

DISABILITY EQUALITY SCHEME (DES)

Agenda Item 10

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Background Papers:- Equality Standard; Disability Discriminations Act 2005;
Financial Implications:- None identified
Equalities Implications:- The scheme will ensure the needs of all people with disabilities will be addressed and improved.
Legal Implications:- Having the Scheme in place is compliant with the legislation
Options: 1. to endorse the Scheme or 2. not to endorse the Scheme
Risks: If the Scheme is not approved then BDC will not be compliant with legislation.

EXECUTIVE SUMMARY

1. Introduction

The Disability Discrimination Act 2005, places a statutory General Duty on the Council to produce a Disability Equality Scheme that sets out key actions it will take to promote disability equality over the period of the Scheme (3 Years). The Act requires that the Authority must, in carrying out all functions, have due regard to the need to:

- Eliminate unlawful discrimination
- Eliminate unlawful harassment
- Promote equality of opportunity between disabled persons and other persons
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons

2. Disability Equality Scheme

The Disability Discrimination Act 2005 imposes a number of specific statutory duties on the Council which are intended to assist in meeting the General Duty, in particular by setting out what public authorities should do to plan, deliver and evaluate action to eliminate discrimination and promote disability equality. The core requirements are:

- The preparation and publication of a Disability Equality Scheme by 4th December 2006
- Implementation of the Disability Equality Scheme (via an action plan in the scheme)
- Annual reporting

Braintree District Council's Disability Equality Scheme meets these requirements and ensures that we will meet the needs of our disabled customers and employees. This Scheme sets out our overall objectives for improving and addressing disability inequalities and the action plan for delivering improvements to access and services. It will therefore ensure we:-

- Meet the requirements of the Disability Discrimination Act and sets out our plans to improve disability access to employment and services
- Make sure we are taking the needs and view of disabled people into account when we design or deliver services, make access improvements or develop policies
- Continuously monitor and improve the ways in which we deliver services to disabled people

DECISION That the Cabinet approves the Disability Equality Scheme.

DISABILITY EQUALITY SCHEME (DES)

1. Introduction

The Disability Discrimination Act 1995 amended by the Disability Discrimination Act 2005, places a statutory General Duty on all public authorities to promote disability equality. The 2005 Act provides an increasingly robust legislative framework, which requires Council's to actively promote disability equality. This means that public authorities must, in carrying out all functions, have due regard to the need to:

- Eliminate unlawful discrimination
- Eliminate unlawful harassment
- Promote equality of opportunity between disabled persons and other persons
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons

Braintree District Council recognises that promoting disability equality will improve public services for everyone. Our aim, therefore, is to make disability equality a central part of the way the Council works by putting it at the centre of policy making, service delivery, regulation and enforcement, and employment practice.

3. Disability Equality Scheme

The Disability Discrimination Act 2005 imposes a number of specific statutory duties on the Council as a scheduled public authority listed in the Disability Discrimination (Public Authorities Statutory Duties) Regulations 2005. These duties are intended to assist public authorities in meeting the General Duty, in particular by setting out what public authorities should do to plan, deliver and evaluate action to eliminate discrimination and promote disability equality. The core requirements are:

- The preparation and publication of a Disability Equality Scheme
- Implementation of the Disability Equality Scheme (via an action plan in the scheme)
- Annual reporting

Braintree District Council's Disability Equality Scheme meets these requirements and ensures that we will meet the needs of our disabled customers and employees. This Scheme sets out our overall objectives for improving and addressing disability inequalities and the action plan for delivering improvements to access and services. It will therefore help us to achieve a number of things:

- To meet the requirements of the Disability Discrimination Act and set out our plans to improve disability access to employment and services
- To make sure that we are taking the needs and view of disabled people into account when we design or deliver services, make access improvements or develop policies
- Continuously monitor and improve the ways in which we deliver services to disabled people
- Meet the principles of the Social Model of Disability (see item 5),

3. Braintree District's Disabled Population

As the Department for Work and Pensions (DWP) observe, there is no single or 'gold standard' measure or estimate of disability. As equalities monitoring of disabled people, especially using the Disability Discrimination Act definition, is not widely carried out, we must rely on indicative data such as is available from the Census: A key challenge for the Council is to establish the diverse range of needs of people who have different types and levels of disability. There is currently a lack of clarity around definition that affects both the presentation and analysis of statistical information in this area. It will therefore be important to develop a much clearer picture of the community of Braintree District in order to establish a baseline in terms of current performance and to be able to set meaningful, challenging, but realistic performance improvement targets.

4. Braintree District Council's staff

Braintree District Council strives towards a representative workforce in respect to the population of the District as a whole. The current representation of staff who have declared they have a disability is 4.6%.

5. Communicating the Disability Equality Scheme

Disability equality means different things to different people. Disability occurs because barriers hinder disabled people from taking a full part in the community. This is the Social Model of Disability and is defined as;

“the recognition that primarily it is the loss or limitation of opportunities, due to environmental and social barriers, that prevents people who have impairments from participating in society on an equal level with others.”

This Disability Equality Scheme clarifies Braintree District Council's approach to eliminating disability discrimination. It is important that all staff across the Council works with the same approach and forms a common understanding of the social model. This Scheme outlines the work that will be needed to develop this common understanding and our approach to customer care and service provision.

An explanation of how the Disability Discrimination Act defines disability can be found in *Appendix 1*.

6. Braintree District's Commitment to Disability Equality

Braintree District Council's Corporate Plan 2004 – 2008 outlines the direction and ambition of the Council to .

- Create a cleaner and greener District
- Help people feel safe and well
- Create a better place to live, work and play
- Improve performance and deliver better value

Each theme has its own aims, objectives and outcomes and individual and service delivery plans identify their contribution to one or more of the themes. For example, the Public Protection and Health Living Unit will lead on the Helping People Feel Safe and Well element. However, individual services may be able to contribute to each of the identified themes in some way. The Council's' approach is to mainstream activities across all services in order to ensure that people with any kind of disability are able to access and use services, and are not discriminated against, directly or indirectly, as a result of their disability.

The Council is committed to working with key partners to deliver a joint vision to create

1. *A District in which everyone is able to access high quality services and transport*
2. *A District in which everyone takes responsibility for making the District a safer, cleaner and healthier place too live*
3. *A prosperous and vibrant District in which everyone is welcome and lives, works and plays together harmoniously*
4. *A District in which everyone has the opportunity to meet their full potential and participate fully in decisions which affect their communities*

These aims, therefore, set the context of achieving equality of opportunity for all. In partnership with others, Braintree District Council aims to deliver public services of consistently high quality and improve the quality of life and life chances of all our communities. To support these aims, the Council will ensure that it is a well-managed organisation, which is consistently improving services for the people of the District. To deliver better services the Council recognises the need to set its own core values, which symbolise the way it wants to work as an organisation

1. ***Perform well and get things done***
2. ***Respect and value customers and staff***
3. ***Improve and learn***
4. ***Deliver that bit extra***
5. ***Efficient and effective***

7. Consultation

It is recognised that the involvement of disabled people and staff is critical to the success of this Disability Equality Scheme and, therefore, this will be an ongoing activity.

In February 2006 the Participation Networks Forum (PNF) was founded. This Forum took the lead on gathering information from disabled people across Essex, including Braintree, and includes the following organisations:-

Essex Coalition of Disabled People (ECDP)
Essex Participation Advisory Group (EPAG)
North Essex Stronger Together (NEST)
SCOPE
Essex Racial Equality Council (EREC)
Age Concern
Access Groups

Members of the Forum commissioned an independent consultant and organised 450 questionnaires to be sent to voluntary organisations, 350 questionnaires to individuals with impairments, and two consultation events.

The results of this exercise coupled with statistical data relating to the number of disabled people in Essex informs the actions BDC is taking to promote disability equality over the next three years.

We will continue to involve disabled people in the work we undertake and we will work closely with the Participation Networks Forum and others to monitor and check how well we are doing.

8. Our objectives

This Scheme sets out the framework within which Braintree District Council can promote equality for, and prevent discrimination against, disabled people as users of our services, as our employees and members of the community. The following objectives are intended to support and complement this framework:

Objective 1 – We will promote equality for disabled people by:

- **Removing barriers to accessibility, particularly in relation to employment and access to services, information and buildings**
- **Encouraging good practice in the private sector through our advisory capacity and enforcement powers**
- **Upholding the Social Model of Disability and our guiding principles in our role in procurement and in our partnership duties**

Objective 2 – We will tackle discrimination against disabled people by:

- **Promoting positive images of disabled people**
- **Challenging patronising or discriminating attitudes**
- **Making the environment as safe as possible for disabled people**
- **Challenging anti-social behaviour against, or harassment of, disabled people**

Objective 3 – We will support disabled people to achieve their full potential by:

- **Working with key partners, both statutory and voluntary) to provide necessary support and assistance to disabled people to enable them to lead independent lives**
- **Supporting disabled people according to their individual need**

Objective 4 – We will work in partnership with disabled people by:

- **Enabling disabled people's active participation**
- **Involving disabled people in the changes and improvements we make**
- **Consulting directly with disabled people on issues affecting them (rather than with people acting on their behalf)**

9. Implementation of the Disability Equality Scheme

This Disability Equality Scheme is based on eight core areas, which form the action planning framework where we can build standards and focus on the actions that need to be taken. The eight areas are:

1. **Making sure the Disability Equality Scheme is put into practice**
2. **Identifying relevant functions and policies**
3. **Assessing and consulting on the likely impact of proposed policies**
4. **Monitoring Council policies for adverse impact**
5. **Communicating the results of assessment, consultation, and monitoring**
6. **Making sure the public have access to Council buildings, information and services**
7. **Employment duties – monitoring employment and supporting employees**
8. **Training staff**

1. Making sure the Disability Equality Scheme is put into practice

Purpose: To ensure compliance with our duty to promote equality of opportunity for all by ensuring that disability equality is mainstreamed into all policies, functions and procedures of the Council

Objective	Action	Outcome	Timescale
To implement the Disability Equality Scheme	Prepare action plan(s) to review functions, policies and procedures, and all other elements of the Scheme	Completion of action plan(s) Increased awareness of disability equality	November 2006 Ongoing
Identification of managers' responsibilities regarding the implementation of the Disability Equality Scheme	Managers to be given disability equality training	Increased emphasis given to disability equality within all decision making across the Council	Spring 2007
To provide assistance in the implementation of the Scheme at a corporate level	Guidelines and advice to be developed and disseminated	Increased awareness of disability equality and the implementation of the Disability Equality Scheme	By April 2007
Development of a stakeholder panel to support the work of the Equity and Access Group?	Develop a full proposal to establish the panel	Panel created to scrutinise our disability equality work	By April 2007
	Liaise with existing consultation groups	Disability equality has a higher profile in policies and services	By April 2007

1. Making sure the Disability Equality Scheme is put into practice - continued

Objective	Action	Outcome	Timescale
Raise the standard of disability equality across the Council	The Scheme will be reviewed every 3 years	Revised Scheme Continued updates to the Scheme	Annual assessment with full review in 2009
To raise public awareness of the Scheme	Scheme made available via the Council's website	Increased awareness of the Council's commitment to eliminate discrimination	Ongoing from publication of Scheme
To monitor the implementation of the Scheme	Annual monitoring and reporting of Disability Equality Scheme action plan tasks	Satisfaction across the authority of the progress made under the Scheme The Scheme is revised if necessary	Annual assessment and monitoring to Management Board and relevant members/parties

2. Identifying Relevant Functions and Policies

Purpose: To give appropriate priority to the promotion of disability equality when carrying out functions and policies

Objective	Action	Outcome	Timescale
To meet the requirements of the Disability Discrimination Act 2005	To review all the functions/policies of the Council according to our duty to promote disability equality (the Scheme)	Functions/policies are reviewed as per the Scheme Application of the Scheme across all departments	Ongoing from autumn 2006

3. Assessing and consulting on the likely impact of proposed policies

Purpose: To determine how policies, functions and procedures affect disabled people (in service delivery and employment) and whether they are having an adverse impact on some groups or individuals

Objective	Action	Outcome/PI	Timescale
Identify real or potential adverse impact on disabled people in the Council's policies, functions or procedures	Review existing equality impact assessments as part of the 2007/08 service planning process and revise action plans	Action identified to avoid or remedy adverse impact Actions incorporated into service plans	March 2007 March 2007
Inform all senior managers of the need to capture data necessary for long term impact to be assessed	Monitoring guidance is produced and adopted	Data is monitored in a consistent manner throughout the Council	March 2007
To ensure that arrangements are made to monitor any adverse impact on the promotion of disability equality	Ongoing appropriate consultation and an evaluation of their effectiveness in supporting objectives	Corporate baseline statistics established	March 2007

To ensure the consistent use of the monitoring procedure	Monitoring procedures to be audited as part of the Council's integrated audit process	Service delivery is more able to meet the needs of the service users	Audit template piloted from April 2006
Ensure that Disability Equality is integral to service delivery plans	Incorporation of Disability Equality Scheme considerations within corporate service planning guidelines	Improved service delivery by development of local targets and outcomes within services	Ongoing from November 2006

4. Monitoring Council policies for adverse impact

Purpose: To build disability equality into the policy-making process, and to make that process clear, open and inclusive

Objective	Action	Outcome	Timescale
To assess the likely impact of proposed policies on the promotion of disability equality	Departments undertake (Disability) Equality Impact Assessments as appropriate	Likely and existing impact, on disability equality is identified and measures put in place	As appropriate
Annual monitoring of adverse impact identified in Disability Equality Impact Assessments and other feedback mechanisms	Collection of adverse impact information considered by each department across the authority. Compilation of information and consideration of impact on council service delivery	Annual monitoring report to be produced	Ongoing annual assessment and reporting

5. Communicating the results of assessment, consultation and monitoring

Purpose: To make sure that monitoring, assessment and consultation activities, and their results are clear and plain to our customers and staff

Objective	Action	Outcome	Timescale
Review staff guidance on how to produce accessible information	Review guidelines for departments to follow in producing accessible information	Departmental information easily accessible across the authority	By April 2007
To identify arrangements for publishing results of assessments, consultations and monitoring	Results are published using a variety of media and formats: internet, intranet, special reports and newsletters	Publicly available record of progress	By April 2007
Development of accessible communication channels	The identification of appropriate communication channels for different community groups and employees undertaken through BDC's various consultation mechanisms	Maintenance and development of communication channels between the public and the council	By April 2007

5. Communicating the results of assessment, consultation and monitoring - continued

Objective	Action	Outcome	Timescale
User satisfaction monitoring	Monitoring of representatives on effectiveness of communication channels and accessibility of information	Increased accessibility of information across the District	Ongoing
Dissemination of staff guidelines on specific communication needs of disabled people	Compilation of information available within the Council on customer care and service needs and production of guidelines disseminated to staff	Staff guidance to increase the accessibility of information for our customers	By April 2007

6. Making sure the public have access to Council buildings, information, services and functions

Purpose: To ensure that disabled people know about particular services, encourage people to use services and remove the barriers to access so that services are equally available to everyone in the community

Objective	Action	Outcome	Timescale
To identify service needs of disabled people, and barriers to accessing services	Use consultation and monitoring arrangements and other available means to identify need	Increased satisfaction levels	Ongoing from June 2005
To provide information in accessible format	Ensure that all staff who have contact with the public are aware of procedures to accommodate people with language and accessibility needs	A greater take up of service or satisfaction with the service provided, revealed by future consultation	Ongoing from June 2005
To continue to comply with all appropriate legislative requirements for building accessibility for all Council property	Continue existing programme of maintenance/DDA improvements for all Council buildings	A more easily accessible built environment	Ongoing
Increase access to services and functions for all	Disability equality training for staff at all levels and members	Increased understanding of access to services An increased awareness of the 'pockets' of limited access to Council services	Spring 2007

Objective 7: Employment duties – monitoring employment and supporting employees
Purpose: Information from monitoring will be used to develop schemes (if required) to lead a workforce that further represents the profile of the communities of Braintree District

Objective	Action	Outcome	Timescale
Quarterly employment monitoring	Quarterly reporting and dissemination of employment monitoring information	Produce quarterly employment trends and develop action plans arising from trend analysis	Ongoing
To eliminate any possible discrimination in the workforce	Review existing monitoring practices	Results used to inform the recruitment and selection process	Ongoing
		Publish staff profile annually	Ongoing
To eliminate any possible discrimination in the recruitment and selection process	Augment existing monitoring practices to enable faster statistical analysis	Equality of opportunity throughout the entire recruitment process Leading to an increase in the representation of disabled employees	Annual assessment and reporting
Engage community and consultation groups in the development of approaches for increasing workforce representation	Develop and maintain existing consultation mechanisms to discuss how to improve and increase the representation of disabled employees within the Council	Long-term increase in the number of disabled employees within the Council	Ongoing in accordance with consultation programme

Objective 8: Training staff

Purpose: To ensure that employees working in this area have the skills they need to ensure that we meet our duty to promote disability equality

Objective	Action	Outcome	Timescale
To incorporate the requirements of the Disability Equality Scheme into current training programmes	Ensure trainers (external and internal) include where appropriate Disability Awareness training Monitor training programmes	Training reflects the requirements of the Disability Equality Scheme. Annual statistics for disability related training of staff?	Ongoing
To ensure that employees have the relevant information about the Scheme commensurate with their post	Managers to cascade information and arrange appropriate training	To raise awareness of the Disability Discriminations Act requirements	Ongoing
To ensure that training remains relevant and of a high standard	Standard of training to be monitored through Equity and Access Group	Training continues to meet the needs of employees and remains of a high standard	Ongoing
Continual update and dissemination of staff guidelines on new disability equality legislation	Compilation of existing information available within the Council and production of up-to-date guidelines made available on the intranet	Increased awareness among all employees of legislative requirements. Employees made aware when new legislation is passed	Ongoing

Appendix 1

The Disability Discrimination Act Definition of Disability

What the Act means by disability

The DDA defines a disabled person as anyone who has a physical or mental impairment which has an effect on his or her ability to carry out normal day-to-day activities. That effect must be (a) substantial (that is, more than minor or trivial); (b) adverse and; (c) long term (that is, it has lasted or is likely to last for at least a year or for the rest of the life of the person affected)".

A physical or mental impairment includes any visible physical disability, sensory impairments, mental health issues, learning disabilities, conditions such as diabetes and epilepsy etc. The Act now extends the legal definition of disability to cover HIV, cancer and multiple sclerosis from the point of diagnosis.