

Report

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Report to:	Corporate Resources Committee
Date of Meeting:	16 November 2005
Report by:	Executive Director (Corporate Resources)

Subject:	Disability Equality Scheme
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1 Purpose of Report

1.1 The purpose of the report is to:-

- ♦ advise the Committee about arrangements for developing a Disability Equality Scheme for the Council

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that the report be noted.

3 Background

- 3.1 The Disability Discrimination Act (1995) as amended by the Disability Discrimination Bill brings a New Duty to Promote Equality for Disabled People. There is a General Duty and also Specific Duties with Core Requirements. A key element is a requirement for public authorities to publish a Disability Equality Scheme by December 2006. It is to cover a three year period and include both employment and service delivery.
- 3.2 The General Duty of the Act Section 49A says every public authority shall in carrying out its functions have due regard to:-
- the need to eliminate unlawful discrimination
 - the need to eliminate unlawful harassment
 - the need to promote equality of opportunity between disabled persons and other persons
 - the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons
- 3.3 The Specific Duties are intended to assist public authorities in meeting the general duty. Regulations 2, 3 and 4 of the Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005 set out core requirements. Thus a public authority must publish a three year Disability Equality Scheme by December 2006. This must include:-
- disabled people in the development of the Scheme
 - a statement of the ways in which disabled people have been involved
 - the authority's methods for assessing the impact of its policies and practices
 - steps proposed to fulfil the General Duty (Action Plan)

- arrangements for information gathering on the effect of policies and practices on disabled persons
- measurable indicators, specific outcomes and a realistic timetable
- implementation of the Scheme
- monitoring and review of actions
- publishing an Annual Report

The Scheme must be reviewed and updated every three years.

- 3.4 The Disability Rights Commission will be issuing further guidance on impact assessments and effective ways of involving disabled people. This guidance is anticipated to be published by May 2006. The Council's Equal Opportunities Officer Working Group took the view that this would be late in terms of the workload implications. In addition, experience with the Race Equality Scheme has shown that considerable time and effort is required to develop such Schemes. The Disability Equality Scheme is likely to be just as involved and, again, has to be developed from within the existing resources of the Council as no additional Government funding is provided. Thus, work has commenced on awareness raising and developing an involvement/consultation framework to ensure an appropriate start is made.

4 Disability Equality Scheme development and consultation timetable

- 4.1 Awareness raising about the legislation, the need for consultation and involvement of disabled people and, planning the development of a Disability Equality Scheme has been initiated. It is important to note that it applies to all Council services and employment. A report was taken to the Council's Equal Opportunities Forum (6 September 2005), a presentation and discussion about involvement was conducted at a Social Work Users development event (29 August 2005) and at a meeting of the Council's Disabled Employee Forum (13 September 2005). This awareness raising provided them with an outline consultation framework and gained support for the direction being suggested.

- 4.2 Involvement of disabled people is essential to the development of a Disability Equality Scheme. Discussion with local disabled groups/people indicated support for a number of major events on the understanding that on-going liaison/involvement would take place up to, in between and after such events. Involvement thus being built in to the way the Council works in terms of disability. The consultation timetable is outlined below:-

- **16 November 2005**

First main event with a day time and evening session (10.00am to 12.30pm and 6.30pm to 9.00pm in the Council Offices, Almada Street, Hamilton).

This is to provide disabled people with the opportunity to put forward their priorities for Council services and identify issues that they would like to see addressed in a three year action plan as part of a draft Council Disability Equality Scheme. Arrangements for this event are being co-ordinated through the Equal Opportunities Officer Working Group. A draft action plan/Disability Equality Scheme will be developed from it and on going involvement with disabled people.

- **April 2006**

The aim is to have a draft Scheme out for disabled people to consider and come back to an event at Council Headquarters for any clarification of issues with a view to then producing a final draft.

- **September 2006**

The intention is that a date would be made available at this time if it was felt necessary to have a final conclusion event for the Scheme.

- **November 2006**

This is the target for a joint launch of the South Lanarkshire Council Scheme between disabled people and the Council. This is in time to meet the December 2006 deadline for publishing a Disability Equality Scheme.

- 4.3 There are a number of considerations to address in the development of a Scheme and the importance of involving disabled people. Their needs for accessibility, interpreters, format/type of consultation (oral and written, audio/visual) have implications for venues used, transportation, interpreter availability, the capacity of disabled people to be involved (including confidence and time available), out of pocket expenses, catering costs and so forth. There will be limitations encountered along the way in that context though every effort will be made to ensure inclusion and to reduce any gaps in the consultation such as “hard to reach” disabled people for example. Consideration will also be given to how to include carers and befrienders in the process as well as disabled people.
- 4.4 The Equal Opportunities Officer Working Group has held discussions with Social Work officials with experience in communicating with people with learning difficulties and will engage with Education Resources to ensure younger people are involved in the process. The development of a Communications strategy will be done in conjunction with Corporate Communications and similarly a consultation strategy will be developed with the Council’s consultation unit. An article about the need to develop a Disability Equality Scheme will be included in The Works magazine in November to raise employee awareness generally.

5 Employee Implications

- 5.1 The development of the Council’s Disability Equality Scheme will be overseen by the Equal Opportunities Officer Working Group and will utilise existing employee resources of the Council. The Disability Equality Scheme will affect all employees as it applies to all Council services and employment.

6 Financial Implications

- 6.1 Costs associated with the development, consultation/involvement and the production of a Disability Equality Scheme will be met from within existing resources.

7 Other Implications

- 7.1 It is important to note that the Disability Equality Scheme is to be a three year scheme, published by December 2006. There will be a requirement to produce an Annual Report each year thereafter. It will need to be updated and revised and produced again in three years. Disabled people must be involved and evidenced as such in the Scheme. All Resources need to take cognisance of the actions in it in respective Resource and Service Plans and keep records on all involvement with disabled people for audit and scrutiny purposes. There are implications also for any best value audits and scrutiny of equal opportunities by other external bodies in addition to the Disability Rights Commission.

8 Consultation

- 8.1 The legislation requires consultation with and, more significantly, involvement of disabled people in the development of a Disability Equality Scheme. Steps will need to be taken to ensure this engagement is inclusive of disabled people's needs.

Alan Cuthbertson
Executive Director (Corporate Resources)
24 October 2005

Link(s) to Council Objectives

- Creating successful communities
- Living in the community
- Supporting our communities
- Delivering modern services

Previous References

None

List of Background Papers

- Disability Rights Commission, The Duty to Promote Disability Equality: Statutory Code of Practice (Scotland) consultation draft

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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