

An Operational Review of the Effectiveness of Section 25 of the Disability Act 2005



NDA

Údarás Náisiúnta Míchumais
National Disability Authority



OPW Oifig na
nOibreacha Poiblí
Office of Public Works

An Operational Review of the Effectiveness of Section 25 of the Disability Act

Cover Photo; 'Siobhán McMahon with partner Mark and baby Daniel out for a walk – Universal Access' by Aidan Sweeney Photography, LIPPVA

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Mr Finian McGrath TD, Minister of State with special responsibility for Disability Issues and Mr Kevin Moran TD, Minister of State with special responsibility for the Office of Public Works and Flood Relief.

An Operational Review of the Effectiveness of Section 25 of the Disability Act

The consultation described in this review was commissioned by the Office of Public Works and the National Disability Authority. It was carried out by Connect the Dots, in conjunction with Terri Sweeney Meade APA, of the Office of Public Works and Ruth O'Reilly of the National Disability Authority between September and December 2018.



Connect the Dots, the National Disability Authority and the Office of Public Works would like to thank everyone who participated in the consultation process that informed this review.

Foreword from the National Disability Authority

Good design of public buildings is key to ensuring that people can use public services and participate in their communities. Our public buildings should be designed so that they are easy for all people to use, regardless of age, size, ability or disability. Accordingly, the National Disability Authority welcomed the opportunity to work with the Office of Public Works on this review of the operational effectiveness of Section 25 of the Disability Act, which focuses on the accessibility of public buildings.

The Disability Act 2005 places significant obligations on public bodies to make their buildings and services accessible to persons with disabilities. In particular, Section 25 of the Act requires the re-fitting of older public buildings so that they comply with Part M of the building regulations, and in particular, with any amendments to Part M within 10 years of those amendments being commenced. The review is timely in this regard, as the deadline for public buildings to be brought into compliance with Part M 2010 is 2022.

This review and its recommendations have been informed by extensive consultation with older people and with people with disabilities, on their experiences of using public buildings, as well as with a range of key public bodies including OPW technical staff and the State Architect. We would like to acknowledge the contribution of the consultation participants, who provided key insights and the benefit of their experiences to the review.

Carrying out this review and making recommendations to facilitate public bodies to meet their obligations to bring their public buildings into compliance with Part M 2010 by 2022, is an action in the National Disability Inclusion Strategy 2017-2021. We look forward to further opportunities to work with the OPW and other public bodies to support the implementation of these recommendations.

Siobhán Barron

Director
National Disability Authority



Foreword from the Office of Public Works

The Office of Public Works is delighted to be a partner in this Operational Review of the Effectiveness of Section 25 of the Disability Act 2005. It offers us the opportunity to gain an insight into where the impact of policy decisions to date has been most felt by our citizens in the built environment.

According to the United Nations, sustainability requires an integrated approach involving 'the integration of the three components of sustainable development – 1. Economic development, 2. Social development and 3. Environmental protection – as interdependent and mutually reinforcing pillars.' (United Nations, 2005.p12). In terms of the social sustainability component, Universal Design has a key role as it 'helps the full inclusion and participation in family and community life' (Richard Duncan, October 2007, speaking at the launch of the Centre for Excellence in Universal Design). Like all Public Bodies, the OPW is responsible for implementing not just the Disability Act but all Government policy which impacts on public building infrastructure. Since 2009, there has also been a huge focus on improving the energy performance of buildings. At the urban design level Universal Design and sustainability are also interconnected. This is recognised in the Irish 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' which state that 'sustainable design and Universal Design are inextricably linked and Universal Design when incorporated from the early stage of planning integrated neighbourhoods, will reduce the need for costly and wasteful retrofits over the medium to long term' (Department of Environment, Heritage and Local Government, Government of Ireland, 2009. p5).

To a large extent then, there are complementary policy requirements when it comes to upgrading our building stock. The OPW would argue strongly that a holistic approach is needed to optimise the effectiveness of overall spending. In fact, it is demonstrably more cost effective to address both accessibility and energy management issues in a single combined building intervention. The OPW looks forward to continuing to work closely with the NDA on this project. Indeed, with the recent publication of the 'I.S. EN 17161:2019' on 'Design for All – Accessibility following a Design for All Approach in Products, Goods and Services – Extending the Range of Users', we anticipate moving beyond building infrastructure and deepening our work and comprehension with the NDA, on the wider application of a Universal Design approach.

Maurice Buckley

Chairman
Office of Public Works



Executive Summary

Background

This operational review of the effectiveness of Section 25 of the Disability Act has been carried out under Action 26 of the National Disability Inclusion Strategy 2017-2021, by the National Disability Authority (NDA) and the Office of Public Works (OPW).

The review is informed by a consultation process that took place between September and December 2018. A number of insights emerged from this consultation process, as well as recommendations to facilitate public bodies to meet their obligations to bring their public buildings into compliance with Part M 2010 by 2022.

Section 25 of the Disability Act 2005

Section 25 of the Disability Act states that ‘a public body shall ensure that its public buildings¹, are as far as practicable, accessible to persons with disabilities. It defines public buildings as ‘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’.

Section 25 requires the upgrading of older public buildings so that they comply with Part M of the Building Regulations. When the Disability Act commenced in 2005, the current version of Part M was Part M 2000. Part M 2000 was reviewed and replaced with Part M 2010, which commenced on 1 January 2012. Under Section 25, public bodies are required to bring their public buildings into compliance with Part M 2000 by 31st December 2015 and with Part M 2010 by 1st January 2022 (unless the building is already required to be so compliant).

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 requires public bodies to apply Part M retrospectively to public buildings.

Section 25 allows that a Minister may, after consultation with other Ministers and interested parties, make an order to exclude a public building from the scope of these requirements if he is satisfied that:

- the building is being used as a public building on a temporary basis
- will no longer be used as a public building after three years or
- does not justify refurbishment on cost grounds having regard to the use of the building.

¹ other than heritage sites in the ownership, management or control of a public body, which are covered by Section 29 of the Disability Act

Under Section 25, the Minister for Justice and Equality may ask the National Disability Authority (NDA) to draw up a Code of Practice to assist public bodies in making buildings accessible. Public bodies will have to comply with the Code as far as possible at the time of new construction, material alteration or extension of a public building or where it would be cost effective for the purpose of giving access to a greater number of people. There is an action in the National Disability Inclusion Strategy 2017-2021 for the National Disability Authority 'to develop a code of practice for accessible public areas of public sector buildings'. The National Disability Authority has a statutory function to monitor the implementation of standards and Code(s) of Practice in programmes and services provided to persons with disabilities and to report to the Minister for Justice and Equality.

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 2010. The over-arching regulation in Part M 2010 is Regulation M1 which states that

'adequate provision shall be made for people to access and use a building, its facilities and its environs'.

There are additional specific requirements relating to extensions to buildings and to dwellings. 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. The guidance covers aspects such as:

- approaches to buildings
- access to buildings
- circulation within buildings
- sanitary facilities
- other facilities
- aids to communication

Key Differences between Part M 2000 and Part M 2010

When the Disability Act commenced in 2005, the current regulations were Part M 2000. Following a review process, which commenced in 2005, Part M was revised significantly. The revised regulations, Part M 2010, commenced on 1 January 2012. Some key differences between Part M 2000 and Part M 2010 are listed below²:

1. Part M 2000 is entitled 'Access for People with Disabilities'. Part M 2010 is entitled 'Access and Use'. This change reflects a move from accessibility for people with disabilities towards design for all people, a Universal Design approach. The Part M Technical Guidance Document (TGD) states that it 'aims to foster an inclusive approach to the design and construction of the built environment', and that 'the requirements underpin the principle of Universal Design'.

² www.housing.gov.ie. 2011. Technical Guidance Document M - Access and Use (2010) - Building Control Officer Training Manual. [Online] Available at: <https://www.housing.gov.ie/housing/building-standards/tgd-part-m-access-and-use/technical-guidance-document-m-access-and-use-1>. [Accessed 30 May 2019].

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2. Part M 2000 applied to access and use of 'a building'. Part M 2010 applies to access and use of 'a building, its facilities and its environs'. 'Environs' refers to approach routes to buildings, such as the route from the entrance at the site boundary to the buildings and the route from any designated car-parking areas.
3. Compared with Part M 2000, the guidance in Part M 2010 represents a notable reduction in the gap between minimum standards and good practice.

Outline of Consultation Process

This review and its recommendations have been informed by consultation with a range of stakeholders, including public bodies, user groups of older people and people with disabilities and OPW technical staff, in order to evaluate the operational effectiveness of Section 25 from a broad range of diverse and relevant perspectives. The consultation took a variety of forms, including interviews, focus groups and consultative workshops. A contractor which specialises in civic and stakeholder engagement processes, designed and delivered the consultations based on the guiding topics provided, and in collaboration with the OPW and NDA.

Consultation with User Groups

Three focus groups were held with user groups, of older people and people with disabilities. The focus groups were held with:

- representatives from the National Older People's Council (co-ordinated by Age Friendly Ireland)
- Dublin City Public Participation Network (PPN) Disability Linkage Group
- Iarnród Éireann (Irish Rail) Disability Users' Group

Consultation with Public Bodies

A number of public bodies were asked to participate in the consultation process, by nominating a representative for interview. The public bodies that participated in the consultation interviews were:

- An Post
- Bus Éireann
- Department of Employment Affairs and Social Protection
- Department of Planning, Housing and Local Government
- Health Service Executive (Estates Section)
- Irish Rail
- Office of Public Works (OPW)

With the assistance of the Local Government Management Agency (LGMA), a consultation workshop was held with representatives of the LGMA and five local authorities, which were:

- Dublin City Council
- Wexford County Council
- Louth County Council
- Laois County Council
- Monaghan County Council

Consultation with OPW Technical Staff

Two consultation workshops were held with OPW Technical Staff, who are based in eight different regions around the country. One workshop was held in Athlone and included 11 participants. The second workshop was held in Dublin and included nine participants in the room and six participants from the OPW Trim office who attended via video conference call.

Consultation Topics

The consultation sought to address the following topics:

- the structures, processes and approaches by public bodies that facilitate buildings being brought into compliance with Section 25
- barriers that public bodies may have encountered to meeting their obligations under Section 25
- information from public bodies on the degree to which they have upgraded public buildings and brought them into compliance with Part M
- what ongoing monitoring or auditing is being carried out by public bodies
- recommendation on what would facilitate public bodies to bring their public buildings into compliance with Part M 2010 by 2022

Consultation Analysis

In order to analyse the data gathered, multiple levels of analysis were implemented. First the raw notes from each consultation were individually typed, confirmed, and summarised, with key themes collated. Thematic analysis – largely qualitative - was then conducted within each of the three stakeholder groups (public body stakeholders, user groups, and OPW technical staff). Lastly, cross analysis of these findings was conducted in order to develop key insights and key recommendations responding to these insights.

Key Insights and Key Recommendations

Below is an overview of the key insights and recommendations that emerged from the consultation and review process. Further detail on each element of the consultation and on these insights and recommendations is provided in the body of the report.

Insight 1:

Following the introduction of the Disability Act 2005, formal processes and funding were put in place to improve the accessibility of public buildings, as required by Section 25 of the Act. Respondents stated that the economic crash had a significant negative impact on implementation, when funding effectively stopped and processes lost momentum and lapsed.

Recommendation 1.1:

Funding should be reinstated to enable the improvement of the accessibility of public buildings to ensure compliance by the deadline of the 1st January 2022.

Insight 2:

Currently, there appears to be low awareness, enforcement and understanding among public bodies of their obligations under Section 25, particularly of the obligation to bring public buildings into compliance with Part M 2010 by January 2022 (within 10 years of its commencement on 1 January, 2012).

Recommendation 2.1:

There is a need to raise awareness and understanding of the requirements of Section 25 of the Disability Act among public bodies, as a first step in facilitating them to meet their obligation to bring public buildings into compliance with Part M 2010, by 2022. A range of key stakeholders should undertake an awareness-raising exercise, namely:

- The Department of Housing, Planning and Local Government and the Local Government Management Agency; to raise awareness and understanding among local authorities
- Local Authorities should prioritise the role of the Building Inspectorate and as a consequence increase their resources, monitoring and enforcement capacity pursuant to adherence with Part M 2010 by 2022 in terms of inspection, compliance and enforcement
- Government departments; to raise awareness with public bodies under their aegis
- National Disability Authority; to raise awareness among public bodies, through the existing Departmental Monitoring Committee's structure which itself was set up to monitor the employment of people with disabilities in the public service
- Office of Public Works; to raise awareness among its clients and facilities managers

Insight 3:

Building users currently experience inconsistent levels of accessibility in public buildings in Ireland.

Recommendation 3.1:

There is a need for continued implementation of Section 25 of the Disability Act, to improve the accessibility of public buildings and to meet the requirements of Section 25.

Recommendation 3.2:

When implementing Section 25 of the Disability Act, public bodies should particularly pay attention to approach routes, circulation and wayfinding in their public buildings.

Insight 4:

In the consultation, there was little evidence of public bodies monitoring compliance with Section 25 of the Disability Act at an organisational level.

Recommendation 4.1:

As a first step in monitoring their compliance with Section 25 of the Disability Act at an organisational level, public bodies should identify public buildings, as defined in the Disability Act 2005³, on their building registers.

Recommendation 4.2:

The OPW should consider how the National Property Register could be used to support public bodies to monitor their compliance with Section 25 of the Disability Act, for example by allowing for the identification of public buildings that are subject to the requirements of the Disability Act and whether those requirements have been met.

Recommendation 4.3:

The National Disability Authority commits to providing guidance on public buildings that are covered by Section 25 when developing the Code of Practice for Accessible Public Areas of Public Sector Buildings. The Code of Practice should also include guidance for public bodies on the definition of a 'public building' as set out in Section 25 of the Act.

Insight 5:

Applying Universal Design principles in the implementation of Section 25 of the Disability Act can significantly benefit public bodies and building users.

Recommendation 5.1:

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.

³ Under Section 25 of the Disability Act, '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.

Recommendation 5.2:

Public bodies should ensure that access audits are based on Universal Design guidance, as well as the minimum requirements in Part M of the building regulations.

Recommendation 5.3:

Public bodies should integrate Universal Design principles and guidance, as well as Part M compliance into design briefs.

Recommendation 5.4:

OPW should formally embed Universal Design principles and guidance into its quality management systems. This should focus on the application of learning from Universal Design Continuous Professional Development and shared learning from examples where good practice has been successfully applied.

Insight 6:

Upgrading older existing buildings to meet current building regulations is challenging. Effective implementation of Section 25 requires an understanding of user needs, attention to detail, expertise, funding and a targeted approach.

Recommendation 6.1:

There should be multi-annual funding in place to support public bodies to meet their obligations under Section 25 of the Disability Act.

Recommendation 6.2:

Public bodies should prioritise public buildings for improvements under Section 25. They should take a targeted approach to carrying out access audits and improvement works, based on a building's use and existing levels of accessibility.

Recommendation 6.3:

Public bodies should ensure the availability of expertise, to ensure that work to implement Section 25 is informed by an understanding of user needs and that attention to detail is prioritised.

Recommendation 6.4:

Public bodies should allocate responsibility internally for meeting their obligations under Section 25 of the Disability Act.

Recommendation 6.5:

The OPW Policy Unit and the NDA should investigate how accredited access auditor training and a national register of access auditors could be developed.

Recommendation 6.6:

OPW should continue to develop its internal expertise through staff training. Existing staff with Universal Design expertise should be available internally to OPW technical staff for collaboration and advice.

Insight 7:

Embedding and integrating Universal Design principles and accessibility into building design, alterations, leasing, management and maintenance processes is central to achieving compliance with Section 25 of the Disability Act.

Recommendation 7.1:

Public bodies should review their existing processes for building design, alterations, leasing, management and maintenance. They should embed a Universal Design approach into those processes, as an effective way of ensuring compliance with Section 25 of the Disability Act.

Recommendation 7.2:

Public bodies should integrate universal design and accessibility into all building works being carried out to public buildings, including for example works related to fire safety, health and safety and energy use. Public bodies should carry out an access audit prior to all building works being planned to public buildings, to ensure that accessibility and Universal Design can be effectively integrated into building works from the outset.

Recommendation 7.3:

Public bodies should address management, access and maintenance of accessible toilets for clients, visitors and customers using their buildings.

Recommendation 7.4:

The OPW should embed a Universal Design approach into its workplace management system for estate and facilities management, ensuring that compliance with Section 25 is built into annual building maintenance inspections, ongoing facilities management processes, and recommendations for improvements.

Recommendation 7.5:

The OPW should embed Universal Design principles into its quality management system, including design reviews at key milestones in building projects.

Insight 8:

Collaborative working and effective user engagement processes facilitate the achievement of successful solutions and the effective use of funding, when improving the accessibility of existing public buildings.

Recommendation 8.1:

When carrying out works to implement Section 25, public bodies should identify and collaborate with key stakeholders from the outset of the project. Key stakeholders include other public bodies, local authorities, and building users.

Recommendation 8.2:

Public bodies should engage with building users as part of their work to implement Section 25 of the Disability Act. 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.

Insight 9:

The OPW should take a leadership role in supporting public bodies to ensure that their public buildings are, as far as practicable, accessible to persons with disabilities and to achieve compliance with Section 25 of the Disability Act.

Recommendation 9.1:

As part of its work under Action 20 of the 'Government Policy on Architecture 2009-2015', the Office of Public Works has a role in the development of Continuous Professional Development to address skills needs. Additional CPD in relation to Universal Design principles and appropriate training to fulfil its obligations under Section 25 of the Disability Act should be provided to OPW technical staff.

Recommendation 9.2:

OPW should develop a central repository that includes recording of client accessibility issues.

Recommendation 9.3:

OPW should record and update progress in relation to accessibility improvements, with updates to be shared internally as soon as issues are resolved and mitigating measures completed.

Recommendation 9.4:

OPW should ensure availability of access auditors, expert advice and reporting for public bodies, whilst maintaining an oversight role in relation to any actions proposed.

Insight 10:

Public bodies should not consider the physical accessibility of public buildings in isolation. A holistic approach should be taken to the overall experience of using a public building, including the provision of accessible information and customer services.

Recommendation 10.1:

Public bodies should provide pre-visit information about the accessibility of their public buildings on their websites.

Recommendation 10.2:

Public bodies should provide the contact details for their access officer(s), on their websites.

Recommendation 10.3:

Public bodies should provide disability equality awareness training for all staff, as set out in Action 20 of the National Disability Inclusion Strategy.

Recommendation 10.4:

Public bodies should implement measures to ensure that services, which are currently provided from buildings that are not accessible, can be delivered to all members of the public.

Recommendation 10.5:

The National Disability Authority should monitor the appointment of access officers, the information provided by public bodies on how to contact their access officer and the information provided by public bodies on how to make a complaint, as part of their statutory function to monitor the implementation of the Code of Practice on Accessibility of Public Services and Information Provided by Public Bodies.

Next Steps

This review, including recommendations, is presented to the Minister. It is envisaged that the NDA and OPW and other relevant public bodies will work to support the implementation of the recommendations put forward as part of the review. This review will also inform the development of a Code of Practice for Accessible Public Buildings, to be developed by the National Disability Authority under Action 105 of the National Disability Inclusion Strategy 2017-2021.

The OPW will take immediate steps for ensuring compliance with Section 25 in so far as is possible, through its architects, building managers, technical advisors and other stakeholders within the organisation and in conjunction with its external consultants. The OPW's role to provide services to other government agencies means that it has responsibility for fulfilling this programme on behalf of other government agencies. The OPW recognises its central role to enhance access to public services for all citizens in Ireland, now and for the future.

Local Authorities should prioritise the role of the Building Inspectorate and as a consequence increase their resources, monitoring and enforcement capacity pursuant to adherence with Part M 2010 by 2022 in terms of inspection, compliance and enforcement.

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Chapter 1: Introduction

Background

This operational review of the effectiveness of Section 25 of the Disability Act has been carried out under Action 26 of the National Disability Inclusion Strategy 2017-2021, by the National Disability Authority (NDA) and the Office of Public Works (OPW). The review is informed by a consultation process that took place between September and December 2018. A number of insights emerged from this consultation process, with associated recommendations to facilitate the obligation for public bodies to bring their public buildings into compliance with Part M 2010 by 2022.

Section 25 of the Disability Act 2005

Section 25 of the Disability Act states that ‘a public body shall ensure that its public buildings⁴, are as far as practicable, accessible to persons with disabilities. It defines public buildings as ‘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’.

Section 25 requires the upgrading of older public buildings so that they comply with Part M of the Building Regulations. When the Disability Act commenced in 2005, the current version of Part M was Part M 2000. Part M 2000 was reviewed and replaced with Part M 2010, which commenced on 1 January 2012. Under Section 25, public bodies are required to bring their public buildings into compliance with Part M 2000 by 31st December 2015 and with Part M 2010 by 1st January 2022 (unless the building is already required to be so compliant).

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.

Section 25 also allows that a Minister may, after consultation with other Ministers and interested parties, make an order to exclude a public building from the scope of these requirements if he is satisfied that:

- the building is being used as a public building on a temporary basis
- will no longer be used as a public building after three years or
- does not justify refurbishment on cost grounds having regard to the use of the building.

The Minister for Justice and Equality may ask the National Disability Authority (NDA) to draw up a Code of Practice to assist public bodies in making public buildings accessible. Public bodies will have to comply with the Code as far as possible at the time of new

⁴ other than heritage sites in the ownership, management or control of a public body, which are covered by Section 29 of the Disability Act

construction, material alteration or extension of a public building or where it would be cost effective for the purpose of giving access to a greater number of people. There is an action in the National Disability Inclusion Strategy 2017-2021 for the National Disability Authority 'to develop a code of practice for accessible public areas of public sector buildings'. The National Disability Authority has a statutory function to monitor the implementation of standards and Code(s) of Practice in programmes and services provided to persons with disabilities and to report to the Minister for Justice and Equality.

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 2010. The over-arching regulation in Part M 2010 is Regulation M1 which states that

'adequate provision shall be made for people to access and use a building, its facilities and its environs'.

There are additional specific requirements relating to extensions to buildings and to dwellings. 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. The guidance covers aspects such as:

- approaches to buildings
- access to buildings
- circulation within buildings
- sanitary facilities
- other facilities
- aids to communication

Differences between Part M 2000 and Part M 2010

When the Disability Act commenced in 2005, the current regulations were Part M 2000. Following a review process, which commenced in 2005, Part M was revised significantly. The revised regulations, Part M 2010, commenced on 1 January 2012. Some key differences between Part M 2000 and Part M 2010 are listed below⁵:

1. Part M 2000 is entitled 'Access for People with Disabilities'. Part M 2010 is entitled 'Access and Use'. This change reflects a move from accessibility for people with disabilities towards a Universal Design Approach. The Part M Technical Guidance Document (TGD) states that it 'aims to foster an inclusive approach to the design and construction of the built environment', and that 'the requirements underpin the principle of Universal Design'.
2. Part M 2000 applied to access and use of 'a building'. Part M 2010 applies to access and use of 'a building, its facilities and its environs'. 'Environs' refers to approach routes to buildings, such as the route from the entrance at the site boundary to the buildings and the route from any designated car-parking areas.

⁵ www.housing.gov.ie. 2011. Technical Guidance Document M - Access and Use (2010) - Building Control Officer Training Manual. [Online] Available at: <https://www.housing.gov.ie/housing/building-standards/tgd-part-m-access-and-use/technical-guidance-document-m-access-and-use-1>. [Accessed 30 May 2019].

3. Compared with Part M 2000, the guidance in Part M 2010 represents a notable reduction in the gap between minimum standards and good practice.

Disability Access Certificates

A Disability Access Certificate is a certificate granted by a building control authority which certifies compliance of the design of certain works, with the requirements of Part M of the Building Regulations. In general, a Disability Access Certificate is required for new buildings, some extensions to, and some material alterations to buildings (other than dwellings). Whether or not a Disability Access Certificate is required depends on the use of the building and the type of works being carried out. In practice therefore, some, but not all works being carried out under Section 25 would need a Disability Access Certificate.

The National Disability Authority (NDA)

The National Disability Authority is the independent state body providing expert advice on disability policy and practice to the Minister of Justice and Equality and promoting Universal Design in Ireland. The advice and guidance of the National Disability Authority is independent and impartial, rooted in what the evidence shows. The aim of the National Disability Authority is to ensure quality information and evidence-based advice to best inform and guide policies and programmes for people with disabilities.

The Centre for Excellence in Universal Design (CEUD) is a statutory unit within the National Disability Authority. Its main areas of activity include the development and promotion of guidance, standards, education and awareness for Universal Design. Universal Design is the design of any environment, product, service or information/communications technology so as to be readily accessed, used and understood by people regardless of age, size, ability or disability.

The Office of Public Works (OPW)

The Office of Public Works provides a range of services directly to Government, Government Departments, Offices and Agencies across the wider public service, and to the general public. Its role and remit therefore have a number of dimensions and features that distinguish it from other offices and civil service organisations: It is a service organisation, while one that advises on policy development in areas of its responsibility; It owns and maintains property on behalf of the State; It funds and delivers public works in areas of core responsibility; It acts as a service agency to other State organisations in property-related matters and technical and professional advisory services; It manages, maintains and maximises the potential of National Monuments and the State's historic properties.

Universal Design is central to the OPW's ethos in the provision of state-owned and occupied property to ensure social and cultural inclusion to public services, cultural and heritage sites. Universal Design is mainstreamed by OPW for all large projects, whether they are new build or major refurbishment.

The OPW provides a specialist advice and design service, to their clients, in relation to the provision of upgrading works, to meet their responsibilities in relation to the provision of accessible services to the public. OPW has a duty to manage programmes of upgrading of existing buildings, and their external environs to ensure that all state-owned property allows its occupants to meet the requirements of the Disability Act 2005.

Consultation Process

A consultation process was carried out to enable the NDA and the OPW to assess the operational effectiveness of Section 25 of the Disability Act and make recommendations to facilitate public bodies to meet their obligations to bring their public buildings into compliance with Part M 2010 by 2022. The consultation process took place between September and December 2018.

A number of insights emerged from this consultation process, as well as recommendations to facilitate the obligation for public bodies to bring their public buildings into compliance with Part M 2010 by 2022.

Methodology

The participants in the study were selected by the NDA and the OPW. The NDA and OPW sought to consult a range of stakeholders, including public bodies, user groups of older people and people with disabilities and OPW technical staff, in order to evaluate the operational effectiveness of Section 25 from a broad range of diverse and relevant perspectives. The consultation took a variety of forms, including interviews, focus groups and consultative workshops. Connect the Dots, specialists in civic engagement, designed and delivered the consultations based on the guiding topics provided and in collaboration with the OPW and NDA. It was critical to design an open, inclusive, safe, and accessible consultation process to ensure the best results.

Consultation with User Groups

Three focus groups were held with user groups, of older people and people with disabilities. The focus groups were held with:

- representatives from the National Older People's Council (coordinated by Age Friendly Ireland)
- Dublin City Public Participation Network (PPN) Disability Linkage Group
- Iarnród Éireann (Irish Rail) Disability Users Group

The focus groups ranged from four to eight participants. A total of 18 people participated in this element of the research.

The focus groups sought the following information from the user groups:

- feedback on the accessibility of public buildings owned, managed or controlled by public bodies, and improvements made as a result of Section 25
- feedback on user involvement in the structures, processes and approaches used by public bodies in meeting their obligations under Section 25
- feedback on what measures would facilitate public bodies to bring their buildings into compliance with Part M 2010 by 2022

Consultation with Public Bodies

A number of public bodies were asked to participate in the consultation process, by nominating a representative for interview. The public bodies that participated in the consultation interviews were:

- An Post
- Bus Éireann

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- Department of Employment Affairs and Social Protection
- Department of Planning, Housing and Local Government
- Health Service Executive (Estates Section)
- Irish Rail
- Office of Public Works (OPW)

With the assistance of the Local Government Management Agency (LGMA), a consultation workshop was held with representatives of the LGMA and five local authorities, which were:

- Dublin City Council
- Wexford County Council
- Louth County Council
- Laois County Council
- Monaghan County Council

The interviews and workshop sought the following information from the public bodies:

- the structures, processes and approaches used by the public body in meeting its obligations under Section 25 and what has worked well to facilitate them in that work
- barriers that the public body may have encountered to meeting its obligations under Section 25
- the degree to which the public body has upgraded public buildings and brought them into compliance with Part M
- what ongoing monitoring or auditing is being carried out by the public body
- what measures would facilitate the public body to bring its buildings into compliance with Part M 2010 by 2022

Consultation with OPW Technical Staff

This element of the consultation was carried out by developing and conducting consultative workshops with OPW Technical Staff. Two consultation workshops were held with OPW Technical Staff, who are based in eight different regions around the country. One workshop was held in Athlone and included 11 participants. The second workshop was held in Dublin and included nine participants in the room and six participants from the OPW Trim office who attended via video conference call.

The workshops gathered relevant information and knowledge from the OPW technical staff on:

- awareness among public bodies of Section 25 of the Disability Act
- work carried out by public bodies to meet their obligations under Section 25 of the Disability Act
- the structures, processes and approaches used by public bodies in meeting their obligations under Section 25 and what has worked well to facilitate them in that work
- barriers that public bodies may have encountered to meeting their obligations under Section 25
- monitoring carried out by public bodies in relation to compliance with Section 25
- what measures would facilitate public bodies to bring their buildings into compliance with Part M 2010 by 2022

Consultation Design

The NDA and the OPW worked in partnership with Connect the Dots (the consultant group with a specialisation in stakeholder engagement commissioned for this project).

Based upon the guiding topics provided, Connect the Dots developed the questionnaire for the interviews and designed the focus groups for the user groups and workshops for engagement with OPW Technical Staff. The workshops were designed by Connect the Dots in such a way as to create an open, inclusive, accessible, and collaborative environment where participants would feel comfortable to voice their views and perspectives.

Two Connect the Dots team members led each interview and two to four members facilitated each focus group and workshop. The project leads from either the NDA and/or the OPW attended each workshop and focus group. The interviews were held without the NDA or OPW project leads present, apart from the interview with the State Architect, which was attended by the OPW project lead.

On average the interviews lasted 1.5 hours and either took place in Connect the Dots' offices or in the interviewees' office building. On average the workshops and focus groups lasted 2 hours and took place in the hosts' buildings.

Data Collection

Each interview was conducted by two interviewers; one of which asked questions and the other of which recorded the verbal answers of the interviewees. After the interview, the notes were then circulated back to the interviewee for review and confirmation.

Each of the workshops were conducted by two - four facilitators, one of which recorded notes. The participants were also given the opportunity to write out their thoughts on worksheets and post-its and to send in further thoughts afterwards. All of these insights were typed afterwards and sent back to participants for review and confirmation.

Data Analysis

The agreed raw notes from each interview and workshop were collated and summarised for the purposes of further analysis.

Next, thematic analysis was conducted on each three consultative types (public body stakeholders, user groups, and OPW staff). Key themes were identified, with evidence to support each. A small element of quantitative analysis was then utilised where appropriate.

Cross-analysis of these findings was then conducted in order to evaluate any patterns or incongruencies across the findings.

The final step of the analysis was to provide recommendations, as per the aim of the project. Connect the Dots facilitated a meeting with the NDA and OPW project leads in order to develop recommendations from the findings.

Ethical Considerations

Each participant in the consultation process was provided at initial request with the background and purpose of the study and their role in it. Upon their agreement to participate, the participants were provided with a document summarising the format of the

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interview or workshop, as well as the questions that would be asked, at least one week in advance. Each participant was provided with a consent form before the consultation commenced, which confirmed that any data collected would be stored securely, safely and in accordance with data protection legislation. Following each consultation, the notes were circulated back to the participants for the opportunity to add or clarify information.

The interviews and workshops were conducted to be as accessible as possible for all participants.

Chapter 2: Findings from focus groups held with older people and people with disabilities

Introduction

This section highlights the findings from three focus groups which were held with user groups, of older people and people with disabilities. The focus groups were held with:

- representatives from the National Older People's Council (coordinated by Age Friendly Ireland)
- Dublin City Public Participation Network (PPN) Disability Linkage Group
- Iarnród Éireann (Irish Rail) Disability Users Group

The focus groups aimed to gather information on the following three topics, which were established at the outset of the consultation process:

1. Feedback on the accessibility of public buildings owned, managed or controlled by public bodies, and improvements made as a result of Section 25 of the Disability Act
2. Feedback on user involvement in the structures, processes and approaches used by public bodies in meeting their obligations under Section 25
3. Feedback on what measures would facilitate public bodies to bring their buildings into compliance with Part M 2010 by 2022

Feedback was gathered and collated in relation to the above topics, based on the participants' experiences using public buildings and engaging with public bodies. Overall, participants in the three focus groups were highly engaged in the consultation process, with a view to having a positive impact on their experiences using public buildings and providing feedback in the future.

Overview of key findings

Overall, the feedback suggested that in general, many public buildings remain difficult to access and to use, for older people and people with disabilities. Feedback suggested that the accessibility of some public buildings for the participants in the focus groups remains below expectations; unpredictable, stressful and alienating. In addition, participants reported that there are widely varying levels of accessibility across public buildings.

Participants highlighted the importance of building maintenance, to ensure that buildings which are well-designed, and importantly, remain easy to use over time.

While participants mostly appreciated their involvement in established user groups, they however felt frustrated that their voices are not being heard by a variety of public bodies. A key issue highlighted was that consultation processes are often held at too late a stage in the design process. Participants felt that this limited the impact that their feedback could have, as it does not allow for significant changes to be made in response to the consultation feedback. Participants also referred to consultations being treated as a 'tick-box' exercise, and them being ineffective as a result.

All of the groups consulted felt that they were a great resource, and were available to voluntarily support the improvement of accessibility in public buildings. 'Walkability audits', comprising building audits with a range of building users, were highlighted as an effective way to gather feedback on the accessibility of an existing building and gain understanding of the needs of diverse building users.

In discussing the obligations under Section 25 for public bodies to bring existing public buildings into compliance with Part M of the building regulations, participants considered that taking a good practice approach is preferable to having a focus only on minimum regulatory compliance. They considered that a good practice approach is more likely to achieve successful solutions when upgrade works are carried out, and considered this to be a more effective use of funding. They referred to using Universal Design guidance as a resource in this regard.

Participants in the focus groups were aware that securing funding for improving the accessibility of public buildings is a real challenge at present. They noted that understanding user needs and integrating accessibility into all projects to upgrade buildings is important, to ensure that money is not wasted on remedial works and/or alterations that do not meet the needs of users.

Feedback on the accessibility of public buildings owned, managed or controlled by public bodies, and improvements made as a result of Section 25 of the Disability Act

Many public buildings remain difficult to access; there is not a consistent level of accessibility in public buildings in Ireland

Overall, the feedback suggested that in general, many public buildings remain difficult to access and use for older people and people with disabilities. While participants in the focus group provided some positive examples of accessible public buildings, they struggled to name buildings that they felt were fully accessible. Participants were aware that they were providing feedback based on their own experiences, and that some buildings provided a level of accessibility that would meet the needs of some, but not all people.

None of the groups felt that it was possible to give a general overview of the accessibility of public buildings in Ireland, as they experienced huge variation in the levels of accessibility found, across the public buildings that they used. Factors that impacted on accessibility included the following:

- The age of a building
- The type of building
- Staffing issues such as customer service, maintenance and assistance available

In the Older People's Council focus group, the location of buildings was also named as a factor, with participants considering that some counties were better than others in the levels of accessibility found.

It was difficult for the participants to provide specific examples of improved accessibility due directly to Section 25 of the Disability Act. However, participants did consider that Section 25 was an important 'marker' in relation to having a legislative requirement for public buildings to be accessible. In the focus group with the Dublin City user group, it was noted that there are no sanctions for public bodies who do not comply with the Disability Act.

It is important that accessibility is maintained over time

Participants highlighted that, where a building is designed to be accessible, the functionality of building features needs to be maintained to an adequate standard. They gave examples of a lack of adequate maintenance, such as lifts being out of service for a long time and audio and speaker systems not working. All groups acknowledged that gaining access to toilet facilities was a recurring problem in public buildings. They highlighted that accessible toilets in particular, are often locked to deter anti-social behaviour, and as a result, it was difficult to gain access to use them.

Detailed design and seemingly small building features can have a big impact on a person's experience using a public building

Participants gave examples of building features being poorly designed, which had a negative impact on their experience of using public buildings. For example, some participants had experienced ramps that were too steep, and as a result, difficult to use. Another participant, who used a white cane, noted that he could not use revolving doors (used at the entrance to some public buildings), as his cane would get trapped and damaged. A participant with mobility difficulties noted that the absence of a handrail on

ramps caused her great difficulty, as well as anxiety, as she felt that her risk of falling increased. An older person gave an example of when renovations were carried out to a GP surgery, and new chairs were installed in the waiting room, which did not have any armrests. Because the lack of armrests made it too difficult for the person to get up from the new chairs, she ended up waiting in her car, rather than the doctor's waiting room for her appointment.

It was also noted that small improvements can have a positive impact on accessibility. One participant, with a vision impairment, noted that audio announcements in a lift in a public building enabled him to navigate the building with ease. There were also examples provided on signage being improved at the offices of some public bodies and a street being re-graded with new levels, to remove the step at the entrance to a public building. These examples highlighted smaller incremental changes that contributed to independence in accessing public buildings, even when the overall design of the building may have failed to permit people to be autonomous.

It is important that assistance is available when a building is not accessible, but providing assistance should not be viewed as an acceptable solution for the longer term

Participants in the Dublin City PPN user group noted that if a public building is not accessible, then having access to assistance is very important, in order to have access to public services. The role of 'access officer' in a public body is to provide assistance to people with disabilities, but participants said that in their experience, it was often very difficult to find out who the access officer was in a public body and how to contact them. They gave examples of:

- websites not having contact details for the access officer
- calling a public body to make contact with the access officer, but the receptionist not knowing who the access officer was

It was felt by participants that everyone should be able to access a building independently; relying on staff to provide assistance should be viewed as a temporary solution or a supplementary extra, should the individual seek it. Buildings that provide access and facilities without the need for assistance were highlighted as offering particularly positive experiences.

Building approaches and wayfinding were highlighted as important aspects of accessibility

When asked to give feedback on the accessibility of public buildings, participants highlighted that firstly, they needed to be able to approach a building, and find their way around. The design and maintenance of approach routes and the provision of good signage were highlighted as important aspects of accessibility, but it was remarked that approaches to public buildings are not being improved upon. It was considered that wayfinding should be seamless and easy to interpret, in order for users to navigate spaces without seeking assistance. A need to apply Universal Design principles and innovative approaches to wayfinding was identified, including for example, wayfinding 'applications' or tactile internal routes to aid orientation.

Particular examples were provided in relation to parking issues. There was feedback that parking spaces are often inadequate for users including people with disabilities, older

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people and parents with young children. It was noted that some older people with limited mobility find parking very difficult if they do not qualify for a permit to park in designated spaces. It was suggested that there is a need for specific older people's parking, similar to the parent and child car parking that is currently provided in many supermarket car parks. Another example related to inadequate numbers of designated parking spaces in a hospital car park, which created difficulty for a person with vision impairment.

In relation to signage, a public building was described, where the accessible entrance was separate to the main entrance to the building, but there was inadequate signage provided to enable someone to find the accessible entrance.

Participants in the Irish Rail focus group noted that they were involved in a project with Irish Rail to improve wayfinding and signage, and they highlighted that they felt the process was very effective, and featured good engagement with the user group.



Image; 'Ballincollig Garda Station front entrance' by Janice O'Connell, F22 photography

Libraries were highlighted as good practice examples of accessibility

In two out of the three focus groups, participants considered that libraries provide good levels of accessibility. Particular positive examples included signage, counter heights, staff availability and helpfulness, wheelchair friendly computer desks, chairs with backs and armrests and downloadable or online publication options.

Staff attitudes and awareness can have a big impact on a person's experience, when using a public building

In some locations, participants noted that they experienced staff attitudes that were either rude or ignorant of their duty of care obligations. The rights of individuals accessing public spaces seem to be poorly understood. However, they also noted experiences where positive engagement with staff meant that receiving assistance was a positive experience.

Accessible information is important when visiting a public building

Participants in the focus groups noted that having information in advance regarding access to public buildings is important, and that this information should be accessible. One participant who used a screen-reader integrated into an iPhone, highlighted that 'Word' document format is accessible for use with the screen-reader, but that PDF format is not.

Feedback on user involvement in the structures, processes and approaches used by public bodies in meeting their obligations under Section 25

Effective consultation through user groups

Participants in the focus groups largely considered that their participation in user groups established by public bodies had an impact. For example, participants in the Irish Rail focus group felt that Irish Rail maintained a good relationship with them and noted this positive engagement. They were aware of funding constraints, as well as the challenges involved in upgrading older existing buildings.

Some participants in the Dublin City PPN felt that public bodies should engage directly with people with disabilities, rather than through representative bodies or support organisations and noted the need for people with disabilities to have training to be advocates for themselves. In discussing their experiences of different consultation processes (not just through membership of a specific user group), participants in the three focus groups highlighted a range of issues for effective consultation and engagement with users.

Early consultation is very important

Being consulted at the early stages of a project was highlighted in the focus groups as an important aspect of effective consultation, in order to ensure that their feedback was being valued and considered. Positive examples of being consulted at the concept stage were attributed to Bus Éireann, Dublin Airport and Irish Rail.

In contrast, there were examples of other public bodies looking for feedback in the later stages of a project, when key decisions had already been made. Participants felt that consultation that happens in the later stages of a project's development is not effective as it is generally too late to have an impact on the outcome. They felt that in these cases, it was treated more as a tick-box exercise and that their time and input was not being valued.

The focus group participants felt that consultation needs to happen earlier in the design process to ensure that changes in response to feedback can be implemented. A strong message about effective consultation from the participants was that there needs to be consultation at the early stage of projects so that user issues can be integrated and addressed from the outset.

User audits highlighted as an effective tool for identifying aspects of existing buildings that cause difficulties for users

'Walkability audits' were highlighted as an effective tool in communicating the needs of a range of users, particularly in relation to existing buildings. These were described as 'user audits', whereby a group of people with different abilities, facilitated by a trained coordinator, walk through a building and highlight the positive aspects as well as difficulties or barriers that they experience. Participants considered that these user audits can provide key learning opportunities for building management as well as acknowledging the needs of the building users in question. Participants in the Older People's Council focus group gave examples of walkability audits at St. Luke's Hospital, Dublin, Kilkenny Hospital and Cavan General Hospital that provided valuable input and resulted in impactful improvements to signage.

Ensuring effective engagement takes place with a diverse range of users

Even when consultation is organised, there was a feeling among participants that some processes can be ineffective, if for example the information provided is not accessible. They noted that there should be engagement with a diverse range of people, including older people and people with a wide range of disabilities.

Consultation should not take place until there is approval and funding in place to implement change

Participants in one of the focus groups gave an example of being asked to take part in a consultation on the accessibility of a building, and later becoming aware that there had not been any approval at management level to implement improvements. They noted the importance of organisations having funding and approvals in place, to act on consultation feedback, before asking people to engage in a consultation process.

Feedback on what measures would facilitate public bodies to bring their buildings into compliance with Part M 2010 by 2022

Funding for building upgrades and effective use of funding

Participants in the focus groups were aware that securing funding for improving the accessibility of public buildings is a real challenge at present. There was an acknowledgement of the efforts of public bodies that are trying to make improvements, but do not have the funds to fully implement what is needed. Participants felt that carrying out comprehensive audits and having a good practice approach, rather than a focus on minimum compliance, is necessary in order to successfully use funding. They noted that understanding user needs and integrating accessibility into all projects to upgrade buildings is important, to ensure that money is not wasted on upgrading works that do not meet the needs of users.

Applying Universal Design thinking rather than minimum Part M requirements in designing public buildings and spaces

When discussing the obligations on public bodies under Section 25, to bring public buildings into compliance with Part M, participants in the focus groups gave feedback that focusing on Part M can often lead to a 'tick-box' approach to design. They considered a Universal Design approach to be more effective than a focus on minimum compliance and were sensitive to the need for accessibility improvements to meet the needs of a range of different users. In the Irish Rail focus group, participants remarked that guidance in the NDA publication 'Building for Everyone' should be used as a reference, when carrying out upgrading works. Universal Design thinking was reflected in the Dublin City PPN focus group when wayfinding was discussed; it was noted that good signage is important but other approaches such as wayfinding apps and internal tactile routes are needed as well to meet the needs of people who cannot avail of signage.

Effective consultation, early in the process

Participants in the focus groups noted the importance of public bodies collecting feedback from users on their experiences using existing public buildings. They highlighted that consultation at the early stages of a project is important so that the key issues for users can be highlighted and integrated into a project from the outset. Providing information and feedback processes that are accessible is important to ensure effective consultation. Ensuring that consultation takes place with a diverse range of users was also highlighted as an important aspect of effective consultation processes.

Access Audits with users

Participants in the Older People's Council highlighted their involvement in 'walkability audits' that have been carried out by Age Friendly Ireland for roads and streets as well as a range of different buildings. Walkability audits are carried out by users to highlight accessibility issues, informed by the user's personal experiences. Participants felt that walkability audits have proved to be a successful way for all involved to understand the needs of users of particular existing buildings and make impactful changes. They have also led to relationships being developed between those involved in managing buildings and their user groups. They considered that carrying out an audit of a building with users is a process that leads to a good understanding of the barriers and difficulty encountered by people as they navigate through a building.

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A positive example was given in relation to Kilkenny Hospital where a walkability audit led to implementation of an improved design along with better wayfinding.

Staff awareness and appointing staff with responsibility for meeting access needs

Participants in the focus groups highlighted that public sector staff should be trained about the importance of accessibility, the associated features of buildings and the rights of building users. It was considered that having a designated staff member who 'owned' the needs of users with accessibility needs, vouched internally in their organisation for change, and was a designated point of contact was particularly successful.

Chapter 3: Findings from consultation with a range of public bodies

Introduction

This section highlights key issues and findings from consultation with a range of public bodies, which is described below. The consultation topics, which were provided in advance of the consultation, were as follows:

1. the structures, processes and approaches used by the public body in meeting its obligations under Section 25 of the Disability Act, and what worked well to facilitate them in that work
2. the degree to which the public body has upgraded public buildings and brought them into compliance with Part M
3. barriers that the public body may have encountered to meeting its obligations under Section 25
4. what ongoing monitoring or auditing is being carried out by the public body
5. what measures would facilitate the public body to bring its buildings into compliance with Part M 2010 by 2022

Interviews with Public Bodies

A number of public bodies were asked to participate in the consultation process, by nominating a representative for interview. The public bodies that were invited to participate in the consultation interviews were:

- An Post
- Bus Éireann
- Department of Employment Affairs and Social Protection
- Department of Planning, Housing and Local Government
- Health Service Executive (Estates Section)
- Irish Rail
- Office of Public Works (OPW)

Workshop with local authorities

With the assistance of the Local Government Management Agency (LGMA), a consultation workshop was held with representatives of the LGMA and five local authorities, which were:

- Dublin City Council
- Laois County Council
- Louth County Council
- Monaghan County Council
- Wexford County Council

Overview of key findings

Impact of the financial crash on works to improve the accessibility of public buildings

Public bodies reported that the financial crash in Ireland had a largely negative impact on how public bodies approached their obligations under Section 25 of the Disability Act. When the Disability Act commenced in 2005, most public bodies that participated in the consultation had a structured approach and funding in place to carry out access audits and implement accessibility improvements to their public buildings. For example, the Department of the Environment Heritage and Local Government (as it was then called) provided ring-fenced multi-annual funding to local authorities to implement the Disability Act. This funding was provided on the basis of access audits and action plans arising from those audits.

Overall, public bodies reported that the financial crash meant that funding to implement accessibility improvements was either greatly reduced or stopped. It appears from the consultation, that the proactive processes that were in place to audit and upgrade buildings, lost momentum and lapsed, when funding was no longer available. Presently, most of the public bodies that participated in the consultation are only making improvements to the accessibility of their public buildings in response to specific feedback and complaints. However, Irish Rail stated that they have a schedule of prioritised works in place and Bus Éireann stated that they have a number of access audits in progress.

Works carried out under Section 25 to meet the 2015 deadline for compliance with Part M 2000

None of the public bodies interviewed stated that they fully met the requirement in Section 25 of the Disability Act to bring their public buildings into compliance with Part M 2000 by 31 December 2015. However, they did describe a range of upgrade works that took place.

Low awareness of the obligation under Section 25 to bring public buildings into compliance with Part M 2010 by 2022

It was apparent during the consultation process that there was low awareness among public bodies of their obligations under Section 25 to bring their public buildings into compliance with Part M 2010 by January 2022 (within 10 years of its commencement). None of the public bodies interviewed felt that all of their public buildings would achieve compliance with Part M 2010 by the deadline of 2022.

Impact of carrying out this review of the effectiveness of Section 25 of the Disability Act

It is noted that carrying out this review of Section 25 of the Disability Act raised awareness among the public bodies that participated in the consultation process. From the engagement that took place with public bodies, it was observed that at least three public bodies had increased awareness of their obligations under Section 25, were prompted to seek more information on their levels of compliance, and to find out what actions need to be taken to meet the 2022 deadline for compliance with Part M 2010.

What worked well?

Public bodies that participated in the consultation, outlined that the following approaches generally worked well when implementing Section 25 of the Disability Act:

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- embedding accessibility into building upgrades from the outset
- integrating accessibility improvements and retrofitting with other processes, such as other legal obligations and building upgrade works
- prioritising works to particular public buildings, based on intensity of use and existing levels of accessibility
- having steady and consistent funding in place
- having a single point of contact within an organisation, with responsibility for dealing with accessibility issues
- having effective engagement with a user group
- collaborating with external bodies and consultants
- making smaller incremental accessibility improvements
- building new buildings to replace existing buildings that were difficult to bring up to current standards

What are the barriers to implementation?

The following barriers to implementing Section 25 were identified in the consultation process:

- a lack of awareness of the obligations on public bodies under Section 25 and in particular, the implications of Part M being updated in 2010
- the availability of funding
- funding being provided on an annual basis, which makes it difficult to deliver larger, multi-year projects
- the challenges involved in bringing older existing buildings up to current standards
- compiling an in-house register of buildings that are subject to Section 25
- the availability of expert advice

Approaches to monitoring compliance with Section 25

It appears from the consultation that most public bodies do not currently monitor their overall levels of compliance with Section 25 of the Disability Act. At present, many public bodies rely on complaints and other feedback at a local level for monitoring accessibility issues and in many cases it is dealt with as part of building maintenance procedures.

A key first step identified in the consultation was the need for public bodies to have a register of their buildings, which captures which buildings are subject to the Disability Act. Many public bodies felt that this could be incorporated into existing building registers that they maintain for other purposes. Using the State Property Register was suggested as a possible approach for monitoring at a national level.

A lack of clarity in the definition of a public building in the Disability Act was identified as an issue that might cause difficulty in monitoring compliance. The Disability Act defines a public building as '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'. It was felt that making a judgement on whether 'members of the public generally have access' to a building could be difficult in some situations.

Measures that would facilitate public bodies to bring their public buildings into compliance with Part M 2010 by 2022

Public bodies identified a range of measures that they felt would facilitate them to bring their public buildings into compliance with Part M 2010, although there was general feedback that the deadline would not be met. In summary these measures are as follows:

- the provision of consistent and ring-fenced funding
- the availability of OPW resources and other expert resources
- a targeted approach to improvement works, for example by prioritising buildings with the highest levels of public use
- using funding effectively, by taking an integrated approach
- advocacy, in order to highlight to public bodies the importance of accessible buildings
- assistance for public bodies in understanding the obligations of a public body within Section 25 and in gathering feedback from users
- collaborative working
- leadership from the OPW

Further detail on the key issues described in this overview is provided in the following sections.

The structures, processes and approaches used by public bodies in meeting their obligations under Section 25

Approaches that were in place following the commencement of the Disability Act in 2005 have lapsed

Almost across the board, the public bodies reported they had a formal funding stream set up before the 2008 economic crash. This supported auditing, action plans, and in most cases, the completion of works to improve the accessibility of public buildings. However once the financial crisis hit Ireland, most of these funds either fully or partially dried up, bringing a halt to auditing and subsequent improvement works programmes. Since then, it appears that structures, processes and approaches have lost momentum and become more ad hoc and reactive.

At the workshop with local authorities, participants highlighted that the funding process that was previously in place was effective, as local authorities were required to submit an action plan, based on access audits, to the Department of the Environment, Heritage and Local Government in order to access funding. This meant that the funding was ring-fenced for the works set out in the action plan, which it was felt led to successful implementation. The Department of the Housing, Planning and Local Government provided records to inform this review, on funding that was provided under the National Disability Strategy for the years 2008, 2009 and 2010. This funding covered a wide scope of works, not just to buildings but including improvements to footpaths and pedestrian crossings. We have used 2009 as an example in Figure 1 below, to illustrate the extent and impact of this funding programme, as it related to Section 25 of the Disability Act. This funding programme ceased in 2010.

At the workshop, it was highlighted that current local authority funding is limited to income from building rates and the local property tax. It was submitted that dedicated funding would be required to achieve improvements to the accessibility of public buildings, as required under Section 25.

It was also noted in the local authority workshop that when the Disability Act was commenced, the approach by local authorities was to carry out audits on all public buildings in one go. In hindsight, it was felt that this wasn't successful, as local authorities were not in a position to implement the findings of every audit because of resources. Many of these audits are now out of date because Part M was updated in 2010. A more targeted approach was suggested as being the most appropriate from here on, where particular public buildings would be prioritised for auditing and improvement works.

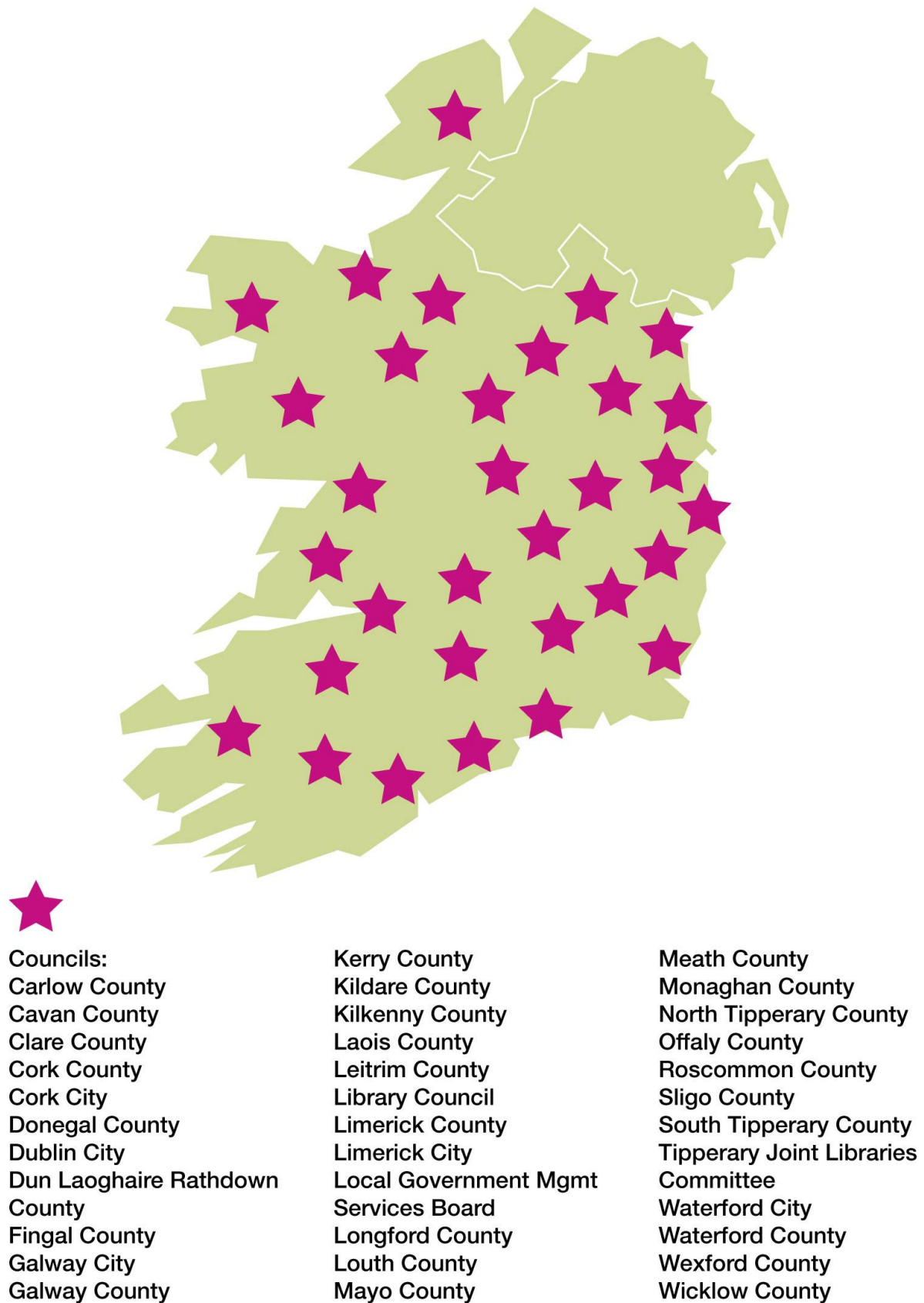
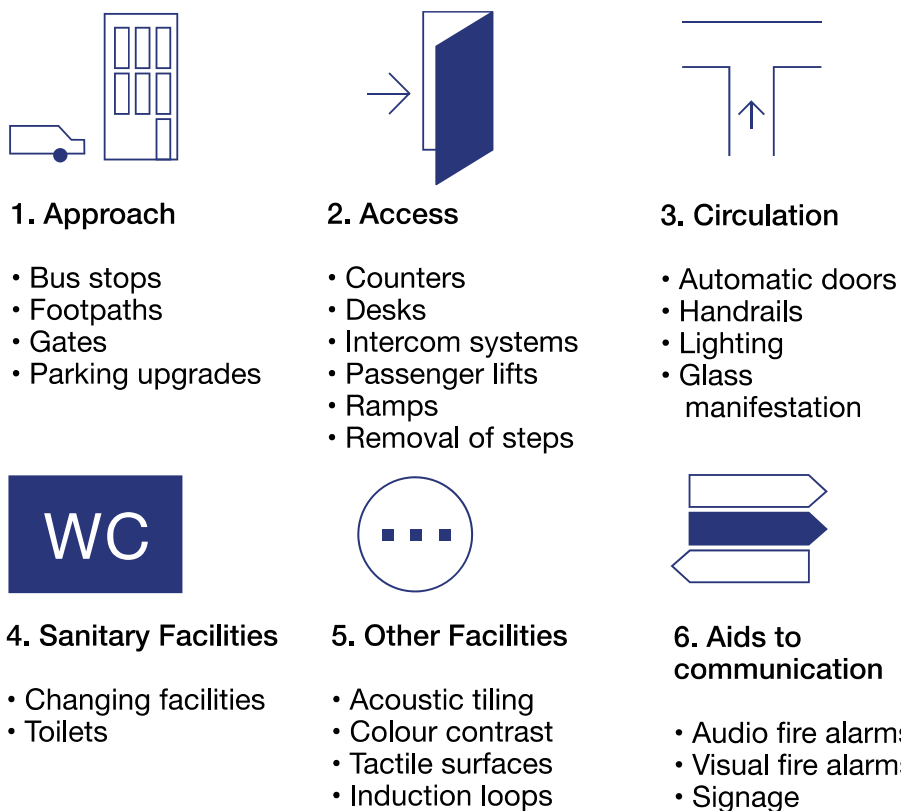


Figure 1: Map of Ireland (not to scale) illustrating the public bodies that received National Disability Strategy funding in 2009 from the Department of the Environment, Heritage and Local Government.

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An illustration to demonstrate the types of public buildings that were upgraded using 2009 National Disability Strategy funding.



An illustration to demonstrate the types of improvements that were made using 2009 National Disability Strategy funding.

Current approaches to improving the accessibility of public buildings

The findings indicate that currently, there are largely informal structures, processes and approaches in place; not one public body interviewed had a structured approach to achieving compliance with Section 25 that was consistent over time. This was due to a variety of factors such as funding sources being inconsistent over time and changes in personnel.

Currently, the majority of the approaches described in the consultation process are reactive and ad hoc rather than proactive and process-driven. Some approaches rely heavily on on-site staff who have responsibility to assist with access issues raised by building users. It was reported that often, if a simple low-cost change were required, the upgrade would be made immediately. If a more complex, higher-cost change is required, then the cost-benefit would be evaluated, prioritising works according to demand, and to stay within budget. This approach was described by both the OPW and by Irish Rail.

Many of the public bodies noted a very positive internal attitude and goodwill towards ensuring accessibility and said that this led to a quick responsiveness to any access issues that would arise in their public buildings. About half of the stakeholders interviewed appeared to make an assumption that their buildings were compliant or that there was no reason to examine further if there were no direct complaints or feedback from building users.

The OPW stated that it takes accessibility very seriously and has been actively promoting good practice in its own works' programmes in this area, going back to the 1990's. For the OPW, training staff and keeping them informed of the changes in standards was seen as an effective practice. A number of stakeholders including An Post and the HSE were interested in striving to be leaders in accessibility.

What has worked well to facilitate public bodies to meet their obligations under Section 25 of the Disability Act?

Embedding accessibility from the outset and having an integrated approach

There was a general consensus that having accessibility incorporated at the design conception stage was a crucial part of successfully upgrading a building and achieving compliance with standards. Taking an integrated approach to accessibility improvements was also noted as working well. This included:

- combining other building requirements (such as fire safety, health and safety, energy efficiency) into planning when undertaking upgrading buildings to be compliant with Section 25
- integrating accessibility improvements into building works that would be undertaken for other reasons

Prioritising improvement works

Many of the public bodies that participated in the consultation have been prioritising work for buildings that are most used and have the greatest accessibility issues. They view this as a fair and pragmatic approach when funding is stretched and it would not be feasible to tackle all publicly accessible buildings. However there was acknowledgement that this approach is not expected to ensure that every public building will be brought into compliance with Part M 2010 by 2022, as required under Section 25.

Steady and consistent funding

Prior to the economic crash, most public bodies that participated in the consultation noted that there was a steady stream of funding available, as well as works being prioritised at management level. When Section 25 commenced, many of the public bodies developed a structured process for auditing buildings and prioritising and planning projects, yielding action plans expected to bring them into compliance. However, after the economic crash of 2008, their ability to implement accessibility improvements to buildings decreased markedly.

Having a single point of contact within an organisation for dealing with accessibility issues

Both Bus Éireann and Irish Rail noted that they have a single contact point for dealing with accessibility issues, and that this role is linked to building management. They felt that this was an effective approach. Bus Éireann noted that they had experienced difficulties and confusion before having that central point of contact in place.

Effective engagement with user groups

The public bodies that have a user group in place described them as a very effective measure for working on accessibility improvements. In particular, Irish Rail and Bus Éireann emphasised that it is important to link to these groups regularly and consistently. The topics discussed within user groups can be raised by both the public body and the user group members. However, creating a user group was cited by a number of public bodies as a process that required a lot of time, resources, and funding and thus they did not have a user group in place.

A collaborative approach

Some public bodies noted that collaborative working with other organisations led to effective working and successful solutions to access issues. For example, the installation of a changing places facility at the National Heritage Park in Wexford was provided as an example where there was successful collaboration between disability organisations, the Heritage Park and Wexford County Council.

Irish Rail identified that working with external groups or bodies to give advice and share experiences worked well. For example, they noted that they work regularly with the access officers in other transport bodies. They also consulted with The Joint Mobility Unit in the UK⁶, who have accessibility expertise, which influenced their work in relation to tactile wayfinding systems and installing lifts.

Implementing smaller, incremental accessibility improvements

Improving wayfinding and signage was seen by most public bodies as a relatively easy and less costly accessibility measure to implement.

Building new buildings in lieu of retrofitting existing buildings

While Section 25 requires the upgrade of existing buildings to meet Part M of the building regulations, the public bodies who participated in the consultation generally understood that it was much easier to achieve good practice in accessibility in new buildings. Some public bodies felt that building new venues for their activities would be a more cost-effective approach to ensure accessibility, rather than retrofitting old buildings.

⁶ The Joint Mobility Unit Access Partnership is a service provided by the Royal National Institute for the Blind and Guide Dogs for the Blind Association (UK). The Joint Mobility Unit Access Partnership is an environmental access service, which aims to bring about improvements to the built environment.

Barriers that public bodies may have encountered to meeting their obligations under Section 25

A number of barriers to public bodies meeting their obligations under Section 25 of the Disability Act arose in the consultation process. These are described below.

Lack of awareness of Section 25 and the implications of Part M being updated in 2010

There appeared to be low awareness among public bodies of their obligations under Section 25, particularly of the obligation to bring public buildings into compliance with Part M 2010 by January 2022 (within 10 years of its commencement). For those not aware of the details it was difficult for them to assess their own levels of compliance. For example less than half of the public bodies interviewed were aware of the updated regulations and new obligations within Section 25 to bring their public buildings into compliance with Part M 2010 by January 2022 (10 years after the commencement of Part M 2010). There was a general consensus among the public bodies interviewed the 2022 deadline for compliance with Part M 2010 would not be met.

Some of the public bodies who participated in the consultation assumed that if they were compliant with Part M 2000 then they must be compliant with Part M 2010. However, a selection of those interviewed that were more aware of the requirements of Part M 2010 emphasised that the change in Part M made it more difficult to reach compliance.

Funding issues

The public bodies that participated in the consultation noted that not having a secured funding stream to make upgrades on a long term and consistent basis was a key barrier to meeting their obligations under Section 25. Public bodies felt they could not plan or do works in a systematic and productive way without funding being in place.

Irish Rail noted that it gets annual funding for accessibility projects from the National Transport Authority, which fluctuates each year. This can cause difficulty in delivering longer multi-year projects that require planning permission and as a result have a longer duration. They reported that having funding approved on an annual basis can impact on the type of work that they can do and prevents some long term or multi-year projects.

The OPW noted that for a period of 8-10 years, due to economic pressures, only the bare minimum of work, for example emergency remedial and health and safety works, was carried out to buildings within their portfolio.

A small number of public bodies also noted that there are competing demands in their organisation and they must prioritise to where budget is allocated. As a result, works related to accessibility may not happen, as they are often determined as less of an operational priority.

Challenges in bringing existing buildings up to Part M standards

Public bodies noted that historic buildings⁷, and older buildings, built in the 1970's and before, were regarded as the most difficult and most expensive to upgrade and bring to the acceptable and legislated standard.

A number of public bodies stated that they would prefer to buy a new building rather than to upgrade an existing one. This was largely the case where the stakeholder had a large portfolio of older buildings as with the HSE, Irish Rail, Bus Éireann and the Department of Employment Services and Social Protection.

A number of the public bodies interviewed, that were aware of the differences between Part M 2000 and Part M 2010, emphasised that the higher standards in Part M 2010 made it more difficult to reach compliance. They reported that they often encountered conflicting needs for people with different disabilities and found this hard to navigate.

Having an in-house register of buildings that are subject to Section 25

A number of the public bodies that participated in the consultation noted that having an accurate register of their public buildings was an important step in meeting their obligations under Section 25. HSE Estates, which has responsibility for over 4000 properties, noted that until recently, it did not have a comprehensive register of its own buildings. This affected its ability to assess its compliance with Section 25.

Clarity on the definition of a public building in the Disability Act

A lack of clarity in relation to how a public building is defined in the Disability Act was raised by both the HSE and at the LGMA workshop.

The Disability Act defines a public building as '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'. It was felt that making a judgement on whether 'members of the public generally have access' to a building could be difficult in some situations.

An Post noted that there are 70 retail post offices which they consider to be public buildings under Section 25. However, they also reported that there are a further 1000 local post offices that are operated by private individuals and as a result do not have obligations under Section 25, although An Post can make recommendations in relation to these.

Availability of expert advice

In half of the stakeholder organisations that participated in the consultation, there was no person in the organisation to drive accessibility improvements, or with the authority to push forward with upgrades of their buildings. This appeared to make it difficult for public bodies to know what to do, to meet their obligations under Section 25.

⁷ While public bodies referred to historic buildings in the consultation, it is noted that Section 25 of the Disability Act does not apply to heritage sites. Section 29 of the Disability Act requires public bodies to make heritage sites which are accessed by the public accessible, but this does not apply where it would have a significant adverse effect on the integrity of a heritage site.

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In the LGMA workshop, some participants who had experience of the building control system felt that many architects and designers have a tendency not to prioritise compliance with Part M. Another public body noted that a lack of staff at a local level with sufficient knowledge to monitor accessibility was a barrier.

Bus Éireann referred to using access specialists that were seen as very knowledgeable and useful to work with. The OPW noted that they have skilled people internally; OPW architectural staff are trained in disability access. A number of technical staff have additional training as qualified access auditors.

The degree to which the public body has upgraded public buildings and brought them into compliance with Part M

Compliance with the 2015 deadline for compliance with Part M 2000

Section 25 of the Disability Act requires public buildings to be brought into compliance with Part M 2000 by 31 December 2015. None of the public bodies that participated in the consultation could state that they fully met this requirement, but largely felt they had reached an adequate if not full degree of compliance. They described a range of upgrade works that took place, for example, the Department of Employment Affairs and Social Protection (DEASP) described the works that were carried out to Intreo offices around the country, which were brought into compliance with Part M 2000. It was felt that as a result of this programme of works on Intreo offices, they had achieved 80% compliance. It was also acknowledged that the Department has other older buildings that are problematic which are occupied by their staff.

Bus Éireann and Irish Rail described a range of upgrading works to rail and bus stations. Bus Éireann felt that they generally met the Section 25 deadline for compliance with Part M 2000. They noted that three stations were not upgraded in time and that not all building entrances were upgraded. However, almost all other 18 bus stations were updated due to funding from the EU / National Development Plan. Irish Rail stated that they are unsure to what degree compliance was reached by 2015. They have been delivering compliance when the funding was available from the NTA and the Department of Transport.

An Post noted that they control 70 retail post offices. They reported that there are a further 1000 local post offices that are operated by private individuals that do not come under An Post's obligations, although they can make recommendations. An Post noted that the biggest issue for post offices was in relation to the need to redesign counters to provide an accessible height for wheelchair users. These have been upgraded to a good degree, but there are some works to upgrade public counters still ongoing. An Post also appears to have focused on the issue of providing step-free access to their premises. Regional managers carried out a general audit to say if post offices had a step or not, and they carried out works to those premises which had steps.

The HSE noted that they achieved a good level of compliance in many health buildings, but there is no summary record of this, due to buildings being constructed under draft building regulations (prior to commencement of building regulations), Part M 2000 and Part M 2010. When non-compliance was found or representations made, then particular non-compliance issues were addressed. They still expect significant gaps to exist in some locations.

Local authorities stated that some but not all buildings would have met the 2015 deadline.

Compliance with the 2022 deadline for compliance with Part M 2010

There was a general lack of knowledge or certainty among public bodies as to what degree their public buildings were compliant with Part M 2010. The upgrade of public buildings to be compliant with Part M 2010 by 2022 was seen across the board as a challenge for the public bodies who participated in the consultation; the majority stated a lack of confidence in meeting the 2022 deadline. However, some organisations felt that while they would still look further into what was required, they were generally as compliant as they could be, given the resource and financial constraints that are in place. The sentiment was in some

cases that an effort had been made to bring their buildings to compliance and that they could go no further unless they received more funding and resources.

Reactive, rather than proactive approaches in place

When asked about the degree to which they are currently improving the accessibility of their public buildings, a number of public bodies interviewed referred to complaints. It was often mentioned that once some changes had been made to upgrade a building and no complaints came in, then this was regarded by the public body as adequate.

What ongoing monitoring or auditing is being carried out by the public body?

In general, public bodies took a systematic approach to auditing and monitoring before the economic crash, when funding was available

It appears from feedback in the consultation that systematic auditing and reporting was a general norm among public bodies before the economic crash. This was attributed to awareness and resources available. For example, in 2005, a large audit was undertaken by Dublin City Council which encompassed all of their buildings and they developed a Disability Act 2005 Implementation Plan, which was subsequently reviewed and updated.

Irish Rail and Bus Éireann are still carrying out access audits, however, since the economic crash, it appears that other public bodies who participated in the consultation are generally not carrying out access audits, but tend to deal with accessibility as part of general building maintenance.

Importance of recording of property owned, managed or controlled by public bodies as part of monitoring compliance with Section 25

When asked about monitoring compliance with Section 25, some public bodies discussed how systematic monitoring could be built into existing building registers that they have in place. In the local authority workshop, one participant referred to a building register that they had developed for insurance purposes, which they felt could incorporate fields for monitoring compliance with Section 25. Another local authority noted that all public bodies are required to update the State Property Register with information on their properties. The participant suggested that this should be considered for monitoring purposes. The HSE have over 4000 properties and noted that it was a major challenge to gather the information about the buildings to include in a national register.

Gathering feedback, reactive approaches

Presently, most of the public bodies that participated in the consultation are only making improvements to the accessibility of their public buildings in response to specific feedback and complaints. Some public bodies (Irish Rail, Bus Éireann, HSE) reported that feedback is gathered through lower level management meetings with staff which gather information on any access issues to be addressed. Once the issue is identified, the management then decides how to prioritise it. In most cases when this occurred, public bodies reported that the issue was responded to quickly.

Very few of the public bodies interviewed have user groups with which to check in regularly, as a way of keeping track of their general compliance over time. The review and interviews held in some cases prompted the public bodies to look into their obligations under Section 25. For example, the HSE noted that as a result of this review of the effectiveness of Section 25, accessibility is a standing item on the Estates Managements agenda and will be a key topic for HSE Estates going forward.

Public bodies who are clients of OPW

Both Departments, who participated in the consultation, reported that monthly meetings about their overall building management would include access issues, which would be handed over to the OPW to take action.

What measures would facilitate the public body to bring its public buildings into compliance with Part M 2010 by 2022

Consistent and ring-fenced funding

When asked about measures that would facilitate public bodies to bring their public buildings into compliance with Part M 2010 by 2022, funding was cited as the most necessary measure. Some public bodies felt this could come from within their own budgets. However, in the local authority workshop, it was noted that current local authority funding is limited to income from building rates and the local property tax, which limits the capacity of local authorities to carry out building alterations. It was felt that separate ring-fenced funding would be required for local authorities to comply with Section 25.

In relation to funding, public bodies noted that the security and consistency of funding to enable long-term planning is critical, as it is needed to allow for larger projects to be carried out, which may need planning permission. This was explicitly stated by Irish Rail, who receive annual funding from the National Transport Authority. They specified that multi-annual funding was needed to enable them to carry out larger, longer-term projects.

The OPW considered that having funding in place was the first action required in order to meet the deadline for Section 25 compliance. They now have an enhanced internal fund in place and occasionally also get additional funding from the clients that they are working with at the time.

OPW resources and other expert resources

Other resources, apart from funding were also cited as a key need. Public bodies who are clients of OPW felt that OPW would not have the resources required to support all public bodies to meet their obligations under Section 25. Other public bodies interviewed also cited that support was needed with finding the right contractor or hiring the right person to take on the work - who would be aware and well educated in accessibility.

Using funding effectively by taking an integrated approach

The OPW stated they take a strategic, integrated approach, by combining works on accessibility with other issues such as fire safety, health and safety and energy efficiency. This approach means that when carrying out works in a building, they aim to make improvements across a number of these areas, with a view to getting the most value from the funding.

Advocacy

The HSE and Irish Rail suggested that advocacy was needed to raise awareness and to prioritise the importance of accessibility issues. One example brought up was personal stories from people with a disability to highlight the responsibilities that organisations have. They believed this would drive public bodies to ensure compliance moving forward. The Department of Employment Affairs and Social Protection recommended that government support and encourage full compliance through more funding resources.

Assistance for public bodies in understanding the obligations of a public body under Section 25 and in gathering feedback from users

A key measure suggested in the consultation was a mechanism for support and advice - such as a government initiative that would assist public bodies in understanding their

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obligations under Section 25, including the implications of Part M being updated in 2010, and approaches for meeting those obligations.

Many also requested guidance on developing a more efficient way to gather feedback from users and to be proactive in getting that feedback rather than being reactive.

Incentives to promote good practice

The OPW noted that Section 25 emphasises the need for meeting the minimum building access requirements, without giving incentives to go beyond them. The OPW suggested that incentives are needed to motivate public bodies to move beyond the minimum requirements in legislation towards a good practice model.

It was considered that where OPW wants to go for higher level standards then there has to be justification for going beyond the minimum requirements. Good practice is subjective. For the State to do something regarding Section 25 specifically, it needs to operate in a way in which there is a process for compliance akin to Disability Access Certificates.

Collaboration

A number of public bodies noted that collaborative working often leads to the most successful design solutions. This includes collaboration across local authorities, between public bodies and local authorities and with building users, for example through User Groups.

Leadership from the OPW

In the OPW interview, it was suggested that the OPW lead the way and ensure compliance for their clients. The priority for ongoing action plans is focused on the minimum requirements; without diminishing people's real issues and rights.

Chapter 4: Findings from workshops with OPW Technical Staff

Introduction

Two consultation workshops were held with OPW Technical Staff, who are based in eight different geographical regions around the country. One workshop was held in Athlone and included 11 participants. The second workshop was held in Dublin and included 9 participants in the room and 6 participants from the OPW Trim office who attended via video conference call.

The activities were designed to deliver insights about the following 5 topics with regard to managing, maintaining and improving the accessibility of the OPW's portfolio of buildings. These topics had been established at the outset of the review.

1. Awareness among public bodies of Section 25 of the Disability Act and work carried out by public bodies to meet their obligations under Section 25 of the Disability Act
2. The structures, processes and approaches used by public bodies in meeting their obligations under Section 25 and what has worked well to facilitate them in that work
3. Barriers that public bodies may have encountered to meeting their obligations under Section 25
4. Monitoring carried out by public bodies in relation to compliance with Section 25
5. What measures would facilitate public bodies to bring their buildings into compliance with Part M 2010 by 2022

Overview of consultation workshop findings

From feedback received in the workshops, it appears there are varying levels of awareness of:

- the implications of Section 25 of the Disability Act
- the implications of the changes to Part M of the building regulations in 2010, on buildings within the OPW's remit
- initiatives in place and how these would be best placed to achieve compliance.

In addition, workshop participants noted that OPW's government department clients may have differing priorities and goals in relation to upgrading works and alterations required in their buildings. A lack of awareness of the requirements of Section 25 and Part M can create challenges in terms of the budget and scope of upgrading works and how universal access is prioritised. For example, buildings that are shared between different government departments have raised particular access issues when restructuring has taken place. However, there are examples of projects where universal access has been achieved, which has delivered satisfactory solutions for both the government department and people who use the building.

Further detail on the key issues that arose in the consultation workshops with OPW Technical staff is provided below.

Awareness among public bodies of Section 25 of the Disability Act

Awareness of Section 25 amongst OPW's clients is generally low

The workshop participants generally considered that awareness of Section 25 of the Disability Act among OPW clients is low.

From personal experiences, OPW staff described struggling in the past, in some instances, to get across to their clients that there are requirements for their buildings to be accessible. This challenge was further explained by the general impression amongst clients that making a building compliant with Part M should be funded by OPW.

At the workshop in Athlone, staff noted a range of examples of successful accessibility interventions in garda stations in their area of responsibility. These universal access alterations were built into other general programmes of upgrading works.

Awareness of Section 25 within the OPW is varied within business units

The awareness of both Part M and Section 25 is varied across business units in the OPW. It is noted that the level of awareness regarding Section 25 is relatively high for the Architectural, Maintenance and Project units; they have a firm grasp of building regulations requirements, including Part M. However, awareness outside of these groups across the various business units, in general, was regarded by the workshop participants as low, and it was felt that this can lead to lost opportunities or inadvertent compromises on compliance. For example, workshop participants felt that in the recent past, procedures for leasing existing buildings could have been more focused on Section 25 compliance from the outset of the negotiation process to lease a building.

Architects architectural assistants, architectural graduates and building surveyors are trained in the preparation of Disability Access Certificates and are encouraged to use Universal Design thinking in their day to day work. However, there were inconsistent levels of awareness of Section 25 across the technical staff who attended the workshops.

Work carried out by public bodies to meet their obligations under Section 25 of the Disability Act

Compliance with the 2015 deadline in Section 25 for compliance with Part M 2000

Participants in the Athlone workshop were of the opinion that compliance had not been achieved with the 2015 deadline in Section 25. The everyday work of participants in the Dublin and Trim workshop mostly relates to new buildings projects and they had less awareness of compliance with the 2015 deadline. However, it was generally understood and acknowledged that current building standards and requirements are yielding new buildings that are fully compliant with Part M.

Works carried out to facilitate employees who work in public buildings

When asked about building upgrades to improve the accessibility of public buildings, OPW staff provided a number of examples related to work that was carried out in response to the specific requests regarding the needs of employees in public buildings, rather than the general public. This included pregnant employees and employees with disabilities.

The structures, processes and approaches used by public bodies in meeting their obligations under Section 25 and what has worked well to facilitate them in that work

Establishing a Universal Access budget and process for reviewing existing buildings

Workshop participants noted that OPW had put a Universal Access budget in place to respond to the requirements of Section 25 for public access to their buildings. A schedule of projects to be upgraded using this funding was prepared, fully informed by surveys undertaken by staff in the regions with responsibility for those buildings. As part of this process, staff who were trained access auditors reviewed existing buildings on a case by case basis and the regional architect made recommendations for appropriate interventions in each case, which were peer reviewed prior to budget allocation. Workshop participants considered that secure funding was a key factor in the success of this programme.

The universal access budget was considered effective by the participants in Athlone due to the efficient process that it made it easy to obtain funding for accessibility improvements.

The universal access budget was adversely impacted by the financial downturn in Ireland, during which only essential works were permitted. The programme of universal access related alterations was paused at that stage, but the outstanding schedule of projects not completed is still considered part of a longer-term programme.

Disability Access Certificate Review Group

During the Athlone workshop, a participant noted that a Disability Access Review Group was set up. This was initiated by the OPW in 2011. This group provided peer review on OPW Part 9 Disability Access Certificates. These were for works that came under Part 9 of the planning regulations and as a result were not subject to the requirement to submit a disability access certificate to the local authority, for example works to garda stations and courthouses. The terms of reference of this group have since been updated to take account of more recent legislative changes and requirements.

Resources for access auditing were put in place under Part M 2000, but were not developed under Part M 2010 due to the economic downturn

OPW staff in the regional offices reported that significant numbers of technical staff in the regions were trained as accessibility auditors using Part M 2000. However, there was a feeling among workshop participants that this knowledge has faded away and the knowledge required following the introduction of Part M 2010 was not disseminated in the same way as Part M 2000 had been.

A significant number of experienced staff, who were trained in access auditing under Part M 2000, retired in 2012. Formal upskilling in auditing against Part M 2010 was not made available, due to cuts in funding during the economic downturn. This combination of loss of personnel and cutbacks in funding for training reduced the numbers of staff available to carry out access auditing. This created a widening gap of knowledge concerning the changing benchmarks of accessibility. Whilst professional technical staff generally are aware of the needs of Part M and the process of obtaining a Disability Access Certificate, access auditing resources were greatly reduced. Workshop participants consider that auditor training and the development of an access audit template are

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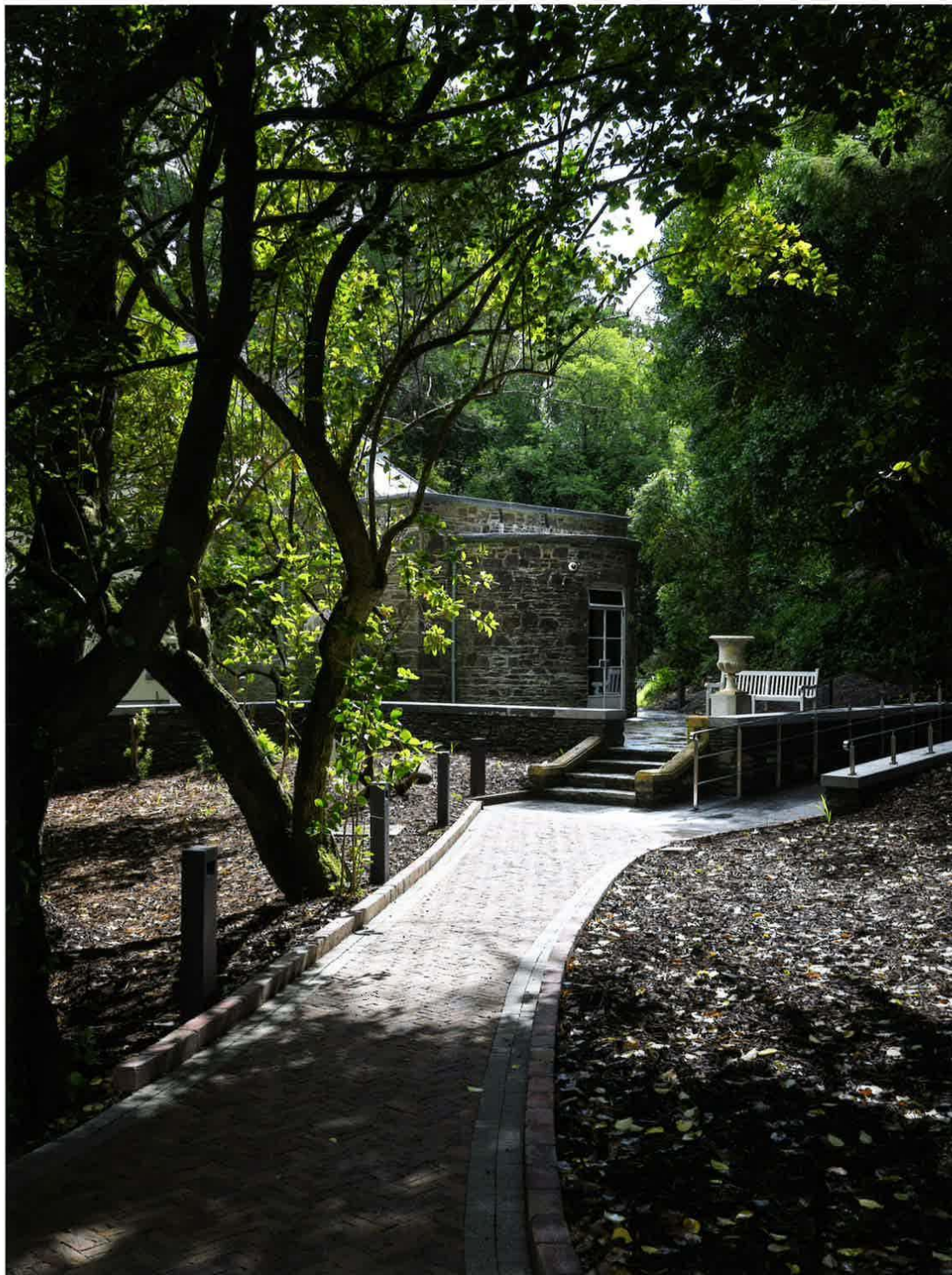
essential in order to identify areas for improvement and sustain the proper maintenance of accessibility features.

It was mentioned by workshop participants that raising awareness in OPW is now a major objective of high-level line management for the future. Training in access auditing was provided to 10 technical staff in 2018, to create a new cohort of access auditors for the state's buildings. More will be trained throughout 2019 and 2020.

Where a balance between conservation and accessibility can be met

Although Section 25 doesn't apply to heritage buildings, workshop participants noted that there are particular issues to achieving accessibility in heritage buildings and a balance between accessibility and conservation needs to be found.

It was noted that work on national monuments and other historic or protected structures is very challenging because of the limited scope of works permitted to improve accessibility. Participants considered that many of the issues highlighted by audits cannot be addressed because of how they would change the character of the original building and its setting.



Image; 'Garinish Island, Ilnacullin Path Steps and Ramp' by Jed Niezgoda, Venividi photography

When projects have buy-in from all interested parties

Participants noted that projects go particularly well when different stakeholders understand the objectives of accessibility and are willing to work together to reach a mutually acceptable solution. This includes clients, building managers, architectural teams, local authorities and heritage and environment departmental staff (where applicable). For example, work that was done to the lower ground floor of the Fingal County Hall Intreo Office provided a new entrance, access control, a platform lift and enhanced landscaping within one project. All groups involved (OPW, the client department and Fingal County Council) in making these changes were fully invested and proactive in reaching a solution and thus achieved a successful result for all.

Barriers that public bodies may have encountered to meeting their obligations under Section 25

A lack of clarity on required actions in relation to legal obligations for various building projects

Participant feedback in the workshops revealed a shortage of resources in relation to the current practices for access auditing in OPW and the legal context for carrying out improvement works. In the case of a client requesting particular elective works, there were varying levels of awareness regarding obligations under Section 25, which could impact on the client's deadline.

Regardless of these varied responses, there was an underlying sentiment that things were happening in regards to becoming compliant, but not specifically in relation to the Section 25 deadline.

Issues related to access auditing

Some participants were aware of audits that took place that yielded specific findings in relation to Section 25 (with an emphasis on public access), while others considered that the main focus is on Part M compliance and audits have occurred in relation to Disability Access Certification compliance more regularly.

There is an Access Auditing course available to staff. Some of the participants highlighted that there was no register for Accessibility Auditors in Ireland, which would facilitate OPW to tender for external expertise as required.

If accessibility comes in too late in the design process

Participants note that plans that incorporate accessibility as an add-on and are not designed to keep with the overall building aesthetic often fail. It was noted that accessibility needs to be integrated directly into the original design concept.

Difficult elements within building alteration projects

Participants noted that older buildings are challenging to upgrade for accessibility. Challenges include:

- public toilets and sanitary facilities for which standards changed from Part M 2000 to Part M 2010
- approaches to buildings, particularly where the immediate area is not under the jurisdiction of OPW
- automated doors and their maintenance
- door and corridor widths
- accessible car-parking

In general, it is understood that the scale of works for buildings that were built before 2009 will require additional ring-fenced funding to bring up to current regulations. Some workshop participants had first-hand dealings with clients who consider their buildings' accessibility to the public to be a responsibility of the OPW. Others often resisted change due to a fear that building works will disrupt the functionality of their business unit.

It was remarked that there are challenges in reaching compliance at most milestones, including when OPW are leasing buildings and in the course of upgrading works.

Importance of maintenance for accessibility

It was noted that it is important to provide proper maintenance to building features to ensure accessibility is sustained. For example, countertops in public reception areas predominantly gain positive feedback from clients, users and the OPW staff as being success stories in reaching compliance. However, in some cases the lower level of a split-level counter may be used for storage thus diminishing the functionality it was designed to provide. Automatic doors were given as an example of a positive access option, but sometimes suffer from lack of use. For example, one attempt to provide accessibility via an automated door was unsuccessful due to sensors that were either faulty or installed incorrectly, without awareness of the safety requirements and there were subsequently high maintenance costs.

A lack of funding and resources

Insufficient funding was a recurring response in regards to being able to achieve compliance; although it was also noted there is a general misconception that Universal Design thinking leads to expensive solutions.

A lack of shared goals and collaboration amongst all involved

Participants noted that the nature of the relationship between the OPW and their clients can sometimes result in friction in project development regarding agreement on the brief of requirements, which could be impacted by Section 25.

Monitoring carried out by public bodies in relation to compliance with Section 25

Upkeep of pre-existing monitoring systems are varied

Participants noted that there were monitoring systems put in place in the past under the Universal Access Budget programme, including training in accessibility auditing and on

access to heritage sites. However, these were affected by a lack of resources and non-replacement of trained staff, as dictated by the economic downturn.

Most Technical Staff would as a default, refer to Part M 2010 and accessibility processes such as completion of Disability Access Certificates, which inherently cover the requirements of Section 25. There was also an awareness that compliance with Part M 2010 does not imply an all-encompassing process for reviewing work with regards to the objectives and principles of Universal Design.

Recording feedback from clients is lacking in structure

Workshop participants noted that feedback is often collected on the whole building, as required under the general work programme, rather than on accessibility-centred issues specifically. Project quality reports on the building condition and regular management meetings can highlight the actions to be taken, but these are not necessarily prioritised from the perspective of accessibility.

Some participants were aware that feedback is being gathered through meetings with client departments and building occupants. This includes liaison and advice from accommodation officers and facilities managers who monitor access issues or requests from staff and user groups. Others were not sure that there is organised feedback on accessibility being collected in this manner and considered that there is no centrally specific format for recording accessibility information.

Workshop participants considered that if there were to be a central feedback gathering plan, it would have to be uniformly implemented throughout OPW.

What measures would facilitate public bodies to bring their buildings into compliance with Part M 2010 by 2022

The structure of this activity was to consider solutions through a short, medium and long-term lens. This enabled the participants to examine concepts with a realistic timeframe.

Improve the opportunities for availing of access specialists within the OPW

It was suggested, particularly in the workshop in Athlone, that access specialists within the OPW could be more visible within the organisation and be known as the go-to experts for issues relating to accessibility. This measure would ensure that the existing knowledge would be utilised in building design processes and monitoring.

A national register of access auditors would be beneficial

It was considered valuable that there should be an up to date register for accredited Access Auditors in Ireland. This would enable consistency in the process of procuring access auditors to perform audits on existing buildings.

Position the OPW as leading specialists on building accessibility

In the Athlone workshop, OPW staff also noted that the OPW is best placed to guide clients on their technical design requirements and obligations under Section 25, as they are dealing with it on a daily basis. One staff member considered that the OPW is the leading expert on accessibility issues and that clients should consult with and be led by the OPW on these matters.

Develop design processes to fully integrate Universal Design principles

Some workshop participants stated that universal access is addressed either as a tick-the-box exercise or an afterthought. OPW conducts design reviews in Intermediate Projects, The State Architect's Office and Major Projects divisions as part of ISO9001 2015 compliance. In the Dublin workshop, it was suggested that this design review process should be developed with the aim of implementing Universal Design and not just Part M minimum standards. Participants felt that access standards should be designed in from the beginning, and integrated into the overall aesthetics and experience of the space. The process they want to pioneer in OPW is one where Universal Design principles become a more inclusive part of the overall schemes, in order that people with disabilities do not feel discriminated against in their experience of using public buildings.

Auditing the existing environment through user group consultations

Participants considered that walkability studies and user group consultations would enhance existing knowledge, enabling the successful application of Universal Design principles. This 'real life' experience of buildings could also be communicated via video testimony or simulated practical experience on the part of trainees. A recent walkability CPD study with the Irish Wheelchair Association was deemed a success in relaying to the OPW representatives what the problems specific to that building were, in the context of an existing public building.

Promote maintenance as a key aspect of compliance with Section 25

Participants highlight that there needs to be more support for the maintenance staff assigned to specific buildings in order to promote accessibility within their building.

An Operational Review of the Effectiveness of Section 25 of the Disability Act

Feedback systems and processes need to be enhanced so that there is a more coordinated response for dealing with issues when they arise. Furthermore, there was feedback that the individual responsibilities between the OPW and clients with regards to maintaining and developing accessibility should be clarified, particularly in the case where existing buildings are being upgraded or altered.



Image; 'Recently completed lift and stairs, National Concert Hall, Earlsfort Terrace, Dublin 2' by Nicola Woods, OPW, Architectural Graduate

The OPW should increase support for the promotion of Universal Design education within its staff cohort

It was noted by the recently appointed graduate architects attending the workshops that there was not much focus on accessibility guidelines throughout their studies in university. The OPW is continuously striving to be in a position to share knowledge and experience with young architects who have recently been appointed on its graduate programme, to increase their understanding of Universal Design.

Change the perception that funding is the main challenge

Workshop participants noted that there is a misconception that Universal Design can be expensive to a client and increase their budget. This needs to be overcome as the reality is that small details can make a big difference to how people can access a building as well as how included they feel.

Knowledge sharing is important amongst project teams, departments and in recording successes

It was considered amongst all participants that the OPW's internal software system, which is about to be upgraded⁸, could be used to monitor accessibility and compliance with Section 25. This internal database could also be used for sharing best practice and experience with specific challenges in relation to Section 25 and accessibility. Participants also suggested that this system could record building compliance and act as a real-time monitoring database.

⁸ This system is an integrated workplace management system (TRIRIGA) for controlling and automation of real estate management, capital projects, space management, facility maintenance and energy management needs.

Chapter 5: Insights & Recommendations

This section of the review outlines ten key insights informed by analysis of the three stages of the consultation. It also sets out related recommendations to facilitate public bodies to meet their obligations under Section 25 of the Disability Act, to bring their public buildings into compliance with Part M 2010 by 2022.

Insight 1

Following the introduction of the Disability Act 2005, formal processes and funding were put in place to improve the accessibility of public buildings, as required by Section 25 of the Act. Respondents reported that the economic crash had a significant negative impact on implementation, when funding effectively stopped and processes lost momentum and lapsed.

Overview

When the Disability Act commenced in 2005, most public bodies that participated in the consultation had a structured approach and funding in place to carry out access audits and implement accessibility improvements to their public buildings. For example, the Department of the Environment, Heritage and Local Government (as it was then called) provided ring-fenced multi-annual funding to local authorities to implement the Disability Act. This funding was provided on the basis of access audits and action plans arising from those audits. The OPW had a €1M annual universal access budget in place which oversaw scheduled, prioritised works.

Overall, public bodies reported that the economic crash in Ireland meant that funding to implement accessibility improvements was either greatly reduced or stopped. It appears from the consultation, that proactive processes that were in place to audit and upgrade buildings, lost momentum and lapsed, when funding was no longer available.

It was reported in the OPW consultation that significant numbers of technical staff in the regions were trained as accessibility auditors using Part M 2000. However, a significant number of these trained access auditors retired in 2012. Formal upskilling in auditing against Part M 2010 was not made available, due to cuts in funding during the economic downturn. This reduced the number of staff available to carry out access auditing.

Supporting evidence from consultation

From the focus groups with older people and people with disabilities

- Funding for building upgrades and effective use of funding

From the consultation with public bodies

- In general, public bodies took a systematic approach to auditing and monitoring before the economic crash, when funding was available
- Impact of the financial crash on works to improve the accessibility of public buildings
- Approaches that were in place following the commencement of the Disability Act in 2005 have lapsed

An Operational Review of the Effectiveness of Section 25 of the Disability Act

From the workshops with OPW Technical Staff

- Establishing a Universal Access budget and process for reviewing existing buildings
- Resources for access auditing were put in place under Part M 2000, but were not developed under Part M 2010 due to the economic downturn
- A lack of funding and resources

Recommendation 1.1:

Funding should be reinstated to enable the improvement of the accessibility of public buildings to ensure compliance by the deadline of the 1st January 2022.

Insight 2

Currently, there appears to be low awareness, enforcement and understanding among public bodies of their obligations under Section 25, particularly of the obligation to bring public buildings into compliance with Part M 2010 by January 2022 (within 10 years of its commencement on 1 January, 2012).

Public bodies that engaged with the consultation were asked about their levels of compliance with Section 25 of the Disability Act. This addressed both the 2015 deadline for public buildings to be brought into compliance with Part M 2000 and the 2022 deadline for compliance with Part M 2010. None of the public bodies interviewed stated that they fully met the requirement in Section 25 of the Disability Act to bring their public buildings into compliance with Part M 2000 by 31 December 2015. In particular, it was apparent during the consultation process that there was low awareness among public bodies of their obligations under Section 25 to bring their public buildings into compliance with Part M 2010 by January 2022 (within 10 years of its commencement). For those not aware of the details, it was difficult for them to assess their own levels of compliance. None of the public bodies interviewed felt that all of their public buildings would achieve compliance with Part M 2010 by the deadline of 2022. OPW technical staff generally considered that awareness of Section 25 of the Disability Act among OPW clients is low.

A number of public bodies noted that all of their new buildings comply with Part M, when asked about compliance with Section 25. There appeared to be a lack of understanding that Section 25 is focused on upgrading older public buildings, by bringing them into compliance with the current building regulations Part M, which would not have been a requirement at the time that they were built.

In general, building regulations do not apply retrospectively. However, Section 25 does require Part M of the building regulations to be applied to older public buildings. Under Section 25, the public areas of public buildings are to be brought into compliance with Part M 2010, by 1 January 2022 (within ten years of its commencement on 1 January 2012).

Recommendation 2.1

There is a need to raise awareness and understanding of the requirements of Section 25 of the Disability Act among public bodies, as a first step in facilitating them to meet their obligation to bring public buildings into compliance with Part M 2010, by 2022. A range of key stakeholders should undertake an awareness-raising exercise, namely:

- **The Department of Housing, Planning and Local Government and the Local Government Management Agency; to raise awareness and understanding among local authorities**
- **Local Authorities should prioritise the role of the Building Inspectorate and as a consequence increase their resources, monitoring and enforcement capacity pursuant to adherence with Part M 2010 by 2022 in terms of inspection, compliance and enforcement.**
- **Government departments; to raise awareness with public bodies under their aegis**
- **National Disability Authority; to raise awareness among public bodies, through the existing Departmental Monitoring Committees structure⁹ which itself was set up to monitor the employment of people with disabilities in the public service**
- **Office of Public Works; to raise awareness among its clients and facilities managers**

⁹ The NDA has a statutory role in monitoring the employment of persons with disabilities in the public sector, arising from Part 5 of the Disability Act 2005. Under Part 5, each Government Department has a Departmental Monitoring Committee. Each Committee is made up of representatives from the Department. The purpose of each of these Committees is to monitor the progress that public bodies under the aegis of their Department are making to meet their obligations under Part 5 of the Disability Act 2005. These Committees work in consultation with the NDA to encourage the public bodies under their remit to comply with Part 5.

Supporting evidence from consultation

From the consultation with public bodies

- Low awareness of the obligation under Section 25 to bring public buildings into compliance with Part M 2010 by 2022
- Impact of carrying out this review of the effectiveness of Section 25 of the Disability Act

From the workshops with OPW Technical Staff

- Awareness of Section 25 amongst OPW's clients is generally low
- Awareness of Section 25 within the OPW is varied within business units

Insight 3

Building users currently experience inconsistent levels of accessibility in public buildings in Ireland.

Overview

The consultation feedback suggested that in general, many public buildings remain difficult to access and use for older people and people with disabilities. While participants in the focus group provided some positive examples of accessible public buildings, they struggled to name buildings that they felt were fully accessible. Feedback suggested that the accessibility of some public buildings for the participants in the focus groups remains below expectations; unpredictable, stressful and alienating.

Users want buildings to provide consistent levels of accessibility so that people of all abilities can navigate through public buildings independently. However, participants reported that there are widely varying levels of accessibility across public buildings. Factors that impacted on accessibility included the age of a building, the type of building and staffing issues such as customer service, maintenance and the level of assistance available, if any.

When Section 25 commenced, the building regulations Part M 2000 were in place. Section 25 required public bodies to bring their public buildings into compliance with Part M 2000 by 31 December 2015. If this requirement of Section 25 had been effectively implemented, one would expect consistent levels of accessibility in public buildings in 2019. The feedback received from older people and people with disabilities reinforces that received from public bodies, regarding the negative impact that the economic crash in Ireland had on the implementation of Section 25.

Building approaches and wayfinding were highlighted as important aspects of accessibility. When asked to give feedback on the accessibility of public buildings, participants highlighted that firstly, they needed to be able to approach a building, and find their way around. The design and maintenance of approach routes and the provision of good signage were highlighted as important aspects of accessibility, but it was remarked that approaches to public buildings are not being improved upon, at the present time.

The scope of Part M 2000 was limited to access and use of ‘a building’. When Part M was amended in 2010, its scope was extended to ‘a building, its facilities and its environs’. ‘Environs’ include the approaches to public buildings.

It was difficult for the participants to provide specific examples of improved accessibility due directly to Section 25 of the Disability Act. However, participants did consider that Section 25 was an important ‘marker’ in relation to having set down a legislative requirement for public buildings to be accessible.

Recommendation 3.1

There is a need for continued implementation of Section 25 of the Disability Act, to improve the accessibility of public buildings and to meet the requirements of Section 25.

Recommendation 3.2

When implementing Section 25 of the Disability Act, public bodies should particularly pay attention to approach routes, circulation and wayfinding in their public buildings.

Supporting evidence from consultation

From the focus groups with older people and people with disabilities

- Many public buildings remain difficult to access; there is not a consistent level of accessibility in public buildings in Ireland
- Detailed design and seemingly small building features can have a big impact on a person’s experience using a public building
- It is important that assistance is available when a building is not accessible, but providing assistance should not be viewed as an acceptable solution for the longer term
- Building approaches and wayfinding were highlighted as important aspects of accessibility
- If accessibility comes in too late in the design process

From the consultation with public bodies

- Embedding accessibility from the outset and having an integrated approach
- Availability of expert advice

From the workshops with OPW Technical Staff

- Awareness of Section 25 amongst OPW’s clients is generally low

An Operational Review of the Effectiveness of Section 25 of the Disability Act

- Resources for access auditing were put in place under Part M 2000, but were not developed under Part M 2010 due to the economic downturn
- Difficult elements within building alteration projects
- A lack of funding and resources

Insight 4

In the consultation, there was little evidence of public bodies monitoring compliance with Section 25 of the Disability Act at an organisational level.

Overview

The consultation feedback indicated that currently, there are largely informal structures, processes and approaches in place for monitoring the accessibility of public buildings. At present, most public bodies who engaged with the consultation are reacting to any compliance issues at a local level, for example by relying on complaints for monitoring accessibility issues. The majority of the approaches to monitoring the accessibility of public buildings described in the consultation were reactive and ad hoc rather than proactive and process-driven. Few of the public bodies that engaged in the consultation are monitoring levels of accessibility at an organisational level.

When asked about monitoring compliance with Section 25, some public bodies discussed how systematic monitoring could be built into existing building registers that they have in place. In the local authority workshop, one participant referred to a building register that they had developed for insurance purposes, which they felt could incorporate fields for monitoring compliance with Section 25. Another local authority noted that all public bodies are required to update the State Property Register with information on their properties. The participant suggested that this should be considered for monitoring purposes. The HSE has over 4000 properties and noted that it was a major challenge to gather the information about the buildings to include in a national register.

A lack of clarity in the definition of a public building in the Disability Act was identified as an issue that might cause difficulty in monitoring compliance. The Disability Act defines a public building as ‘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’. It was felt that making a judgement on whether ‘members of the public generally have access’ to a building could be difficult in some situations.

The National Disability Authority has responsibility, under Action 105 of the National Disability Inclusion Strategy, to ‘develop a code of practice for accessible public areas of public sector buildings’. This Code of Practice should include guidance for public bodies on the definition of what constitutes a ‘public building’ in the Disability Act 2005.

It is noted that carrying out this review of Section 25 of the Disability Act raised awareness among the public bodies that participated in the consultation process. From the engagement that took place with public bodies, it was observed that at least three public bodies had increased awareness of their obligations under Section 25, were prompted to seek more information on their levels of compliance, and furthermore, to find out what actions need to be taken to meet the 2022 deadline for compliance with Part M 2010. This

points to the value of external engagement and monitoring as a means of encouraging compliance with Section 25.

In one of the focus group with people with disabilities, it was noted that there are no sanctions for public bodies who do not comply with the Disability Act. In the absence of sanctions, external engagement and monitoring has the potential to motivate public bodies to meet their obligations under Section 25. Effective implementation of Section 25 will also support public bodies to meet their obligations under the Equal Status Acts 2000-2015, under which a person may make a complaint to the Workplace Relations Commission if they believe that they have been discriminated against.

Recommendation 4.1

As a first step in monitoring their compliance with Section 25 of the Disability Act at an organisational level, public bodies should identify public buildings, as defined in the Disability Act 2005¹⁰, on their building registers.

Recommendation 4.2

The OPW should consider how the National Property Register could be used to support public bodies to monitor their compliance with Section 25 of the Disability Act, for example by allowing for the identification of public buildings that are subject to the requirements of the Disability Act and whether those requirements have been met.

¹⁰ Under Section 25 of the Disability Act, '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.

Recommendation 4.3

The National Disability Authority commits to providing guidance on public buildings that are covered by Section 25 when developing the Code of Practice for Accessible Public Areas of Public Sector Buildings. The Code of Practice should also include guidance for public bodies on the definition of a 'public building' as set out in Section 25 of the Act.

Supporting evidence from consultation

From the consultation with public bodies and local authorities

- Approaches to monitoring compliance with Section 25
- Having an in-house register of buildings that are subject to Section 25
- Clarity on the definition of a public building in the Disability Act
- Importance of recording of property owned, managed or controlled by public bodies as part of monitoring compliance with Section 25
- Gathering feedback, reactive approaches

Insight 5

Applying Universal Design principles in the implementation of Section 25 of the Disability Act can significantly benefit public bodies and building users.

Overview

In discussing the obligations under Section 25 for public bodies to bring existing public buildings into compliance with Part M of the building regulations, building users considered that taking a good practice approach is preferable to having a focus only on the minimum requirements in Part M. They gave feedback that focusing on Part M can often lead to a 'tick-box' approach to design. They considered a Universal Design approach to be more effective than a focus on minimum compliance and more likely to achieve successful solutions and more effective use of funding when upgrading works are carried out. They remarked that guidance in the NDA publication 'Building for Everyone' should be used as a reference, when upgrading public buildings, to ensure that money is not wasted on alterations and refurbishments that do not meet the needs of users.

In the consultation workshops, it was acknowledged that OPW technical staff would as a default, refer to Part M and statutory processes such as completion of Disability Access Certificates. However, there was also an awareness that compliance with Part M does not imply an all-encompassing process for reviewing work with regards to the objectives of Universal Design. It was suggested that the design reviews which form part of the OPW quality management system should be developed with the aim of implementing Universal Design and not just Part M minimum standards. OPW staff felt that good practice standards should be designed in from the beginning, and integrated into the overall aesthetics and experience of a building. The process in-house technical staff would like to pioneer in OPW is one where Universal Design principles become a more inclusive part of the overall schemes, in order that people with disabilities do not feel discriminated against in their experience of using public buildings.

The OPW noted that Section 25 emphasises the need for meeting the minimum building access requirements, without giving incentives to go beyond them. The OPW suggested that incentives are needed to motivate public bodies to move beyond the minimum requirements in legislation into a best practice model. They considered that where OPW want to go for higher level standards then there has to be justification for going beyond the minimum thresholds. For the State to operate on a 'good practice' basis it needs to function in a systematic way where there is a process for complying with Section 25 akin to the Disability Access Certificates procedures.

An example of a standard that aims to help organisations use a consistent approach to address accessibility and Universal Design is EN 17161:2019 ‘Design for All¹¹ - Accessibility following a Design for All approach in products, goods and services - Extending the range of users’. EN 17161 uses a structure similar to Management Systems Standards such as ISO 9001. The scope of the new standard states that it ‘specifies requirements that enable an organisation to design, develop and provide products, goods and services so that they can be accessed, understood and used by the widest range of users, including persons with disabilities... specifies requirements that can enable an organisation to meet applicable statutory and regulatory requirements as related to the accessibility of its products, goods and services.’

Applying Universal Design principles is also encouraged by the technical guidance document for Part M 2010 of the building regulations. It states that it ‘sets out guidance on the minimum level of provision to meet the requirements of M1-M4¹². 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’¹³.

An example of a public body going beyond the minimum requirements in Part M is the recent motion passed by Dublin City Council to install Changing Places Facilities into all new build and green field developments. These are not currently required under Part M 2010.

In the workshops with OPW technical staff, a number of examples were provided of building upgrades that were carried out to improve the built environment for staff, including pregnant employees and employees with disabilities.

¹¹ Terms such as “Design for All”, “Universal Design”, “accessible design”, “barrier-free design”, “inclusive design” and “transgenerational design” are often used interchangeably with the same meaning.

¹² M1-M4 refers to the four Part M building regulations, which are the minimum regulatory requirements that relate to the access and use of buildings.

¹³ Department for the Environment, Heritage and Local Government, 2010, Technical Guidance Document M, page 10

Improvements to the public areas of buildings as required under Section 25, will also benefit staff working in those buildings. There is a separate obligation under the Disability Act for public bodies to promote and support the employment of persons with disabilities and to meet a target of 3% of employees with disabilities. Works carried out under Section 25 will also support public bodies with their obligations for the employment of people with disabilities. There is a commitment by government to progressively increase the statutory target of 3% of employees with disabilities in the public sector towards 6% by 2024¹⁴.

While Universal Design did not arise for the most part in the consultation with public bodies, some public bodies reported that they often encountered conflicting needs for people with different disabilities and found this hard to navigate.

Taking a Universal Design approach could assist public bodies with these issues, as Universal Design guidance places human diversity at the heart of the design process so that buildings and environments can be designed 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 ability or disability.¹⁵

Recommendation 5.1

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.

¹⁴ Comprehensive Employment Strategy for People with Disabilities, 2015-2024

¹⁵ National Disability Authority. Building for Everyone: A Universal Design Approach. 9 vols. Dublin: National Disability Authority/Centre for Excellence in Universal Design, 2012

Recommendation 5.2

Public bodies should ensure that access audits are based on Universal Design guidance, as well as the minimum requirements in Part M of the building regulations.

Recommendation 5.3

Public bodies should integrate Universal Design principles and guidance, as well as Part M compliance into design briefs.

Recommendation 5.4

OPW should embed Universal Design principles and guidance into its quality management systems. This should focus on the application of learning from Universal Design Continuous Professional Development and shared learning from examples where good practice has been successfully applied.

Supporting evidence from consultation

From the focus groups with older people and people with disabilities

- Applying Universal Design thinking rather than minimum Part M requirements in designing public buildings and spaces
- Effective consultation, early in the process
- Access Audits with users
- Funding for building upgrades and effective use of funding

From the consultation with public bodies

- Challenges in bringing existing buildings up to Part M standards

From the workshops with OPW Technical Staff

- A lack of funding and resources
- Develop design processes to fully integrate Universal Access principles
- Auditing the existing environment through user group consultations
- The OPW should increase support for the promotion of Universal Design education within its staff cohort.
- Change the perception that funding is the main challenge

Building for Everyone: A Universal Design Approach



Accessed at: www.universaldesign.ie



NDA

Údarás Náisiúnta Míchumais
National Disability Authority

Image; "Building for Everyone: A Universal Design Approach" is a series of 10 booklets that provide comprehensive best 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. They are available for free download at www.universaldesign.ie.

Insight 6

Upgrading older existing buildings to meet current building regulations is challenging. Effective implementation of Section 25 requires an understanding of user needs, attention to detail, expertise, funding and a targeted approach.

Overview

In the focus groups with building users, there was a high level of awareness of funding constraints, as well as the challenges involved in upgrading older existing buildings. Accounts from building users highlighted that detailed design and seemingly small building features can have a significant impact on a person's experience using a public building. They noted that understanding user needs is important, to ensure that money is not wasted on refurbishment works or alterations that do not meet the needs of users.

When asked about measures that would facilitate public bodies to bring their public buildings into compliance with Part M 2010 by 2022, funding was cited as the most necessary measure. Some public bodies felt this could come from within their own budgets; for example the OPW has a dedicated universal access fund. However, in the local authority workshop, it was noted that current local authority funding is limited to income from building rates and the local property tax, which limits the capacity of local authorities to carry out building upgrades; it was felt that separate ring-fenced funding would be required for local authorities to comply with Section 25. In relation to funding, some public bodies noted that the security and consistency of funding to enable long-term planning is critical, as it is needed to allow for larger complex projects to be carried out. This was explicitly stated by Irish Rail who receive annual funding from the National Transport Authority. They specified that multi-annual funding was needed to enable them to carry out larger long-term projects.

The availability of expertise, both internal and external, was also considered to be an important requirement. In a number of the stakeholders that participated in the consultation, there was no person in the organisation appointed to drive accessibility improvements, with the authority to push forward with appropriate alterations to their buildings. This appeared to make it difficult for public bodies to know what to do, to meet their obligations under Section 25. However, both Bus Éireann and Irish Rail noted that they have a single contact point for dealing with accessibility issues, and that this role is linked to building management. They felt that this was an effective approach. Both Bus Éireann and the OPW referred to using external access specialists for advice on accessibility.

Expert advice is referred to in Section 26 of the Disability Act. It states that ‘where a service is provided by a public body, the head of the body shall where appropriate, ensure the availability of persons with appropriate expertise and skills to give advice to the body about the means of ensuring that the service provided by the body is accessible to persons with disabilities.’

OPW technical staff noted that many older buildings are challenging to upgrade for accessibility and suggested that access specialists within the OPW need to be more visible within the organisation and be known as the go-to expert for issues relating to accessibility. It was mentioned by workshop participants that raising awareness in OPW is now a major objective of high-level line management moving forward. There is now a rolling programme of access auditor training for technical staff in place. It was also considered valuable by OPW technical staff that there would be an up to date register for accredited Access Auditors in Ireland. This would enable consistency in the process of procuring access auditors to perform audits on existing buildings.

It was noted in the local authority workshop that when the Disability Act was commenced, the approach was to carry out audits on all public buildings in one go. In hindsight, it was felt that this was not successful, as local authorities were not in a position to implement the findings of every audit because of resources. Many of these audits are now out of date because Part M was updated in 2010. A more targeted approach was suggested as being more appropriate going forward, where particular public buildings would be prioritised for auditing and improvement works. This is the approach currently used in OPW, where a list of buildings is prioritised for scheduled upgrading works to attain compliance with Part M 2010 and Section 25, as far as possible.

Recommendation 6.1

There should be multi-annual funding in place to support public bodies to meet their obligations under Section 25 of the Disability Act.

Recommendation 6.2

Public bodies should prioritise public buildings for improvements under Section 25. They should take a targeted approach to carrying out access audits and improvement works, based on a building’s use and existing levels of accessibility.

Recommendation 6.3

Public bodies should ensure the availability of expertise, to ensure that work to implement Section 25 is informed by an understanding of user needs and that attention to detail is prioritised.

Recommendation 6.4

Public bodies should allocate responsibility internally for meeting their obligations under Section 25 of the Disability Act.

Recommendation 6.5

The OPW Policy Unit and the NDA should investigate how accredited access auditor training and a national register of access auditors could be developed.

Recommendation 6.6

The OPW should continue to develop its internal expertise through staff training. Existing staff with Universal Design expertise should be available internally to OPW technical staff for collaboration and advice.

Supporting evidence from consultation

From the focus groups with older people and people with disabilities

- Detailed design and seemingly small building features can have a big impact on a person's experience using a public building
- Effective consultation through user groups
- Early consultation is very important
- User audits highlighted as an effective tool for identifying aspects of existing buildings that cause difficulties for users
- Ensuring effective engagement takes place with a diverse range of users
- Funding for building upgrades and effective use of funding

From the consultation with public bodies

- Collaborating with external bodies and consultants
- The provision of consistent and ring-fenced funding
- The availability of OPW resources and other expert resources
- A targeted approach to improvement works, for example by prioritising buildings with the highest levels of public use
- Effective engagement with user groups
- Challenges in bringing existing buildings up to Part M standards
- Availability of expert advice

From the workshops with OPW Technical Staff

- Establishing a Universal Access budget and process for reviewing existing buildings
- Difficult elements within building alteration projects
- Improve the opportunities for availing of access specialists within the OPW
- Auditing the existing environment through user group consultations
- Change the perception that funding is the main challenge

Insight 7

Embedding and integrating Universal Design principles and accessibility into building design, upgrading works and alterations, leasing, management and maintenance processes is central to achieving compliance with Section 25 of the Disability Act.

Overview

There was a general consensus among public bodies that having accessibility incorporated at the design conception stage is a crucial part of successfully upgrading a building and achieving compliance with standards. OPW technical staff noted that plans that incorporate accessibility as an add-on and are not designed as part of the overall building aesthetic often fail. It was considered that accessibility, as a concept needs to be integrated directly into the initial design phase.

Taking an integrated approach to accessibility improvements was also considered to be effective. This included:

- combining other building requirements (such as fire safety, health and safety, energy efficiency) into planning when upgrading buildings to be compliant with Section 25
- integrating accessibility improvements into building works that would be happening for other reasons
- having a focus on Section 25 compliance in procedures for leasing existing buildings, from the outset of the negotiation process to lease a building

Older people and people with disabilities linked the integration of Universal Design and accessibility with the effective use of funding. They highlighted that understanding user needs and integrating Universal Design and accessibility into all projects to upgrade buildings is important, to ensure that money is not wasted on alterations that do not meet the needs of users. The OPW stated that it will not be tackling issues individually, but combining them for more effective use of time and resources. OPW noted that accessibility is only one element to be considered, along with issues such as fire safety, health and safety, and energy use. The OPW approach is to carry out works where they can get the most value in doing things in tandem.

Older people and people with disabilities also highlighted the importance of building management and maintenance, to ensure that buildings which are well designed, remain easy to use over time. They gave examples of a lack of adequate maintenance, such as lifts being out of service for a long time and audio and speaker systems not working. All of the user groups acknowledged that gaining access to toilet facilities was a recurring problem in public buildings. They highlighted that accessible toilets in particular, are often locked to deter anti-social behaviour, and as a result, it was difficult to gain access to use them.

OPW technical staff highlighted that there needs to be more support for the maintenance staff assigned to specific buildings to promote accessibility within their building. Effective maintenance includes performance targets to ensure adequate response times when facilities such as lifts break down. There was feedback that the individual responsibilities between the OPW and clients with regard to maintaining and developing accessibility should be clarified, particularly in the case where existing buildings are being upgraded.

Given the wide diversity of our population, a Universal Design approach which caters for the broadest range of users from the outset, should be adopted so as to ensure that buildings and places can be used and enjoyed by everyone. Embedding a Universal Design approach shifts the focus from dealing exclusively with disability access toward solutions that improve buildings and services for all. Embedding a Universal Design approach into existing processes should ensure that public buildings can be accessed, understood and used by a wide range of people, regardless of age, size or ability or disability.

Recommendation 7.1

Public bodies should review their existing processes for building design, alterations, leasing, management and maintenance. They should embed a Universal Design approach into those processes, as an effective way of ensuring compliance with Section 25 of the Disability Act.

Recommendation 7.2

Public bodies should integrate universal design and accessibility into all building works being carried out to public buildings, including for example works related to fire safety, health and safety and energy use. Public bodies should carry out an access audit prior to all building works being planned to public buildings, to ensure that accessibility and Universal Design can be effectively integrated into building works from the outset.

Recommendation 7.3

Public bodies should address management, access and maintenance of accessible toilets for clients, visitors and customers using their buildings.

Recommendation 7.4

The OPW should embed a Universal Design approach into its workplace management system for estate and facilities management, ensuring that compliance with Section 25 is built into annual building maintenance inspections, ongoing facilities management processes, and recommendations for improvements.

Recommendation 7.5

The OPW should embed Universal Design principles into its quality management system, including design reviews at key milestones in building projects.

Supporting evidence from consultation

From the focus groups with older people and people with disabilities

- It is important that accessibility is maintained over time
- Building approaches and wayfinding were highlighted as important aspects of accessibility
- Funding for building upgrades and effective use of funding

From the consultation with public bodies and local authorities

- Embedding accessibility from the outset and having an integrated approach

From the workshops with OPW technical staff

- Importance of maintenance for accessibility
- Promote maintenance as a key aspect of compliance with Section 25
- Develop design processes to fully integrate Universal Access principles

Insight 8

Collaborative working and effective user engagement processes facilitate the achievement of successful solutions and the effective use of funding, when improving the accessibility of existing public buildings.

Overview

In the consultation, a number of public bodies noted that collaborative working often leads to the most successful solutions. This includes collaboration across local authorities, between public bodies and local authorities and with building users, for example through user groups. OPW technical staff highlighted that works go particularly well when different stakeholders understand the objectives of accessibility and are willing to work together to reach a mutually acceptable solution.

Effective consultation, including the establishment of user groups, was considered important to gain an understanding of user needs. The public bodies that have a user group in place described them as a very effective measure for working on accessibility improvements. In particular, they emphasised that it is important to link to these groups regularly and consistently. Participants in the focus groups largely considered that their participation in the user groups established by public bodies had an impact. They were aware of funding constraints, as well as the challenges involved in upgrading older existing buildings.

'Walkability' audits were highlighted as an effective tool for identifying aspects of existing buildings that cause difficulties for users, as part of the process of implementing Section 25. These were described as user audits, whereby a group of people with a range of abilities, facilitated by a trained coordinator, walk through a building and highlight the positive aspects of a building as well as difficulties or barriers that they experience. Building users considered that these walkability audits can provide key learning opportunities for building managers and that they lead to a good understanding of the barriers and difficulties encountered by people as they navigate through a building. OPW technical staff considered that walkability studies and user group consultations would enhance existing knowledge, enabling the successful application of Universal Design principles.

Walkability audits are currently used as a tool by Ireland's Age Friendly City and County Programme. Walkability audits of roads and streets are carried out as part of that programme, to gain understanding of how a town works for older people, and how it could be improved.

Being consulted at the early stages of a project was highlighted in the focus groups as an important aspect of effective engagement, in order to ensure that changes in response to feedback can be considered and implemented. Participants felt that consultation that happens in the later stages of a project's development is not effective as it is generally too late to have an impact on the outcome. They felt that in these cases, it was treated more as a tick-box exercise. A strong message about effective engagement from older people and

people with disabilities was that there needs to be consultation at the early stage of projects so that user issues can be integrated and addressed from the outset.

Universal Design emphasises the importance of involving a range of diverse users at all stages of the design process. User engagement processes can range from consultation to co-design. Co-design goes beyond consultation. A key principle of co-design is that users, as 'experts' of their own experience, become central to the design process.¹⁶

Recommendation 8.1

When carrying out works to implement Section 25, public bodies should identify and collaborate with key stakeholders from the outset of the project. Key stakeholders include other public bodies, local authorities, and building users.

Recommendation 8.2

Public bodies should engage with building users as part of their work to implement Section 25 of the Disability Act. 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 co-ordinator. Walkability audits should be seen as complementary to professional access audits.

Supporting evidence from consultation

From the focus groups with older people and people with disabilities

- Effective consultation through user groups
- Early consultation is very important
- User audits highlighted as an effective tool for identifying aspects of existing buildings that cause difficulties for users
- Ensuring effective engagement takes place with a diverse range of users

¹⁶ <http://designforeurope.eu/what-co-design>

An Operational Review of the Effectiveness of Section 25 of the Disability Act

From the consultation with public bodies

- Effective engagement with user groups
- A collaborative approach

From the workshops with OPW technical staff

- When projects have buy-in from all interested parties
- Auditing the existing environment through user group consultations



Image; Visualisation produced using a co-design toolkit at 'Design for All or Design with All? A Hands-on Workshop', by Liz Sanders, The Ohio State University, at the Universal Design and Higher Education in Transformation Congress, Dublin, 31 October 2018.

Insight 9

The OPW should take a leadership role in supporting public bodies to ensure that their public buildings are, as far as practicable, accessible to persons with disabilities and to achieve compliance with Section 25 of the Disability Act.

Overview

It was noted in the OPW workshops that many of their clients were not aware of their obligations and it was suggested that the OPW could take a leading role in guiding their clients to become compliant. The State Architect stated that OPW takes accessibility very seriously and has been a leader in the area, going back to the 90's. An area of development within OPW is to allow OPW to act as a liaison and have influence on other public buildings; thus having a consultant role for other semi-state bodies or other organisations. This has already been set into action for projects such as the Central Bank and St. James's Hospital.

According to some OPW participants, the organisation gathers feedback from clients about access issues for which the client needs assistance. Some participants suggested that specific client feedback in relation to accessibility should be centrally recorded for reference by the OPW in the future.

Some public bodies that engaged in the consultation reported a sense of confusion around roles and responsibility between them and the OPW. If the OPW were to take the role of lead consultant on accessibility within their portfolio, clarification of the responsibilities could then be disseminated to all stakeholders, including public bodies within their remit.

Recommendation 9.1

As part of its work under Action 20 of the 'Government Policy on Architecture 2009-2015', the Office of Public Works has a role in the development of Continuous Professional Development to address skills needs. Additional CPD in relation to Universal Design principles and appropriate training to fulfil its obligations under Section 25 of the Disability Act should be provided to OPW technical staff.

Recommendation 9.2

OPW should develop a central repository, that includes recording of client accessibility issues.

Recommendations 9.3

OPW should record and update progress in relation to accessibility improvements, with updates to be shared internally as soon as issues are resolved and mitigating measures completed.

Recommendations 9.4

OPW should ensure availability of access auditors, expert advice and reporting for public bodies whilst maintaining an oversight role in relation to any actions proposed.

Supporting evidence from consultation

From the workshops with OPW Technical Staff

- Position the OPW as leading specialists on building accessibility
- Promote maintenance as a key aspect of compliance with Section 25

From the consultation with public bodies

- Leadership from the OPW
- Incentives to promote good practice
- Measures that would facilitate public bodies to bring their public buildings into compliance with Part M 2010 by 2022
- Public bodies who are clients of OPW
- OPW resources and other expert resources

Insight 10

Public bodies should not consider the physical accessibility of public buildings in isolation. A holistic approach should be taken to the overall experience of using a public building, including the provision of accessible information and customer services.

It was apparent in the focus groups with building users that their experiences of using public buildings were not just affected by the physical building design, but also by the availability of information and interactions with staff.

Participants in the focus groups noted that having information in advance regarding access to public buildings is important, and that this information should be accessible. It was also felt by participants that everyone should be able to access a building independently; relying on staff to provide assistance should be viewed as a temporary solution or a supplementary extra, should the individual seek it. Buildings that provide access and facilities without the need for assistance were highlighted as being particularly positive experiences.

However, it was also noted that if a public building is not accessible, then having assistance is very important, in order to have access to public services. The role of 'access officer' in a public body is to provide assistance to people with disabilities, but participants said that in their experience, it was often very difficult to find out who the access officer is in a public body and how to contact them.

Participants in the focus groups highlighted that public sector staff should be trained about the importance of accessibility, the associated features of buildings and the rights of building users. It was considered that having a designated staff member who 'owned' the needs of users with accessibility needs, vouched internally in their organisation for change, and was a designated point of contact, was particularly successful.

This commentary from building users reflects the requirements of other sections of the Disability Act. For example, Section 26 refers to the provision of assistance to persons with disabilities and the appointment of access officers, Section 28 contains requirements for the provision of accessible information by public bodies and Section 38 has requirements for dealing with complaints. These requirements are particularly relevant given the facts that participants reported that there are widely varying levels of accessibility across public buildings. A revised Code of Practice on Accessibility of Public Services and Information Provided by Public Bodies is due to be published in 2019 which will support public bodies to fulfil these obligations under the Disability Act.

In the National Disability Strategy 2017- 2021, Action 20 states that all Departments and public bodies will provide disability awareness training for all staff.

Recommendation 10.1

Public bodies should provide pre-visit information about the accessibility of their public buildings on their websites.

Recommendation 10.2

Public bodies should provide the contact details for their access officer(s), on their websites.

Recommendation 10.3

Public bodies should provide disability equality awareness training for all staff, as set out in Action 20 of the National Disability Inclusion Strategy.

Recommendation 10.4

Public bodies should implement measures to ensure that services which are currently provided from buildings that are not accessible, can be delivered to all members of the public.

Recommendation 10.5

The National Disability Authority should monitor the appointment of access officers, the information provided by public bodies on how to contact their access officer and the information provided by public bodies on how to make a complaint, as part of their statutory function to monitor the implementation of the Code of Practice on Accessibility of Public Services and Information Provided by Public Bodies.

Supporting evidence from consultation

From the focus groups with older people and people with disabilities

- Many public buildings remain difficult to access; there is not a consistent level of accessibility in public buildings in Ireland
- It is important that assistance is available when a building is not accessible, but providing assistance should not be viewed as an acceptable solution for the longer term
- Staff attitudes and awareness can have a big impact on a person's experience when using a public building
- Accessible information is important when visiting a public building
- Staff awareness and appointing staff with responsibility for meeting access needs

Next Steps

This review, including recommendations, is presented to the Minister. It is envisaged that the NDA and OPW and other relevant public bodies will work to support the implementation of the recommendations put forward as part of the review. This review will also inform the development of a Code of Practice for Accessible Public Buildings, to be developed by the National Disability Authority under Action 105 of the National Disability Inclusion Strategy 2017-2021.

The OPW will take immediate steps for ensuring compliance with Section 25 in so far as is possible, through its architects, building managers, technical advisors and other stakeholders within the organisation and in conjunction with its external consultants. The OPW's role to provide services to other government agencies means that it has responsibility for fulfilling this programme on behalf of other government agencies. The OPW recognises its central role to enhance access to public services for all citizens in Ireland, now and for the future.

Local Authorities should prioritise the role of the Building Inspectorate and as a consequence increase their resources, monitoring and enforcement capacity pursuant to adherence with Part M 2010 by 2022 in terms of inspection, compliance and enforcement.

Image overleaf; Visualisation produced using a co-design toolkit at 'Design for All or Design with All? A Hands-on Workshop', Liz Sanders, The Ohio State University, at the Universal Design and Higher Education in Transformation Congress, Dublin, 31 October 2018.



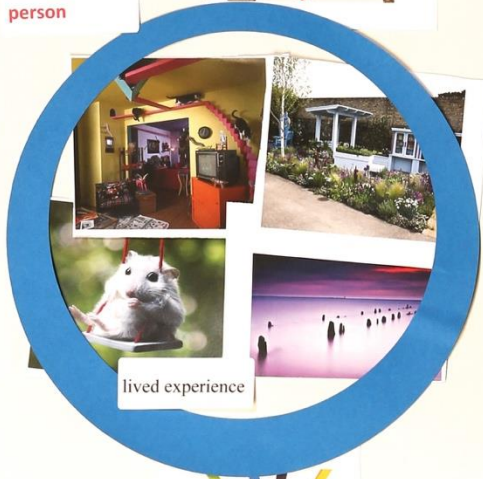
person

NOTHING ABOUT US WITHOUT US

NO GENIUSES OR EXPERTS PERMITTED



user



lived experience



designer

