

# **STATUTORY INSTRUMENTS**

**S.I. No. 163 of 2006**

## **Disability Act 2005 (Code of Practice) (Declaration) Order 2006**

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WHEREAS, under section 30(1) of the Disability Act 2005 (No. 14 of 2005), the National Disability Authority has, pursuant to a request from the Minister for Justice, Equality and Law Reform, prepared a draft code of practice on accessibility of public services and information provided by public bodies;

AND WHEREAS the National Disability Authority has complied with section 30(2) of that Act and has submitted the draft code of practice to the Minister for Justice, Equality and Law Reform;

NOW THEREFORE, I, Michael McDowell, T.D., Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by section 30(4) of that Act, hereby order as follows:

1. This Order may be cited as the Disability Act 2005 (Code of Practice) (Declaration) Order 2006.
2. It is declared that the code of practice set out in the Schedule to this Order is an approved code of practice.

## SCHEDULE

### **Code of Practice on Accessibility of Public Services and Information provided by Public Bodies**

#### **Foreword**

The National Disability Authority (NDA) was established in June 2000, under the National Disability Authority Act, 1999, (NDA Act, 1999) as an independent statutory body. One of the functions of the NDA, as outlined in the NDA Act, 1999, is 'to support the achievement of good standards and quality in the provision of programmes and services provided or to be provided to people with disabilities' (see Part II, sections 8(2) (c), (d) and (f) and 10 (1)).

This code of practice on accessibility of public services and information provided by public bodies has been prepared by the NDA, at the request of the Minister for Justice, Equality and Law Reform, under the provisions of the Disability Act 2005 (the Act) (Part 3, Section 30).

In August 2005, the Minister requested the NDA to prepare and submit a draft code of practice in relation to the matters referred to in sections 26, 27 and 28 of the Act. The NDA presented a first draft to all Government Departments in September 2005. A large number of submissions were received from this initial consultation and based on these submissions the NDA prepared a second draft.

In line with section 30(2) of the Act, which empowers the NDA to consult with such persons or bodies as it considers appropriate, the NDA commenced a National Consultation Process in October/November 2005 in relation to this second draft. The NDA received more than 70 submissions and further amendments were made to the document.

Following this National Consultation Process, all Government Departments were given a final opportunity to comment on the third draft, before the final revision of the Code was submitted to the NDA Authority for its consideration.

The Act is complementary to the Equal Status Acts, 2000 to 2004 which also relate to the provision of goods and services.

Public bodies as service providers should note separately the requirements of these Acts in relation to the provision of information and services to people with disabilities. This document is not a code of practice in relation to the Equal Status Acts 2000 to 2004, though public bodies are encouraged to develop a coherent approach to their obligations under the Disability Act 2005 and the Equal Status Acts in relation to people with disabilities.

Part 3 of the Disability Act 2005 (the Act), place significant responsibilities on public bodies to make their services accessible to people with disabilities, viz:

- Under section 26 public bodies are required, to ensure that their services are accessible for people with disabilities by providing integrated access to mainstream services where practicable and appropriate.
- Under section 27 public bodies are required to ensure that the goods or services that they purchase are accessible, unless it would not be practicable or justifiable on cost grounds or would result in an unreasonable delay.
- Under section 28, following a request, communications by a public body to a person with a hearing or visual impairment must, as far as practicable, be provided in an accessible format. Information provided electronically must, as far as practicable, be compatible with adaptive technology. Published information, relevant to persons with intellectual disabilities must, also be as far as practicable made available in easy to read formats.

This code of practice sets out the Authority's understanding of what is required under those sections of the Act and is designed to guide public bodies in meeting their statutory obligations by providing practical advice and examples. I believe that this can be achieved by thoughtful and careful planning that is responsive to the needs of people with disabilities. Public bodies are encouraged to take steps to achieve the highest possible standards of accessibility for the information and services they provide to the public.

The NDA proposes that the best measure of success will be evident when people with disabilities experience a real, tangible change for the better in access to services and information.

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Angela Kerins

Chairperson, National Disability Authority

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## **1. Introduction**

The Disability Act 2005 (the Act) is a positive action measure, which provides a statutory basis for making public services accessible. Sections 26, 27 and 28 of the Act place obligations on public bodies to make their services and information accessible to people with disabilities. This Code of Practice has been prepared at the request of the Minister for Justice, Equality and Law Reform under section 30 of the Act to guide public bodies to meet those obligations.

It should be noted that, although the Act, contains further provisions on accessibility in relation to buildings and heritage sites, these areas do not fall within the scope of this code of practice and will be dealt with separately.

The obligations arising under sections 26, 27 and 28 are explained in the Code. The Code does not cover the associated complaints process which will apply under sections 38, 39 and 40. These sections provide that an individual with a disability can make a complaint about any failure by a public body to provide access as required by sections 26, 27 and 28 to an inquiry officer appointed by the body under section 39. If the complainant is not satisfied with the outcome of their complaint they can appeal to the Ombudsman as provided under section 40.

### **Who will benefit from these provisions?**

The Act is designed to improve access to public services for persons with disabilities. The term disability for the purposes of sections 26, 27 and 28 of the Act is defined in section 2 of the Act, i.e.: “in relation to a person, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment”.

### **What services are covered?**

The code is relevant to a service which comes within the definition of services in section 2 of the Act. It covers a wide range of services and facilities provided by public bodies that are available to the public generally or a particular section of the public. This includes:

- (a) the use of any place or amenity owned, managed or controlled by a public body;
- (b) the provision of information or an information resource or a scheme or an allowance or other benefit administered by a public body,
- (c) any cultural or heritage services provided by such a body, and
- (d) any service provided by a court or other tribunal.

### **What public bodies are covered by the Code?**

The code applies to a wide range of public bodies, diverse in the nature of their work and size. The public bodies covered by the code are defined in section 2 of the Act to cover:

- (a) a Department of State;
- (b) the Office of the President;
- (c) the Office of the Attorney General;
- (d) the Office of the Comptroller and Auditor General;
- (e) the Office of the Houses of the Oireachtas;
- (f) a local authority;
- (g) the Health Service Executive;
- (h) a person, body or organisation (other than the Defence Forces) established
  - (i) by or under any enactment (other than the Companies Acts 1963 to 2003) – this would include, for example, the Broadcasting Commission of Ireland established under the Radio and Television Act 1988; the Central Statistics Office, established under the Statistics Act 1993; the National Disability Authority established under the National Disability Authority Act 1999; the Courts Service established under the Courts Act 1998; and the Legal Aid Board established under the Civil Legal Aid Act 1995,

OR

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

Government. This would include for example, Dublin Bus, Bus Éireann and Iarnród Éireann.

### **Addressing accessibility issues**

To ensure services are accessible it is important to be aware of the obstacles encountered by persons with physical, sensory or intellectual impairments. Their needs will vary and will inform the kind of action that is appropriate and can be delivered where practicable.

Obstacles to accessibility for people with disabilities encompass a broad range of both tangible and intangible elements including, for example:

- communication, where presented in inaccessible formats;
- lack of awareness of the needs of people with disabilities;
- the physical environment e.g. design, layout, signage, lighting etc.;
- service design e.g. where systems, procedures and practices can present obstacles.

Information and services can be made accessible when they are provided in a manner that is consistent with the needs of those individuals for whom they are intended.

In general, this can be facilitated by adopting a proactive and consultative approach to information and service design and delivery.

## **2 Scope, Aim and Application of the Code of Practice**

### **Scope**

Sections 26, 27 and 28 of the Disability Act 2005 (the Act), are the focus of this code of practice.

The Sections set out specific requirements regarding public information and services, including services and goods purchased by public bodies so that they are accessible to people with disabilities where practicable.

### **Aim**

This Code has been developed in order to support public bodies in fulfilling their statutory obligations under sections 26, 27 and 28 of the Disability Act 2005 (the Act) (see Appendix one).

### **Application**

This document should prove useful to public bodies by providing practical guidance on the various elements involved and examples of possible approaches and methods that could be employed to ensure that their services are accessible to people with disabilities where practicable and appropriate. It will also provide a useful source of information for people with disabilities using these services, their advocates, and organisations representing people with disabilities.

### **Specific Objectives of this Code**

The specific objectives of the code are to:

1. support public bodies by providing a practical interpretation of the requirements of sections 26, 27 and 28, of the Disability Act, 2005 (the Act);
2. give practical advice on how these requirements can be met while appreciating the range and diversity of public bodies and services involved.

### **3 Status of this Code of Practice**

#### **General**

The Code relates, directly, to the matters outlined in sections 26, 27 and 28 of the Disability Act 2005 (the Act). These sections of the Act impose significant statutory duties upon public bodies which came into effect from 31 December 2005.

Public bodies that comply with this code are considered to be in compliance with the legislation. Section 30(6) states “compliance by a public body with an approved code of practice shall be deemed to be compliance with the relevant provision of this Act”.

Separately, the NDA Act, 1999, provides for a monitoring role for the Authority, in relation to the implementation of Codes of Practice developed by the Authority and declared approved by the Minister. This includes codes such as this one. Part II, Sections 8 (2) (d) of the NDA Act, 1999, specifies the Authority’s monitoring functions as being: “to monitor the implementation of standards and codes of practice in programmes and services provided to persons with disabilities and to report to the Minister thereon”.

#### **Obligations in relation to the Disability Act, 2005**

These sections of the Disability Act 2005 (the Act), which impose significant statutory duties upon public bodies to make their services and information accessible to people with disabilities where practicable and appropriate, came into effect from 31 December 2005. Determination of practicability and appropriateness may be guided by consideration of, for example: level of control and cost.

In the case of certain public transport services, the sectoral plan to be prepared by the Department of Transport under sections 31 and 34 may specify the timeframe/s for making particular public transport services accessible (see section 31(5) of the Act).

#### **Responsibilities and Accountability**

Sections 26, 27 and 28 of the Act place obligations on the head of a public body which is defined in section 2 as being “the person who holds, or performs the functions of the office of

the chief executive officer (by whatever name called) of the body”. As such, they are required to ensure, that the body complies with the obligations as set out in those sections.

This code aims to support public bodies in meeting their obligations in the Act.

In order to plan what actions are necessary, it is suggested that the head of each public body concerned:

- Determines the extent to which the provisions of the Act applies to their organisation in the context of the range of services and the information it provides;
- Considers, plans and keeps under review the policies, procedures and the actions necessary to meet its obligations;
- Examines the practicability and appropriateness of planned measures so as to ensure compliance with the requirements of the Act.

#### 4. Core Elements of the Code

##### **Section 26 Access to Services, etc.**

##### **Section 26 (1)(a) Integrated Access to Services**

Public bodies are required to ensure that the services they provide to the general public are accessible to people with disabilities where practicable and appropriate. The services concerned are those that come within the definition of services in section 2 of the Disability Act 2005 (the Act).

In practical terms, this means that people with disabilities can avail of a service provided by a public body at the same point of access or location, at the same time as everyone else, where practicable and appropriate.

##### **A public body can achieve integrated access to services by:**

- Conducting an analysis of: (i) how integrated their public service provision is to determine whether there is any variation in the way people with disabilities access the services provided and (ii) the accessibility of these services to people with disabilities;
- Devising a practicable and appropriate action plan to deal with integration and access issues that have been identified, in consultation with stakeholders, wherever this is practicable and appropriate;
- Promoting measures taken so that the general public is made aware of them.

##### **Public bodies may find the following useful in considering what they need to do:**

- Contacting the NDA for advice on useful publications and possible approaches for reviewing accessibility of services and developing action plans;
- The establishment of an advisory group where a consumer group does not exist, to oversee a review of the integration and accessibility of services. FAS, for example, has established a National Advisory Committee on Disability to, among other things, “assist

and advise on the systems and/or provision necessary for greater inclusion of people with disabilities on FAS programmes and services and ... to provide FAS with assistance in identifying gaps and existing disincentives, in regards to FAS programmes and services, and provide advice on how these may be overcome". See also: <http://www.fas.ie>;

- Access auditing of premises and outreach strategy development. The Office of Public Works (OPW), for example, has conducted an access audit on its premises and developed an action plan to improve access. Examples of actions taken by the OPW include the introduction of a proximity card system to replace their existing swipe card system and the lowering of lights switches within buildings;
- Augmentation of current Customer Care Policy and practice. The Electricity Supply Board (ESB) has, for example, introduced a Register of Customers with Home Medical Equipment so as to ensure they have a continuous supply of electricity;
- The provision of information in accessible formats for public seminars, lectures, public meetings and mainstream training programmes where practicable.

### **Section 26 (1)(b) Providing Assistance**

Where it is practicable and appropriate, public bodies are required to provide assistance to enable a person with a disability to access a mainstream service, if requested by that person. This applies where the public body is satisfied that such assistance is necessary.

The types of assistance required may vary depending on the type of service being provided and the nature of the disability concerned. The action necessary may involve simple measures such as taking the time to advise a person with disability about service options, or require more specialised assistance, such as sign language interpretation.

#### **A public body can achieve this by:**

- Considering the type of assistance that is likely to be required. This could involve consulting with representative groups and getting advice on appropriate types of assistance;
- Exploring and estimating likely demand for assistance on request;

- Examining the relative practicability and appropriateness of the various options available for responding to this demand;
- Making arrangements for ensuring that assistance identified as necessary can be acquired or developed and made available, where it is practicable and appropriate;
- Developing procedures to respond to requests for assistance, including providing for a dialogue where appropriate and practicable with the customer and ensuring the relevant staff are aware of these procedures;
- Identifying appropriate sources to provide the various kinds of assistance that may be involved or encouraging staff to acquire the additional skills concerned, where practicable and appropriate;
- Promoting measures taken so that the general public is made aware of them.

**Public bodies may find the following useful in considering what they need to do:**

- Where consumer panels do not already exist, the establishment of such panels to guide development. The HSE – Midland Area’s Springfield Centre, Mullingar has, for example, established a Consumer Panel which consists of a small group of randomly selected individuals who meet to discuss issues relevant to their health services. A member of the public, who is independent of the HSE, chairs the panel. The panel is co-ordinated, administered and funded by the relevant services within the HSE –Midland Area. Promotional material for the Panel describes consumer panels as being “about making sure that you have a say in making the service that you use better for you”;
- The provision of disability awareness training for all relevant staff. The University of Limerick’s Mary Immaculate College, for example, provides disability awareness training for administrative, academic and support staff;
- The development and promotion of clear procedures regarding the provision of assistance, for example on timeframes, roles and responsibilities. Where, for example, an Irish Sign Language interpreter will be required, from time to time, sufficient notice will be required. In the case of an agency for sign language interpreters which provides registered interpreters, for example, preferably two weeks notice is normally required, though every effort will be made to accommodate urgent requests at shorter notice. Public

bodies would need to ensure that people who are likely to request this type of support would, likewise, be made aware of notice requirements.

### **Section 26 (1)(c) Expert Advice**

A public body must, where appropriate, ensure the availability of appropriate expertise and skills to advise it in relation to making its services accessible. Such expertise can be made available within the organisation, or, where appropriate, sourced externally.

#### **A public body can achieve this by:**

- Taking time to identify the various services provided where advice is likely to be required about how to make them accessible to persons with disabilities, in order to be able to identify the specific type of expertise that is required;
- Establishing whether such expertise is available internally or needs to be sourced externally;
- Identifying and implementing staff training initiatives to build an in-house capacity to provide expert advice;
- Identifying appropriate sources, if external advice is required;
- Allowing time for considering any advice given, and the appropriate and practicable actions arising;
- Bringing the advice to the attention of relevant personnel;
- Promoting measures taken, where appropriate, so that the general public is made aware of them.

#### **Public bodies may find the following useful in considering what they need to do:**

- The establishment of a consultative framework to advise on matters such as the identification and supply of expert advice required. The Public Transport Accessibility Committee (PTAC) was established in July 2000 as an expert group to advise the

Minister for Transport on the accessibility aspects of proposed public transport investment projects and on existing public transport accessibility issues.

### **Section 26 (2) Access Officers**

Each public body is required to have at least one officer authorised to act in the capacity of “access officer”. That officer is responsible, where appropriate for providing or arranging for and co-ordinating assistance and guidance to persons with disabilities accessing the services provided by that body.

#### **A public body can achieve this by:**

- Considering the skills necessary for the role of access officer;
- Considering how many officers are required in relation to the services provided by the body (the Act requires at least one officer);
- Authorising at least one officer to fulfil the role of access officer as defined in the Act;
- Ensuring that this Officer is adequately trained and appraised of duties and responsibilities (it is important that training adequately equips the Access Officer to both: (a) deal with integration and access in the particular setting for which he or she is appointed and (b) devise and drive or support the implementation of strategies to address these matters where practicable and appropriate);
- Ensuring that this Officer can be made readily available to persons with disabilities wishing to access services provided by the public body and to staff requiring their advice and support;
- Ensuring that this Officer has regular contact with senior management and that he or she is adequately resourced and supported in his or her role;
- Promoting the appointment and availability of Access Officer(s) and how they may be contacted, so that the general public is made aware of them and knows how to avail of their assistance.

## **Section 27 Accessibility of services provided to a public body**

Since 31 December, 2005 each public body is required to ensure that the goods or services that are supplied to it are accessible to people with disabilities unless it would not be practicable or justifiable on cost grounds or would result in an unreasonable delay. This will relate to a wide range of goods and services including equipment, materials, information technology, etc.

### **A public body can achieve this by:**

- Reviewing existing procurement policy, procedures, practices, guidelines or templates used or developed by the public body, to establish how they can be revised to build accessibility into the procurement process as a criterion (it would be important to check whether procurement policies make an explicit statement on accessibility, for example);
- Taking care that, in all public procurement exercises, accessibility is a criterion to be considered throughout the entire tendering process, from drawing up and running tender competitions through tender evaluation and placing the contract to conclusion of procedures and review;
- Bringing this requirement to the attention of all relevant personnel who will be engaged in the tendering process and guiding them in relation to the circumstances where the requirement will not be appropriate on the grounds specified in paragraphs (a), (b) and (c) in section 27(2) (see below).

### **Exceptions**

It is recognised that it might not always be possible to ensure that goods or services purchased by the body are accessible but exceptions should only be made in accordance with the circumstances specified in paragraphs (a), (b) and (c) in section 27(2) of the Act. They provide that the requirement will not apply where:

- It would not be practicable (for example: where the technology is not readily available; or
- It would not be justified having regard to the cost of doing so; or
- It would cause unreasonable delay in making the goods or services available to other persons (for example: where goods or services or both are otherwise available and

required by other persons, so that significant delay in supplying them to those other persons would be unfair).

## **Section 28 Access to Information**

This section relates to public bodies providing information to the general public.

### **Section 28 (1)(a)**

Each public body is required to ensure, as far as practicable, that information which is orally provided to the public is provided in an accessible format, where so requested by persons with hearing impairments.

Hearing impairments can range from minor difficulties with hearing normal speech or particular sound frequencies to profound deafness. Many individuals with impaired hearing can lip read; some use hearing aids and some visual support (such as text phones, real time captioning or video relay services); others may require sign language interpreters.

### **A public body can achieve this by:**

- Exploring the range of formats that can be practicably employed for making oral communications accessible to individuals with hearing impairments (see examples below);
- Establishing procedures for processing requests for accessible formats that may be provided as far as practicable including providing for a dialogue with the customer. Relevant staff should be aware of these procedures;
- Establishing procedures for sourcing or providing accessible formats;
- Establishing the format required by the individual with a hearing impairment making the request;
- Determining the practicability of providing the form of support requested, within particular communication contexts and timeframes.

**Public bodies should also consider:**

- Familiarising themselves with the needs of people with hearing impairments;
- The development of written versions of oral communications, such as guides or Frequently Asked Questions (FAQ's);
- The provision of one or two way electronic communications with members of the public via e-mail, SMS text or other messaging technologies;
- The provision of text or video phones;
- The installation of induction loops in reception or waiting areas and at least one meeting room;
- The provision of Irish sign language interpreters and, or real time captioning for major public consultations;
- The use of descriptive text for promotional videos and film presentations;
- Where possible or practicable, offering alternative forms of support if the requested form cannot be provided;
- Monitoring requests for accessible formats to inform future access planning.

**Section 28 (1)(b)**

Each public body is required to ensure, as far as practicable, that written information and communications which it provides to the public is communicated in an accessible format, where so requested by persons with visual impairments.

Visual impairments can range from blurred visual fields to very acute incapacity to distinguish between light and dark. People with visual impairments may sometimes make use of large print, high contrast, audio tape or Braille format documents.

Providing accessible formats may be something that can be delivered relatively quickly and easily in-house, e.g. large print of certain documents or may involve reproducing text in

Braille. In the latter case if there are no facilities or expertise in-house, it could involve contracting the service from the relevant source and allowing time for its production.

**A public body can achieve this by:**

- Exploring the range of formats that can be employed as far as practicable for making written communications accessible to individuals with visual impairments (see examples below);
- Establishing procedures for sourcing or providing accessible formats;
- Establishing procedures for processing requests for accessible formats that may be provided as far as practicable including providing for a dialogue with the customer. Relevant staff should be aware of these procedures;
- Establishing the format required by the individual with a visual impairment making the request;
- Determining the practicability of providing the form of support requested, within particular communication contexts and timeframes.

**Public bodies should also consider:**

- The provision of information in accessible formats, such as:
  - Large Print;
  - Braille;
  - Electronic communications that can be accessed with adaptive technology;
  - Audio tapes

(Note: The provision of audio tapes for people with visual impairments. In determining the practicability of producing an audio tape format of a particular document, however, it is important to realise that: (a) a person's capacity to absorb aural information is limited and (b) some information simply does not work on tape (large directories or technical documents with a lot of cross referencing, for example). For larger and more complex documents, summary tapes or one to one consultation in person or by phone, might be considered.);

- Where possible or practicable, offering alternative forms of support if the requested form cannot be provided;
- Monitoring requests for accessible formats to inform future access planning.

### **Section 28 (2)**

Where a public body communicates with the public through electronic format it must ensure that, as far as practicable, the contents of its communications are made accessible to a person with a visual impairment availing of adaptive technology. Such technology may include screen readers, Braille output devices and screen magnification software.

Visual impairment is defined under section 28(1)( b) above.

### **A public body can achieve this by:**

- Establishing what is entailed in making electronic communications accessible and understanding the needs of those using adaptive technology;
- Reviewing existing practices for electronic communications in terms of accessibility against relevant guidelines and standards, e.g.;
  - NDA IT Accessibility Guidelines for all computers, information kiosks, interactive services with an ICT front end (e.g. Revenue’s on-line service web forms, electronic voting machines), e-mail and other application software, and other Public Access Terminals used by the public (consult <http://accessit.nda.ie>);
  - Double A level conformance with the Web Accessibility Initiative’s (WAI) Web Content Accessibility Guidelines (WCAG), see <http://w3.org/WAI>.<sup>1</sup>
- Planning to ensure that all such communications are produced, as far as practicable, in a format that is accessible to persons with visual impairment using adaptive technology such as, e.g. screen readers or speaking browsers, etc., as appropriate.

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<sup>1</sup> The Department of the Taoiseach’s ‘New Connections – A Strategy to realise the potential of the Information Society’ states that ‘all public websites are required to be WAI (level 2) compliant by end 2001’.

**Public bodies may find the following useful in considering what they need to do:**

- The Oasis (Online Access to Services, Information and Support) website, [www.oasis.gov.ie](http://www.oasis.gov.ie), developed by Comhairle, is a useful example of how the contents of electronic based communications can be made accessible to a person with a visual impairment, to whom adaptive technology is available.
- Taking care to be aware of new and emerging technologies (such as smart card technology and the use of closed audio descriptions for Digital TV) and their potential to provide an accessible channel of communication to a person with a visual impairment.

**Section 28 (3)**

Each public body must ensure that, as far as practicable, the information it publishes which is directly relevant to persons with intellectual disabilities, is made available to them in clear language that they easily understand.

This is often referred to as the “easy to read” format, but generally involves producing information in:

- Plain English (clear and simple language) format;
- Short sentences, avoiding jargon, complicated phrases and words; and, or
- Easy to read summaries which make use of illustrations to aid comprehension.

**A public body can achieve this by:**

- Consulting with relevant bodies on what is involved in producing published information in such formats;
- Reviewing the range of information published by the body to identify which publications fall within the category concerned;
- Establishing likely demand for such information in consultation where appropriate;

- Establishing internal procedures and arrangements with external agencies, where necessary, for converting relevant publications into easy to read formats;
- Establishing procedures to respond to requests for such formats including providing for a dialogue with the customer. Relevant staff should be aware of these procedures;
- Monitoring demand for such formats to inform future planning.

**Public bodies may find the following useful in considering what they need to do:**

- The Easy-to-Read edition of the National Disability Authority's Strategic Plan 2003-2006 is an example of an Easy to Read version of an official document;
- The NDA publication "First Steps in Producing Accessible Publications".

## Appendix One: Sections in Part 3 of the Disability Act, 2005

*Disability Act 2005.* [2005.]

### PART 3

**26.—(1)** Where a service is provided by a public body, the head of the body shall— Access to services, etc.

- (a) where practicable and appropriate, ensure that the provision of access to the service by persons with and persons without disabilities is integrated,
- (b) where practicable and appropriate, provide for assistance, if requested, to persons with disabilities in accessing the service if the head is satisfied that such provision is necessary in order to ensure compliance with *paragraph (a)*, and
- (c) 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.

(2) Each head of a public body referred to in *subsection (1)* shall authorise at least one of his or her officers (referred to in this Act as “access officers”) to provide or arrange for and co-ordinate the provision of assistance and guidance to persons with disabilities in accessing its services.

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

Accessibility of services supplied to a public body.

**27.—**(1) Where a service is provided to a public body, the head of the body shall ensure that the service is accessible to persons with disabilities.

(2) *Subsection (1)* shall not apply if the provision of access by persons with disabilities to any services provided to the body—

(a) would not be practicable,

(b) would not be justified having regard to the cost of doing so, or

(c) would cause unreasonable delay in making the goods or services available to other persons.

(3) In this section references to the provision of services include references to the supply of goods.

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

Access to information.

**28.—**(1) Where a public body communicates with one or more persons, the head of the body shall ensure—

(a) if the communication is an oral one and the person or persons aforesaid has a hearing impairment and so requests, or

(b) if the communication is a written one and the person or persons aforesaid has a visual impairment and so requests,

that, as far as practicable, the contents of the communication are communicated in a form that is accessible to the person concerned.

(2) Where a public body communicates in electronic form with one or more persons, the head of the body shall ensure, that as far as practicable, the contents of the communication are accessible to persons with a visual impairment to whom adaptive technology is available.

(3) The head of a public body shall ensure, as far as practicable, that information published by the body, which contains information relevant to persons with intellectual disabilities, is in clear language that is easily understood by those persons.

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

## **Alternative Formats**

**Please note that this document is also available in the following formats:**

- Plain English (Jargon Free);
- Easy-to-Read Summary;
- Large Print;
- Audio Tape;
- Braille;
- Accessible HTML.

## **Further Information and Advice**

For further information and advice on any aspect of this document - including information on agencies providing advice on accessibility and document formatting services; NDA and other publications which may be of help; etc.-, please contact:

### **The National Disability Authority**

25 Clyde Road, Dublin 4, Ireland.

Tel. (01) 6080400

Fax. (01) 6609935

[www.nda.ie](http://www.nda.ie)

**The Standards Unit at the NDA e-mail:** [standards@nda.ie](mailto:standards@nda.ie)

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**Comhairle** - the national support agency responsible for supporting the provision of information and advice on social services.

Comhairle, 7th Floor, Hume House, Ballsbridge, Dublin 4.

Telephone: (01) 6059000

Email: [info@comhairle.ie](mailto:info@comhairle.ie)

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

**For more information see also:**

[www.assistireland.ie](http://www.assistireland.ie)

**This database contains relevant information, products, suppliers and resources relating to daily living and disability in Ireland.**

**Lo Call 1890 277 478**

**Email:** [support@assistireland.ie](mailto:support@assistireland.ie)

**For general information on public and social services see:**

[www.oasis.gov.ie](http://www.oasis.gov.ie)

For information on the Equal Status Acts 2000 to 2004 please contact:

The Equality Authority,  
2, Clonmel Street,  
Dublin 2.

Phone: (01) 4173333  
LoCall: 1890 245 545  
Email: [info@equality.ie](mailto:info@equality.ie)

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

GIVEN under my Official Seal,

6 April 2006.

Michael McDowell

Minister for Justice,

Equality and Law Reform.

## **EXPLANATORY NOTE**

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

This Order declares that the Code of Practice set out in the Schedule to this Order is an approved code of practice for the purposes of the Disability Act 2005.