternative operational and management solutions to “work around” in instances where an existing building cannot be physically adapted to make it fully accessible.

### Access to information

Section 28 requires public bodies to ensure their written, spoken and signed and digital communications are accessible to persons with disabilities. This is particularly relevant when developing and publishing pre-visit information regarding the building for users.

Making their websites compliant with the requirements of the Web Accessibility Directive will ensure the accessibility of their digital information.

The **Customer Communications Toolkit for Services to the Public - A Universal Design Approach** **(NDA)** provides guidance to inform the design and procurement of customer communications across the Public Service. The Toolkit is based on a universal design approach.

# Core elements of the Code of Practice

The principal chapter of this Code of Practice is Chapter 4. It is here that the requirements and recommendations, which are anchored to Section 25 and of the Disability Act and Part M of the Building Regulations, address accessibility in the context of public buildings.

The requirements and recommendations in Chapter 4 are provided under ten sub-headings. These are structured according to the considerations for a public body in relation to the stages and core elements of a person’s visit to their buildings. They are:

1. Planning for accessibility
2. Pre-visit information
3. Building approach and entry in relation to Part M of the Building Regulations
4. Wayfinding in relation to Part M of the Building Regulations
5. Circulation within buildings and its environs in relation to Part M of the Building Regulations
6. Internal environment in relation to Part M of the Building Regulations
7. Facilities in relation to Part M of the Building Regulations
8. Programmes, meetings, exhibitions and events
9. Emergency egress
10. Management and maintenance

Figure 1 The core elements of a person’s visit to be considered by a public body in examining the accessibility of their building.

Section 4.1 ‘Planning for accessibility’ is about a public body ensuring that consideration of accessibility is embedded in their work plans and policies, such that accessibility is a core feature of all the elements of the building. Section 4.10 is about the management and maintenance of a public building to ensure is it remains accessible in use. The other sub-headings relate to the elements in the building that the user experiences on their visit, such as approaching the building, and using the building’s facilities.

Each sub-chapter:

* **Rationale:** outlines the rationale for addressing the corresponding element;
* **Goal:** specifies a goal public bodies should aim to achieve in relation to that element;
* **To achieve this,**
* **public bodies shall:** When a statement is preceded by a “shall”, it means that it is a mandatory requirement that must be applied or carried out, in order to achieve the goal
* **public bodies should**: When a statement is preceded by a “should”, it means that it is a recommended specification to be applied or carried out, in order to achieve the goal.
* **Examples of good practice:** presents examples of good practice that public bodies may find useful. The range of examples is not exhaustive and not all suggestions will be applicable to all public buildings. The examples may inspire actions that public bodies could implement in order to make their buildings more accessible.

## Planning for accessibility

### Rationale

The public body should have access as an ongoing priority and make a clear commitment to ongoing improvement to accessibility by integrating accessibility for the public buildings into its business, work and customer service plans.

### Goal

The public body should have access as an ongoing priority and make a clear commitment to ongoing improvement to accessibility by integrating accessibility for the public buildings into its business, work and customer service plans.

### To achieve this, public bodies should:

* Allocate responsibility internally to a member of the senior management team for meeting their obligations under Section 25 of the Disability Act. This responsibility is to be assigned to an individual who is not the access officer. The responsible individual should have regular contact with the head of the public body to report on, and progress accessibility of their public buildings.
* Publish an Access Improvement Plan[[4]](#footnote-5) for meeting the obligations and requirements of the Section 25 of the Disability Act.
* Hold and maintain a register of their public buildings for which Section 25 of the Disability Act applies under the definition set out in Section 25 (6) of the Act[[5]](#footnote-6).
* Take a targeted approach to carrying out access audits on buildings from its register to assess their accessibility, identify existing barriers to access and guide on actions for improvement. Prioritise carrying out access audits based on a building’s use and existing levels of accessibility. Ensure the access audit findings are effectively integrated into planning building works. Ensure access audits are kept up to date.
* Prioritise public buildings for improvements under Section 25, based on the access audit findings.
* Identify and collaborate with key stakeholders from the outset of an improvement project, when carrying out works to implement Section 25. Key stakeholders include other public bodies, local authorities, accessibility experts, Disabled Persons Organisations (DPO’s), and building users including users with disabilities.
* Engage with Disability Persons Organisations (DPO’s), and users with a range of disabilities with regards to the accessibility of the building throughout all stages of an improvement project: assessing the building; planning; design; construction; and appraisal.

Examples of user engagement include establishing a user group and carrying out walkability audits. Walkability audits of existing public buildings comprise audits by a range of diverse users, facilitated by a trained coordinator. Walkability audits should be seen as complementary to professional access audits.

* Ensure accessibility is reviewed and appraised throughout all stages of the project planning, design and construction. Ensuring building designs are reviewed by disabled people prior to approval of any works can help to ensure potential accessibility barriers are limited, potential consequent economic costs are avoided and that the important work is prioritised.
* Ensure that Part M requirements for access and use, as well as universal design principles and guidance[[6]](#footnote-7) are clearly addressed in the project and design briefs for all building works being carried out to public buildings.
* Keep records of decisions regarding the accessibility of existing buildings, and decisions for leasing and buying buildings, that show they are informed by:
* an up to date access audit of the building;
* an estimate of any costs associated with renovations, changes, and maintenance, required to ensure the building is and remains accessible;
* engagement with users with disabilities;
* practicability.
* Address accessibility in all procurement documentation, as appropriate, and reference relevant standards. Refer to Section 27 of the Code of Practice on Accessibility of Public Services and Information provided by Public Bodies which provides guidance on procurement of goods and services that may be of assistance.
* Plan that temporary structures, construction works and erected event spaces for public access, in so far as possible, are accessible and that they do not have a negative impact on the everyday accessibility of a building.
* Ensure that all staff (contracted and voluntary) have disability awareness training, are aware of the accessibility issues faced by disabled people, and know the accessible management procedure of the building, for example, staff are aware of where the key is stored for the accessible or changing places toilet if applicable. The NDA provides eLearning modules on disability awareness and training on its website.

### Examples of good practice:

* Identify voluntary standards and guidelines relevant to the building work. Standards relevant to the built environment include:
* Technical Guidance Document M (compliance with which is presumed to indicate compliance with Part M of the Second Schedule to the Building Regulations (as amended));
* EN 17210:2021 ‘Accessibility and usability of the built environment – Functional requirements’;
* CEN / TR 17621:2021 ‘Accessibility and usability of the built environment - Technical performance criteria and specifications’;
* BS 8300-2:2018 Design of an accessible and inclusive built environment. Code of practice;
* ‘Building for Everyone: A Universal Design Approach’ (NDA).
* Apply a universal design approach to planning, design, alteration, construction, leasing, management and maintenance. This will: facilitate compliance with the requirement to ensure access to persons with disabilities; help to ensure all persons, regardless of age, size, ability or disability can access and use a building; and assist with future-proofing the building against demographic and regulatory change.
* Adopt a whole journey approach to the accessibility of their buildings. That means public bodies should plan and design for peoples accessibility needs for the entire journey; from users accessing information about the building from home, entering the building from their chosen method of transport, circulating the building to access services, to exiting the building to get to their chosen method of transport home or onwards.
* When leasing or buying a building, a public body should consider the convenience of its location for users with disabilities.
* Refer to ‘Participation Matters: Guidelines on implementing the obligation to meaningfully engage with disabled people in public decision making’ when carrying out any engagement or consultation with persons with disabilities with regards to their public buildings.

## Pre-visit information

### Rationale

The provision of pre-visit information regarding the accessibility of a public building is important in order for prospective visitors to be able to assess whether the building is accessible to them so they can plan and prepare for their visit.

### Goal

The public body should provide pre-visit information about the accessibility of its public buildings. This information is available through multiple means of communication.

### To achieve this, public bodies should:

* Provide concise, up to date information on their website and in alternative formats, about the accessibility of the building that encompasses the user’s entire journey in visiting the building and in accessing services. Information should include details of the location of the building and an explanation of the site layout. Information should provide details of accessible features and non-accessible features regarding:
* building approach and entry
* wayfinding
* circulation within the building
* internal environment
* facilities (toilets and cafes)
* programmes, meetings, exhibitions and events
* emergency egress.
* Provide contact details of the access officer in the pre-visit information so that people with disabilities can contact them for answers to queries about accessibility and request specific supports that will help with access.

### Examples of good practice:

* Provide photos of building features so that disabled people can judge whether or not the buildings will be accessible to them, ensuring all photos include alt text.
* Provide information on the sensory environment of the building such as lighting and noise. Provide information about the quieter times to access the building and if there are quite rooms available for accessing the service within the building.
* Consider social stories[[7]](#footnote-8) that will aid people with particular sensory or processing needs to prepare for a visit.
* Use the ‘Customer Communications Toolkit for Services to the Public - A Universal Design Approach’ when designing information.

## Building approach and entry in relation to Part M of the Building Regulations

### Rationale

The approach and entrance to a public building is an important stage in the user journey and should be accessible and welcoming to all visitors so that they may enter and exit the building independently.

### Goal

The principal public entry point to the public building, and the route to this location, is designed, managed and maintained to be accessible.

### To achieve this, public bodies shall:

* Ensure the accessibility of:
* parking facilities
* set-down areas
* the approach (ground surfaces, access routes, lighting, ramps, steps and handrails)
* entry and exit points
* entrance lobbies
* entrance doors (power operated or automatic doors are generally more accessible than manual operated entrance doors).
* Demonstrate the following elements have been addressed, where appropriate, in accordance with the Technical Guidance Document - Access and Use, to ensure the building approach and entry are accessible:
* surfaces
* signage
* location of entrance and access routes with regards to roads, pedestrian crossing points, cycle lanes, and the general streetscape (trees, bins, letterboxes)
* step free access
* street furniture which may cause an obstacle on an access route (litter bins, bollards)
* potential hazards such as open windows, building projection and door swings
* adequate space.
* Ensure the accessibility of access routes between buildings when external circulation is required between them. This is especially important on large campuses such as hospitals, where disabled people may be required to travel from one building to another. Measures should be taken to ensure this is possible.

### Examples of good practice:

* Provide people with disability with the same point of entry and exit to the building as the general public.
* Provide adequate signage and lighting so that individuals can identify the building entrance and navigate their way safely to it.

## Way finding in relation to Part M of the Building Regulations

### Rationale

Way finding is the term used to describe the information available on site to help people orient themselves within it and navigate around it. Way finding can include visual, tactile, audio and olfactory navigation information. Clear and consistent way finding signage and information is critical to the accessibility of a public building and its environs, including swift exit from it.

### Goal

Way finding on the approach to, and within the public building is designed, managed and maintained to be accessible.

### To achieve this, public bodies shall:

* Ensure they provide a way finding system that is easy to read, easy to understand, accurate, up to date and where applicable, use architectural, tactile, environmental and information cues to help people plan and navigate from one place to another.
* Demonstrate the following elements have been addressed, where appropriate, in accordance with the Technical Guidance Document - Access and Use, to ensure wayfinding information is accessible:
* location
* language
* font size and type
* use of symbols
* colours, contrasts and finishes.

### Examples of good practice:

* Present information and wayfinding based on a principle of two senses[[8]](#footnote-9). This could include visual cues such as signage, architecture and landscaping, tactile elements such as floor surfaces and textured walls, audible elements such as soft music, running water and other sensory information such as scents (olfactory).
* Provide wayfinding information in a range of accessible formats making use of visual media, tactile signs such as braille, and audible aids.
* Provide an accessible site map to indicate facilities and the routes to key areas.
* Prepare staff at reception desks with knowledge of the location of facilities, the routes to key areas, and the details of accessible features and non-accessible features of the building.
* Provide signage that is located where it is clearly visible to people who are walking, standing or sitting, in clearly visible text and in plain language supported by internationally recognised pictograms or symbols.
* Use the international symbol for access to identify and provide directions to accessible features and facilities used by persons with disabilities including accessible toilets.
* Lay out access and circulation routes in a manner that reduces encounters with sharp turns, protruding obstacles and sudden changes of level.
* Set lighting and acoustics at an appropriate level so that people with sensory impairments can circulate around the building.
* Choose appropriate colours, visual contrasts, finishes, textures, surfaces and tone of walls and floors that assist with wayfinding and navigation by delineating between different areas within the building.
* Consider smartphone apps and other new wayfinding technologies as they become available.
* Provide a layout of the building that is intuitive so that the location of key facilities, such as reception areas, vertical circulation stairs and lifts are easily identifiable.

## Circulation within buildings and its environs in relation to Part M of the Building Regulations

### Rationale

Easy and safe circulation within a public building is fundamental to the user journey so that they can independently get to where they want to go. Internal circulation covers horizontal routes (how people move in and around on a particular floor or level) and vertical routes (how people move up and down within the building) to public areas of the public building.

### Goal

The circulation routes within the public building are accessible.

### To achieve this, public bodies shall:

* Ensure the accessibility of:
* reception areas and desks
* waiting areas and internal lobbies
* corridors and passageways
* vertical circulation routes (steps, stairs, lifts, ramps)
* internal doors.
* Demonstrate the following elements have been addressed, where appropriate, in accordance with the Technical Guidance Document - Access and Use, to ensure circulation within buildings and its environs is accessible:
* directness of route
* ease of navigation
* adequate space for manoeuvring
* level changes
* gradients
* lighting
* handrails
* rest points.

### Examples of good practice:

* Provide adequate space for mobility scooters and power wheelchairs within reception areas and waiting areas.
* Consider the installation of handrails and seating along long paths of travel to cater for people who have a limited walking range. Seating should have arm and back rests. Seating should contrast visually to its background.
* Provide doors that are easy to identify, wide enough for people to pass through comfortably and easy to operate. Power operated or automatic doors are preferable over manual operated doors. Hold-open systems for fire doors will improve accessibility.
* Provide accessible passenger lifts in all multi-storey buildings.
* Consider carefully the position of equipment and machines, storage containers, furniture and bins on circulation routes to ensure that they do not cause obstruction on circulation routes.

## Internal environment in relation to Part M of the Building Regulations

### Rationale

The internal environment is made up of many features that can greatly enhance the ability of people to navigate and travel independently, and contribute to an environment that is safe, comfortable, and enjoyable for everyone to use regardless of age, size, ability, or disability.

### Goal

The internal environment of a public building is appropriately designed, managed and maintained to ensure accessibility.

### To achieve this, public bodies shall:

* Demonstrate the following elements have been addressed, where appropriate, in accordance with the Technical Guidance Document - Access and Use, to ensure the internal environment is accessible:
* lighting (natural and artificial)
* wall and floor surfaces, colours and finishes
* Use hearing enhancement system, such as induction loops, at reception desks and in waiting areas.

### Examples of good practice:

* Arrange that the acoustics of the internal environment are optimised for accessibility.
* Use both an audible public address system that has a hearing enhancement system and a visual display system in waiting areas and any other areas announcements may be made.
* Provide floor surfaces that are stable, firm, level and slip resistant.
* Consider the location and size of a space and its intended use, alongside the acoustic characteristics of floor, wall and ceiling finishes, to reduce background noise or excessive reverberation and optimise the quality of sound within an environment.
* Provide a designated quiet space that has adjustable lighting that would be beneficial, in particular for people who get sensory overload and require a break or a more suitable environment for a meeting.
* Consider the placement of windows and artificial lighting to optimize safe and independent navigation throughout the building and minimise glare, reflection and shadows.
* Provide walls that are finished in plain colours of light tones with little pattern. Floors should be relatively plain in colour and have visual contrast with colour of the wall.
* Ensure the temperature within the building is not overly hot or cold.
* Maintain ventilation so as to achieve acceptable standards of filtration and dust extraction, which is especially important for people with breathing difficulty and / or allergies.

## Facilities in relation to Part M of the Building Regulations

### Rationale

Facilities, such as toilets, are a central part of the user journey and need to be accessible to persons with disabilities. Accessibility should be ensured during procurement and evaluated against relevant legislation. A public body is responsible for the accessibility of facilities in their public building even when the service is provided by a contracted third party, for example, a café.

### Goal

Public facilities are designed, managed and maintained to be accessible.

### To achieve this, public bodies shall:

* Ensure there is adequate provision of conveniently located accessible toilets.
* Ensure the accessibility of the:
* toilets
* changing places toilets (where applicable). A changing places toilet is an accessible sanitary facility with a toilet, hoist, basin adult-sized changing bench and optional shower designed to meet the needs of people with a range of abilities who may require assistance.
* public refreshment facilities (restaurants, cafés and shared self-service canteens)
* equipment that is available for use by the public
* switches, outlets and controls available for use by the public.

### Examples of good practice:

* Design and finish accessible toilets and changing places toilets to the same high standards as all other sanitary accommodations so that they do not feel clinical or institutional.
* Install baby changing facilities that are accessible.
* Design refreshment facilities such as restaurants, cafés and shared self-service canteens, so that they can be conveniently accessed and used by all (visitors and staff) independently or with companions.
* Use of flexible rather than fixed seating in cafés, with visual contrast, have arms and backrests and placed with enough space to allow for ease of movement in a regular layout.
* Provide accessible service counters and payment points.
* Provide accessible outdoor amenities related to the building that are used by the public.

## Programmes, meetings, exhibitions and events

### Rationale

All programmes, meetings, exhibitions and events within the public building to which members of the public are invited or which are open to the public should be accessible. It is important that any member of staff who is involved in organising, managing and maintaining programme, meetings, exhibition and event spaces are familiar with the requirements of Section 4 of this Code of Practice to ensure the space chosen to carry out programmes, meetings, exhibitions and events is accessible and remains accessible when in use.

### Goal

Programmes, meetings, exhibitions and events organised by a public body are accessible and remain accessible.

### To achieve this, public bodies should:

* Engage with people with disabilities when planning programmes, meetings and events to ascertain any specific requirements.
* Consult with the access officer when planning programmes, meetings and events to receive advice on accessibility.
* Demonstrate that consideration is given to:
* the location of the event space with regards to the entrance of the building and proximity to facilities available;
* the access route (walking distances, step free access);
* the event space seating layout, acoustics and lighting to allow full engagement of people with disabilities;
* the location of the speaker, visual presentation and Irish Sign Language (ISL) interpreters to ensure all attendees can clearly see.
* Provide accessible pre-visit information for events that include a description of accessible and inaccessible features of the building and event rooms, and details about parking facilities. Make sure that the pre-visit information for the building, as required in Section 4.2, is updated to include information on any programmes, meetings, exhibitions and events taking place within the building or on its site, especially if it impacts on the accessibility of any areas of the building.
* Provide contact details of a member of staff in the pre-visit information and invitations for events who can be contacted by people with disabilities to answer queries about accessibility, and to who a request can be made for supports that will help people access the event.
* Ensure people using wheelchairs have independent access to sufficient wheelchair spaces in areas which afford good viewing conditions regardless of whether other spectators are standing or not.

### Examples of good practice:

* Provide audio presentations that are accompanied by a hearing enhancement system.
* Provide screen captioning in an appropriate location that allows a person to view the performance and the screen captioning simultaneously.
* Provide handrails or other forms of support where access to seating involves using steps.
* Provide seating with armrests which give additional support and help people when sitting and standing. If some seats have fold down arms, the needs of a greater number of people will be met.
* Provide seating so that assistance dogs and guide dogs can accompany their owner and rest in front of or under the seat.
* Prepare people giving presentations so that they are aware of how to design and present accessible communications. They should be familiar with Section 28 of the Code of Practice on Accessibility of Public Services and Information Provided by Public Bodies and refer to the Customer Communications Toolkit for the Public Service - A Universal Design Approach for guidance.
* Provide seating so that wheelchair users and companions can sit together.
* Arrange that sightlines to all audience members are unobstructed, in particular, wheelchair spaces should not compromise the sightline of others.
* Design viewing spaces so that they can be accessed independently.
* Position viewing spaces so that no one feels isolated from other members of the audience.
* In larger event venues, disperse the wheelchair viewing spaces throughout the audience seating and provide a variety of locations at different levels.
* Arrange displays at exhibitions so that they allow unobstructed and safe movement around the exhibition.

## Emergency egress

### Rationale

Public bodies shall ensure that all users of their buildings can escape safely in an emergency to an area of safety and comply with all relevant fire safety regulations. The responsibility for evacuating people with disabilities lies with those who manage the public building on a day-to-day basis. The specification for emergency egress involves an evacuation plan with provision for persons with disabilities who are visitors to the building, taking into account the different needs people may have.

### Goal

The public body has a plan in place to ensure that all persons can safely evacuate to a place of safety at all times, as required by relevant legislation. The plan is backed up by trained staff, to cater for the safe and dignified egress of persons with disabilities and to assist them in the event of an emergency departure.

### To achieve this, public bodies should:

* Carry out a review of the needs of people with disabilities for safe evacuation in the case of emergency to a place of safety. Consultation and engagement with people with disabilities is essential in identifying potential risks and mitigation.
* Devise an evacuation plan to ensure the safe and dignified emergency evacuation of people with disabilities to a place of safety by following the guidance, Safe Evacuation for All on the NDA website. This plan is not only to address the evacuation people who are unable to use stairs, but also people with sensory impairments or who are neurodivergent. The plan should include control measures with regards to the impact of emergency evacuation activity on people with disabilities, for example the impact of loud alarms and flashing lights on people with autism. A Generic Emergency Evacuation Plan (GEEP) can be a helpful tool to put a general plan in place for visitors with disabilities. A GEEP should include:
* Named staff member(s), and their roles and responsibilities for evacuations (including leave cover arrangements)
* Assistance Methods/Techniques
* Equipment
* Emergency Evacuation Procedure(s): (a step-by-step guide, from alarm to safety, of the evacuation procedures from different floors and buildings)
* Evacuation Route(s): (preferably with diagrams)
* Carry out fire drills as a means to identify if there are any issues to the evacuation plan for disabled people and modify the plan if necessary.
* Ensure that toilets are designed with fire alarms that emit a visual and audible signal and emergency assistance alarm systems

### Examples of good practice:

* Install fire alarms with visual signals such as distinctive flashing lights or rotating lights in prominent and easily visible locations so that people with Deaf of hard of hearing are systematically alerted to an emergency.
* Provide lifts that are designed for use in emergency evacuations.
* Refer to the Safe Evacuation for All guidance on the NDA website which includes a Planning and Management Guide with information on Generic Emergency Evacuation Plans (GEEPs) for visitors, and a template for Personal Emergency Evacuation Plans (PEEPs) for employees within the public building, which will assist in developing the evacuation plan for people with disabilities who visit the building.

## Management and maintenance

### Rationale

Proper management and maintenance ensures that the public building receives the ongoing care and attention it needs to be accessible to the public and prevents any potential issues arising.

### Goal

A public body should have management and maintenance procedures in place for its buildings that integrate accessibility.

### To achieve this, public bodies should:

* Integrate accessibility into the management and maintenance policies and procedures to ensure accessibility is managed and maintained within the parts of the building accessed by the public: the approach and entry; wayfinding; circulation routes; internal environment; facilities; programmes, meetings, exhibitions and event sites; and emergency egress.
* Ensure that accessibility is embedded into the operational and day to day management and maintenance of the building.
* Publish clear procedures on how to make a complaint under the Disability Act 2005 and the process for investigations in a prominent location on the public body’s website. See Annex 3 for further guidance on complaints.
* Regularly review the management and maintenance of the accessibility of the public buildings by:
* collecting user feedback on building accessibility that engages disabled people;
* reviewing complaints records for issues raised with regards accessibility; and
* recording issues identified from feedback and complaints.
* Create a work plan to resolve accessibility issues identified through feedback and complaints, which shows clear prioritisation and rationale.
* Where a building is not fully accessible and it is not possible to make physical alterations at that time, implement practical measures through providing building management solutions so that people with disabilities can access services.
* Establish procedures and maintenance contracts for when access equipment, such as lifts, are out of order that ensures their prompt repair. This procedure should include steps to make the public aware of their status through multiple means of communication and provide a timeframe for its return to service.
* Involve access officers in the development and review of relevant building management procedures.
* Ensure user facing staff members are familiar with the accessibility of the building and know the contact details of the access officer if this information is ever requested.

### Examples of good practice

* Regularly test hearing enhancement systems, alarms, equipment to ensure they are accessible.
* Facilities and buildings managers should regularly appraise the building to ensure it is accessible and when issues are identified, make sure they are resolved straight away.
* Building management and maintenance staff should access the NDA eLearning modules and be familiar with Building for Everyone: A Universal Design Approach guidance.

# Annex 1 The Disability Act

### Applicable extracts from the Disability Act to the built environment

#### Section 25- Access to public buildings

(1) Subject to subsection (4) and section 29, a public body shall ensure that its public buildings are, as far as practicable, accessible to persons with disabilities.

(2) (a) The Minister may request the National Disability Authority (“the Authority”) to prepare and submit to him or her a draft code of practice (“a draft code of practice”) relating to the accessibility of public buildings to persons with disabilities for the purpose of giving guidance to public bodies.

(b) In preparing a draft code of practice under paragraph (a), the Authority shall consult such other Ministers of the Government or other persons or bodies as the Authority considers appropriate or as the Minister may direct.

(c) The Minister may approve, refuse to approve or, after consultation with the Authority, amend a draft code of practice.

(d) If the Minister approves or, after the consultation aforesaid, amends a draft code of practice, he or she may by order declare that the draft or, as the case may be, the draft code of practice as amended as aforesaid is an approved code of practice for the purposes of this section (“an approved code of practice”).

(e) The Minister may, after consultation with the Authority, by order revoke or amend an approved code of practice.

(f) A public body shall comply with an approved code of practice to such extent as is practical having regard to its resources and obligations and, in particular, shall do so—

(i) at the time of the construction, material alteration or extension of a public building, or

(ii) if by doing so, access to public buildings would be provided to a greater number of persons with disabilities in a more cost effective manner than would otherwise be the case.

(3) (a) Buildings, which are public buildings on the commencement of this section or which become public buildings after such commencement, shall be brought into compliance with Part M (unless the building is already required to be so compliant) not later than 31 December 2015.

(b) Public buildings shall be brought into compliance with any amendment of Part M made after such commencement not later than 10 years after the commencement of the amendment.

(4) A Minister of the Government may, by order declare that subsection (3) shall not apply to a public building specified in the order and in relation to which functions stand conferred on him or her if he or she is satisfied that—

(a) the building is being used temporarily as a public building and will cease to be used as such after 3 years from the date of the making of the order,

(b) the building will not be used as a public building after 3 years from the date of the making of the order, or

(c) making the building accessible to persons with disabilities would not be justified, on the grounds of cost, having regard to the use to which the building is put.

(5) Before making an order under subsection (4), the Minister of the Government concerned shall consult with such other Ministers of the Government or such other persons as he or she considers appropriate.

(6) In this section—

“Part M” means Part M of the Building Regulations 1997 (S.I. No. 497 of 1997) as amended;

“public building” means a building, or that part of a building, to which members of the public generally have access and which is occupied, managed or controlled by a public body.

(7) This section shall come into operation on 31 December 2005.

#### Section 30 – Codes of practice

(6) Compliance by a public body with an approved code of practice shall be deemed to be compliance with the relevant provision of this Act.

### Section 26-28 – Public services and information

Sections 26-28 of the Disability Act sets out the legal obligations of public bodies to ensure that their services and information are accessible.

The NDA ‘Code of Practice for Public Services and Information Provided by Public Bodies’ provides guidance to help public bodies meet the requirements under these sections of the Disability Act. Compliance by a public body with this Code is deemed compliance with these sections of the Act.

Section 2 defines “Service” as a service or facility of any kind provided by a public body which is available to or accessible by the public generally or a section of the public and, without prejudice to the generality of the foregoing, includes—

1. the use of any place or amenity owned, managed or controlled by a public body,
2. the provision of information or an information resource or a scheme or an allowance or other benefit administered by a public body,
3. any cultural or heritage services provided by such a body, and any service provided by a court or other tribunal.

* Section 26 outlines requirements regarding:
* providing accessible services
* arranging for assistance
* using experts when designing and reviewing services and
* appointing an access officer
* Section 27 outlines requirements regarding procurement of goods and services by the public body.
* Section 28 outlines requirements regarding accessible, spoken, written and digital information.

### Section 29 - Accessible Heritage Sites

Section 29 of the Disability Act sets out the legal obligation to ensure that heritage sites to which the public have access, are accessible to persons with disabilities.

The NDA ‘Code of Practice for Accessible Heritage Sites’ provides guidance to help public bodies meet the requirements under this section of the Disability Act. Compliance by a public body with this Code is deemed compliance with this section of the Act.

# Annex 2 Statutory instruments and national policies relating to persons with disabilities

## The Equal Status Acts 2000-2018

The Equality Status Acts 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. It is important to note that ‘disability’ is one of the protected grounds in relation to the provision of goods and services. When addressing equality for disabled persons other social identities (such as age) also known as intersectionality should be considered. The Equal Status Acts also promotes reasonable accommodation for persons with disabilities. Public bodies shall do all that is reasonable to meet the needs of persons with disabilities, meaning public bodies shall provide specific treatment or facilities to make sure that persons with a disabilities can access of their building and services.

## Employment Equality Acts 1998-2015

The Employment Equality Acts prohibit discrimination in employment, including vocational training and work experience. They also prohibit sexual harassment or harassment on the basis of any of the nine grounds. In addition, the Employment Equality Acts oblige employers to make reasonable accommodation for people with disabilities. An employer shall take ‘appropriate measures’ to meet the needs of people with disabilities in the workforce. Appropriate measures mean effective and practical changes that the employer puts in place to enable employees with a disability to carry out their work on an equal footing with others. These include adapting the premises or the equipment. In order to know which appropriate measures to put in place, employers need to understand the practical needs of people with disabilities. An employer might not have to provide these types of appropriate measures if it meant that the employer would suffer a ‘disproportionate burden’.

## United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

Article 9 – “Accessibility” of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) requires the government to take appropriate measures to ensure persons with disabilities can access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

## European Accessibility Act

The European Accessibility Act is a directive that sets requirements in respect of accessibility for a range of products and service which will apply from 28 June 2025. The Act introduces harmonised rules across all European Union countries on accessibility for private sector products and services to maximise their use for persons with disabilities. Products shall be accompanied, where possible, in or on the product by accessible information on their functioning and accessibility features.

### Safety, Health and Welfare at Work Legislation

The Safety, Health and Welfare at Work Act 2005 states that employers shall ‘ensure, as far as is reasonably practicable, the safety, health and welfare at work of all employees’.

Regulation 25 of the General Application Regulations – Employees with disabilities – states that ‘An employer shall ensure that places of work, where necessary, are organised to take account of persons at work with disabilities, in particular as regards doors, passageways, staircases, showers, washbasins, lavatories and workstations used or occupied directly by those persons’.

## The Public Sector Equality and Human Rights Duty

Section 42 of the Irish Human Rights and Equality Commission Act 2014 imposes a statutory obligation on public bodies in performing their functions to have regard to the need to:

* eliminate discrimination;
* promote equality of opportunity and treatment for staff and persons to whom it provides services; and
* protect the human rights of staff and services users.

## Part M of the Building Regulations

Part M of the Building Regulations sets out minimum provisions for the access and use of buildings. In general, Building Regulations apply to the construction of new buildings and to extensions and material alterations to buildings. In addition, certain parts of the regulations apply to existing buildings where a material change of use takes place. Otherwise, Building Regulations do not generally apply to buildings constructed prior to 1992. However, **Section 25 of the Disability applies Part M retrospectively to public buildings**, as defined in the Disability Act.

Section 25 requires the upgrading of older public buildings so that they comply with **Part M** within a ten-year timeframe of any amendment to Part M. When the Disability Act commenced in 2005, the current version of Part M was Part M 2000 and Section 25 requires public buildings to be brought into compliance with Part M 2000 no later than 31 December 2015. Part M 2000 was reviewed and replaced with Part M 2010, which commenced on 1 January 2012. It was reviewed and replaced again with Part M 2022, which commenced on 1 January 2023. Under Section 25 therefore, public bodies are required to bring their public buildings into compliance with:

* Part M 2000 by 31st December 2015
* Part M 2010 by 1st January 2022
* Part M 2022 by 1st January 2033

# Annex 3 Guidance on complaints (Section 38 and 39 of the Disability Act)

## Introduction

The Disability Act 2005 (“The Act”) sets out requirements in relation to making a complaint if a person believes that a public body is not meeting its obligations under the Act. For this reason, although beyond the scope of this Code of Practice, this Annex offers public body’s information and guidance to assist them in understanding the requirements around complaints under sections 38 and 39 of the Act, and guidance and advice on good practice in relation to those sections of the Act.

Further to the requirements set out in the Act, complaints procedures are a good way for public bodies to demonstrate commitment to providing quality and inclusive buildings and services. Complaints procedures which follow good practice provide a mechanism for disabled people to have an accessible, easy to use and understandable process on how to make a complaint.

## The Disability Act 2005

The Act places a statutory obligation on a public body to make their public services accessible to persons with disabilities. Public bodies have a legal duty to ensure their information, goods, services, and public areas of their buildings are accessible to persons with disabilities as far as practicable. These legal duties are described under sections 25-29 of the Act. Further information pertaining to Section 29 of the Act can be found in the Code of Practice on Accessible Heritage Sites.

Sections 38 and 39 of the Act state that public bodies have a statutory requirement to develop details of how a person may make a complaint in relation to that public body’s failure to comply with sections 25-29 of the Act.

## Sections 38 and 39 of the Disability Act, 2005

Detailed here is a summary of what is stated in the Disability Act 2005; the sections of the Act are provided in full in at the end of this Annex.

### Section 38 – Making a complaint

Section 38 of the Act states that a person who considers that they may have a disability may make a complaint, in writing, to the head of a public body in relation to a failure by the public body to comply with sections 25, 26, 27, 28 or 29 of the Act. A person may also make a complaint through another person as specified in Section 9(2) of the Act, in relation to the person who considers that they may have a disability:

* a spouse, a civil partner, a parent or a relative;
* a guardian or a person acting in loco parentis to them;
* a legal representative; or
* a personal advocate assigned by the Citizen’s Information Board to represent them.

### Section 39 – Complaints procedures for public bodies under the Disability Act

Section 39 of the Act states that the head of each public body is required to develop and publish details of how a person, as described above, may make a complaint in relation to that public body’s failure to comply with sections 25, 26, 27, 28 and 29 of the Act.

This section of the Act requires that a procedure for dealing with complaints related to sections 25, 26, 27, 27 and 29 of the Act be drawn up and published. The Act also requires that an inquiry officer be appointed by the head of each public body when a complaint is made to investigate it and communicate all findings with the public body and the complainant.

The head of each public body can appoint as many inquiry officers as they consider appropriate to deal independently with complaints received by that body on any alleged failure to comply with sections 25, 26, 27, 28 and 29 of the Act.

Following receipt of a complaint, the head of the public body is required to forward it to the inquiry officer.

Unless the inquiry officer is of the opinion that the complaint is frivolous or vexatious, they shall:

* conduct an independent investigation of the complaint;
* prepare a written report of the findings of the investigation; and
* provide a copy of the report to the head of the public body and the person who made the complaint.

The inquiry officer shall be independent in carrying out these functions. The investigation shall not be carried out in public.

The report of findings shall include:

* whether there has been a failure by the public body to comply with requirements under sections 25, 26, 27, 28 or 29 of the Act; and
* where it is determined that there has been a failure, the steps required to be taken by the public body to comply with the requirements of the relevant section of the Act.

Where the person who made the complaint is not satisfied with the determination of the inquiry officer, they can refer the complaint to the ombudsman under Section 40 of the Act. The Office of the Ombudsman website has information on how to refer a complaint made under the Disability Act to it.

## Good practice for complaints under Sections 38 and 39 of the Disability Act

As detailed above, sections 38 and 39 of the Act are set out so that individuals who feel that public bodies are not meeting their obligations under sections 25-29 of the Act are able to lodge complaints in relation to this. To assist public bodies in meeting what is set out under the Disability Act, the NDA recommends the following:

### Complaints procedures

* Public bodies should develop and publish clear procedures on how to make a complaint under the Disability Act 2005, the process for investigations and other related matters.
* Public bodies should ensure that inquiry officers are adequately trained and appraised of duties and responsibilities, to include having an understanding of:
* the relevant sections of the Disability Act, 2005 and other relevant legislation;
* the diverse range of characteristics, abilities, needs and preferences of persons with disabilities;
* universal design, which results in designs that can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability; and
* the role of the Ombudsman and the procedures they follow to address complaints referred to them.
* Public bodies should ensure that the relevant staff are aware of the complaints procedure.

### Communication

* Public bodies should ensure that information on complaints can be easily accessed by people with disabilities and anyone who may wish to make a complaint, therefore it would be good practice to publish the procedures in more than one form of communication to ensure that persons with disabilities can access the complaints procedure through a contact channel that is accessible to them. For example, the procedures could be published on a website and included in a newsletter. Public bodies should also consider providing details of the complaints procedure and contact information in Irish Sign Language (ISL) on their website.
* Public bodies should promote the complaints process, through more than one form of communication. This could be done using posters, or through broadcasting its availability in advertisements or on social media. Complaints forms should be accessible to persons with disabilities. Traditional paper complaints forms or PDF documents are not generally usable by persons with certain disabilities.
* Public bodies should take a universal design approach to communication, meaning they should be able to communicate and accept communications in a form which can be accessed and understood to the greatest extent possible by all people regardless of their age, size, ability or disability. Public bodies should therefore accept written complaints through a variety of mediums; email, letter, and transcription by the public body of complaints being dictated by the individual concerned, or complaints made through ISL.

### Other considerations:

* Demonstrating flexibility by making reasonable arrangements for users to discuss their complaints. For example, quiet spaces could be provided to accommodate people who may experience sensory overload, including persons who are neurodivergent or who experience anxiety, as busy or noisy environments may be a barrier for those persons.
* Changing internal processes, including procurement, IT development, communications and staff training, to ensure that similar complaints do not occur in future; and adopting a universal design approach when developing such policies, services, information and technologies, will ensure that they can be accessed, understood and used to the greatest extent possible by all persons, regardless of their age, size, ability or disability.

## Sections 38 and 39 of the Disability Act, 2005

The text of Section 38 and Section 39 of the Disability Act is provided for reference below.

‘38. Complaints

— A person may by himself or through a person referred to in section 9 (2) make a complaint in writing to the head of a public body in relation to the failure of the body to comply with section 25, 26, 27, 28 or 29 of this Act.’

Section 9(2) says that any of the following persons can make a complaint on behalf of the person:

‘(a) a spouse, a parent or a relative of a person…

(b) a guardian of that person or a person acting in loco parentis to that person,

(c) a legal representative of that person, or

(d) a personal advocate assigned by Comhairle to represent that person.’

‘39. Inquiry Officer

—(1) The head of a public body may authorise such and so many officers of the body as he or she considers appropriate (referred to in this Act as “inquiry officers”) to perform the functions conferred on inquiry officers by this section.

(2) The head of a public body shall draw up procedures in relation to the making and investigation of complaints and such other matters relating to complaints as he or she considers appropriate and shall cause the procedures to be published.

(3) An inquiry officer shall be independent in the performance of his or her functions.

(4) Following the receipt of a complaint by the head of a public body under section 38, he or she shall refer the matter to an inquiry officer.

(5) When a complaint is referred to an inquiry officer under subsection (4), he or she shall (unless he or she is of opinion that it is frivolous or vexatious in which case he or she shall notify the public body and the complainant to that effect) investigate the complaint and prepare a report in writing of the results of his or her investigation and furnish a copy of it to the head of the public body concerned and to the person who made the complaint.

(6) A report under subsection (5) shall set out the findings of the inquiry officer concerned together with a determination in relation to the following matters, namely—

(a) in case the determination is that the complaint is not frivolous or vexatious, whether there has been a failure by the public body the subject of the complaint to comply with a provision referred to in section 38, and

(b) in case the determination is that there has been such a failure, the steps required to be taken by the public body concerned to comply with the provision concerned.

(7) An investigation by an inquiry officer under this Act shall be conducted otherwise than in public.

(8) In this section “complaint” means a complaint under section 38.’

# Annex 4 Resources and references

#### Building for Everyone: A Universal Design Approach

* Building for Everyone: A Universal Design Approach provides comprehensive good practice guidance on how to design, build and manage buildings and spaces so that they can be readily accessed and used by everyone, regardless of age, size ability or disability. The Building for Everyone series is available for free download at www.universaldesign.ie.

#### Part M of the Building Regulations

* Part M of the Building Regulations sets out minimum provisions for the access and use of buildings. The current Part M regulations are Part M 2022. The over-arching regulation in Part M 2022 is Regulation M1, which states that ‘adequate provision shall be made for people to access and use a building, its facilities and its environs’.

#### The Technical Guidance Document to Part M (TGD M)

* The Technical Guidance Document to Part M (TGD M) sets out guidance on the minimum level of provision that meets the requirements of the regulations. Applying universal design principles is also encouraged by the TGD M. It states that it ‘sets out guidance on the minimum level of provision to meet the requirements of M1-M4. However, those involved in the design and construction of buildings should also have regard to the design philosophy of universal design and consider making additional provisions where practicable and appropriate. Further advice and guidance can be found at the Centre for Excellence in Universal Design, www.universaldesign.ie and in the publication ‘Building for Everyone’.
* Participation Matters: Guidelines on implementing the obligation to meaningfully engage with disabled people in public decision making
* Customer Communications Toolkit for Service to the Public - A Universal Approach
* The Code of Practice on Accessible public services and information
* The Code of Practice on Heritage Sites
* Standard I.S. EN 17161:2019 – Design for All
* Standard I.S. EN 17210:2021 and LC:2021: Accessibility and usability of the built environment - Functional requirements
* S.R. CEN / TR 17621:2021 : Accessibility and usability of the built environment - Technical performance criteria and specifications
* BS 8300-2:2018 Design of an accessible and inclusive built environment. Code of practice
* Code of Practice for Accessible Heritage Sites

# Annex 5 Further information and advice

Contact details for relevant bodies:

**The National Disability Authority**

The main function of the National Disability Authority is to advise and inform the Minister for Children, Equality, Disability, Integration and Youth when it comes to policy and practice for people with disabilities.

**Centre for Excellence in Universal Design**

The Centre for Excellence in Universal Design, established as part of the National Disability Authority, is dedicated to the principle of universal access, enabling people in Ireland to participate in a society that takes account of human difference and to interact with their environment to the best of their ability.

25 Clyde Road

Dublin4

D04E409

Websites: [www.nda.ie](http://www.nda.ie) and [www.universaldesign.ie](http://www.universaldesign.ie)

**Irish Human Rights and Equality Commission (IHREC)**

The Irish Human Rights and Equality Commission protects and promotes human rights and equality in Ireland and builds a culture of respect for human rights, equality and intercultural understanding in the State.

16-22 Green Street

Dublin 7

D07CR20

Website: [www.ihrec.ie](http://www.ihrec.ie)

**The Office of the Ombudsman**

The Ombudsman's role is to examine complaints from members of the public who believe that they have been unfairly treated by certain public service providers.

6 Earlsfort Terrace

Dublin 2

D02 W773.

Website: [www.ombudsman.ie](http://www.ombudsman.ie)

**Citizens Information Board**

The Citizens Information Board is the statutory body which supports the provision of information, advice and advocacy on a broad range of public and social services.

George's Quay House

43 Townsend Street

Dublin 2

D02 VK65

Website: [www.citizensinformationboard.ie](http://www.citizensinformationboard.ie)

1. usually [↑](#footnote-ref-2)
2. Disability Act 2005 [↑](#footnote-ref-3)
3. UN https://www.ungeneva.org/sites/default/files/2021-01/Disability-Inclusive-Language-Guidelines.pdf [↑](#footnote-ref-4)
4. An Access Improvement Plan is a Strategy for improving the accessibility of the public buildings. The Access Improvement Plan ensures that access is an ongoing priority and makes a clear commitment to ongoing improvement.

   This Access Improvement Plan will describe measures for achieving and maintaining accessibility in the public buildings, and will outline a clear programme for the required works, with consideration of the prioritisation of the different works needed with respect to the buildings use, level of accessibility, and budget. The Access Improvement Plan should incorporate maintenance and management procedures, as well as clear procedures for reviewing and updating the plan according to progress or change. It should also be informed by engagement with persons with disabilities. [↑](#footnote-ref-5)
5. Public buildings”, as defined in the Disability Act “means a building, or that part of a building, to which members of the public generally have access and which is occupied, managed or controlled by a public body.” [↑](#footnote-ref-6)
6. As outlined in Technical Guidance Document M 2010, public bodies should apply the design philosophy of Universal Design, rather than the minimum requirements of Part M, where practical and appropriate, when carrying out works to meet their obligations under Section 25 of the Disability Act. [↑](#footnote-ref-7)
7. A Social Story is a short, personalized story or video developed in a specific style and format. They have been widely used to explain the complexities of various social situations to children

   and adults with autism. (<https://ncse.ie/wp-content/uploads/2020/03/Supporting-children-and-young-people-with-ASD-during-the-Covid-19-pandemic-Social-Stories.pdf>) [↑](#footnote-ref-8)
8. The two senses principle means that information must be presented for two complementary senses. For example, sight (visual cues) and hearing (audible cues) or sight and touch (tactile elements). [↑](#footnote-ref-9)