



British Model Flying Association

**Disability Guidelines for Model
Flying Clubs**

This document can be obtained free of charge on
request to the BMFA.

October 2006

Guidelines for Model Flying Clubs and Model Flying Groups with Members who have a Disability or Special Need.

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INTRODUCTION

The British Model Flying Association encourages and supports model aircraft flying and related modelling activities at all levels and within all social groups.

We do not discriminate against people regardless of their religion, race, gender, age, sexuality and disability (the six “dimensions of disability” as used by the Equal Opportunities Commission).

The purpose of this document is to provide everyone involved in organising model flying activities with information on the legislation and how its requirements regarding disability discrimination may affect you.

The BMFA, as the National body for model flying, has an obligation to develop and publish such guidelines to help all model flying clubs and groups to understand the disability legislation and give advice on how to act on it if possible and practicable.

Knowledge of the disability legislation and how it affects clubs and individuals is important and the use of these guidelines is encouraged at all levels within model flying. Meeting a disabled person's needs is largely a matter of common sense and clear communication by all parties at the outset can often prevent problems arising at a later date.

GENERAL DEFINITIONS

Throughout this document the use of the word ‘disabled’ or the phrase ‘disabled person’ will mean ‘person or persons with disabilities as defined by the Disability Discrimination Act (DDA) 1995 or 2005’. Unless specifically stated, ‘DDA’ means either the 1995 or 2005 acts. The words ‘he’ or ‘his’ will mean ‘he/she’ or ‘his/hers’. The use of the word ‘club’ will mean ‘model flying club, group or organisation’.

THE LEGISLATION THAT WE HAVE TO CONSIDER

The Disability Discrimination Act of 1995 (DDA 1995) made it illegal for employers to discriminate against an employee or potential employee because of their disability. It also introduced requirements for a progressive improvement in access to public transport, buildings and open spaces.

The DDA 1995 defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

The Disability Discrimination Act of 2005 (DDA 2005) extended the legislation to include private clubs with 25 or more members. Currently, the definition of a private

club does not include informal groups who meet to share a facility such as a flying site.

However, the BMFA recommends that such groups also follow these guidelines. The legislation is currently under review and one of the proposals is to reduce the minimum size to ten members and widen the definition of a club.

We recommend that everyone involved in organised model flying should be aware of their legal obligations towards any disabled person and sensible consideration of these guidelines will ensure they are following best practice to comply with the current DDA legislation wherever possible.

Further advice on any aspect of these guidelines can be obtained from the Chief Executive Officer or the Development Officer at BMFA Headquarters or from any of the help-lines listed in the policy.

THE REQUIREMENTS OF THE DDA

It is unlawful for a club to refuse to accept a disabled person as a member for reasons related to his disability.

It is unlawful for a club to exclude an existing member or vary the terms of his membership for reasons related to his disability.

It is unlawful for a club to offer different services, facilities or benefits to a disabled person who is a member or guest of that club to those offered to a person who is not disabled.

If requested, a club should make 'reasonable adjustments' to allow a disabled person equivalent access to the benefits of membership or the club's facilities.

The full legal text can be found, if required, at
[//www.opsi.gov.uk/acts/acts2005/50013--a.htm#12](http://www.opsi.gov.uk/acts/acts2005/50013--a.htm#12)

For those without access to the internet, a copy can be provided, on request, from the BMFA office.

Approximately ten million people in the United Kingdom, or one sixth of the total population, have a disability as defined by the DDA.

GUIDELINES FOR MODEL FLYING CLUBS

CLUB PARTICIPATION

General

It is very clear that, should you be approached by a disabled person seeking club membership, it is illegal to refuse such membership on the grounds of that person's disability.

No matter how your club or group operates or what disciplines it flies, you also have a legal obligation to make provisions for disabled persons if requested to do so **and if it is practicable for you to make such provisions.**

How you can do this is discussed further below but it is important to understand at the outset that any response to a legal requirement is bound by a test of reasonableness. In other words, requests made to you must be seen to be reasonable and your responses to them must also be seen to be reasonable.

It may be that you will eventually have to make decisions to refuse or terminate membership or vary access to facilities to a disabled individual. In such cases it is extremely important to document the decision and the reasons for it and retain the full details in the club records so that, if required to do so, it can be demonstrated that the decision was not for reasons prohibited by the DDA.

Assessing the Needs of a Disabled Person

When a disabled person approaches the club it is sensible that their needs should be assessed as soon as possible in order that you can consider where reasonable and practicable provisions can be made to help them. Since the individual is the best person to ask to establish their needs, this should be a two way dialogue between them and the club. Decisions should not be taken by the club in isolation.

If the club feels that there is a need for further specialist advice to assist in this matter, contact the UK Disability Information and Advice Line - Telephone 0161 - 799 2222 or your local authority.

In the course of this the club should remember that any provisions made on the flying site must still comply with the Air Navigation Order, specifically Article 74 which should already be familiar to all model flyers.

It is important to remember, however, that being a disabled person does not give an individual the right to insist on membership of a club. The legislation exists to ensure that disabled persons are not at a disadvantage in their lives, not to place them ahead of the able bodied. A 'level playing field' is the aim.

For instance, if your club has a closed membership or a waiting list then, whilst you cannot legally refuse to add the disabled person to the list, you are not required to have them jump the queue. You must be seen to treat them fairly.

Model flying clubs are 'private member's clubs' and are allowed to set their own rules and procedures within the framework of the law. In this particular case, and very importantly, you are not allowed to have club rules that discriminate against the disabled. On the other hand, you are not required to structure your rules to cater to the disabled at the expense of the able bodied.

Access On and Off the Flying Site

All clubs should be aware that access for a disabled member to get on and off the flying field is a legal requirement under the current DDA legislation, **where the provision of such access is reasonable and practicable.**

The decisions taken by the Club as to what is reasonable and practicable will vary with each particular case.

For instance, if your field has a locked gate, you must make sure that the disabled member is able to operate it. If you decide, as a club, to lay pathways and hard standings then these must be suitable for disabled use.

It may be that your Club is in a position to supply such facilities but has not already done so. You might be requested to provide the access facilities and will have to do so if the work required is reasonable and practicable.

This doesn't mean that there is a definitive answer to such problems. As an example, very many clubs fly from farmland, fields or even common land that they are not able to alter in any significant way. Whilst improved gate access might be possible, if your landlord will not let you cut or lay hard pathways then it is not reasonable to expect you to do so.

If it is recognised that improved access facilities will be needed then it is the club's responsibility to arrange the funding for any such alterations. However, in such instances the cost of any alterations can very often be met from alternate funding such as the Millennium Awards Scheme, Council grants or Local Government sponsored community development schemes.

There is very significant countrywide funding available for disabled access schemes and advice on the availability of such funding should be sought from the Local Authority Sports' Development officer or through the BMFA.

Bear in mind that any such improved access will benefit your able bodied members as well as any disabled members that you have. In fact, if you can do such work on your field then it may be worthwhile trying to arrange for disabled access grants and work to be done before you are requested to do so by a disabled member. Your members will benefit anyway.

Specialist Facilities

No responsibility is borne by the club to supply any specialist equipment such as a modified transmitter or aircraft assembly facilities. However, once again funding for the specialist equipment that may be required by a disabled person may be available from alternate sources as suggested above.

Support for the Individual

It is the responsibility of the disabled person to inform his club or event organiser of any assistance or support they may require and the club or organiser must take reasonable steps to see that such support is provided.

For example, where a disabled person uses a wheel chair, either manual or electric, he may request assistance from a fellow member in order to comply with safety requirements; e.g. positioning of his wheel chair to allow visual contact of the model aircraft at all times whilst still remaining in full control of the aircraft, in a suitable ground location.

However, the safe operation of the club site must still take precedence over any such requests and a club is not expected to deviate from, for instance, a proven and safe pits/pilot box arrangement. As an example, if the pilot's box is on soft ground which would not be suitable for wheelchair use but this was the safest position for the box to be positioned then it might be considered unreasonable to expect the club to consider moving the box to the detriment of the safety of everyone flying there.

Problems such as this can nearly always be worked out on the field though and clubs are reminded that they must consider reasonable changes, either in layout or operating procedures if these are requested by a disabled person and are judged to be practicable.

General Facilities

Affiliated clubs must be aware that if club facilities (e.g. club house, toilets, car parks etc.) are made available to the members, then all of the above should be made accessible to the disabled, accommodating any special provisions required. The funds for providing or altering such facilities may be available from alternate sources as suggested above.

Clubs must be aware that if facilities are made available to their members, then those facilities must be equally accessible to any disabled members. Even a simple club hut or container must be reasonably accessible to all.

If you already have such facilities on site you will need to survey them carefully to see if they do offer disabled access and if not, you will almost certainly need to make alterations. The addition of access ramps, modifying toilets for disabled access and perhaps adding a small paved area in the pits for wheelchair use are three of the more usual types of work that may be considered but there may be others. In all cases

however, the decisions to undertake any alterations must be based on the tests of reasonableness and practicability. Is it reasonable that the club undertakes the work and is the work practicable in the first place?

However, it is clear that you have no obligation to do such modification work until asked to do so by a disabled member. Then you have a 'reasonable' time in which to decide if the requested alterations are reasonable and practicable and to comply with the request.

If you are planning to add facilities, of course, your task is much simpler but you will have to make sure that anything constructed has ease of access for disabled members built in from the start.

There are very significant funds available from various local government sources for providing or altering such facilities, as we have already discussed, and these should be your first stop if you realise that you need money to provide facilities. Don't forget that, again, any facilities provided for disabled access using grant aid will also be of great benefit to your able bodied members too.

REASONABLE AND PRACTICABLE

At various places in this document it is stated that you must be seen to act in a reasonable manner. In establishing what is reasonable, there are a number of things to consider beyond the common sense meaning of the phrase.

Apart from the obvious physical reasons for not carrying out work, economics may also be a factor. It could be argued that, in some cases, it would be 'unreasonable' for a small club to commit large resources of their own to making their facilities disabled friendly. This wouldn't stop them from applying for local authority grants for the work of course.

Modifications to facilities can be made if practicable. However it is important to be able to demonstrate that modifications have been considered, even if they are subsequently determined to be impractical or uneconomic.

Whatever a club decides to do it is essential that they be able to demonstrate that they have considered the matter. Decisions made at club and committee meetings should be minuted carefully as they will provide the records that the matter has been considered.

A DEFINITION OF REASONABLE ADJUSTMENTS

In order to provide equal access to the activities of the club, a disabled person may request that suitable facilities are installed or that they are assisted in being able to participate in those activities.

Whilst the club is not obliged to agree to every request, each should be fully considered and if not fully agreed then the reasons why should be discussed with the

disabled person and, if possible, a compromise or alternative solution should be reached. These changes are known as 'reasonable adjustments'.

In particular, the club should not be expected to spend significant amounts from club funds to provide these adjustments. However, if the disabled person were to offer to pay the cost, or grant funding could be obtained, it would be unreasonable for them to be refused, unless there were other reasons.

The Government's disability website defines 'reasonable adjustments' as:

- changing any practice, policy or procedure which makes it impossible or unreasonably difficult for disabled people to use a service (e.g. waiving a no dogs policy for blind customers accompanied by their guide dog)
- provide an auxiliary aid or service which would enable disabled people to use a service (e.g. providing a British Sign Language interpreter at a public meeting where deaf people will be present)
- overcoming a physical feature by providing services by alternative methods

Whilst the list of potential requests is unlimited, the following examples indicate what might be considered reasonable.

- Allowing a person with a hearing impairment to bring an interpreter with them, free of charge, to club events if that person is not a direct participant.
- Installing a few paving slabs in the pits or on the flight line to stop a wheelchair sinking would be reasonable. Providing a 150 meter paved access path from the car park to the pits would not.
- If the club rules do not allow cars to be driven beyond the car park, a rule requiring other members to land whilst a disabled person drives to the pits in order to unload before taking their car to the car park is reasonable. Allowing the disabled person to leave their car in the pits area whilst flying is taking place is not.

Grant funding is likely to be available from both local authorities and disabled charities to meet, or contribute to, the costs of any adjustments. If you require any help in identifying or requesting these grants, please contact the BMFA office.

COMPETITIONS AND EVENTS

General

It is the responsibility of the organisers of an event to take whatever reasonable and practicable measures they can to meet the needs of any disabled persons attending or competing in the event.

It is a sensible part of the event planning for event organisers to make provisions for disabled persons at an early stage and many of the measures required are generic, such as having a reasonable proportion of disabled access toilets on site (if you are providing toilets). Such measures usually have low or no extra cost if you factor them in at the start of planning but you have to be aware of the possibilities when initially ordering equipment.

However, it may be that a disabled person will be attending who has other needs that may not have been foreseen. In such cases the disabled person must make their requirement known to the organisers and the organisers, in turn, must make efforts to meet those needs, to the level of everything they might reasonably be expected to do.

In these circumstances, an event organiser cannot legally ignore the disabled person's requirements and may have to show that there were valid, reasonable and practicable reasons if any were turned down.

Where an event or competition has an official entry form or ticket pre-booking form, there should be a section that says something similar to;

If you have any requirements that need to be considered in advance of the event, please attach details to this form, contact the organisers, or tick this box and we will contact you [].

Every disabled person will be aware of their own requirements but the list of possibilities is too great to cover on a pre-printed sheet so individual contact with the organisers is the most effective method for the disabled person to communicate what their requirements will be.

A version of the entry form easily understood by a disabled person should be available on request. This may, for instance, take the form of a double size print of the form to aid those visually impaired.

Access On and Off a Competition/Event Site

Disabled persons have a legal right to have access to and from any competition or event that they are taking part in or visiting and event organisers must take note of these rights.

There will be situations however, where disabled access is difficult or impossible, for example, events taking place on temporary sites. Organisers must bear their legal requirements to provide disabled access in mind in such cases and consultation with the disabled person to try to resolve such a situation is essential.

In these cases, as with all matters to do with the disabled, organisers must provide access if it is reasonable and practicable to do so. It may be that, after exhausting the obvious possibilities, access may not be available to the disabled person but the organisers in such cases must be prepared to show that they have made every reasonable attempt to meet their responsibilities.

A fairly typical example of this is the BMFA Free Flight Nationals which is held on a large airfield. Access through the road gate and along tarmac perimeter tracks is very easy but then the competitor almost always has to move on to grass to fly his model. No provision can be made to mow this grass or lay hard tracks over it so a competitor whose disability precludes them from moving out on to the grass areas will be at a serious disadvantage that the organisers can do nothing about.

However, a 'reasonable adjustment' would be for the organisers to allow a disabled person to fly from the nearest safe area of tarmac.

If a disabled person is accompanied to a competition or event by a helper or helpers, then it is the disabled person's responsibility to ensure that those helpers have the skills and training to give the correct assistance if and when required.

General Facilities

Organisers of competitions and events must be aware that if any facilities are made available to the competitors and spectators (for instance toilets, car parks etc.), then all such facilities should be made available and accessible to disabled people. In addition, the organisers must be prepared to take any reasonable steps to deal with any special provisions as required.

The need to provide general facility access for disabled people should be in the forefront of any event pre-planning and, if considered at an early stage, will have little effect on the costing of the event.

Adding such facilities for the disabled later in the process might entail considerably more costs which an organiser will not be able to avoid.

There is no doubt that any event that seeks to provide even basic facilities for those present has a legal requirement to make sure that the facilities provided meet the needs of the disabled.

As an example of the type of thinking that an organiser may have to be involved in we can look again at the Free Flight Nationals. Held on an open airfield, car parking and general access is good and the organisers ensure that there are several disabled toilets on site. Importantly, these are positioned on ground that is easily accessible by wheelchair. Several camping pitches are reserved next to tarmac roads so that wheelchair access is easy and any other requests for special positioning on the campsite are dealt with by the campsite organisation on the days of the event.

TRAINING FOR DISABLED MODEL FLYERS

General

The BMFA supports and encourages all model flying clubs to offer training and instruction to their members and some clubs have structured schemes for such training. However, there is no requirement for a club to do this and the vast majority of club training is on an ad-hoc basis with limited timetable structure.

The instructors who perform this essential task almost all give their services and time free of charge but they generally do not commit to fixed hours or days and, although most are happy to instruct when on the flying field, few are able to set a fixed and reliable rota for training.

The DDA legislation is clear that any training offered to able-bodied members must also be made available to disabled members. This is a legal requirement and clubs must be aware of it.

The implications for your instructors are not particularly serious but both they and the club must be clear that, if a disabled person asks for training, you cannot legally refuse on the grounds of their disability unless you can clearly show that the disability would rule out safe flying of the model.

On the other hand, the disabled person cannot insist on being trained if your club doesn't have any instructors and has no on-going training in progress. What must be appreciated here is that, as we've said before, the legislation sets out to create a 'level playing field' for the disabled and you should bear this in mind when dealing with this matter.

Training Standards

Whatever the requirements and needs of the disabled flyer, it is the responsibility of the club and its members who instruct to ensure that safety standards are not compromised in any way during the training of the disabled member.

Training Support for the Disabled Flyer

Any able-bodied person being trained to fly model aircraft will be assessed by the instructors involved to evaluate their skills and weaknesses. The same will apply to any disabled person at the start of their training. The only difference will be that the trainee concerned may have special requirements centred around their disability and the club and its instructors must be aware that these matters must be discussed with the trainee before their training begins.

The BMFA encourages clubs and instructors to make every effort to integrate disabled people into any training programmes that they run. With a little care this can be achieved successfully but only with the co-operation of all involved, especially the disabled person and their instructor, who must be clear between themselves what special requirements the trainee might have.

Don't forget that it is a legal requirement that you cannot refuse to train a disabled person if you are offering training to able bodied so some preplanning at club committee level would be a good idea.

THE BMFA ACHIEVEMENT SCHEMES AND DISABLED PEOPLE

General

The BMFA has a comprehensive set of radio control achievement schemes that offer nationally recognised qualifications, which cover most R/C disciplines. Standards are published covering how the tests are performed and each of these standards booklets has a comprehensive section on help and assistance for disabled flyers.

If you are running the BMFA Achievement Schemes for the able bodied members within your club then you must be aware that there is a legal requirement that your disabled members must have equal access to the Schemes.

Standards

Whatever the requirements and needs of the disabled flyer, it is the responsibility of the club and any Examiners who are involved in an examination to ensure that safety standards are not compromised in any way during the testing of a disabled member.

The standards booklets published by BMFA covering the various tests are very clear about the way the tests should be conducted but special attention should be paid to the section on help for disabled candidates.

To sum these sections up, help is available for virtually all of the ground sections of the test, under the direct supervision of the candidate of course, but the examiners are instructed that no discretion is allowed in the flying part of the test for any candidate, able bodied or disabled. The BMFA must take this stance as any degradation of the flying standards needed to pass the tests would be very detrimental to the worth of the schemes to all involved.

Examination Support for Disabled Flyers

The BMFA encourages all radio control clubs to run the achievement schemes and, in line with the DDA in force, reminds all involved that your disabled members have an equal right of access to the schemes. Clubs who run the schemes should make every effort to integrate disabled persons into the testing programmes that they run.

With a little care this can be achieved successfully but only with the co-operation of all involved, especially the disabled person and their examiner, who must be clear

between themselves what special requirements the candidate might have before any such examination begins.

Don't forget that it is a legal requirement that you must allow a disabled person access to qualifications if you are offering that opportunity to able bodied members so some pre-planning at club committee level and with your examiners would be a good idea.

For any further advice on this policy, please contact the BMFA Office by

Phone – 0116 2440028 within normal office hours (answerphone out of hours)

Fax – 0116 2440645

Mail – Chacksfield House, 31 St Andrew's Road, Leicester, LE2 8RE

Email – admin@bmfa.org

This document is available online at www.bmfa.org/documents

For a large print version of this document, please contact the office as above or download from the website.

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