Chapter 8

The legal argument for inclusive design

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The legal drivers for inclusive design based on the UK context are explored in this chapter. The principles are equally applicable in other countries if their legislative framework is applied instead. Differing design environments are considered, starting with the designer’s own practice and moving through transport design, services and facilities related design, education design, products and goods related design, and concluding with the design of premises and the built environment. The overlap between the differing design environments is explored and the conclusion drawn that increasingly the legal drivers are seeking to remove barriers and discriminatory situations. The legal frameworks that are currently being put into place should assist designers to produce convincing arguments for their clients to adopt an inclusive approach in their commissions.

There are many arguments that may be given to encourage designers to adopt an inclusive design approach. Morally, designers as part of society should look to remove barriers and obstacles that create disabling environments. From a sustainability stance, there is a strong argument to create communities that encourage participation regardless of age, gender or circumstance. Professionally, the ethical codes of conduct of design-related institutes will promote equal opportunity and respect for people in their membership rules for designers. Economically, inclusive design argues that increasing the numbers of people able to use the design expands the market share and increases business profitability. The focus of this chapter is on the legal arguments for inclusive design and the other arguments are covered within other areas of this book.

The purpose of this chapter is to highlight inclusive design issues through legislative drivers rather than to provide a comprehensive review. The context for this is based on the UK, but the arguments are equally applicable in other countries using their own legislative framework. The main UK legislation giving impetus towards an inclusive design approach consists of the Disability Discrimination Act 1995 (DDA) and the Special Educational Needs and Disability Act 2001 (SENDA). It is not the intention to cover these Acts in any detail in this chapter, but guidance on their interpretation can be found at the website referenced in the section on further reading at the end of the chapter.