

**THE DISABILITY EQUALITY SCHEME
(Report by Head of Policy)**

1. INTRODUCTION

- 1.1 From December 2006 the Disability Discrimination Act (DDA) 1995 will be amended to place a **duty** on all public bodies to promote disability equality. This will require the Council to actively promote disability equality, in the same way the Race Relations (Amendment) Act 2000 places a duty to promote race equality. A similar duty for Gender Equality will be introduced in April 2007
- 1.2 This is intended to bring about a shift in the legal framework which relies on individual disabled people complaining about discrimination to one in which the public services are required to actively promote change.
- 1.3 Adopting the draft scheme now will allow time to carry out consultation in advance of the scheme becoming a statutory requirement; it will also allow integration with other equality work e.g. race assessments and equality impact assessments.

2. OPERATION OF THE SCHEME

- 2.1 The Act sets out a general duty, to have due regard to the need to eliminate unlawful discrimination and promote equal opportunities for disabled people. The Council will also need to consider the elimination of harassment of disabled people, promotion of positive attitudes and the need to encourage the participation of disabled people in public life.
- 2.2 The regulations also give Huntingdonshire District Council a specific duty which defines a framework to use to meet the general duty. The main element of this is a requirement to produce a Disability Equality Scheme, in a similar way to the Race Equality Scheme.
- 2.3 The process of producing a Disability Equality Scheme involves -
- ◆ Involving disabled people in producing the scheme and developing the action plan.
 - ◆ Identifying how we will gather and analyse evidence to inform our actions.
 - ◆ Setting out how we will assess the impact of our existing and proposed activities on disabled people.
 - ◆ Producing an action plan for the next three years.
 - ◆ Reporting on our progress every year and review the scheme every three years.

3. ENFORCEMENT OF THE SCHEME

- 3.1 The Disability Rights Commission (DRC) will have the power to issue compliance notices where it is satisfied that a public body has failed to comply with its specific duties. Disability equality will also become part of the audit and inspection process. User focus and diversity are very likely to feature strongly as key lines of enquiry in the next CPA.
- 3.2 The Government and the DRC have produced a revised Code of Practice for this; a final version of this will be available during summer 2006. The Code does not impose legal obligations, nor is it an authoritative statement of the law – that is a matter for the courts and tribunals - it is, however, a “statutory” code and it is admissible as evidence in legal proceedings.
- 3.3 The attached draft Disability Equality Scheme is similar in format and content to our current Race Equality Scheme and is compatible with the current draft Code of Practice on Disability Equality in the public sector.

4. RECOMMENDATION

- 4.1 The Cabinet is invited to endorse this scheme

BACKGROUND INFORMATION

Disability Equality Scheme

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