

WYRE FOREST DISTRICT COUNCIL

CABINET MEETING
28th SEPTEMBER 2006

DISABILITY EQUALITY SCHEME 2006 2009

OPEN	
COMMUNITY STRATEGY THEME	Greater Learning and Participation
CORPORATE PLAN THEME:	Developing Quality Services Developing People and the Workplace
KEY PRIORITY:	Equity and Equal opportunities
CABINET MEMBER:	Cllr John Paul Campion
RESPONSIBLE OFFICER:	Chief Executive
CONTACT OFFICER:	Walter Delin
APPENDICES	Appendix 1

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to request Cabinet to endorse the draft Disability Equality Scheme and agree that it be the subject of consultation with appropriate groups. **See Appendix.**

2. RECOMMENDATION

The Cabinet is asked to DECIDE that:

- 2.1 **The Disability Equality Scheme including the Action Plan be endorsed and it be the subject of consultation with Disability Action Wyre Forest and other interested and/or appropriate groups.**

The Cabinet is asked to RECOMMEND to Council that:

- 2.2 **Subject to consultation, the Disability Equality Scheme and Action Plan be approved and published on the Council's website.**
- 2.3 **A Diversity and Equality Officer be considered as part of the ongoing review of CMT.**

3. BACKGROUND

- 3.1 The Disability Discrimination Act 1995, as amended by the Disability Discrimination Act 2005 ('the Act'), requires Public Bodies such as the Council to produce a Disability Equality Scheme. The Disability Equality Duty (DED) will come into force on 5th December 2006.

3.2 In keeping with the positive duty to produce a race equality policy and plan for implementation, the Council is expected to take the following steps to produce a Disability Equality Scheme:

- secure the engagement of disabled people in the design of the scheme
- make plans for action
- monitor •
- collect data
- conduct impact assessments
- report on progress
- plan for the future
- collaborate with other public bodies.

3.3 As a Council we will need to:

- eliminate unlawful discrimination;
- promote equal opportunities;
- eliminate disability related harassment;
- promote positive attitudes towards disabled people;
- encourage participation by disabled people in public life.

3.4 The DED recognises this by requiring public authorities to give due regard to the need to treat disabled people more favourably. This is distinct and unique to disability discrimination in equality law. For example, providing additional dedicated services or facilities to enable disabled people to access mainstream services on equitable terms.

3.5 It is also notable that unlike other anti-discrimination laws, the Act does not restrict positive discrimination in favour of disabled people in any way. This is because under the Act only disabled people are protected against discrimination, and not those who are not disabled.

4. KEY ISSUES

4.1 The Disability Equality Scheme is part of a number of three year equality schemes, which the Council needs to address in producing an overall Diversity and Equality Strategy to comply with new requirements to produce, maintain , implement and monitor equality schemes covering the six strands of discrimination:

- Age,
- Disability,
- Race,
- Religion and Belief,
- Gender
- Sexual Orientation.

4.2 The general duty to promote Disability Equality will become a key part of the Council's functions and should be considered in planning, policymaking, service delivery, regulation, procurement, enforcement and employment. The Council and its services needs to continue to actively engage in removing the attitudinal, physical,

communication and organisational barriers that face disabled people and disabled employees every day.

4.3 It is important to ensure that the Disability Equality Scheme demonstrates commitment at the very highest level. The Disability Rights Commission strongly recommends that the introduction should have the endorsement of and be signed by the Chief Executive, the Chairman of the Council or their equivalent.

4.4 There is a specific duty on the Council to publish the Scheme widely and ensure that it is implemented. It would be valuable, therefore, for a Diversity and Equality Officer to be appointed for the implementation of the duty and the scheme. Having someone with disability expertise to advise and co-ordinate would be beneficial. In addition this Officer's main role would be:

- *To ensure the Council meets its statutory obligations and corporate requirements. This would include achieving the appropriate target level set for the Equality Standard for Local Government BV2a and the Duty to Promote Race Equality BV2b.*
- *To promote and embed Equality and Diversity across service areas and in service delivery.*
- *To recommend and implement maxims that help the Council engage with all sections of the local population regardless of age, gender, race, religion or belief, sexual orientation or disability.*

4.5 It is clear that the new duty requires that Disability Equality Schemes achieve measurable outcomes. Disability Equality Schemes have to show evidence of how progress towards disability equality is being made and they have to detail what the arrangements will be for analysing data which has been collected via their monitoring and other evidence gathering activities

4.6 Our Action Planning framework will consist of eight areas:

- Making sure the Disability Equality Scheme is put into practice
- Identifying relevant functions and policies
- Assessing and consulting on the likely impact of proposed policies
- Monitoring council policies for adverse impact
- Communicating the results of assessment, consultation and monitoring
- Making sure the public have access to council buildings, information and services
- Employment duties – monitoring employment and supporting employees
- Training employees

5. FINANCIAL IMPLICATIONS

5.1 The appointment of a Diversity & Equality Officers would have financial implications but will be considered fully as part of the CMT review..

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The Scheme will support compliance with Act and enable the Council to progress towards achieving its key priorities of equity and equal opportunities.
- 6.2 The Scheme aids the continuous improvement in service delivery to disabled citizens and improves the council engagement with groups of disabled people in the district. It will also link into the customer service strategy.

7. RISK MANAGEMENT

- 7.1 If Council does not comply with the general duty, its actions, or failure to act, can be challenged by means of a claim to the High Court for judicial review. A claim for judicial review could be made by a person or a group of people with an interest in the matter, or by the Disability Rights Commission.
- 7.2 If Council does not comply with its specific duties it could face enforcement action by the Disability Rights Commission. Unlawful discrimination under the Act can lead to civil proceedings in the County Court or, in the case of employment issues, the employment tribunal.

8. CONCLUSION

- 8.1 This Disability Equality Scheme will help us to meet the requirements of the Act and set our plans to improve disability access to employment and services. The Scheme also ensures that we continuously monitor and improve the ways in which we deliver services and that the needs and views of disabled people are taken into account.
- 8.2 It is considered that Council may need access to the services of a Diversity and Equality Officer to ensure that we fully comply with our statutory and community duties across the six strands of discrimination.

9. CONSULTEES

- 9.1 CMT
- 9.2 Diversity and Equalities Working Group

10. BACKGROUND PAPERS

- 10.1 Published papers and Codes of Practice on the Disability Rights Commission's website