Accessibility Issues for Heritage Properties: a Frame of Mind?

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SUMMARY

This paper reports on the UK government's policy to extend rights of access to those who are "disabled" as a vehicle for social inclusion. Recent (2004) legislation requires all "service providers" to ensure that, as far as is reasonable, their services are accessible to those who are "disabled", either by altering their organisational procedures or by physically adapting the premises in which the services are provided.

Physical adaptation of heritage properties poses particular problems for both the heritage industry and for their professional advisers, because often it is their historical design and physical characteristics which give the properties their heritage status, and because there is strong resistance to physical adaptation of a irreplaceable structure which is evident both from conservation groups and from planning legislation. In addition, the range of disabilities which are to be catered for can mean that potential solutions are contradictory.

This paper reports on the UK government's response to this dilemma, the response of the heritage industry, and of disabled groups, together with examples of good practice.

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1. INTRODUCTION

The understanding and attitude of British society towards disabled people has developed from one of denial of their existence to a recognition of the myriad of ways in which society itself has created both the physical and social barriers which disadvantage them (Imrie and Hall, 2001: 338, citing Barnes, 1991). More recently, 'disability' is defined in a much broader way as both a permanent and the temporary feature of every day life, which includes pregnancy, a responsibility for small children, injury and old age. Disability is a normal component of life, varying in its degree, diversity and distribution and is likely to affect all of us to a greater or lesser extent at some point in our lives. (Penton, 2001: 1)

The legislation introduced by the British government is, in part, a response to the demands to address the concerns of social inequality and exclusion. Within Europe, social exclusion has replaced poverty in the analysis of social inequality, and it seems that exclusion is relational, being as much about inadequate social participation, lack of social integration and lack of power, as about access to resources. (Edwards, 2001: 267). While many groups may suffer social exclusion, disabled people do so in a range of ways, including barriers to the labour market, an absence of physical access to buildings and transport, and cultural marginalization by the use of media stereotypes.

Even the term "disabled people" does not define a homogeneous group of people and this has huge implications when trying to deal with the issue. Thus: Despite the formation of the 'disabled movement' for example, disabled people have struggled to articulate a coherent voice, not least because people experience disability in numerous ways . . . Thus, the experience and concerns of someone with a learning difficulty may be quite different from those of somebody with a mobility impairment. (Edwards, 2001: 270) Of course, where the barriers to access are organisational, or cultural, the remedies for securing access are very different (although in some cases, they may still be difficult), but they are matters of "hearts and minds" and, of course, the need to comply with legislation. They do not involve the need to make what might be costly and irreversible physical alterations to buildings.

Regarding visitors to touristic and historic attractions, there is official recognition that the historic environment makes a significant contribution to the cultural, social and economic well-being of the nation; that it is valued for its quality of life, inspiration, education and the enjoyment it offers, as well as being a unique source of information and livelihood and a powerful generator of wealth and prosperity, particularly within the tourism industry. (English Heritage 2000: 25) It is estimated that disabled people have an annual purchasing power of £80bn ($\ensuremath{\in} 11bn$) (Department of Work and Pensions, 2005), and that one in four customers either has a disability or has a close relative or friend who is disabled (Mynors and Booth, 2004: 9 – 10). Currently, disabled people are under-represented amongst visitors to

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heritage environments (PLB Consulting, 2001) with English Heritage (2003c) estimating that less than one in ten of its visitors are disabled. Thus, there are clear economic reasons for extending access to the historic environment to such groups.

However, many of the historic properties were constructed at a time when physical barriers to access for disabled people were not a matter of concern, either for the owners, occupiers or for the public at large – indeed, there are some historic buildings which were constructed specifically to keep people out! Yet the value of the historic environment stems from the fact that it is (largely) unaltered from its original structure and design, even if, in some cases, its use has been adapted to 21st century living. Thus, for many people, the prospect of making physical adaptations to the historic environment to permit access for disabled people could be seen as destroying the very essence which makes the building worth keeping and visiting. British planning legislation and regulation demonstrates the extent to which the historic environment is valued by officialdom in its assumption against any physical alternation to such properties and the extreme levels of control which are imposed on any prospective alterations to their physical fabric. Indeed, where there is very real danger of damage, no members of the public have any right of admittance at all, either on a temporary or permanent basis and, therefore, disabled people are not being discriminated against.

How then are the driving forces: accessibility and social inclusion; and heritage and conservation to be reconciled? Should the historical environment be adapted to reflect the visitor rights of those for whom the historic environment presents physical barriers? Should all sectors of the public have the same right of access to our historical environment? Is it acceptable to have "alternatives" for disabled people or should rights always be equal? How can those accountable for our historic environment balance their responsibility of preserving these assets for future generations and ensuring that all those members of society who wish to can enjoy them today? The British government has recently introduced legislation which requires all service providers to ensure that they do not discriminate against disabled people in the provision of their services. This paper reports research into how this legislation is being interpreted by those whose services are provided within the historic environment.

2. DISABILITY DISCRIMINATION ACT 1995

The Disability Discrimination Act 1995 (DDA) has been introduced in stages and it is Part III of the DDA which, from 4 October 2004, introduced the duty on providers to make reasonable physical adjustments to premises to overcome barriers to their services. The DDA provides a very wide definition of "disability", being "a physical or mental impairment which has a substantial and long-term adverse effect on [a person's] ability to carry out normal day-to-day activities". (DDA, 1995, Sch. 1 para. 1(1)) The DDA defines "normal everyday activities" to include mobility, speech, hearing, eyesight, memory and perception of the risk of physical danger, and it is estimated (ODPM, 2003: 3.2.1) that "an estimated 20% of the adult population, some 11.7 million people, have a disability..."

Part III of the DDA (s. 19(1)) states that it is unlawful for a provider of services to discriminate against a disabled person by either refusing to provide a service; making it

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Thus, the legislation is not specifically about making structural alterations to buildings, it is about providing services to disabled persons, by requiring service providers to remove organisational and/or physical barriers to such provision. However, there is no legal provision to ensure that the removal of any physical barriers is treated any more favourably than any other request to make physical alterations to a protected building etc., within the planning process. Thus, service providers are expected to apply for planning permission and to comply with existing building (and other) regulations in their efforts to extend access to their services. More recently, the 2005 Disability Discrimination Act imposes an additional "disability equality duty" for public sector providers, which includes English Heritage and this, it could be argued, enhances English Heritage's potential role as an innovator in the field of disabled access.

3. ACCESS TO THE HISTORIC ENVIRONMENT

The British planning system has a range of classification within its regulatory system to ensure the conservation of the English historic environment, including the listing of individual buildings which are of architectural and/or historic interest; conservation areas which are areas or neighbourhoods of architectural or historic interest; scheduled monuments; historic parks and gardens; battlefields and World Heritage sites. All of these are preserved in part by requirements for planning permission for a range of developments which would affect the character of the buildings, both internally and externally, or sites. However, it is recognized that such regulations are insufficient to ensure the survival of those buildings and sites which have been identified as worthy of protection. Such threats to the historic environment include over-restoration, lack of investment, ignorance, an inadequate supply of suitably qualified and experienced staff and neglect.

Of particular relevance to this study is the recognition (English Heritage 2000: 31) that 'The most effective way to ensure that a building is conserved is to ensure that its use continues to be economic and that owning it continues to bring an adequate return on investment.' This means that, for those historic buildings and sites which are or can be used economically to provide a service to the public, the issue of access for disabled people is crucial if the providers of that service are to operate within the existing legislation. Tourism is a major

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sector within the UK economy, with a turnover of some £76 bn (€105 per annum or 4.4 % of GDP) estimated by Government to be £100bn (€140bn) by 2010 (Tourism Alliance, 2004): in addition, some 2.1 million people (7% of the working population) are employed in the tourism sector, with an estimated 354,000 jobs in rural areas being supported by visitors many of whom are attracted by the quality of the historic environment. Thus, there are both employment and regional issues involved in supporting the access of disabled people to the historic environment, as well as rights of social equity, inclusion, and enjoyment.

Using the attraction of the financial benefits which result from extending the visitors to include disabled people, their families and carers, the Disability Rights Commission (2004a) singles out a number of examples (such as York Minster, the Royal Opera House and Southwark Cathedral) of landmark buildings which have been adapted to allow disabled people access without adversely affecting their historic character. However, there is a recognition that in certain situations, compromise will be necessary (English Heritage, 1999: 2). Indeed, there have been occasions when, for the safety of the general public and/or for the protection of the historic property, all access has been denied (Powe and Willis, 1996). This is quite reasonable, and other ways of experiencing the building, its artifacts or site, so-called 'non-use benefits', have been used in such circumstances. What is clearly not acceptable under the terms of the legislation is that some visitors are given access rights while others are denied them because of the existence of barriers which can be removed or avoided, with a little thought, planning and expenditure.

4. BEST PRACTICE

"The barriers preventing disabled people and other excluded groups from experiencing heritages are diverse and interrelated. Physical barriers are interwoven with social, intellectual and economic issues, such as appropriate information, transport, poverty, social isolation, accompaniment, personal security, low expectations and discrimination." (English Heritage, 2003b: 79) Access is generally interpreted to mean physical access to the buildings or site, although this may be somewhat limiting. There are other barriers, including behavioural issues such as stereotyping (within marketing), a lack of relevant information, poor transport links and the belief that changing and adapting the nature of the product is expensive and unnecessary because of an apparent limited demand. This of course ignores latent demand. Government, as expressed through English Heritage (2003a: 17), is of the view that: "With thought and care, historic buildings can usually be made accessible to all members of the community without compromising their character and quality." This is clearly demonstrated in the need for and compliance with fire and other safety regulations demanded for any building to which the public has access. If such modern technical equipment can be installed into heritage buildings sympathetically and unobtrusively, with (apparently) acceptable adaptation of the physical fabric of historic buildings, then it should be possible to devise similarly sympathetic solutions to accessibility.

There is a range of documents offering guidance and advice to those required to provide an accessible environment, including *Widening the Eye of the Needle* (Penton, 2001) aimed at securing access to Church of England ecclesiastic buildings; *National Accessible Standards*

PS 8 – Commission 8 Posters Frances Plimmer, Gaye Pottinger, Brian Goodall Accessibility Issues for Heritage Properties: a frame of mind? from the English Tourism Office (ETC, 2002); a Code of Practice from the Disability Rights Commission (DRC, 2002); a government publication *Planning and Access for Disabled People: a good practice guide* (ODPM, 2003) and English Heritage's *Easy Access to Historic Properties* (English Heritage, 2004) and *Easy Access to Historic Landscapes* (English Heritage, 2005), although this document does, somewhat predictably, opine that: "There is a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made for their alternation", with reliance on management changes, staff awareness and training and an alternative way of providing the service where the case is not "convincing". It is, of course, the case that access improvements benefit a greater proportion of the general public, including those with push-chairs, small children, the elderly, and not just those who would be recognized by the legislation as "disabled".

Currently, therefore, the balance between conservation and access for disabled people falls on the side of conservation, as it does when the fragility of the historic environment is threatened by any form of public access. What is of more concern is that the 'thought and care' necessary to achieve an accessible heritage environment and which so many public bodies have advocated has not yet materialized for a large number of properties. It seems that one of the reasons for this is the ignorance of those responsible either for their new liabilities and for the potential outcome if they are sued under the legislation for discrimination. However, it must be speculated that issues of funding, the burden of their role as custodians of the country's heritage (indeed the mind-set which must accompany such a role), and the potential public outcry if the physical alterations are judged to be 'carbuncles' must be factors in causing the inertia to which those responsible for our historic environment are subject.

Another reason to do nothing is there is no absolute indication as to what is appropriate access, in any given situation. "The provision of reasonable access to all historic sites open to the public will mean different things in different circumstances. Over time, new solutions will be identified that will help overcome what seem to be insurmountable problems." (English Heritage, 2003b) Similarly, over time, the aspirations and expectations of the full range of disabled people will change and increase, requiring more extensive improvement in the accessibility to the service, (with the implication that these will be more expensive). There may be a reluctance to make adaptations now which, perhaps in a few years, will prove to be inadequate and a waste of money. What ever the reasons for their inertia, service providers are already facing prosecution if they do not comply with the legislation (Adams-Spink, 2006)

5. ACCESS PLANS

In order to comply with the requirements of the planning and other regulatory systems, service providers are advised to undertake an access audit in order to establish what, if anything, needs to change in order to comply with the requirements of the DDA. It is important to remember that the DDA is not a property statute – it does not require that buildings are made accessible to the full range of disabled people. What it does require is that disabled people are able to make use of a service which is provided to other members of the public (DDA, s. 21 (1)).

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An access audit (English Heritage, 1999:5):

- identifies the existing physical and communication barriers to access;
- examines the access needs of the users;
- assesses the impact of these on features of historic, architectural or archaeological interest in their settings; and
- devises a solution which reconciles access and conservation needs.

Penton (2001) opines that an access audit involves a detailed appraisal of the building and its immediate surroundings and should be prepared in consultation with those who manage the property. He continues that such an audit should include a procedure and a programme for carrying out the works, identifying the availability of resources including finance, and developing a strategy for subsequently maintaining accessibility upon completion of the works. Also, within the process access statements should be recorded, demonstrating how service providers have considered the access requirements of disabled people and have described how they intend to meet them. Again, it should be remembered that the DDA aims to secure access to services for people with a range of disabilities, including mobility, eyesight, and learning difficulties, and it is clearly both necessary and desirable that disabled visitors and groups representing their interests should be consulted as part of this process. This work needs to be undertaken in advance of drawing up plans for any alterations to buildings and the seeking of any necessary planning and other regulatory consents, which may well be refused.

Access plans are, therefore, an opportunity for a service provider to reflect on the "customer experience" in relation to the access to services and to produce a reasoned, structured, costed and programmed plan for improving access. Advocates of access plans recommend that such plans be reviewed in the light of evolving customer expectation and technological advances, although in theory, they could be used to justify a level of discrimination. There is still no clear solution where planning authorities simply refuse permission for any physical alteration to a building to secure access and there is no requirement on such authorities to waive their preservation responsibilities in favour of access. Thus, the service provider needs to have a clear understanding of the nature of the service provided from the point of view of the customer experience, how such a service can be provided to all members of the public and, if necessary, how the relevant built environment can be adapted to secure easy and dignified access to all members of the public. It is recommended (Goss, 2003: 127-8), for example, that service providers take "the customer journey" because it is at the point of service provision that compliance with the DDA is ultimately judged. According to Bright (2004): . . . the DDA . . . is about equality of opportunity, which may often involve nothing more than examining what is being done, how it is being done, and being willing to make the necessary changes.

6. FINANCE AND COSTS

There are three major funding sources for those responsible for the historic environment, subsidies/grants; loans; and fiscal relief, although the UK tends to rely most heavily on grant

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aid. Thus, the bulk of the funding for the historic environment comes from the public purse on which there are many competing claims, and the sector is recognized as being relatively poorly funded. The introduction of Conservation Area Partnership Schemes rely on the private sector matching funds from public sources, and the Heritage Lottery Fund and other related initiatives do not provide the full cost of improvements.

The requirements to comply with the DDA could result in additional costs associated with access audits, changes in organisation, improved signage and additional staff training, as well as potentially structural alternations to the physical fabric of the buildings and their environs.

Thus, there is major concern that providing features to ensure accessibility will cost the occupiers and owners of buildings vast sums of money which could threaten the economic viability of the continuing commercial use of the buildings and therefore any kind of public access. There are conflicting views about the reasonableness of such fears which vary from concerns of the Historic Houses Association (English Heritage, 2000: 13 – refer p. 57) citing the huge cost of repairs and maintenance for such a properties and the limited sources of income from which to provide even existing standards, and that which opines that providing for disabled users is no more expensive that providing for other members of the public (Imrie and Hall, 2001: 348) It is, however, anticipated (Jackson, 2004: 18) that improved accessibility will generate additional revenue which will pay for the necessary works, but this is not yet proven.

7. ALTERNATIVE MEANS OF PROVIDING SERVICES

The DDA requires that service providers do not discriminate in the provision of their services, not that buildings should be accessible by all members of society. In the light of the relatively expensive option of making structural alterations to buildings, it is therefore anticipated that service providers will look first at the organisational solutions, including changes in policies and procedure, and staff training in order to ensure compliance. For heritage properties and sites, and particularly those without a functional use, English Heritage recommend that the service provider considers an alternative experience to the 'hands on' approach "to promote public understanding and appreciation of the cultural significance of the asset." (English Heritage, 2003a: 8)

7.1 Use of Information Technology

The imaginative use of displays, virtual reality, and the use of other information technology in order to provide a different kind of experience have been recommended and can also be more rewarding than an on-site visit for all members of the public, simply because of the additional material which can be experienced at the visitor's own pace. However, the reality of accessing the internet for many disabled people may not provide the solution anticipated. There is evidence (Pilling *et al.*, 2004) that there are significant barriers particularly for disabled people in terms of the cost of, the need for assistive devices for, an inability to access IT training opportunities and the issue that IT access may not be an acceptable substitute when the rest of the public are able to make on-site visits.

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7.2 Marketing Information

Also linked to this is the need for tourist attractions to provide more specific information online and within their promotional material so that disabled people have a clear understanding as to what facilities are and are not available to them on site. Again, such material needs to reflect the needs of disabled people and reinforces the need to consider the customer journey, rather than the perception of the service provider.

8. DISABLED ACCESS IN PRACTICE

Research sought to undercover the main issues surrounding the DDA on disabled access to historic buildings in tourism use by surveying respondents based around a historic marketing town and tourist destination in South Oxfordshire, which offered a range of guest accommodation and listed building visitor attractions. The survey was designed as a scoping study from which to develop a wider quantitative study. The survey took the form of 20 interviews involving 24 individuals including tourism service providers operating from historic buildings, being either accommodation providers or managers of visitor attractions; local government officers, the tourist board and disabled people and their carers who belonged to local disability groups. The purpose of the interviews with service providers, planning officers and the tourist board was to explore:

- service providers' awareness of disability issues and the DDA Part III requirements;
- the measures they were taking to address disabled access to historic buildings;
- the problems they encountered in making building adjustments;
- the extent to which they had identified options for alternative means of delivering the service; and
- their perception of the DDA legislation and its impact.

8.1 DDA Awareness

Managers of large businesses were more aware of the DDA and its implications for their business than were the owners of small guest houses. On a national scale, There is an estimated 134,000 hotel and restaurant enterprises in the UK, of which the vast majority (82%) employ less than 50 people, and 17% are sole traders. In total, they account for about 44% of the sector employment and 47% of the turnover. The failure of the necessary information regarding disabled access requirements to reach small accommodation providers is therefore significant in terms of the market share and number of businesses affected, given that there is no 'small business' exception within Part III of the DDA.

8.2 Information Sources

Interviewees were asked about the sources of guidance on disabled access, their preferred sources of information and the method by which they preferred to receive information. Although most respondents were aware of a number of organisations which provided information, they did not necessarily associate them with guidance on disability access.

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Preferred sources of information varied, according to the respondents' awareness of the DDA and disabled access requirements, the organisations with which they already had a relationship, whether they viewed their business as permanent or temporary/supplementary income and their perception of the reliability, helpfulness etc. of the sources of information. Seminars were a popular method of obtaining information amongst respondents who felt less informed about disability issues - despite the fact that they are time-consuming and might not be specifically focused at the historic/tourism business. However, overall written guidance was preferred, either mailed or emailed directly.

8.3 Perceptions of Disability

Most interviewees were unable to say how many disabled visitors they had received during recent years. Several guesthouse owners had received guests with hearing impairment, but it may be that some disabilities would not be obvious. It is also likely that disabled people would not seek to book accommodation where there is not a clear statement within the marketing information that their needs would be catered for. Most visitor attractions did not have reliable mechanisms for counting the numbers of disabled visitors, although some were able to make estimates based on the number of free tickets issued to carers accompanying disabled people. It is clear that it is mobility impairment and wheelchair access which is most associated with the need to make physical adjustments to buildings, rather than hearing, vision or learning difficulties, particularly by guesthouse owners.

8.4 Changes to Service Provision

The requirement to improve disabled access through changes to business practices not involving physical alterations to buildings has been in force since 1999. However, it was clear that only those responsible for tourist attractions and large hotels had made any formal changes in advance of Part III taking effect. Guesthouse owners took an informal approach expressing willingness to accommodate and assist disabled guests if they could, but had not thought about undertaking a systematic review of their services to identify any changes which might be reasonable for them.

Issues which emerged from the interviews included the dichotomy of being required to accept assistance dogs, in a guesthouse which was promoted as being 'pet free' for the benefit of those who suffer from allergies. Also, one director of a listed theatre continued to ban assistance dogs, despite health and safety exemptions which have been in place since 1995, thus demonstrating the limitations of relevant information for the service providers. Also an issue is the provision of disabled parking which is often abused by the able-bodied, either by parking in designated disabled spaces or by parking in such a way which prevents access to and from the vehicle as required.

Disabled interviewees and their carers reported using the internet to find accessible accommodation and places to visit, but that the level of detail was often insufficient, requiring an additional phone call. Also there was evidence of inadequate understanding of the range of needs of disabled people and therefore the range of adaptations which allow

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certain members of the sector access but not others. As one interviewee said, the "the biggest bug bear is people's ignorance." Disabled people and their carers did not mind talking about disability and explaining their needs, to help raise awareness and get the service they wanted.

8.5 Building Adjustments

Among the service providers, only one of the hotels had made some physical building adjustments for disabled access; for the historic attractions, all except one had already implemented some physical alterations to improve access and had either identified further work or was in the course of undertaking access audits. Planning applications for disabled access had largely been part of wider refurbishment schemes and relatively few had involved listed building consent. However, planning officers anticipated that the need for access statements would be more strictly enforced in future, requiring designers to place earlier attention on alternative access solutions.

8.6 Attitudes of Disabled People and Carers

Disabled people and carers interviewed did not expect historic places to be fully adapted for disabled access because "you can't really go around changing the whole structures of historic buildings". However, there was a recognition that some tourist places did not understand visual impairment and dimly lit places or worn steps can be particularly difficult. Also, certain features, such as the shingle or board walk surfaces or the use of the disabled toilets as storage facilities are unnecessary inconveniences. There was also a preference for staying in modern hotels rather than historic accommodation because of the expectation of a higher degree of access, facilities, including larger rooms, although it was considered that so-called 'family rooms' could offer an adult bed rather than just a child size, and there is an issue of double versus twin-bedrooms (or single bedrooms with intercommunicating door) where a disabled person and their carer are accommodated.

8.7 DDA Enforcement

A concern was expressed about how the courts would judge what is "reasonable" in relation to building adjustments, the cost of compliance and whether the relationship between service providers and disabled people will benefit from the enforcement of the DDA provisions. While there is no *de minimis* within the DDA, the service providers expressed the hope that a reasonable view would be taken regarding access and cost for what are often small family businesses. The attitude of those disabled respondents was that they would be unlikely to take a personal case against a service provider – it was recognized that, as a nation, "we are not very good at complaining".. One respondent distinguished between being denied access and getting a poor service, which raises the question as to how disabled customers could tell whether the treatment they had received was discriminatory or just poor service, although there was a recognition that complaints could back-fire against disabled people as customers.

9. CONCLUSION

All of the service providers, except one, believed that improvements to disabled access would have a positive impact for businesses as well as for customers generally, including disabled people and those facing temporary disabilities including parents with push chairs, and the growing elderly population in the UK. Despite a perceptible shift in both the policy and practice of improving disabled access, there remains the presumption that preservation is more important than access when it comes to the historic environment. However, there is a clear role for professional advisers to provide imaginative and effective ways to ensure access to historic sites and buildings, both within the design process and the access audit. For example, improved lighting can combat visual impairment, yet in most historic houses and museums, light intensity is reduced because it is a major factor in the deterioration of such soft furnishings as curtains, upholstery fabrics, wall papers and paintings.

Having recognized that the best way to maintain historic buildings is to keep them in active and economic use, new and continued uses will generally necessitate some degree of adaptation. Indeed, if any buildings allow access to the public, adaptations to reflect fire and other forms of protection, including environmental monitoring systems (which are installed in most English Heritage and National Trust properties), as well as the more obvious installation of electricity and heating/ventilating systems are requirements of legislation. If such modern and intrusive services can be installed sensitively and appropriately within an historic environment, it cannot be beyond the imagination and talent of those responsible (planners, designers, owners and occupiers) to devise similar solutions to reflect the rights of access of the full range of members of society – it is only a frame of mind.

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BIOGRAPHICAL NOTES

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