



Creating 'access' and impact of discrimination

1. Introduction

We are aware that many clubs have a high average age and with advancing years comes difficulties with access to club activities or even the club facilities themselves. This note gives a few ideas for consideration, but it also starts by discussing the legal responsibilities that clubs face under the Equality Act, as clubs should recognise what they *must* do as well as what they *could* do.

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.

It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

The Equality Act is described in our download at <https://fmes.org.uk/wp-content/uploads/2021/08/Equality-Act-2010.pdf>.

These notes are concerned with private clubs and associations with regard to how they support and respond to their membership as a result of this Act particularly in respect of access. Access is particularly important to consider both for aspiring and current members and is relevant for the 'Age' and 'Disability' aspects of the 'protected characteristics' described in the Act.

If your club offers rides for example to members of the public, then this makes the club a 'service provider' and different interpretations apply (see above link) whilst it is providing this service.

It is developed by FMES as a guide and all clubs should only use this as an 'awareness raiser'. Clubs should conduct their own research and take their own counsel in deciding what they wish to do. FMES cannot take any responsibility for anyone using the following guide without further consideration. The links provided are valid at the time of writing (2023) but of course may change over time.

2. The impact on clubs

This note gives some examples of appropriate access considerations, especially as regards a club's responsibility to its membership rather than when it acts as a 'service provider' (for example, giving rides to the public). Clubs and other associations with 25 or more members, that have rules concerning who can be a member and with a selection process fall within the requirements of the Equality Act. Our presumption here is that clubs with less than 25 members do not need to follow the requirements of this Act.

Note that when the Act is applied to private clubs or associations, *at present*, age is not regarded as a protected characteristic:

The Act also contains provisions prohibiting age discrimination by private clubs and other associations, but these have not yet been brought into force. The Government is currently looking at how these and other age discrimination provisions in the Act can be implemented in the best way for business and others affected, and will make an announcement in due course.

From 'Equality Act 2010: What do I need to know? A quick start for private clubs and other associations'

<https://assets.publishing.service.gov.uk/media/5a78f58340f0b62b22cbe26d/private-clubs.pdf>

This link also describes the adjustments that a private club or other organisation should make to enable disabled people (this is a protected characteristic applicable to clubs etc) to have access:

'Reasonable adjustments for disabled members, associates and guests: Private clubs and other associations must make reasonable adjustments to allow disabled people to become members or associates and for them and any disabled guests to participate in their activities. A club may need to make adjustments to a policy or practice, such as relaxing a ban on animals for people who use assistance dogs. It may have to provide an auxiliary aid, such as providing information in accessible formats. It may have to make physical adjustments to parts of its premises.'

FMES Comment:

It would appear that clubs (however incorporated provided they are essentially non-commercial and voluntary) with 25 or more members fall under the Equality Act. Whilst there seem to be no obligations at this time for them to respond to *age* differences in their membership (or aspiring membership), there is an obligation to respond to *disability* issues and so this does appear to be relevant and within the purview of the act. Of course, the legal requirements for a club provide a minimum standard, we would imagine that many clubs will wish to respond to their members needs regardless as to whether they are coerced by legislation or not.

The notes above describe 'reasonable adjustments' and beg the question 'what is reasonable?'. The above link has this to say:

'What is reasonable will depend on factors such as the practicability and cost of making the adjustment. A private club is not required to do anything that will alter the fundamental nature of the club and what it does.'

FMES comment:

Each club affected by the legislation should contemplate the question of access for disability and make its own decisions as to what it does. It is impossible to be prescriptive here as the circumstances in each club and its facilities will make these very individual. The important aspect is to have properly considered the issue, whether driven by a legislative need or a socially considerate one.

3. Possible considerations

Clubs should consider the ease with which their current and prospective members can access their facilities with a view to making this access easier by sensible changes.

Here are some topics that you might find useful in consideration. This is not an exhaustive list:

- Widths of access through doors, gates, turning round corners and on paths, such as might allow a wheel chair or other aid (recommended minimum width, increased by bends and other constraints is 825mm for wheelchairs).
- The direction that doors open, how far (90 degrees is considered recommended minimum if no other clearance) and with what ease for someone with limited movement or wheelchair bound. Maybe consider door opening aids.
- Escape routes for emergencies (eg fire) and alarm methods
- Ease of access to medical supplies, including what to do in medical emergencies. This might include location of and access to first aid supplies, nearest defibrillator and instructions for ambulance attendance for example, and members with suitable medical training.
- Steps and other changes in level, including provision for a slope (of suitable gradient: the minimum recommended gradient for manual wheelchairs is 1 in 12).
- The distance to cover from vehicle parking place to destination (capacity for disabled parking close to the facility for example).
- Floor mounted obstacles to movement, wheelchair or otherwise, such as door sills, protruding rails etc. Maybe consider movable (or fixed) ramps.
- Slippery surfaces, especially after rain. Consider modifying surface such as with 'grip paint' (enter this into search engine for ideas).
- Means to summon aid such as door bells or similar.
- Lighting levels and visibility of hazards (such as projecting ironwork, dark corners and corridors etc.).
- Disabled access to toilets and washing facilities.
- Implications of Health and Safety requirements such as in workshop areas etc.
- Signs that are clear and understandable to partially sighted.

4. Examples of Relevant reading

'Inclusive Mobility', Government guide on design aspects

<https://assets.publishing.service.gov.uk/media/5a79554040f0b63d72fc4e31/inclusive-mobility.pdf>

'Access for All: opening doors', mainly sport club orientated

[https://www.activityalliance.org.uk/assets/000/000/045/Access for all November 2015 original.pdf?1457371169](https://www.activityalliance.org.uk/assets/000/000/045/Access_for_all_November_2015_original.pdf?1457371169)

'Reasonable adjustments etc', Scouts Association guidance notes

<https://www.scouts.org.uk/volunteers/inclusion-and-diversity/supporting-those-with-additional-needs-and-neurodiversity/reasonable-adjustments/>

'Making Church Buildings fully accessible', Church Trust guidance

<https://churchgrowth.org.uk/wp-content/uploads/2020/09/Equality-act-making-buildings-fully-accessible-September-2020.pdf>

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P Naylor