

**THE DISABILITY EQUALITY DUTY FOR THE PUBLIC SECTOR
(Report by Head of Policy)****1. INTRODUCTION**

- 1.1 The purpose of this report is to seek approval to a Disability Equality Scheme and associated Action Plan.

2. BACKGROUND

- 2.1 From December 2006 the Disability Discrimination Act (DDA) 1995, as amended, places a duty on all public bodies to promote disability equality.
- 2.2 The new duty will require the Council, along with other public sector organisations, to actively promote disability equality, in the same way as it is required to promote race equality.
- 2.3 This positive duty is designed to build disability equality at the beginning of the process; rather than make adjustments at the end. It will bring about a shift from a legal framework, which relies on individual disabled people complaining about discrimination, to one in which the public sector becomes active in promoting change.
- 2.4 The Act sets out a general duty, which, means that the Council will have to have due regard to the need to eliminate unlawful discrimination and promote equal opportunities for disabled people. The Council also needs 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.
- 2.5 The regulations also give the Council a specific duty which is to define a framework to meet the general duty - the main element of which is the requirement to produce a Disability Equality Scheme.
- 2.6 A draft scheme was adopted in February 2006 to allow time to carry out consultation in advance of adopting a statutory scheme. This consultation took place in August and September 2006 and the results have been used to prepare the final Scheme and develop the Action Plan.

3 Development of the Scheme

- 3.1 In producing a Disability Equality Scheme the Council has:
- involved disabled people;
 - identified how we will gather and analyse evidence to inform our actions;
 - set out how we will assess the impact of our existing and proposed activities on disabled people; and
 - produced an action plan for the next three years

4. ENFORCEMENT OF THE SCHEME

- 4.1 The Disability Rights Commission (DRC) will have the power to issue compliance notices where a public body has failed to comply with its specific duties. Disability equality will also become part of the audit and inspection process.
- 4.2 The Government and the DRC have produced a Statutory Code of Practice relating to this new duty, and the attached Disability Equality Scheme is compatible with this. The Scheme is similar in format and content to our current Race Equality Scheme. The Scheme can be easily integrated with other processes to promote equality.

5. CONSULTATION FINDINGS

- 5.1 Two methods of consultation were used, a short survey, which provided mainly statistical data and two discussion groups which allowed the issues to be discussed in more detail. The groups were organised by an external facilitator with an experience of working with people with disabilities and is also a wheelchair user. Findings included:-

- the best way to collect information and consult with people with a disability is by short postal survey, or by telephone or email
- services of highest interest were: Home Improvement Agency, Community Safety, Energy Efficiency, Car parks Countryside Services, Housing and Council Tax Benefit, Recreation Centres, Electoral Services, Planning Services and Refuse and Recycling;
- most respondents find out about Council services from a local newspaper or Council newsletter;
- the best method of ensuring that people with a disability can access information is to use District Wide and local newspapers;
- the best formats would be email, audio and large print;
- improved access to buildings, roads and kerbs with adjustments is still a priority;
- better communication and flow of information on available funding and facilities for disabled people is required; and
- the need for more dedicated leisure facilities with improved access and support.

- 5.2 Further information on the findings of this consultation is available from the Policy Division (contact Louise Sboui 01480 388032).

6. RECOMMENDATION

- 6.1 The Cabinet is invited to adopt the Disability Equality Scheme and associated action plan

BACKGROUND INFORMATION

Disability Equality Scheme consultation findings
The Duty to Promote Disability Equality Code of Practice

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