



Consultation Summary:

Access to Buildings for People with Disabilities

June 2014





Acknowledgements

Malatest International, the Ministry of Business Innovation and Employment and the Office for Disability Issues would like to thank all of those who took the time to share their information and viewpoints with us as part of the consultation about access into buildings for people with disabilities. We appreciated everyone's enthusiasm and willingness to assist.

We sincerely hope that when those who participated read the full consultation report they will feel that we have provided a balanced representation of the range of different viewpoints. We were provided with more information than could be included in this report and have passed that information to MBIE and ODI.

We would also like to acknowledge those individuals and organisations across all stakeholder groups who have committed time and effort to improving access into buildings for people with disabilities.

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Abbreviations

Blind Citizens NZ	Association of Blind Citizens New Zealand
Building Regulations	Includes the Building Act, the Building Code and its Acceptable Solutions and NZS 4121
Building users	Building users was the term used in this report to encompass all people who use buildings but primarily those who have a disability or impairment
DPA	The Disabled Persons Assembly NZ
MBIE	The Ministry of Business Innovation and Employment
ODI	The Office for Disability Issues
People with disabilities	Different organisations and individuals use different words to describe themselves. For consistency we used the term people with disabilities to refer to people with impairment and disabled people.
Regulators	Those officials authorised to issue building consents
BF	Blind Foundation
TA	Territorial Authority
The Code	The Building Code
Stakeholders	Representatives of organisations included in the consultation

The review

This report provides an overview of the information gained as part of the consultation phase of a review of access into buildings for people with disabilities being undertaken jointly between MBIE and ODI.

The purpose of this review is to gain a better understanding of how the requirements contained in the Building Act and the Building Code providing access for people with disabilities are being implemented in new buildings, as well as in buildings being altered, and the extent to which these requirements do in fact provide an accessible built environment for people with disabilities.¹

The full report has been provided to MBIE and ODI who will generate conclusions about next steps and make recommendations to senior officials. MBIE and ODI will ask the Access Reference Group to comment on the analysis of the consultation and the options they identify.²

Consultation

Issues about access into buildings for people with disabilities were explored by engaging with stakeholders from the following groups: regulators and monitoring agencies, building owners, building designers, building users, advocacy and interest groups, and disabled people's organisations. Consultation included representatives of stakeholder groups and was not a public consultation.

A consultation framework was developed to guide the interviews. The framework was discussed with MBIE and ODI and with the Disabled Persons Assembly (DPA) and the Association of Blind Citizens New Zealand.³ The topics included in the framework were:

- Introduction to the review
- Description of the organisation
- Expectations of the Building Code
- Attitudes to access
- Attitudes to the regulations
- Knowledge about the key requirements of the Building Code
- Organisations role in communicating information about the regulations
- Access to information
- Barriers to adhering to requirements
- Enforcement
- Ideal world.

Opportunities were also provided for people being interviewed to comment about other relevant issues.

The consultation included interviews with 88 people across 58 organisations and analysis of responses from 101 people to an online survey.

¹ http://www.beehive.govt.nz/sites/all/files/Terms_of_Reference_1.pdf

² <http://www.dbh.govt.nz/disability-access-review-terms-of-reference>

³ Organisations representing people with disabilities with a strong interest in accessible buildings

Table 1: Interview participants

Stakeholder group	Number of organisations interviewed	Number of people interviewed	Number of organisations not able to be scheduled
TAs/Regulators	16	22	0
Government and Public Sector Bodies/Policy-makers	5	11	1
Consultants	3	4	0
Building Owners	5	5	1
Building Designers	5	5	1
Access Reference Group	4	13	0
Disabled People's Organisations	7	11	1
Disability Sector Organisations	12	16	4
Other	1	1	0
Total	58	88	8

Note: one of the interviews was by email.

Access to buildings

A fully inclusive society recognises and values disabled people as equal participants. Access to buildings for people with disabilities is acknowledged in the United Nations Convention on the Rights of Persons with Disabilities (ratified by New Zealand in 2008) and as a right under the New Zealand Human Rights Act (1993). The Building Act section 118 requires 'reasonable and adequate' access both to and within buildings.

An accessible building is one which people with disabilities can use in the same way as anyone else. An accessible building must be considered in the context of an accessible journey encompassing the route to the building (approachability), the route through the building (accessibility) and the facilities within the building (usability).

The advantages of an accessible building apply to the population as a whole and not just those with disabilities. For example mothers with pushchairs and older people may have the same access requirements as people with a temporary or permanent disability.

Organisations representing people with disabilities were able to provide many examples of accessible buildings. However, they were also able to provide many examples of buildings they could not access. Those interviewed talked about the impact of inconsistent access on the lives of people with disabilities and how inability to access buildings limits their participation in New Zealand.

Figure 1 depicts the characteristics of an accessible building that were noted in comments people made in response to the survey. The larger the text the more often the word was mentioned in association with good access. The words most commonly mentioned in discussing accessible buildings (from most common) were: door, lift, parking, toilets, entrance, wide, level, ramp, stairs, space and automatic.

New Zealand's regulations and guidance about building access

Government's main tools for providing for accessibility of the built environment are the Building Act 2004, the Building Code and its Acceptable Solutions and the New Zealand Standard NZS 4121, summarised as the building regulations.

The basic objective of the Building Act, as stated in section 118, is that 'reasonable and adequate provision by way of access, parking provisions, and sanitary facilities must be made for persons with disabilities who may be expected to visit or work in that building and carry out normal activities and processes in that building'.

Effectiveness of New Zealand's regulations and guidance

Ensuring access into buildings for people with disabilities is complex. Providing regulations to ensure adequate access is not as simple as specifying the width of a doorway or the dimensions of an accessible toilet. It is about understanding how to integrate access into the design of the building as a whole to ensure the building is approachable, accessible and usable.

Because regulating access is complex, constructing accessible buildings is dependent on the knowledge and attitudes of stakeholders in the building and construction sector, as well as on the regulations. Those in the sector who do not want to provide access and deliberately seek loopholes in regulations will continue to do so, as given the complexity of building work eliminating all loopholes is not possible.

However, others in the construction sector who are not sufficiently aware of the access requirements and the issues relating to access are likely to respond positively to more information about how to construct accessible buildings. Differences in attitudes to access into buildings and knowledge of the regulations influenced stakeholder views about the effectiveness of the building regulations.

Analysis of interview data suggests that stakeholders can be considered in four broad categories depicted in Figure 3:

- Those who are well informed and recognise the benefits of accessible buildings, understand the building regulations and how to design/build an accessible building.
- Those who recognise the benefits of accessible buildings but are unclear about the regulations or about how to design/build an accessible building.
- Those who have little awareness of access issues or the regulations governing access.
- Those who do not consider there is a need for buildings to be accessible for people with disabilities and who are aware of the regulations and potential loopholes in the regulations that they can use to avoid their obligations.

"My attitude is there are 10% of the people out there who just don't care and there's no point in talking to them about it. The rest of the people who get it wrong do so innocently. They thought they had got it right and will get quite defensive and will try and justify what they have done. First of all it's the attitude then it's about front footing it and getting it right at the start and that's around competency as well as understanding." (Designer)

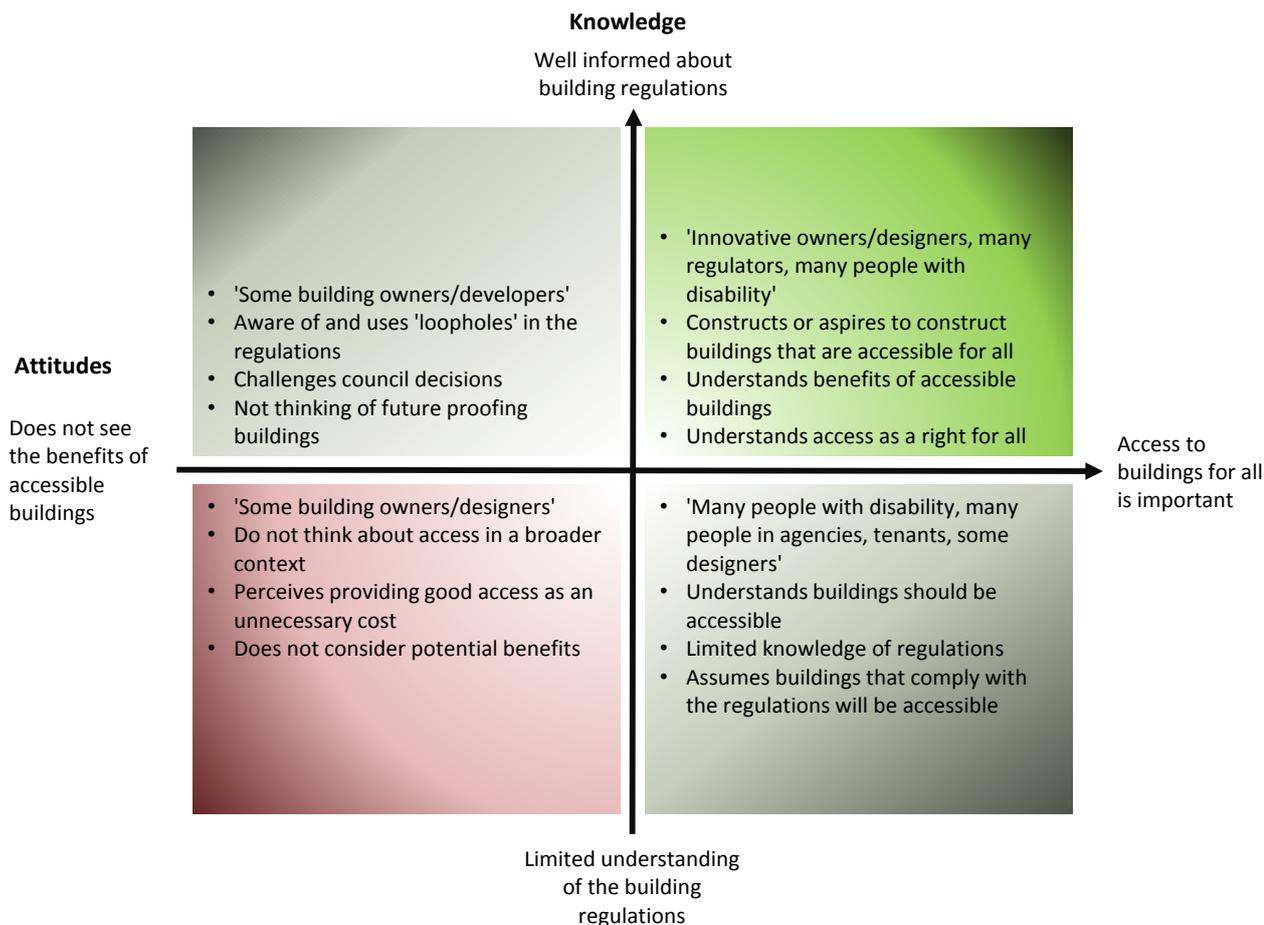


Figure 3: Attitudes and knowledge about access

Considering attitudes and knowledge is helpful when thinking about the effectiveness of the legislation. For example those who do not accept the need to make buildings accessible and have good knowledge of the regulations will look for loopholes regardless of what changes may be made to the regulations. Rigorous enforcement is more likely to be an effective response to this group than education. Whereas education and information about the regulations may be effective in improving access into buildings constructed or rented by those who recognise the value of making buildings accessible but are not aware of what to do. Education may also be effective in increasing understanding about the benefits of accessible buildings as a frequent comment by regulators about building owners was:

“A lot of building owners say they don’t want to do it because they can’t remember the last time a person in the wheel chair came in but they forget that it can be any form of disability. The inconsistency in the construction and the building control industry causes more problems than anything else.” (Regulator)

“They can say ‘we don’t have any people with disabilities’. There is an attitudinal issue.” (Regulator)

Improved understanding about the reasons for design features that influence accessibility would also improve access to buildings:

“Most people wouldn’t know that door shouldn’t be the same colour as the wall [to improve access for people with visual impairment].” (Regulator)

Compliance

Territorial Authorities are responsible for ensuring compliance with the building regulations. However, other groups have key roles in the process and can influence the effectiveness of the regulations in ensuring buildings are accessible. Building owners hold the budget for the building and their attitudes to access influence the approach taken by designers. Building owners ranged from those who understood access requirements and wanted to build or renovate their buildings to be accessible to all, to those who were seen as lacking a future focussed perspective and being motivated by construction costs.

Building owners noted their dependence on designers to provide them with buildings that complied with the access requirements. While some designers were skilled at providing accessible buildings, others were seen as having only limited understanding about the principles underpinning access.

To be effective in enforcing the building regulations, Territorial Authority officials must be adequately trained and have the necessary tools at their disposal. Opinions about the effectiveness of New Zealand's regulations and guidance varied. While many felt the regulations provided a good foundation others felt there were significant gaps and loopholes, especially in the interpretation of the regulations for alterations to existing buildings.

Comments made by those consulted with about how to strengthen the current regulations and processes can be grouped into the following categories:

- Developing a more aspirational model of access
- Improving information and increasing awareness about how to make buildings accessible
- Improving understanding of the benefits of accessible buildings
- Promoting a universal design approach to facilitate understanding that access is not just for people with disabilities
- Changes to the regulations to update them, remove gaps and inconsistencies between the Building Code and NZS 4121
- Improved guidance for TAs about expectations when buildings are being altered.

Universal Design

The concept underpinning universal design is that:

“What’s good for the disabled community is good for the whole community” (Building user)

Provisions made in buildings for people with disabilities generally make a building more easily used by everyone.

“I think universal access is a good idea because sometimes there is a bit of negative connotation when you say you have to do something for a group rather than for everyone.” (Industry organisation)

Almost all of the organisations representing people with disabilities who were interviewed felt that ‘access for people with disabilities’ should be amended to ‘universal design and access’. A few were concerned that changing the terminology to universal design would result in a loss of focus and disadvantage people with disabilities. A change to the use of ‘universal’ design was also supported

A focus on universal design has the potential to broaden the classification of those people who benefit to include other citizens with the advantages of:

- Avoiding the negative stigma associated with disability

- Including people who may exclude themselves from the definition of disability even though they have an impairment and experience of disability.

“The ‘disability term’ is outdated. I would endorse universal design. Mostly people focus on wheel chairs and forget other disabilities and they are sometimes overlooked. Regulations do cater for other disabilities but those parts are often neglected as consent authorities and public may focus on lifts and ramps.” (Regulator)

- Including all disability and impairments
- Accommodating age-related disability - An ageing population means that there will be an increase in age-related impairments, such as hearing or vision loss. A safe and usable built environment will enable the majority of older New Zealanders to maintain active links with the community.

A universal design concept may also allow a building to be functional over its life and remove some of the challenges in alterations:

“With universal design a building can be multifunctional for its life. This allows a change of use in a building it can be relatively easy (in terms of cost and time).” (Regulator)

In contrast to other groups, designers generally felt a universal design approach was unrealistic. Designers’ concerns highlight the need for further discussion with them about how to put a ‘universal design’ approach in place.

“Well I think it (universal design) is quite a difficult thing to do and I think it depends on how many people are going to use it. Universal access I think is not really realistic.” (Designer)

“I wouldn’t see that as appropriate because if you wanted to do that design you would want to cater for the trickiest of situations which would mean you would need a ramp in every building for example. And in some situations that simply would not be appropriate. I think that would incur a lot of compliance costs for people that wouldn’t achieve the brief of the owner/landlord/occupant and they would have to pay those compliance cost for something that is simply not appropriate. Where’s it’s appropriate they absolutely should. One set of rules that covers everything (universal design) would be possibly too simplistic.” (Designer)

“I don’t really care what it is called. What I would like to see is changes in the legislation in terms of what’s required and how we go about doing things.” (Designer)

Leadership

As the consultation included interviews with organisations representing different stakeholder groups with an interest in access to buildings, it provided an opportunity to look across the different groups and compare and contrast attitudes and activities.

At central government level, there appeared to be a lack of awareness of the complexity of access into buildings for people with disabilities and an acceptance of the minimum standards defined by the building regulations.

While MBIE was responsible for communicating changes to the regulations to the relevant stakeholders, there was no clear responsibility for providing knowledge about the wider issues relating to access and how to construct accessible built environments.

Across organisations representing people with disabilities, people had committed time and resources to improving access for members. However, the organisations were not fully coordinated in their approaches and as a result examples were provided of solutions that worked for one group but not for people with another kind of impairment.

Lack of leadership and coordination has contributed to missed opportunities, duplication of efforts and inefficiencies, and gaps in knowledge. Bringing the different stakeholder groups together and enhancing the flow of information between the groups has the potential to contribute to improved access into New Zealand’s buildings.

Overview

The building regulations are tools to achieve accessible buildings. Although regulations will not achieve change on their own, they are important in defining standards and providing guidance to building owners, designers and regulators (Figure 4). However, there has been a lack of progression in updating and developing the regulations governing accessibility.

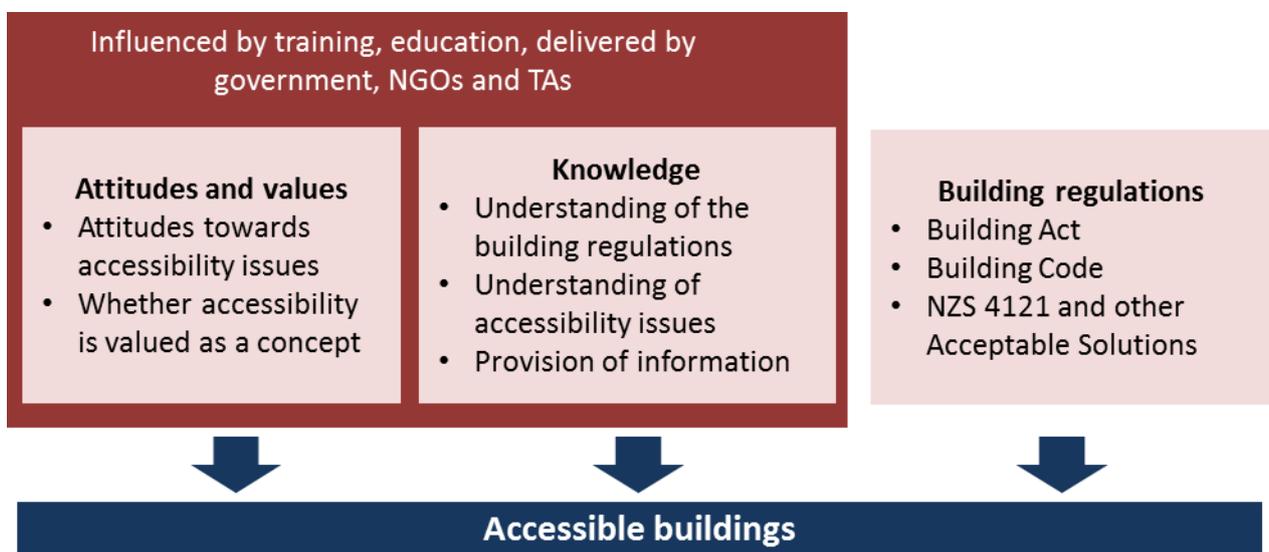


Figure 4: The contribution of attitudes, values, knowledge and the building regulations to accessible buildings

Figure 5 below provides an overview of the facilitators and barriers to achieving fully accessible buildings.

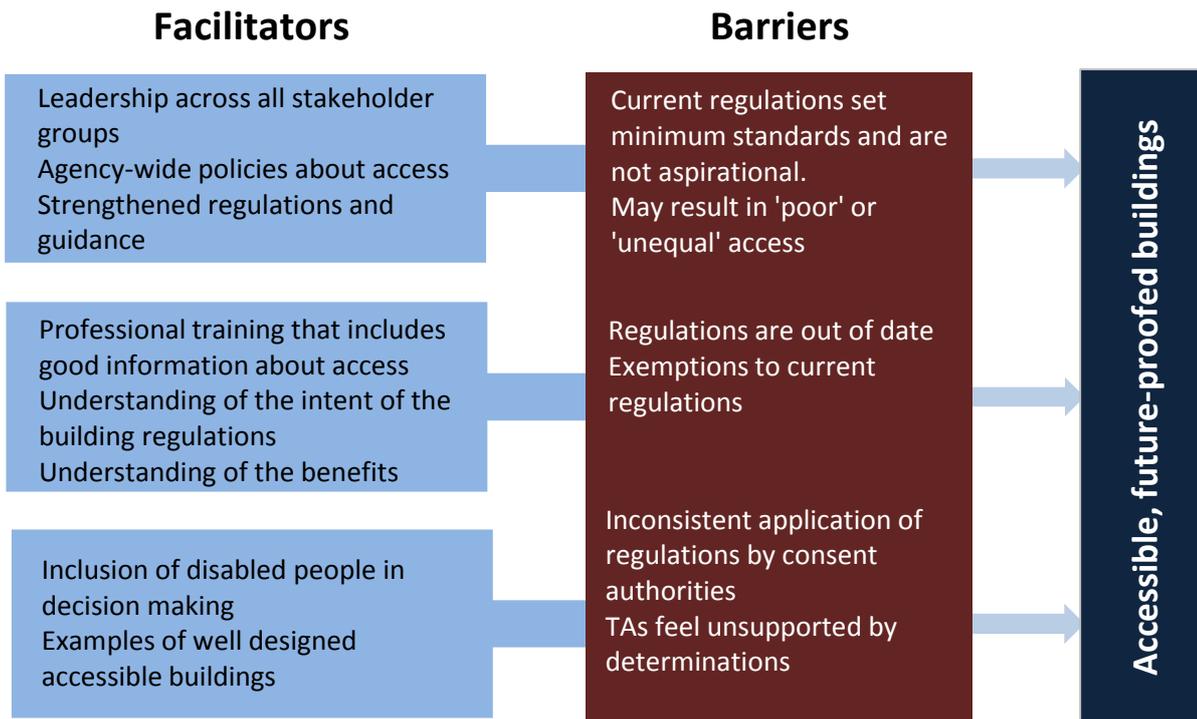


Figure 5: The facilitators and barriers to achieving fully accessible buildings



Organisations that participated in interviews

Disabled Peoples Organisations

Association of Blind Citizens of NZ, Balance New Zealand, Deaf Aotearoa, Deafblind (NZ), Disabled Persons' Assembly, Ngati Kapo O Aotearoa Inc, People First.,

Disability Sector Organisations

Acoustics Society of New Zealand, Barrier Free NZ Trust, Be. Accessible, CCS Disability Action, Earthquake Disability Leadership Group, Hearing Association, NZ Platform (mental health issues), Hearing Instruments Manufacturers and Distributors Association, IHC New Zealand, The National Foundation for the Deaf, New Zealand Disability Support Network, Royal New Zealand Foundation of the Blind, Wellington Pasifika Disability Network Trust.

Regulators

Auckland Council, Central Hawkes Bay District Council, Christchurch City Council, Dunedin City Council, Gisborne District Council, Hamilton City Council, Invercargill City Council, Queenstown-Lakes District Council, Rotorua District Council, Thames-Coromandel District Council, Wanganui District Council, Wellington City Council, Whangarei District Council

Industry Organisations

Building Officials Institute of NZ, IPENZ, NZIA, New Zealand Retailers Association

Public Sector Agencies

Human Rights Commission, Ministry of Social Development, NZ Fire Service NZ Historic Places Trust, Office for Senior Citizens, Tourism NZ

Other Consultants and Individuals

A number of individuals including Accessible Options, Wrightson and Associates, Calcott Design, Pynenburg and Collins Architects, and Richard Cullingworth.