

Loud & Proud

Autumn 2002

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NEARLY ... BUT NOT QUITE!

In April 2000 a wheelchair user bought a ticket for a concert five months later and was told that the concert would be standing only. The concert providers were aware that he was a wheelchair user.

The concert took place in Hull City Hall which was refurbished to the tune of £3.5m in 1990. Of that, £500,000 had been spent on enabling people with mobility problems to access the main hall and the balcony. However a wheelchair user attending any concert has to sit at the back of the hall where a "refuge" has been built for evacuation. Mr Baggley, while able to hear the concert, was therefore unable to see the performer, as his view was blocked by people standing.

Mr Baggley brought a claim under Part III of the DDA. He argued that the concert providers had not provided an auxiliary aid in the form of a raised platform, which would have enabled him both to hear *and* see the concert. The absence of this platform had

meant, he claimed, that it had been impossible or unreasonably difficult for him to enjoy the concert. The District Judge who first heard the case accepted that the service provided was both hearing and seeing the concert. He also accepted that a raised platform at the back of hall was an auxiliary aid.

Hull council's defence was that they had taken all reasonable steps to try to provide the platform before the concert but had been unable to do so. Mr Baggley argued that they should have been aware of the provisions of the DDA from 1996. They had been under an anticipatory duty to provide auxiliary aids from 1999 and in any event, they had known from April 2000 that he, a wheelchair user, had bought a ticket for a standing concert to be held in September of that year.

The council submitted that they had identified two ways of providing a platform. The first was to commission a purpose-built platform at a cost of £20,000. The second was the temporary transfer of a platform from a local ice rink at a cost of £400-£800. This latter solution, however, would have swallowed almost the entire profit they would have made. The District Judge's initial view – and this is of interest to all service providers – was that it would have been more reasonable to spend £20,000 for a permanent solution. Ultimately, however, he decided

that as there were only 5-6 such standing concerts a year, it was not reasonable in this case for the council to have spent £20,000.

Had this not been the case, however, he did say that it was irrelevant that £20,000 was beyond the theatre manager's budget. The Code of Practice that accompanies the DDA makes it clear that when assessing what is reasonable it is not the discrete finances of the particular provider, *ie* the theatre manager, that should be considered. It is the overall finances of the service provider, which in this case was the council, that should be taken into account and the council could have afforded £20,000.

Mr Baggley lost his claim and was unsuccessful on appeal. The court held that the council had taken all reasonable steps to try to provide the auxiliary aid of the platform before the concert, notwithstanding the length of time it had known about its anticipatory duties under the DDA and that Mr Baggley intended to attend this concert and the fact that, by the time this case was heard, a solution at a cost of £4,000 had been found. The court's decision might have been different if such standing concerts were not such a small part of the service generally provided in that hall and if the council had been unable to demonstrate the steps that it had taken since 1990 to make the building accessible.

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If you have any comments of suggestions for future issues of Loud & Proud, please let us know.

We would like to thank everyone who has contributed to this issue of Loud & Proud.

DISCLAIMER:

The views in Loud and Proud do not necessarily reflect the views of Choices and Rights Disability Coalition.

Brain Switch!

Operating a computer with your brainwaves

I wrote an article last year about being the first disabled student in Britain to achieve a degree using a head pointer.

Well, over the last 8 weeks I have been working with Dr. P Coia at Fieldhead Hospital. We have been researching a brainwave gadget called the Cyberlink.

The Cyberlink is an interface between humans and machines, and enables hands-free control of computers and electrical devices. It consists of three sensors on a headband that detect your brainwaves and facial activity (i.e. jaw, eyebrows, etc.), and an interface box that plugs into your computer so your mind can do the rest. The brain and body signals detected by the sensors in the headband are amplified, digitised and transmitted to the computer.

Supposing you couldn't use your hands, wouldn't it be useful to move the cursor and then click just using your brain? Can you imagine that!? Well that is exactly what Cyberlink is designed to do.

As soon as I went on it I knew the Cyberlink was something special. All my life I've been using switches, and there have been very few innovations in switches over the years. The Cyberlink is different from ordinary switches, as they can take about 30 minutes to set-up in the right position so the particular user can press the switch by their hands, feet, head etc. The Cyberlink

takes weeks or months to calibrate the settings properly depending on the user. I was using it for 8 weeks and I didn't even finish calibrating the settings fully on myself.

In the first week I was working on the eyebrows settings, using the 'Pong' game for up and down movements. It was really strange using my eyebrows as I never used my eyebrows before in this way. As I improved with using my eyebrows, consequently the settings needed to be adjusted again.

A lot of users get repetitive strain injuries on ordinary switches, however I don't think they will with the Cyberlink as the user is only moving their eyebrows, eyes, jaws and brain activity.

The cyber link is definitely a breakthrough as it is the next generation of switches. I think Cyberlink will be very useful for people with Cerebral Palsy, like myself; however, this will be a powerful tool for many more disabilities, for example the users who have bone diseases like latest stages of muscular dystrophy to improve their quality of life.

There is some work from the USA on a small number of people with various types of head trauma (e.g. someone who was diagnosed as in a persistent vegetative state - who managed to type "hello"! Before Cyberlink, they thought the person couldn't communicate with anyone!!

My research is on my website www.headpointer.co.uk

Mobile Toilet?

Here at Choices and Rights, we've got used to being treated differently by other groups and recognise that we are seen as feisty and prepared to speak our mind. But we do try and work with groups that work 'with' disabled people, as we recognise we can't change the world overnight.

However, recent events have left us stunned.

First of all, a group we have been working with for a long time, told one of our staff that we couldn't go on an event as we weren't 'fit' enough. (This is a group that supposedly promotes 'inclusion for all' but it appears it should be inclusion for all but Choices and Rights staff!)

Secondly we received a newsletter from another local group that is for disabled people, announcing they have a new meeting room that is available for use, but wheelchair users can't use the toilet!

As an individual, I decided to resign from this group and wrote a polite letter expressing my disgust at treating disabled people in this manner. The reply I received was both rude and unprofessional.

One of the leading people in the organisation phoned me at work, refused to give her name and then ranted on for about five minutes about why I hadn't got the point. She concluded with the

incredible statement ... are you ready for this? ... that "wheelchair users usually carry their toilet requirements with them" !!!

I have seen many sights in my life, but I have never seen a wheelchair user carrying a WC around!



Self activated flushing wheelchair ... comes in handy when facilities are not available for disabled people !!

On a more serious note, if some disabled people decide to discriminate against other disabled people in this way, it does make us wonder whether it's all worth while.

On the other hand, it shows just how important our work is and that despite groups using words such as equality, inclusion, and integration, the words mean

nothing without ACTION.

We were just getting over this when we received an email from someone requiring help who lives in the East Riding.

They had telephoned another organisation in Hull that assist disabled people and half way through getting the information she needed, the advisor stopped and told her he'd been told by his boss to stop helping her as she lived in the East Riding.

Although all voluntary organisations have to work within certain boundaries, etc, the lack of help and sensitivity shown in this case is astounding.

At the CIL we cover both Hull and the East Riding, but we have also provided information (at least as a starting point) for people all over the UK and abroad. We don't do this to get extra 'brownie points' we do it because as disabled people we know how hard it can be to find out what you need to know, and if we can help,

we will.

On this occasion, we have decided not to name and shame the three organisations concerned.

However, if this keeps happening, we believe that we should do more to ensure that disabled people are getting a good service and we will take action.

Parking or Barking?

Disabled Car Parking

You know that feeling when you think to yourself "I wish I'd said that", but you miss your moment? Well, here's a little sample of what we all must feel like at some point or other.

Please feel free to send Choices and Rights your examples for inclusion in a future newsletter:

"Excuse me, did you know you've parked in a space for disabled people? "

"So? "

"Well, I don't think you've got a parking badge? "

"No I haven't"

"Well, would you mind moving it then as it is reserved for a reason"

"I'm only going to be a few minutes"

"Look, that's not the point, In that few minutes someone might come along and really need that space"

"What's it got to do with you? You don't work here"

"No, but I don't think you're being reasonable. "

"I don't care, you lot all get too much money anyway"

"Look, if you don't move it, I'm going to get the manager"

"So, what"

"Right, if you don't move it, I will open the boot of my car, take out one of the range of anti tank weapons I've got, blow your stupid car and it's stupid owner to pieces and scatter your body for the birds to peck at. Now move it!!! "



"Ok, no need to get mad. Typical, you disabled people really have a chip on your shoulder don't you"

Car Parking Abuse Continues

Choices and Rights have always been keen to pick up on the issue of abuse of designated spaces for disabled drivers and have already tackled shops, health and social services and deputy prime ministers about the situation.

We have also signed up for the Baywatch campaign and recently took part in a nationwide day looking at car parking abuse at

supermarkets across the country. We will let you know the results when we have them.

However, we thought we would add our own little twist. Both John Prescott and boxer Naz Hammed have already been caught parking in designated spaces and a couple of years ago traffic wardens were caught by the Hull Daily Mail parking in our spaces. More recently police officers have been caught out in both Cardiff and Manchester.

So, let us know who you see parked in our spaces. Whether it's the name of the firm or a local celebrity, we want to know.

Independent Education Advisory Service (IEA)

The Independent Education Advisory Service (IEA)

The Independent Education Advisory Service (IEA) provides information, advice and support to parents, carers and families who have babies, children or young people with special needs.

The IEA is a free, national voluntary organisation with Trained Advisors. At the IEA Service we provide neutral and factual support on all aspects of the Special Educational Needs (SEN) framework to help parents and carers play an active and informed role in their child's education.

There have been two evaluations of the IEA Service:

- Mar 2000 Kingston Upon Hull
- Jun 2001 East Riding Yorkshire

Both of these reports are available on request.

The Independent Education Advisory Service (IEA) has over a decade of experience in supporting and assisting families. Support is available from birth to 19.

The IEA offers advice, information and support in relation to:

- educational rights
- help with the special needs system
- The Special Educational Needs (SEN) Code of Practice

We also offer

- Parents Forums
- Children's Groups
- Code of Practice and Independent Parental Supporters Training
- Outreach support

Unidentified special needs and early identification

At The Independent Education Advisory Service (IEA) we recognise that some babies, children and young people may have unidentified special needs.

Therefore, we welcome calls from concerned parents, carers and families who may not have been in contact with a health or educational professional and a diagnosis has not been made

It is extremely important that special needs are identified as early as possible.

Together we need to ensure that the appropriate support is in place for your baby or child

Training

• Code of Practice Training

At The Independent Education Advisory Service (IEA) we can provide training on the Code of Practice (2002) to suit your individual or organisations requirements.

• Independent Parental Supporters (IPS) Training

We welcome people who are interested in training to be an IPS.

Please register your interest for these training opportunities.

The Independent Education Advisory Service (IEA) is one of the services offered by KIDS (Working for Children with Special Needs)

KIDS is a national charity dedicated to helping children with disabilities and other special needs. We work in partnership

with parents and children. We help nearly 3,000 families annually in four regions.

The KIDS mission is to ensure that children with disabilities and other special needs develop their skills and abilities and fulfil their potential, hopes and aspirations.

The other services offered by KIDS include:

- Home Learning (Portage)
- The Nursery at KIDS
- Outreach nurseries
- Play and leisure services including playschemes, Saturday Clubs and Befriending.

Please ring KIDS 01482 213030 if you are interested in these services.

Contact and further information for The Independent Education Advisory Service (IEA)

The Independent Education Advisory Service (IEA)
Mrs Shirley Pethick (National Director)
KIDS Family Centre
Centre 88
Saner Street
Anlaby Road
HULL
HU3 2TR

Tel: 01482 213030
Fax: 01482 321439
Email: shirley@kids-yorkshire.org.uk

You can also find out more about The IEA Service and KIDS at:
<http://www.kids-online.org.uk/>
<http://beehive.thisishull.co.uk/education/>
<http://beehive.thisishull.co.uk/kids/>

No Sound of Music

by Edythe Buchwald

Yesterday it happened again. I was the luncheon guest of an old friend and her new husband. I wanted to make a good impression, but in the Landmark mansion-turned-restaurant, high ceilings, bare floors, enormous stairways and huge bay windows made the place an acoustic echo chamber for my hearing loss. I heard correctly when my friend ordered Chablis blanc and I nodded to the hovering waiter that I would have the same.

"I would like raspberry," I heard her husband say. "Oh," I said, "I'd like that too. Please change my order".

A glass of wine was served with a flourish to my friend, and, to my dismay, a glass of beer to her husband and to me. A startled "Oh!" escaped me. My host had ordered draft beer.

I hear the vowel sounds rather well and supply consonants that seem to fit the occasion. The "a" in "draft" and the "ee" in "beer" had composed themselves into "raspberry" to me - raspberry wine. He covered my discomfort with a quite word to the waiter, but, having good hearing, he could not possibly have understood my erratic behaviour.

I live with mortification and embarrassing moments. I sometimes feel that if I were not hopelessly gregarious, I would become a recluse, an anchorite, a hermit.

The media informs the public, graphically and at length, of several highly visible disabilities.

The invisible disability of hearing loss fares less well. The lack of knowledge is the root of despair in the person with the hearing loss, and of extreme irritation among associates. Sad but true, hearing loss can lead to divorce. Sounds that do not distinguish themselves into words do not produce successful communication.

Regardless of how many times I am told "You can hear when you want to", I cannot. I can pretend to hear, but usually that causes more problems than it solves. For example, in making introductions, people invariably look at the one whose name they are saying, eliminating any possibility of my hearing it. An unintentional act, and totally effective. Asking to have a name repeated, perhaps even a second time may bring an impatient look but in the long run, that is preferable to the one of perplexity at an inane reply to what I thought I heard.

In a noisy hotel lobby at a national convention, my husband introduced a man with "Dear, you've heard me speak of Colonel Pettit. I heard only the first and last words. Or, actually I heard the vowel sounds and again supplied the consonants that, in my imagination seemed to fit the occasion. "Oh yes!" I lied "and what part of Texas are you from?"

Having ridden the anticipation to disappointment roller coaster a number of times, I have learned to decline invitations to large parties whenever possible. I may hear a cheery "Hello!, mumble ... mumble ... mumble ... mumble"

Was the mumble a trite "How

are you?" or "Isn't this a lovely party?" or even "you look stunning!" My only clue to a suitable reply is interpretation of facial expression. Of course, if it is a close friend, I can simply ask "What?" Being candid has advantages, but when candour is unfeasible, I assume as pleasant an expression as I can muster and feeling like a mannequin, occasionally utter non-committal sounds. When I do not respond with the expected social strokes, I am thought to be aloof - or stupid - and am abandoned. The unintelligible clamour grating on my nerves, at times, becomes unbearable.

Then I switch off my hearing aid and amuse myself with whatever fiction enters my head. A fertile imagination and an active sense of humour are essential to survival. A world of indistinguishable sounds is a baffling and lonely one, It is claustrophobic to be locked in with only my heart beat for company. Not hearing creates a chilling quietness like being lost, and alone, in a blizzard - continuous movement all around me, but no noise to bring it to life.

"Nothing Quite makes sense"

It all started with an ear infection in early childhood. The hearing loss was slight and I was unaware of its gradual increase until I was teaching school. One day I had just asked a pupil to repeat and answer a third time when I suddenly realised that the problem was my hearing. A drugstore hearing aid got me through the school year. Since

then, four surgical operations for cholesteatoma (a bone destroying infection) and complications have banned me from the world of normal sound, but not quite banished me to total silence. I am deaf, according to Webster: "deprived of a sense of hearing, whether wholly, or in part."

Psychologists term an acquired severe hearing loss, "the greatest single trauma a person can experience". It is the one disability that sets people apart from their fellow human beings. Man has a basic drive to communicate beyond minimal needs. Language was evolved for just that purpose. Have you ever been intimate with a partner with a hearing loss? Can you imagine the effect on that partner's emotions when the soft words, whispers, murmurs are unheard?

"Listening is the predominant means of communication used every day throughout a lifetime." Lynn K Snell, chair of the Speech and Communications division at the university of Minnesota, said in an interview in U.S. News and World Report: "Individuals spend 80 percent of their waking hours communicating in one way or another. Of that time, about 45 percent is spent listening ... listening is much more complex than reading ... people can put aside their reading and return to it later, but in listening the message is written on the wind. It is transient. You get it first time or it is lost."

Without stimulating, informative, humorous, affectionate verbal exchange, the very medium of intellectual growth is cut off. The nonsensical meaning of the partial sentences I hear addles my thinking. Nothing quite makes sense. No ordinary sound sounds ordinary. I must

make a conscious sustained effort to associate ideas and events, that normally hearing people absorb in casual conversation, in order to stay in the mainstream of living. And, I must remember to add the final consonants (that I do not hear) to past-tense verbs, to pronounce the 'd' in "don't" and the 'in' in "instead", to add the 'an' to "Marian".

The sound of my own voice is internalised. I never know whether I am whispering or shouting. I have learned never to make a comment in public that I do not wish to be a public statement.

"Don't you read lips?"

I am asked. Every person with a hearing loss read lips - instinctively. Proficiency in it is an art, if not a heaven-sent-gift. At best, lip readers can catch only one-third of the spoken words. In normal conversation, the lips make 13 movements per second; the eye can translate only eight of these to the brain.

It is no small accomplishment to understand a speaker by watching his lips, tongue, teeth, and throat muscles, and, at the same time concentrate on what he is saying rather than on the effort to "hear" it. Without directional hearing (being able to discern from what direction a sound is coming), following a group conversation is like watching a tennis match: keeping my eye on the ball. Sometimes I miss the serve. Unless I happen to be looking at the person who initiates it, I can only guess at the topic. I concentrate so hard I get a slight headache. I can inquire, but only as a last resort. It distracts the entire group. Inquiring can be safer than guessing, however. It prevents me from offering some totally non-sequitur that embarrasses me, and my hearers

for me. A hearing loss is day after day after day of tenseness; it is an alienation from the joy of living.

My loss diminishes others too. My blindness could not dim *your* vision; my lameness would not impede *your* mobility, but my hearing loss thwarts your ability to communicate. When I do not hear you, your social impulse as well as mine is inhibited. If you are unaware of my predicament a mutually rewarding relationship can founder on that hidden barrier.

The invisible condition.

Hearing loss is not announced by a white cane, or crutches, or a wheelchair, it is true, but it is visible when you see the tensed jaw muscles, the strained alertness around the eyes, the puzzled expression, try not to show your impatience. Try not to send a friend an anguished look. Remember I can see. Let me see your face when you speak; do not cover your mouth with your hand, or talk to me with your back turned - or from another room.

Shouting only distorts sound frequencies and you sound to me as if you are practising Chinese. Just speak clearly at a moderate speed in a normal tone and, please, do not drop your voice at the end of a sentence on the punch line. I like to trade "bon mots" as well as you do.

I know of no adequate means to demonstrate a severe hearing loss. The physical aspect of blindness can be simulated by simply closing one's eyes. Ears cannot be closed and opened at will. A person with normal hearing wearing swimmers' earplugs can hear conversation 12 feet away. Without my hearing aid, I cannot hear shouting from a distance of two feet.

I am denied not only the

pleasure of the theatre, movies, lectures, concerts, but also the aural banalities of ordinary existence. I do not hear (and understand) store clerks, cashiers, or anyone else in casual daily encounters. I am deprived of all the miscellaneous information you hear, and overhear, in random conversations around you. I overhear nothing. I cannot hear you whisper.

If I hear the doorbell, I answer it expecting to be confronted by a stranger whose words I cannot understand. I hear a telephone ring only if I happen to be in the room with it. When I am called to the phone - one with the built in adjustable volume control - I can hear the incoming voice more or less normally. That is, I can understand the words, but I cannot recognise the voice. To hear a soft or high pitched voice I attach another (battery-powered) amplifier and adjust it, too. By now the voice is so depersonalised it has the person-to-person rapport of a directory-assistance recording.

Any voice on a public address system is unintelligible. Those sounds bounce off all six hard-surfaced sides of a classroom, a hospital waiting room, an airport boarding area ... they add distraction to my frustration and not one iota to my information.

Walking downtown I must remind myself to stop and look both ways like a school child before crossing a street. Indoors or out, I am startled by the sudden awareness of another person at my shoulder. Not warned by the sound of footsteps or a door opening or closing, that unexpected body is, for an instant, a shock - a threat - experienced by my whole being. It triggers an automatic fight or flight response;

quicken heart beat, sweating palms, churning stomach - and all the emotional and physical upsets that taut nerves can cause.

An acquired hearing loss rarely happens suddenly. It is insidiously progressive, a "quiet shutting, one by one, of doors" But I remember the sounds behind those doors - the patter of rain on the roof and wind rustling in the trees, the first four notes of Beethoven's Fifth Symphony, that a bird sang by my bedroom window and the whirr of the alarm clock. I remember the ticking and chiming of clocks, the tiny percussive snaps of chopping fresh vegetables on a cutting board, the ping of the timer, the rainy sound of the sycamore leaves in the wind, the sound of a lifting sail and of waves spanking the hull of a boat, the rustle of autumn leaves underfoot, children's laughter as they romp home from school, distant Christmas carols in the frosty air.

"Don't bend your eggs" my husband said one evening.

"Don't what?"

"Don't blame your age" he repeated (those vowels again). He read aloud from a magazine. "Three and a half million children are afflicted. Thirty to sixty percent of college freshmen cannot hear perfectly."

As diverse in its victims as it is in its causes, hearing loss is no respecter of age, wealth, beauty, sex or profession. In the USA there are 28 million people with hearing loss. That adds up to more than all those suffering from heart disease, cancer, multiple sclerosis, blindness, tuberculosis, venereal disease, and kidney disease combined.

The reading and viewing public is informed about the problems of these afflictions, but precious little is told to clarify the plight of

people who are hard of hearing.

The peripheral effects on the personality are an unacknowledged cause of bickering, friction and discord. I am the same person I was when I could hear well; the essential self is immutable. But the utter frustration of being isolated from the ordinary sounds of life builds into a silent, impotent rage.

I become moody and withdrawn. I feel that the world is rejecting me and I fight back by rejecting it. I am torn between the longing to participate fully in all that each day offers and the wish to withdraw completely. I feel insecure, my self-confidence plummets.

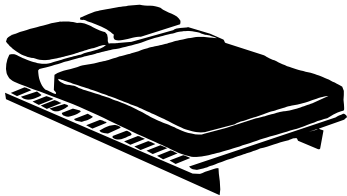
There are compensations, I tell myself. I can flick the off switch of my hearing aid and get rid of all those noises nobody wants to hear, the roar of the 16 wheeler in a city street, a noisy party in the motel room next door, the teens TV programs and blaring stereos, the neighbours yapping dog, and I can turn off the garrulous bore who leaves me stony eyed. Trivial, relatively, but they are tranquillisers that help me cope.

I am happy to have escaped the ear trumpet (a cow horned shaped gadget held to the ear and shouted into), and I am confidently awaiting the hearing aid that can reproduce normal hearing. In the mean time I do wish mine would behave more like the mechanical device it is than a temperamental prima donna. It has a life of its own; it "sings" at odd and inconvenient moments.

I shall never forget the first time it "sang" when my husband kissed me. I flinched, but he held me close and said, "who else responds with a squeal?"

No, I don't seek solitude - only understanding.

Equipment Service



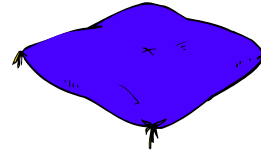
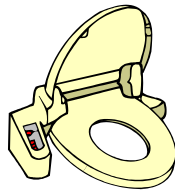
The **Hull Joint Equipment Service** is a partnership between Kingston upon Hull Social Services Community Services Directorate, and Hull and East Riding Community Health NHS Trust.

The service aims to provide the necessary support to professional who are working in the Nursing, Occupational Therapy and Rehabilitation Service. It gives access to a wide range of equipment, which aids daily living and supports nursing care.

The service offers an efficient and effective delivery, installation and retrieval service with a dedicated team working across the agencies.

Where equipment is no longer required the team collects promptly and ensures infection controls systems are in place so that the equipment is clean maintained and ready for re-issue. In the event of equipment failure the team is usually able to carry out the necessary repairs and maintenance in the home. If a major overhaul is necessary this will be carried out in the workshops and if possible an alternative piece of equipment supplied.

The service currently has 2 bases East and West of the City which are computer linked, one



is at Burma Drive and the other at Victoria House Park Street. The stores are administered centrally at The Joint Equipment Service, Victoria House, Park Street Hull.

The range of equipment that may be accessed via the JES includes such items as:

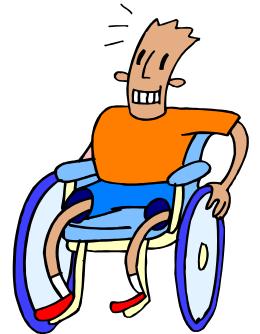
- Bathing/Showering Equipment
- Children's Aids/Equipment
- Equipment to aid Independence in the home
- Handling/Transfer Equipment
- Mobility equipment
- Nursing aids
- Pressure relief equipment
- Sensory Equipment
- Toileting equipment
- Walking equipment

The full range of equipment is documented in a catalogue, which is available at most Health and Social Service bases.

For further information please contact:

The Stores Manager
Hull Joint Equipment Service
Victoria House
Park Street
Kingston upon Hull
HU2 8TD

Tel: 01482 617719 or 617779



Disability Discrimination

Important Notice:

This article has been produced in good faith by Choices and Rights to provide general information and guidance of the Act, and must not be regarded as either an authoritative or complete statement of the law.

Unless you have been living on Mars for the last decade you can hardly have failed to notice the introduction in 1995 of the Disability Discrimination Act.

This Act was the product of years of concerted campaigning and lobbying by individuals and organisations of people with disabilities.

As one of the many thousands of people with disabilities who were asked to comment upon the act before it became law, I, like most others, concluded that thought the act had considerable weaknesses and was not all that we hoped for, it was a beginning upon which we could all build.

The struggle for a fully comprehensive Disability Discrimination Act continues.

Part III - Goods, Facilities Services and Premises

Unlike regulations under the employment provisions of the Act (Part II) there are no exemptions for service providers on the basis of their size (to bring a action under part II the business or organisation must employ more than 15 people).

Unfortunately for people with

disabilities the Act excluded education, the use of any means of transport, manufacturers and designers of goods (unless they provide a service direct to the public), services not available to the public and private clubs.

Timetable for Implementation of part III

Since December 1996, it has been unlawful for providers of goods and services to treat people with disabilities less favourably than other people for reasons related to their disability.

As from 1st October 1999, service providers are expected to make reasonable adjustments for disabled people, such as implementing extra help or adaptations to the way they provide their services.

From 2004 service providers will also have to consider reasonable adjustments to the physical features of their premises to overcome physical barriers to access.

Who does the act cover and when does discrimination occur?

All organisations and businesses that provide goods and services directly to the general public, are covered by the Act. This includes: shops, café's, service providers (doctors, dentists, opticians, banks, building society's, solicitors, accountants, etc.), restaurants, cinemas, garages, hairdressers, public houses, supermarkets - this list is not complete but intended to give a general idea of those covered by the Act.

As well as an organisation or businesses main trading activities, the act also covers information relating to the business, toilets, phone and telecommunications, car parks and any and all services available to the general public.

Organisations and businesses can discriminate against people with disabilities by:

- Treating people with disabilities less favourably* than non disabled customers because of their disability; and
- Failing to make reasonable adjustment^ to the way that they deliver services so that people with disabilities can not access them.

* less favourably means:

- charging a person with disabilities more for the same services offered to non disabled people;
- giving people with disabilities a sub standard or lower standard of service;
- refusing to provide a service to someone because they have a disability

^reasonable adjustment: is an essential element of the goods and services provision of the Disability Discrimination Act. As the Act requires all non exempt organisations and businesses to make all reasonable steps to make their services accessible to people with disabilities regardless of their impairment.

In all these examples there must be a direct connection between the individuals disability and the less favourable treatment they experience. An organisation or business does not have the right to refuse to provide a readily

Act Part III: Explained

service, which they are offering to the public, to someone because of that person's disability.

What are Service Providers required to do under the Act?

Service providers are required to take all reasonable steps to adopt or change policies, procedures and practices to remove barriers that make it difficult or impossible for people with disabilities to access their services.

This would also include providing auxiliary aids or services to assist people with disabilities. For example, it may mean providing information or publicity in different formats (large print, braille or tape). Alternatively, simply providing extra assistance to people with disabilities from specially trained staff and disability equality training to all staff.

Try to consult with disabled people about how they might be served and do not make unfounded assumptions about what is best. Remember that people with disabilities have the same right to choose as non-disabled people. Always treat disabled people with respect and dignity. Making segregated provision might well amount to less favourable treatment and be illegal.

Where a physical feature makes it difficult or impossible for someone with a disability to use a service, the service provider must provide a reasonable alternative

method for making the service readily available or accessible.

It must be stressed that at the moment service providers do not have to remove or change physical features of their premises, or provide a reasonable method of avoiding the feature.

These requirements will not be introduced until 2004. Though it must be remembered that service providers cannot simply address these issues if and when they arise, the Act requires all service providers to plan ahead to meet the needs of people with disabilities.

Should you encounter access difficulties with a service provider it is worth reminding them that there are over 10 million people with disabilities living in the United Kingdom.

Any adaptations or adjustments that they make will not only improve access to people with disabilities, it will also benefit elderly customers, mothers with prams and even possibly their own staff.

Not only will they avoid potential legal action against them, but also they will develop and retain the goodwill of people with disabilities and their families and friends. After all, 4.7% of customers will either be disabled in some way or close to someone who is.

It must be remembered that service providers do not have to make adjustments that would fundamentally alter the nature of their business, profession or service.

What to do if you feel discriminated against

Talk to the service provider concerned, it might just be that they are currently not aware of your difficulty or that they might be breaching the Disability Discrimination Act, and are only to willing to try and resolve the situation by adapting their service accordingly.

If you feel that a required service provider is still discriminating against you, it is possible to bring civil proceedings. This you can do yourself or with the help of a solicitor or caseworker.

If you telephone the Choices and Rights Disability Information Line, they might be able to put you in touch with someone who can help free of charge (if you qualify).

Court action must be started within six months or less of the alleged incident of discrimination. If your action succeeds, you may be awarded compensation for injury to feelings or financial loss.

Employers are responsible for the actions of their employees in the course of their employment, even if the act took place without either their knowledge or approval, unless they can prove they took reasonable steps to prevent the employee from acting in this manner.

For further information about the Disability Discrimination Act and discrimination, visit the Choices and Rights Website at: www.choicesandrights.org.uk

Bit of this ...

Wheelchair Marathon Anyone?

Essential summer reading in the Choices and Rights office is 'Seize the Day', autobiography of Tanni Gray-Thompson, the very famous wheelchair athlete. Her story is an interesting one although she appears to have mixed views on the rights issue for disabled people.

Whilst agreeing that inclusion is very important, she was offered a job with one of the major organisations involved in promoting sport in the UK and spent around 6 months crawling up stairs every day to get to work! She also comments that many young disabled people wouldn't even think of getting out their chairs and dragging themselves and the chair upstairs. I'm sorry, but I don't think chair dragging is going to catch on as a spectator sport, although I do remember a friend of mine being dragged along in his chair by his mate in his car, until he went to fast and dislocated his shoulder!

Despite the mixed messages, the book is well worth reading, not least to read about the attitude of many disabled athletes to each other and Tanni's thoughts about the lack of a ramp at the BBC Sports Personality of the Year Awards.

Access All Areas!

2004 is getting closer and Britain's businesses and services are being warned by the Disability Rights Commission that they

need to be installing features like ramps, automatic doors and removing other physical barriers to comply with the Disability Discrimination Act. The DRC have launched a new guide to help small businesses understand their requirements called 'A Practical Guide for Small Businesses'. Once the regulations come into force service providers and shops could be sued if they fail to make alterations. Choices and Rights are looking forward to 2004 with some excitement and if anyone would like advice on what they need to do, please ring our office on Hull (01482) 788668.

Comedy Surprise

I had a surprise recently when I went along to a comedy night at Hull Truck Theatre. The main act, comedian Chris Addison as part of his act commented on the lack of good role models in the media for disabled people! As well as being a really funny guy, I was surprised at his awareness of such issues as most comedians (even the so called 'alternative' ones) still appear to feel that although racist and sexist jokes are off the agenda, disabled people are still ripe for jokes. If I hear one more Stephen Hawking joke, I think I'll have to start listening to Bernard Manning for some relief!

However, Chris as well as making comments about wheelchair using athletes in a funny and positive way (see, it can be done Jonathon Ross), he also invited the audience to name a well know disabled person. The

best the audience could come up with was Ian Dury and Douglas Bader (both dead!) and one young guy who said, 'Yeah, that wheelchair women who runs in the marathon?' (That famous, he didn't know her name!).

So, congratulations to Chris Addison for thinking about such issues and making a point in an interesting and amusing way. Let's hope we hear a lot more of him.

Holiday in Japan?

Good news from Japan. Their Ministry of Land, Infrastructure and Transport are planning a new law that will require all public buildings to become accessible to disabled people. Currently, Japanese builders are only required to "make an effort"!

As we know from this country, making an effort isn't usually good enough and you would have thought that a country that has so many brilliant designers in the electronics industry would have come up with some fantastic ideas for access.

DAN Strikes Again!

The Direct Action Network (DAN) recently brought to the attention of the media the lack of suitable accessible housing for disabled people.

They staged a sit in that lasted 55 hours at a housing office in Manchester to protest against a lack of a suitable offer of accommodation for local resident Clair Lewis.

... Bit of that

The treatment of the protesters was pretty disgusting with it being reported that once the building was occupied, individuals were not allowed access to interpreters (how could they negotiate without this?), were denied any toilet facilities and one demonstrator was denied use of his medical equipment, eventually leading to him having to go to hospital.

Nice to know that human rights issues are being well in the UK.

More Taxi Problems

As regular readers will know, the attitudes of some taxi firms and their drivers have regularly featured in Loud and Proud.

One of our members has highlight yet another case of those wonderful taxi drivers who are happy to take us on patronising holidays days out, but aren't so keen on us having our proper needs catered for.

The member in question was using a specially adapted vehicle and was being dropped off at Paragon Station.

Her driver had to double park to let her out as there was no suitable place to stop. After helping her out of the vehicle, a space became available, but a taxi pulled into it behind them. The driver refused to move up to allow the member's driver to park properly and in fact, told him to move it as it "wasn't a proper taxi" or words to that affect.

Not only that, the driver yelling this displayed ... a wheelchair symbol on his taxi!

The member has put a complaint in to Hull City Council Licensing Department and if you have a taxi problem, please let us, and the City Council know!

Fancy a new friend or lover?

There's a new way to find friends or potential lovers for disabled people with the launch of a new web site:

www.4dp.com

The site is aimed at helping disabled people find partners and you can enter a personal profile about yourself, a photograph (if you want!) and can search through the database. You do have to register to use the features of the site, but there is no charge.

The Internet can be a great way to meet new people and make friends, but we would suggest that you take great care with personal information and to be safe do the following:

- Don't use your full name.

For example, if you were called Simon Parker, you could use *SimonP* or *Simon40* or any other name you want (*Batman?*)

- Don't give out your home address or phone number until you are really sure about the person you are e-mailing. (A mobile phone number is better as it isn't linked to your home)

- If you decide you want to meet someone, arrange to meet somewhere very public for the first time, and make sure a friend knows where you are (or even

invite them to site somewhere nearby) and arrange a time to "check in" so that they know you are safe.

- Remember, that although the Internet can be great fun, there are people out there, who will pretend to be what they aren't, so if the Tom Cruise look-alike turns out to look more like Barney Rubble, don't be surprised!

Wyke Community Care Project

A project aimed at identifying the unmet health and social care needs of older people, who do not meet the eligibility criteria for Social Services has been set up by Danny Brown, the Project Co-ordinator.

The community care project is being jointly funded by the Social Services and Wyke Area Committee. The project is to be a pilot project and will cover the old Beverley Ward.

This will involve identifying opportunities for the development of community-based initiatives, providing practical and support and capacity building in the community. The project will involve close liaison with both the statutory and voluntary sector with the long-term aim of changing service response from crisis to prevention.

Danny is based at the:

Wyke Economic Resource Centre, Kingston works, Beverley Road, Hull, HU5 1NP
Tel: (10482) 331393

Care Homes

Recently, there has been a number of articles in the local press about the issue of care homes being in crisis.

The main complaint appears to be that owners are closing homes because they can't 'afford' to keep people in them any more.

I find it interesting that owners of care homes now complain about having to meet new standards to improve conditions for their residents. Let's not forget that the homes are not charities or hospitals, they are profit making organisations.

They weren't complaining when they were raking the cash in and let's not think of these homes all being beautifully decorated, with dedicated caring and qualified staff looking after vulnerable people's every needs.

There are many cases of residents being physically and verbally abused, of not having any privacy, of having their benefits books held by owners and of unqualified staff handing out drugs, etc.

I recently visited a home in the Yorkshire area and there were no locks on the doors for residents, allowing them very little, if any, privacy.

I am not suggesting that all homes are bad, but they *are* businesses. If a restaurant doesn't meet the relevant health and safety requirements it closes. Why should we treat a residential home any differently?

Personally, I rejoice every time a home is closed and hope that we can redirect the money saved from fees to pay for decent support, so people can live in their own homes with respect, privacy and independence.

New Frontier

Sail, sail free.
Sail away from sleet and hail,
From debt and bail,
From the thousand year injustice parade.

Sail on a 5-mast schooner,
Crashing down,
Into deep troughs,
Then rising buoyant.

Take the strain,
Moving fast,
As fast as a high speed train,
Leaving what lies behind you.

Turn the sails,
Take that schooner,
Over wolds and dales,
Ever onwards,
To a new frontier.

Little girl, Just three,
The greater boundaries are moving
For years frozen hard,
But then the pack ice breaks free.

That you lived, was a million to one.
One against

When they look at you, Unengaged,
A 'retard' is what they see,
But you are still fighting,
Against slim chances.

The blood in our veins,
Is the same blood that always has flowed.
In their veins the plasma of intolerance,
Blood transformed,
Coagulated thick with fear.

Going back down the tree,
Our ancestors stayed, So here are we.

My daughter, Melissa, Never veer,
Carve out a frontier (out of their sight),
Live in a *real* new world,
In a country of light.

A.P. Hamilton October 2001

Loud and Proud Classified Ads

Send your Small Ads, Job Ads and Personal ads to us at Choices and Rights and reach over 1500 disabled people and voluntary organisations at the cost of just £3 for up to 25 words (Name, address and phone number free of charge).

All adverts must be paid for in advance, we have separate rates for flyers, eighth page, quarter page, half page and full page adverts.

For more information, please contact the Choices and Rights office on Hull (01482) 788668, Fax or Text Phone.

Git Award

Although we could have awarded this award locally (see mobile toilet article), we've decided that this newsletter's winner of the most Patronising Git award goes to The Major of Islington, Joe Trotter who allegedly told an audience of police officers that David Blunkett was not up to the job because he was blind. He has, of course, now apologised and said it was a 'throwaway remark'. Of course, he didn't mean it. At least, he didn't mean it once he realised it might affect his political standing!!

Kim Tserkezie

Readers of Loud and Proud will remember Kim who was interviewed last year for the newsletter. Kim is an actress and wheelchair user and has been looking for some time to get another role on TV.

Well, the good news is that since she has got a new agent in London, the work has started to

come in and she is currently filming a new TV series for the BBC called 'Balmory'.

In it, Kim plays the local shopkeeper and the good news is that her disability isn't part of the story. Kim has been filming on the Isle of Skye and other parts of Scotland and at the time of writing this is due to go into a recording studio to record some of the musical parts.

Choices and Rights send our best wishes to Kim and look forward to seeing her on TV later in the year. We'll keep you posted as to how her career is going.

Accessible Garden

Lynn Attwood would like to hear from disabled people who enjoy sitting in the garden. She needs your feedback to help her design accessible gardens. We would like to know what your particular needs would be in relation to your impairment.

This will give Lynn valuable information. We need to know what would be important to you in the layout of a garden, e.g.; if you are visually impaired you may want to consider different fragrances and textures etc. Wheelchair users may need raised flower beds and low maintenance layout.

Please help us by passing on your ideas. Forward them to Gina Tyler marked '**Accessible gardens.**' That would be great!

In the meantime if you would like Lynn to have a look at your garden with a view to helping you design a outdoor room to relax in then please call our office and we will pass your details onto her - 01482 788668.

I have to add that Lynn has just designed my garden and turned a concrete back yard into a Mediterranean haven.

Thanks - Gina Tyler

How to send us your articles ...

We prefer you to send articles by email or as computer files since this makes our layout work easier and quicker. If you don't have access to a computer, handwritten articles are best submitted in BLOCK CAPS text where possible.

Tips for sending computer generated files:

Save/Export your file as:

- Plain Text (.txt)*
- Rich Text Format (.rtf)*

Please DO NOT save the files in your programs native format as we may not be able to access them. To send us a computer file please use one of the following media types:

(IBM / PC Format)

- 3.5" Floppy Disc
- Zip 100/250MB Disc
- CD-ROM

(MAC Format)

- 3.5" Floppy Disc

Notes for email:

Please insert as a file, or clearly mark where the article starts and finishes.

Where to send your articles:

Email:

lp@choicesandrights.demon.co.uk

Post:

Choices & Rights
Arthur Richardson Centre
Savoy Road
Hull
HU8 0TX

Fax:

01482 719590

STOP PRESS

Newland Avenue

Hull Friends of the Earth have been allocated land at the allotments off Newland Avenue, Hull.

They have big plans to build an accessible garden that can be both enjoyed and maintained by disabled people with a range of impairments.

They are keen to get local people involved. The project is still at the planning stage, but if you want to register an interest in the project, or you think that you may have skills to offer or are able to volunteer some time to the project (this may include manual work) please contact Alan Tharratt on 01482 - 494598 (evenings only).

Disability Information Service



Using *local area* data and national data provided by DIAL UK, we are able to offer you lots of practical information on all sort of topics including:

- Law & Rights
- Education
- Social Issues
- Holidays
- Transport
- Accommodation
- Direct Payments
- Volunteering
- Personal Matters
- Arts & Leisure
- Aids & Equipment
- Sports & Interests

Contact the office 10am to 4pm weekdays, or you may leave an answerphone message at all other times.

 - **01482 788668**

Text - **01482 719591** Fax - **01482 719590**

Contact Details



Telephone: 01482 788668

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Website

<http://www.choicesandrights.org.uk/>

Disability Housing Service Tel: 01482 719584

Mark Baggley MBaggley@habinteg.org.uk

DISCLAIMER:

The views in Loud and Proud do not necessarily reflect the views of Choices and Rights Disability Coalition.

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