

## The effect of the Equality Act 2010 and the Building Regulations 2000 Part M on the design and specification of freestanding reception desks: guidance for suppliers and purchasers

The provisions of the Equality Act 2010 (the EA) supersede and carry forward the provisions of the Disability Discrimination Act 1995 (the DDA). The EA requirements as they relate to reception desks are unchanged from the DDA, but there is now a single trigger point for when adjustments have to be made. Reasonable adjustments have to be made to avoid a disabled person being put at a “substantial disadvantage” compared with non-disabled people.

So what has changed? The Equality Act is stronger than the Disability Discrimination Act because it extends some protection, and introduces some new forms of protection, for disabled people. For example, it provides new protection for disabled people from indirect discrimination. In addition, it provides better protection from discrimination that arises from something connected with a person’s disability (for example where a user of an assistance or guide dog is discriminated against because of their dog, not because of their disability). Also, the Equality Act provides protection from disability-related harassment in more areas, such as in access to goods and services, or private clubs.

The **Equality Act** affects all reception areas in every business. Whether or not the **Building Regulations** (and the related Approved Document part M “Access to and use of buildings”) apply to free-standing reception desks is a matter on which differing views seem to be held. A technical specialist on the Building Regulations part M at the Office of the Deputy Prime Minister, which has responsibility for this legislation, has advised us that, in his opinion, freestanding furniture would not be considered to be “Building Work” as defined under the regulations (Part II, section 3.), and freestanding reception furniture would therefore not be covered under the Building Regulations.

However, even the Office of the Deputy Prime Minister is not able to give a definitive ruling on this issue. Building Control Departments or private sector Approved Inspectors may interpret the document differently – in finality, only the Courts can interpret the law definitively, should a dispute regarding interpretation be brought before them.

The Building Regulations require that *“reasonable provision shall be made for people to gain access to and use the building and its facilities”*. The Office of the Deputy Prime Minister pointed out that the guidance contained in the Approved Document part M does not itself comprise the law: it simply sets out some ways in which the regulations may be complied with – there may be other perfectly acceptable solutions. Part M itself includes the following text:

*“Approved Documents are intended to provide guidance for some of the more common building situations. However, there may well be alternative ways of achieving compliance with the requirements. Thus there is no obligation to adopt any particular solution contained in an Approved Document if you prefer to meet the relevant requirement in some other way.”*

The other principal legislation relating to access for disabled people, The Equality Act 2010 (EA), sets out no specific physical requirements for furniture: it simply requires that “reasonable adjustments” be made to meet the needs of disabled people – and what is “reasonable” will vary according to the particular circumstances. It is important to appreciate that the EA applies to all manner of disabilities of all types, including, for example, disabilities of mobility, strength, agility, vision, hearing, mental capacity and much more. There is often a misapprehension amongst the non-disabled population that disability = wheelchair use: this is both inaccurate and misleading.

Part M of the Building Regulations includes the following reference to the DDA (now EA):  
*The Disability Discrimination Act 1995 ("DDA") contains duties to make reasonable adjustments to physical features of premises in certain circumstances. Following the guidance in this Approved Document (or a previous version thereof) is not a requirement for satisfying these duties to make reasonable adjustments.* [author's underline]

Cutting across the confusion, there are no absolutely black and white answers to what the law requires in any given reception area, but both furniture suppliers and customers still need sensible guidelines to help create plans for receptions that, as surely as possible, will comply with both the letter and the spirit of relevant legislation and yet not be prohibitively expensive or functionally impractical. Based on studies of the legislation, conversations and correspondence with the Office of the Deputy Prime Minister, the Disability Rights Commission, the Equality and Human Rights Commission, the Department for Work and Pensions and the Centre for Accessible Environments, what we suggest is as follows.

## Overview

We recommend a common-sense approach that seeks to satisfy the practical concerns of building control officers, building occupiers, their employees and their disabled visitors. In every reception of every size we must be mindful of the requirements of the Equality Act. In large reception areas there is greater opportunity to provide enhanced facilities for disabled visitors than in small reception areas, so we recommend the application of higher standards of accessibility based around the Building Regulations part M recommendations irrespective of whether or not they are strictly speaking applicable to free-standing furniture. In small reception areas we can focus to a greater degree on the more flexible requirements of the EA.

## For a large reception (e.g. 5 metres long or greater)

Ensure that it meets the core requirements of the Building Regulations Part M – treating it rather as if it were a structural part of the building, even though in reality it isn't. A large reception is likely to be catering to a greater number and variety of visitors than a smaller one, and should correspondingly make enhanced direct provision for disabled visitors.

Therefore:

- Incorporate a section of reception no more than 760mm high, 1500mm wide if possible. It is not a problem if this lowered section has a counter shelf affixed to it, so long as it still allows visual communication with a visitor at seated height (e.g. someone in a wheelchair, or of short stature).

[We do not consider that even the Building Regulations Part M requires this low section to incorporate a knee-hole recess on the visitor side, for reasons we explain in detail in the note 1) at the end of this document].

- Ensure that there is clear manoeuvring space in front of a large reception a minimum of 1400mm deep and 2200mm wide. The reception should be sited such that it is not positioned too close to the principal entrance from outside (if outside is noisy), but should be in clear view of the entrance. The route from entrance to reception should be direct and free from obstructions. There should be slip-resistant flooring (e.g. not marble or polished wood), and we suggest considering fitting the reception area with an induction loop hearing enhancement system, especially if the area is likely to be noisy.

We recommend, where possible, the inclusion in the reception area of a desk-height table with desk height chairs – naturally of an appropriate design and quality to suite with the reception desk. Such a table and chairs are especially relevant if the nature of the reception often requires visitors to read or fill-in documents. This additional facility could be used by a receptionist to attend to visitors in wheelchairs and visitors who have difficulty standing. It would provide a practical surface on which visitors with such restricted mobility could comfortably complete paperwork, and could

replace some of the low seating that is more conventionally designed into reception areas. In many instances, able-bodied visitors and the people they are visiting would also find such desk-height seating and table(s) more convenient than low seating. The visitors' chairs should preferably be on legs or glides, rather than castors – for stability reasons. Chairs with arms may help some less agile visitors both sit and stand up more easily: chairs without arms may be easier for some visitors to sit into. On balance, choose chairs with arms, and add one/some without arms if space allows.

The recommendations in the above paragraph are not a formal requirement, but if implemented would demonstrate a clear intent to cater sensitively for disabled visitors (in relation to the requirements of the Equality Act), whilst simultaneously serving a practical purpose for able-bodied visitors. They are also an example of an *alternative way of achieving compliance* as allowed for within part M of the Building Regulations.

### **When specifying a small or medium size reception (e.g. less than 5m long)**

Use the guidelines above as a starting point, but with more flexibility. *Either* include a low (i.e. desk height) section of reception at, preferably at least 800mm wide and a little more if possible *or* ensure that receptionists are trained to come out from behind the reception desk when greeting a wheelchair user. It is our view (for reasons already outlined) that any lower desk section doesn't have to incorporate a recessed back panel, but you might choose to incorporate such a feature if you have the space to do so without compromising the work surface used by the receptionist. Still be mindful of ensuring that the front of the reception is accessible in a wheelchair (i.e. that the space in front of reception is not so narrow or awkwardly-shaped as to make wheelchair access impossible), but perhaps accept that constraints of space may limit the manoeuvring area available. If it is practical and visually acceptable to incorporate a desk-height table and chairs, as outlined earlier, consider doing so.

### **A little more about the Equality Act**

The provisions of the Equality Act place responsibility on service providers and employers to make "reasonable adjustments" so as not to disadvantage those with any type of disability (e.g. restricted mobility, visual or hearing impairment etc) who visit their premises. There are no specific physical requirements for reception desks under the above Act and no particular furniture design or configuration can ensure compliance. Despite some misleading claims being made by some ill-informed suppliers, no item (including furniture) of any kind can be considered to be "EA Compliant" or "DDA Compliant" as it is not the product but the "reasonable adjustment" that matters.

We quote below an extract from a response we received from a Disability Policy Adviser working for the Disability Unit of the Department for Work and Pensions, who gave the lead in interpreting the Disability Discrimination Act.

*"Both as service providers and employers, companies are required to make reasonable adjustments and these will vary according to all the circumstances of the case. For example, the adjustments which might be considered reasonable for a large chain of supermarkets to make to help its disabled customers will not be reasonable at all for a small under-funded corner shop.*

*Therefore no item of any kind can be considered to be "DDA compliant" as it is not the product, but the reasonable adjustment, which matters. As you point out, when considering arrangements for greeting disabled members of the public at a reception point it may be appropriate to provide a lowered desk to offer easier access for wheelchair users and those of particularly short stature. However many organisations may find it more achievable to have a clipboard and pen available to offer to a visitor with these impairments to allow them to tackle paperwork with some independence and dignity."*

[We have subsequently confirmed with the Government Equalities Office that the response above remains valid in relation to the Equality Act 2010]

This response clearly shows that the provision of a desk-height section within a reception is not essential – but when installing a new reception desk it would be sensible to consider making such provision, together with alternative means of discharging your obligations under the EA.

When considering new reception furniture in the context of current legislation, it is very important to appreciate that furniture is only one aspect of catering sensitively for disabled visitors. Company procedures should ensure that visitors with disabilities arriving at reception can access services whilst maintaining their independence and dignity. “Reasonable adjustments” will vary according to the circumstances, as touched on in the extract above. It might be sensible, for example, for reception staff to be trained how best to meet and guide a visitor with a visual impairment. Installing an induction loop system for the hard of hearing may be advisable in receptions that are likely to be noisy or where the receptionist will not be close to the visitor. Remember that a visitor who lip-reads need to be able to see the mouth of the receptionist. Overall, try to build a culture of awareness of the differing needs of the whole spectrum of our population – and if faced with a visitor who has needs you have not anticipated, politely ask how you can best assist them.

In the final analysis, each company must consider their own particular circumstances and judge what physical and procedural adjustments would be “reasonable” in their particular case.

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**Useful web links:** *(please let us know if any links are broken or changed)*

Equality and Human Rights Commission

<http://www.equalityhumanrights.com/>

Government disability information site

<http://www.disability.gov.uk>

Meeting, greeting and guiding people with sight problems

<http://www.rnib.org.uk/livingwithsightloss/helpingpeople/meetgreet/Pages/meetgreet.aspx>

**This guidance has been written in good faith, based on extensive research and discussions with relevant organisations, but does not give a full statement of the law, nor does it set out to be a substitute for professional legal advice.**

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**Note 1)** Some people have interpreted **Section 3 of the Building Regulations part M** as not only requiring a low section of reception counter (min. 1500mm wide), but also that this low section must incorporate a kneehole recess on the visitor side. We believe, and our enquiries support our view, that this is incorrect. Even though our enquiries indicate that free-standing reception furniture is not covered by the Building Regulations, we will explain our analysis of the wording of the section of part M of the Building Regulations that relates to receptions.

Clause 3.3 (Design considerations) mentions a lower section of counter that is wheelchair-accessible on the reception side. Clause 3.6.c., d. and e. (Provisions) then set out ways in which the Design considerations may be achieved. Sub-clause c. refers to the design of the approach to reception for wheelchair users: sub-clause d. specifies the required manoeuvring space in front of a reception: sub-clause e. gives specifications for an appropriate lower (i.e. desk height) section of counter.

Sub-clause d. states *“the clear manoeuvring space in front of any reception counter is 1200mm deep and 1800mm wide if there is a knee recess at least 500mm deep, or 1400mm deep and 2200mm wide if there is no knee recess”*. If a knee recess was mandatory, there would be no reason to list manoeuvring space dimensions if there is no knee recess.

Sub-clause e. states *“any reception desk or counter is designed to accommodate both standing and seated visitors such that at least one section of the counter is at least 1500mm wide, with its surface no higher than 760mm, and a knee recess not less than 700mm, above floor level;”* This sub-clause is defining the “lower section” mentioned under Design considerations as no higher than 760mm, and further making it clear that a knee recess must be at least 700mm high – in the same way that the preceding sub-clause made it clear that a knee recess must be at least 500mm deep. It is not saying that a counter must have a knee recess, as sub-clause d. makes clear. The message is that if you only want to provide the smaller manoeuvring space required in front of a counter that has a knee recess, that to “qualify” the knee recess provided must be at least 500mm deep and 700mm high – otherwise you have to provide the slightly larger manoeuvring space required in front of a counter without a knee recess.

Our concerns over the provision (or otherwise) of a knee recess are fuelled in particular by the negative effects of a 500mm recess on the kneehole space on the other side of a reception desk. A standard desk depth is 800mm: deduct a 500mm recess and, say 18mm for a modesty panel, and that leaves a kneehole depth of only 282mm on the receptionist’s side, which is wholly inadequate. Increase the desk depth to 1000mm to provide more depth on the receptionist’s side and you make communication more difficult and the reception overly bulky. We feel that that, where it is felt desirable to provide a surface that a wheelchair can fit underneath, a separate table often provides a more satisfactory solution than seeking to integrate a 500mm deep recess into a reception desk.

**Note 2) British Standard BS 8300:2001**

Part M of the Building Regulations makes the following reference to the aforementioned British Standard under the section “Requirements”:

***BS 8300:2001 'Design of buildings and their approaches to meet the needs of disabled people - Code of Practice': this supersedes BS 5619:1978 and BS 5810:1979. BS 8300 provides guidance on good practice in the design of domestic and non-domestic buildings and their approaches so that they are convenient to use by disabled people. The design recommendations are based on user trials and validated desk studies which formed part of a research project commissioned in 1997 and 2001 by DETR. The guidance in this Approved Document is based on and is complementary to the BS, although the BS contains much additional material that is not apt for, or not***

*considered appropriate for, inclusion in guidance accompanying regulation. Also, in a few cases, the guidance in AD M differs from the recommendation in BS 8300. Compliance with the recommendations in the BS, therefore, while ensuring good practice, is not necessarily equivalent to compliance with the guidance in AD M.* [Underline added].

Part M further states in clause 0.20:

**0.20** *Much of the guidance in this Approved Document is based on BS 8300:2001 'Design of buildings and their approaches to meet the needs of disabled people – Code of Practice'. It is therefore by derivation based largely on the ergonomic studies carried out to support the British Standard. As such, it may appear to be more prescriptive than other Approved Documents in the Building Regulations series. It must always be borne in mind however that the guidance contained in this AD is designed to indicate one way in which the Requirements may be met. There may be other, equally satisfactory, ways of meeting the Requirements. Appropriate solutions to access problems may vary depending on the size, scale, nature and intended use of the building. This may be particularly true when applied to existing buildings where constraints of structure and context may make generic solutions impracticable.*

The introductory note to Part M, referring to changes in the 2004 edition, includes the following statement:

*b. The guidance draws on the recommendations of British Standard BS 8300:2001 'Design of buildings and their approaches to meet the needs of disabled people - Code of Practice'. There are some instances where the guidance in this Approved Document differs from the recommendations in the edition of BS 8300 current at the date of publication of the AD. It is the intention of the British Standards Institution to review such anomalies as may exist and where practicable to take them into account in future editions of the standard.*

It is therefore not essential, nor even always appropriate, to be constrained by the requirements of BS 8300. Whilst BS 8300 contains much useful guidance, there may well be alternative, acceptable and more practical solutions that fall outside the strict specifications of this standard.