

## Obligations Of Service Providers To Make Alterations To Premises For The Benefit Of Disabled Customers

The recent decision in *Royal Bank of Scotland Group Plc v Allen* will be of interest to all providers of services to the public and to property owners, as it deals with the obligations of service providers to make alterations to premises for the benefit of disabled customers.

### Law

The Disability Discrimination Act 1995 provides that it is unlawful for a provider of services to discriminate against a disabled person by failing to comply with its duty to take reasonable steps to:

- remove or alter a physical feature which makes it impossible to unreasonably difficult for disabled people to use its services;
- provide a reasonable means of avoiding that feature; or
- providing a reasonable alternative method of making the particular service available to disabled people.

Examples of services include the broad category of access to and use of any place which members of the public are permitted to enter, which would include retail outlets and professional or other service providers.

The 2006 Code of Practice "Rights of Access: service to the public, public authority functions, private clubs and premises" (the "**Code**") advises that the purpose of the duty to make reasonable adjustments is to provide access to a service as close as it is reasonably possible to get the standard normally offered to the public at large.

### *Royal Bank of Scotland Group Plc v Allen*

In *Royal Bank of Scotland Group Plc v Allen*, Mr. Allen, who suffered from muscular dystrophy and used a wheelchair, was unable to use RBS' main Sheffield branch because all its entrances had steps and the cashpoint machines were too high. Installation of a platform lift within the entrance lobby adjacent to the customer entrance or in the area which formed part of the existing banking hall, were two potential methods which could have resolved the access difficulties encountered by Mr. Allen. However, however, both potential solutions were considered and rejected by RBS, as they would have caused severe disruption and would have involved the loss of one of RBS' eight interview rooms respectively.

Mr. Allen issued proceedings against RBS alleging that the company had not made reasonable adjustments at its Sheffield branch and that this failure made it impossible or unreasonably difficult for him to make use of RBS' services. The County Court decided that RBS had failed to comply with its duty to make reasonable adjustments to the branch, awarded damages to Mr. Allen of £6,500 for injury to feelings and ordered RBS install a lift at its Sheffield branch, a decision which was upheld by the Court of Appeal.

RBS' service in this case was the provision of traditional "face to face" contact with staff inside its branch. RBS' non-disabled customers had physical access to the main Sheffield branch and were able to use this service. While RBS had offered Mr. Allen alternative methods of accessing its services ( a combination of internet and telephone banking and the use of other branches in the city) these methods were not considered reasonable alternative methods by the Court as there was a reasonable way of giving Mr. Allen access to the branch, namely, by installing a platform lift. The suggested alternative access methods of telephone and internet banking were, in essence, a different kind of service to the traditional branch service.

The case was widely reported in the press as a decision which required RBS to spend some £200,000 to accommodate one customer. However, RBS had not given as a reason for not carrying out the works to install a platform lift the disproportionate cost, but only the fact that this would entail the loss of an interview room. The Court of Appeal considered that the County Court was entitled to find that the installation of a platform lift was technically feasible and would have benefitted other disabled customers and therefore a reasonable adjustment to make. If RBS had given as a reason for not installing a platform lift the costs involved this would have been a further factor to consider but may not have been sufficient to prevent a finding against RBS. The judgment therefore is a clear signal to service providers to make adjustments for disabled customers in anticipation of their needs.

If you have any questions in relation to this case or any other employment issues that you might have please contact:

Amanda Pullinger  
Head of Employment  
[employmentgroup@rooksridersolicitors.co.uk](mailto:employmentgroup@rooksridersolicitors.co.uk)  
+44 (0)207 689 7180

Philippa Robbins  
Assistant Solicitor  
[employmentgroup@rooksridersolicitors.co.uk](mailto:employmentgroup@rooksridersolicitors.co.uk)  
+44 (0)207 689 7194

