



# Changing Places Policy and Guidance



Derbyshire County Council

“Everyone matters – everyone valued – everyone equal”

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## Introduction

This policy and guidance document sets out Derbyshire County Council's commitment to providing Changing Places toilets in public places across Derbyshire. We will also work with local partners to drive the Changing Places agenda forward and encourage others to install Changing Places toilets. Changing Places toilets are necessary to meet the needs of many disabled children and adults, their families, carers/assistants and people with similar needs. The policy reflects the Council's commitment to equality - everyone matters, everyone is valued and everyone is equal.

## Definitions

### Changing Places Toilet



Sometimes also referred to as a 'fully accessible toilet' or 'hygiene room'. Changing Places toilets are large (preferably 3m x 4m) accessible toilets allowing plenty of space for disabled people and their carers/assistants, a peninsular layout (central) toilet, hoisting system and height adjustable adult sized changing bench.



A large wash hand basin (preferably height adjustable), wide tear off paper roll (to cover the changing bench), large waste disposal bin, and a privacy screen or curtain are also provided in addition to the usual sanitary ware found in accessible toilets.

### Accessible toilet



Sometimes also referred to as 'disabled toilet' or 'disabled person's toilet'. Accessible toilets can usually be found alongside standard toilet facilities as a unisex facility.

They are smaller than Changing Places (usually 1.5m x 2.2m) and usually have a corner layout toilet to allow people to reach the wash hand basin from the toilet. They do provide minimal room for assistance but are generally of more use to independent disabled people as they do not provide any specialist equipment.

An accessible toilet should always be provided in addition to a Changing Places toilet.

### RADAR lock/key

Often you will find that both Changing Places and accessible toilets are locked on arrival. This is to prevent misuse and damage and means that the facility is more likely to be available when you need it.

RADAR (disability network) has established a National Key Scheme (NKS) whereby a special lock can be fitted to toilet doors and only opened using a RADAR key. If the toilet is inside a building, a RADAR key should always be available from staff, but if the toilet stands alone, you may need your own RADAR key to gain access to the facility. Keys are available to purchase from RADAR ([www.radar.org.uk](http://www.radar.org.uk) or Tel. 020 7250 3222).

### **Why are Changing Places toilets needed?**

Many disabled people and people with similar needs, perhaps due to medical conditions or old age, are unable to use standard accessible toilet facilities because they don't provide enough space or the right equipment. Some people need support from one or more

carers/assistants when using toilet facilities or having their continence pads changed.

A standard accessible toilet does not provide specialist equipment such as a hoist or changing bench and is usually only large enough for one assistant. The layout of an accessible toilet is better suited to disabled people who are able to use toilet facilities independently.

Current Building Regulations only require accessible toilets to be provided, there is no requirement for Changing Places toilets (although this is currently (2011) under review), and as a result of this, Changing Places are not usually provided as a matter of course – even in new buildings.

Derbyshire County Council recognises the importance of Changing Places toilets and how valuable they are to many disabled people and their families/carers. Without them, carers are often forced to change a disabled person on a toilet floor (which is dangerous, unhygienic and undignified) or else not go out at all.

## **Who is the Policy and Guidance for?**

This policy and guidance is for;

- Disabled people, including children, and their families and carers/assistants
- Other people who require extra space, assistance or equipment to use toilet facilities e.g. some older people or people with medical conditions
- Derbyshire County Council Members and employees, in particular;
  - Key decision makers
  - People who design buildings or co-ordinate major refurbishment works
  - Facilities management teams
  - Service departments (Adult Care, Children and Younger Adults, Environmental Services and Cultural and Community Services)
- Partners and other interested parties

## **Derbyshire Changing Places Working Group**

In September 2009, Derbyshire County Council set up a Changing Places Working group lead by the Council's Learning Disability Service Manager and a local parent/carer. The group has expanded to include Officers from across the Council who lead on equality issues in their departments or work with/on behalf of disabled people on a day to day basis.

The group was set up to continue the good work already completed in Adult Care and by local parent/carers in relation to Changing Places and to drive the agenda forward in Derbyshire.

The group meet bi-monthly to work on identifying potential locations for Changing Places and funding streams, share good practice, raise awareness and encourage others (e.g. local district/borough Councils and the private sector) to provide facilities.

### **Policy statement**

Derbyshire County Council is committed to making all its public buildings more accessible for everyone. Every effort will be made to include a Changing Places facility in every new building in which the public will have access to its services. This includes new build Secondary Schools (but not Infant, Junior or Primary Schools). Changing Places must be provided in addition to a standard accessible toilet, and any other changing facilities required under Part M of the Building Regulations. The Council will also consider including a Changing Places facility when it extends or extensively refurbishes an existing public building - these schemes will be considered on a case by case basis at the early stages of feasibility/design to establish whether there is an opportunity to install a Changing Places.

### **Relevant legislation and risk assessment**

#### **Equalities legislation**

##### **Equality Act 2010**

From April 2011 The Equality Act 2010 places a Public Sector Equality Duty on public bodies. Under the general duty, Derbyshire County Council, in the exercise of their functions, policies and services, must have due regard to the need to;

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The development of this policy and guidance and the commitment to provision of Changing Places toilets across the County will help the Council to meet these three aims of the general duty. In particular, advancing equality of opportunity for many disabled people, by enabling them to fully participate in public life.

### **Health and Safety related legislation**

#### **Health and Safety at Work Act 1974**

Under s.2 of the Health and Safety at Work Act 1974, all employers have a duty to “ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees”.

This could be relevant, for example, in respect of any staff employed in buildings where Changing Places toilets are provided. The employer would, for instance, have to be clear about the role of members of staff in facility management and maintenance, and their competence level, training and supervision, in addition to any policies, and procedures.

Under s.3 of the 1974 Act, there is a duty on an employer to “conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risk to their health and safety”.

This section could apply, for example, to either injury or risk of injury to users (or their carers) of the toilet. This could arise if a lack of (or incorrect) information, instructions or warnings were displayed or provided, or if a hoist was not properly maintained.

#### **Management of Health and Safety at Work Regulations 1999**

These regulations contain, amongst other things, an explicit obligation to carry out a risk assessment in relation to both employees (r.2) and non-employees (r.3).

## Lifting Operations and Lifting Equipment Regulations 1998, and Provision and Use of Work Equipment Regulations 1998

If the hoist was used by an employee (i.e. not just simply moved e.g. to a charging location), the employer would have responsibilities concerning the examination and maintenance of the hoist under these two sets of regulations.

If the hoist was not used by employees, then these two sets of regulations would not apply, since they apply only to equipment used at work. However, s.3 of the 1974 Act and r.3 of the Management of Health and Safety at Work Regulations 1999 might then be relevant – in terms of the duties to non-employees that they contain. In circumstances where s.3 of the 1974 Act (and r.3 of the 1999 regulations) apply, the Health and Safety Executive has stated that it would expect the standards associated with the 1998 sets of regulations to be adhered to in any case. Other equipment that could be operated, e.g. changing benches or height adjustable wash hand basins would also require maintenance.

## Medicines and Healthcare products Regulatory Agency (MHRA) advice and Guidance

The provider would need to ensure that hoist provision, inspection, and maintenance arrangements were generally in accordance with relevant advice issued by the MHRA.

## Manual Handling Operations Regulations 1992

Unless a specific attendant was employed, it is unlikely that a situation would arise where an employee was called on physically to assist a user of the toilet. A risk assessment under these 1992 regulations, together with s.2 of the 1974 Act and r.2 of the 1999 regulations, might conclude that the risks posed to such an employee were high and unmanageable and therefore they would decline to assist in such a situation anyway. However, if the person using the toilet is being assisted by a paid carer they would need to comply with these regulations, so it worth noting this in the design of a facility e.g. a free-standing changing bench is likely to be a better option as it allows carers access to both sides of the user without having to turn them.

Based on Health and Safety Legislation, the Changing Places Consortium recommends the following;

- Organisations that provide a Changing Places toilet should carry out a full risk assessment.
- Organisations that provide a Changing Places toilet should not place responsibility on staff to assist people to use Changing Places toilet facilities.
- An emergency alarm should be fitted in the Changing Places toilet.
- All specialist equipment, including hoists and changing benches, should be fitted, regularly inspected and maintained according to manufacturer's instructions.
- The organisation should ensure that the facility is kept as clean and hygienic as possible.

Changing Places toilets are intended for assisted use, and therefore this should be made clear to people in addition to what their responsibilities are as a user;

- Instructions that show how to use equipment, and any relevant warnings (including what to do in an emergency), should be clearly displayed in the facility.
- Organisations should not provide slings.
- Clear information should be provided on the type of hoist provided in the facility and which slings are compatible.

## **Equipment**

The Derbyshire Changing Places Working Group has developed a performance specification for the equipment required in Council owned Changing Places toilets (based on the requirements in British Standard 8300:2009) and a number of possible layout options based on the optimum room size of 3m x 4m. The group have also identified suppliers (although other suppliers can be used if they meet the performance specification laid out). The group are actively encouraging partners to use the Derbyshire layout and specification if they are providing facilities in Derbyshire, the aim of which is to ensure a consistent approach and one that has been developed in consultation with carers and professionals.

## **Management and maintenance of facilities**

How the facility will be managed and maintained after installation needs to be considered at the outset of any proposal to install a Changing Places toilet. It is likely that costs will be incurred in terms of cleaning and maintenance e.g. of hoist systems, and this may have financial implications if not considered early on. Generally, management and maintenance responsibilities will lie with the Facilities Management team for that establishment, as it does for other equipment and cleaning regimes.

Removal of sanitary waste will need to be programmed in, as will refill of specialist equipment such as the wide tear off paper roll.

Training should be given to staff in the establishment on how and when to put the hoist in the charging position, how to identify any problems with the facility and who to contact in the event of a problem/fault reporting procedures.

Staff working in the building in which the Changing Places is located should not need to be trained on the actual use of equipment – if people wish to use the facility and the equipment within it but are unsure about how to use it, they should be advised not to use it at all.

## **Local context**

This Policy and Guidance document does not contain details of local Changing Places facilities as the list is being constantly updated as new facilities become available. The location of Changing Places in Derbyshire and information about the equipment in them can be obtained from the Council's Access Officer (Tel. 01629 536300). There is also information available on the Council's website [www.derbyshire.gov.uk](http://www.derbyshire.gov.uk)

## **References**

Legal framework concerning provision of Changing Places public toilets Factsheet (Changing Places Consortium)

Northamptonshire County Council – Fully accessible toilets policy and guidance

Nottingham City Council – Guidelines for the use of Changing Places toilets