

**COMMITTEE:           DISABILITY ADVISORY AND ACCESS FORUM**

**DATE:                   9<sup>TH</sup> APRIL 2009**

**SUBJECT:             DISABILITY EQUALITY ACTION PLAN  
- PROGRESS REPORT**

**REPORT BY:          HEAD OF EQUALITIES**

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**IMPLICATIONS:**

**LEGAL**

**COMMUNITY SAFETY**

**EQUALITIES**

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**ENVIRONMENT**

**FINANCIAL**

**CONSULTATIONS**

**STAFFING**

**OTHER**

**WARDS AFFECTED: ALL**

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**PURPOSE**

1. To update the Forum on progress against the Disability Equality Action Plan in the Corporate Equality Scheme.

## **RECOMMENDATION(S)**

2. **Disability Advisory and Access Forum is recommended to note the report and comment as appropriate.**

## **BACKGROUND**

3. The Disability Discrimination Act 2005 placed General and Specific Duties on Public Bodies (including the Authority). These Duties are as follows:
4. General Duty
  - Promote equality of opportunity between disabled persons and other persons
  - Promote positive attitudes towards disabled persons;
  - Eliminate unlawful discrimination
  - Encourage participation by disabled persons in public life and
  - Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons. For example in the provision of Reasonable Adjustments as required by the 1995 Act.
5. Specific duties

Produce and publish a Disability Equality Scheme (DES), in which the Authority must set out:

  - How disabled people have been involved in drawing up the Scheme
  - How the Authority will assess the impact of its policies and activities on disabled people
  - The steps the Authority will take to improve outcomes for disabled people

- How the Authority will gather and use evidence regarding the impact of its policies
  - Update the Disability Equality Scheme every three years
6. The Council published its Corporate Equality Scheme in December 2006, which included a Disability Equality Scheme and Disability Equality Action Plan as required by the equality duties.

## **REPORT**

7. The Disability Equality Scheme (DES) was published in December 2006 as part of the Corporate Equality Scheme (CES) covering the Race and Gender Duties as well as the Disability Equality Duty. In addition to the Equality Scheme, a Code of Practice and sectoral guidance was issued by the Disability Rights Commission (DRC) to help council's to produce effective DES taking into account the needs of disabled people living, working and using the services of the councils.
8. The sectoral guidance included areas such as Housing, Social Care, Procurement and Planning, Building Control/Standards and Highways/Roads Authorities
9. The Disability Equality Scheme had two broad areas to consider and within those there would be a need to identify the actions needed to undertake those areas of work. The two broad areas are:

1. The impact of the public body's policies and practices on the recruitment, development and retention of its disabled employees
  2. The extent to which the services it provides, and the other functions it performs, take account of the needs of disabled people
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10. The Council carried out a wide range of consultation activities to ensure the involvement of disabled people in the development of the Disability Equality Action Plan (DEAP). These included an on line consultation on the Council's website, the active involvement of the Disability Advisory and Access Forum and focus groups with service users. In addition Departments were actively involved, through the Departmental Equality Coordinators Group, in shaping and agreeing the Disability Equality Action Plan before gaining formal adoption by Members, Senior Managers and the Disability Advisory and Access Forum.
  11. It was clear that there were knowledge gaps that needed to be considered as a priority in order for the Council to meet the Duties and it was agreed that the first Disability Equality Action Plan would be for a year (rather than the three years expected by the DRC guidance) to enable the Council to take stock and produce an effective Disability Plan for years two and three of the Corporate Equality Scheme.
  12. The involvement of the disabled people in the development of the Disability Equality Action Plan had identified some specific issues that could be investigated as specific actions, and these were included in the Disability Equality Action Plan.

13. The Disability Rights Commission sectoral guidance also needed to be looked at in more detail and actions were included in the Disability Equality Action Plan for relevant Departments to review this guidance and produce action plans for year two and three of the Corporate Equality Scheme.
14. The first year of information gathering was intended to help the Council make better decisions about what actions would best improve disability equality. For example to:
  - Assess current performance,
  - Carry out effective impact assessments
  - Identify barriers to good performance and actions for improving
  - Review progress and adjust actions as appropriate
  - Set targets for improving outcomes and
  - Benchmark against other comparable authorities
15. The Disability Rights Commission guidance states that to fulfil these requirements it will be important to look at both outcomes, such as educational attainment, the numbers of disabled people in employment grades, satisfaction levels etc., and the sort of barriers disabled people face, such as inaccessible communication mechanisms. Analysis of gaps or disparity in outcomes and investigating particular barriers will help to identify appropriate actions to produce improved outcomes for disabled people. It is with this background that the Disability Action Plan was published.

16. However, although progress against the Disability Equality Action Plan is reported to each Disability Advisory and Access Forum (DAAF) meeting, progress was disappointing. With reluctance the DAAF agreed that the original one year DEAP 2006 -2007 be extended by another two years to take the end date to October 2009 to tie in with the planned review of the Corporate Equality Scheme and Departments were asked to resubmit action plans to meet the original objectives and/or build on the actions already met. These revised action plans were agreed at the DAAF meeting in December 2007, except for the Housing and Community Living Action Plan, which was agreed in February 2008. The revised action plans were also reported to, and agreed by, the Members Equality and Social Inclusion Group and Senior Managers.
17. The actions in the Disability Equality Action Plan were made purposefully SMART, Specific, Measurable, Achievable, Realistic and Time Limited, for an example a report will be produced or an action plan developed by a set date, as it would then be clear to the public (and Officers) what the results were from the many areas of our work that we had to look at. From those reports etc. we would have the baseline information to show any challenges, set improvement targets etc.
18. The actions were structured so that there were 19 main actions and under each of those a series of sub-actions that would lead to the completion of the main actions.
19. Progress against the sub-actions was reported to each meeting of the DAAF and the Members Equality and Social Inclusion Committee.

20. All, bar one, of the main actions were due to be completed by March 2009 so it is now possible to review the progress on the Disability Equality Action Plan in terms of whether, or not, those main actions have been met.
21. A summary of achievement against the 18 main actions due to be completed by March 2009 is as follows:

Department	Number of actions to be met by March 2009	Action Met	Action Partially Met	Action Not Met
Customer and Corporate Services	3	-	3	-
Chief Executives	1	-	-	1
Children & Learning	6	6	-	-
Environment & Regeneration	4	3	-	1
Housing and Community Living	4	-	2	2

22. Appendix 1 sets out the details on each of the actions by Departments outlined in the summary at paragraph 18 above and Appendix 2 provides additional information and explanation of the work carried out by Housing and Community Living Department to meet the sub-actions set out in the Disability Equality Action Plan.

23. A new Corporate Equality Scheme is being developed and discussions will be taking place with Departments to agree what actions will be carried forward to the new Scheme.

## **EQUALITIES IMPLICATIONS**

24. The Disability Equality Scheme and the Disability Equality Action Plan are key documents to enable us to work towards both the legal requirements of the Disability Discrimination Act 2005 and better outcomes for disabled people

## **LEGAL IMPLICATIONS**

25. The Disability Equality Action Plan was informed by The Duty To Promote Disability Equality, Statutory Code of Practice (the Code) published by the Disability Rights Commission in 2005 (and still in force) and sectoral guidance issued by the Disability Rights Commission. A Statutory Code is admissible as evidence in legal proceedings. Courts and employment tribunals must take into account any part of the Code that appears to them to be relevant to any question arising in those proceedings. If public authorities follow the guidance in the Code, it may help to avoid an adverse decision by a court or tribunal in such proceedings. The Sectoral Guidance documents are written to accompany the Statutory Code so it is reasonable that they are given the same level of importance.

As agreed with John Newman 20<sup>th</sup> March 2009.



## **BACKGROUND PAPERS**

26. Disability Equality Scheme Action Plan, Disability Discrimination Act 2005, various general and sectoral codes of practice and guidance issued by the Disability Rights Commission and Equalities and Human Rights Commission. All available from the Equalities Unit on request.