

**Submission to the consultation on the future of the Luton Borough Council
Disability Access Service.**

The proposal is that the Disability Access Service within Building Control is discontinued to achieve a saving within the Building Control budget of £38,000 (minus any income generated by the service).

Background

The post was established in May 2011 following the reorganisation of Equalities and Social Justice functions to advise the Council on disability and access. The post originally, while based in Building Control, had 35% of time allocated to supporting the Social Justice Unit (SJU) on disability related policy and the disability elements of the Public Sector Equality Duty. A meeting with the SJU in June 2011 identified that they wouldn't be using the post for advice on disability policy or the Public Sector Equality Duty in the Council and that the Access Service's work within the Council should concentrate on disability access. The SJU anticipated that they would need no more than 10% of the post to be set aside for areas of work that may be undertaken in partnership with the SJU.

This meant that 25% of the post became unaccounted for. It was suggested that the 25% could be used to generate income from selling access and disability equality services outside of the Council and proposals for this and associated changes in the post holder's job description, obtaining legal views, insurances etc were worked on. Work continued supporting services within the Council. Executive agreed in November 2012 that the post could trade and would charge both internal and external customers at cost from January 2013.

Work then commenced on preparing business plans, designing logos, putting information on the Council website etc with the view to market the service. It was proposed that dedicated use of social media could also be a way of generating business. During this work it was identified that there was no marketing budget available. It was then felt that trading the Access Service could be most effectively delivered under the Luton Traded Services (LTS) banner, which was being developed at the time, and, subsequently, that the post should use LTS marketing materials, web and social media etc. LTS was launched in September 2013. To date, 28th January 2014, LTS printed marketing material suitable for sending out to potential customers or when undertaking cold call visits has not been available to the Access Service.

During this time access work has been continuing, for example members of public contacting us by phone for one off pieces of advice where it would not be possible to charge. Paid work, both access and disability equality related, has come in from a range of leads generated by the Council website, general enquiries and word of mouth. The post has also continued to support Council services, sometimes charging and sometimes giving general advice and support without charge where it would be unreasonable or impractical to charge, for example giving quick advice to colleagues in Building Control.

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To date, whilst understanding that any income generated supports the Council and Building Control in difficult financial times and having also achieved some trading income, the post holder has not had any objectives or targets around income generation by the Access Service.

This combination of changes and events has meant, as acknowledged by the OCA, that there have been delays in creating the environment where the Access Service is able to trade in the way anticipated by the Council.

Acknowledging the challenge.

It is obvious to even the most casual observer that the Public Sector is working within a difficult financial environment and is being forced to change the services it delivers and how it delivers those services. Luton is no different to any other Council in having to manage through these difficult times.

Year on year cuts are affecting services and the pressure on individual Service budgets is acknowledged. The Building Control budget is no different from other budgets within the Council in that respect.

The Building Control service itself is statutory with fixed charges to ensure that its costs are covered. There is a direct link between the amount of work coming in, the income expected from that work and the level of staffing that the income will enable to be employed to be able to deliver the service. The Access Service is not statutory and is not predictable, so at a time when there is pressure on Building Control to make savings it is the easiest area of savings to identify and manage within the limited pool of the Building Control budget.

However, despite where the budget sits, the Access Service would be best not considered as a Building Control specific service as the work it undertakes has a Council wide impact.

The value of the Access Service to the Council as a whole is not just its ability to generate income to cover its costs but also how it contributes to saving the Council money, how it protects the Council from potential costs and how it supports the Council to meet its wider legal, social and economic objectives and its responsibilities as an employer of disabled people. It is not clear if this type of assessment has happened as part of the current proposal or if this, at this stage, is seen only as a way to achieve the required savings. This assessment of the wider value of the Access Service should fall into the considerations of the Integrated Impact Assessment required for this proposal.

The starting point, therefore, is the identification of whether this proposal is being put forward as a, relatively, simple way of meeting a savings target in one small budget pool or if the Council as a whole has decided that it does not need or does not want a disability access advice function. It is accepted that, as this is only a proposal, this question may not be answered until the proposal goes to Administration and Regulation Committee, but it would be reasonable to expect this basic question to be asked of Committee, and answered, as part of their decision making.

Consideration of the alternatives put forward in the Organisational Change Assessment (OCA)

The OCA acknowledges that the proposal will mean that the Council will be deviating from established best practice and proposes using, what it accepts are limited, other sources of disability access advice.

It proposed that Fixed Assets are used to cover access to Council buildings. Fixed Assets have limited skills and experience in disability access and may be able to cover the basics but not the more complicated areas of disability access; in fact Fixed Assets come to the Access Service for advice, recently on access proposals for Apex House and advice on a lift being installed in a school.

There is a wider issue around using existing internal resources. Where services in the Council have chosen not to use the Access Service this has resulted in poor quality work which has, or will, lead to additional costs. For example, the Access Service wasn't used on the Busway project but was called in when the work was completed as there were concerns that some of the A Frame entrances to the Busway weren't accessible. The Access Officer was able to confirm that they weren't accessible and made recommendations to correct the errors. This will result in additional costs which could have been avoided, such as the replacement or adjustment of the entrances or dealing with legal challenges. Whether it was the cost of using the Access Service or the fact that it is not a requirement for the Access Service to be involved in Council projects that meant the service wasn't consulted is uncertain, but a fully funded Access Service would be more likely to be used by services within the Council and would mean such basic, and costly, errors are less likely.

It is also suggested that Building Control could be used. Building Control Officers regularly use the Access Service where what is proposed varies from the guidelines of Part M of the Building Regulations (which covers disability access). It is the ability of the Access Service to understand and give advice on what is reasonable when varying from the guidance that is valued by Building Control. The removal of the service will mean that Building Control Officers will be expected to make these decisions without specialist advice. Referral to a free copy of Part M of the Building Regulations gives the public information but not the skills to interpret what Part M is saying or where it is reasonable to vary from it.

It is proposed to use the Social Justice Unit to cover the disability equalities advice element of the Access Service. This is certainly an option. However the Social Justice Team is an internal resource and are likely to be able to only to give brief general advice on top of their 'day job' and then refer the public on to other sources of advice, such as the internet or the Citizens Advice Bureau. This could lead to frustration on the part of callers and also may not be sufficient for the Council to be able show that it is actively working to comply with the Public Sector Equality Duty around promotion of equalities.



A fully funded Access Service would be able to offer specialist advice and support the Council to meet its Duties. By having connections outside the Council it would also mean that the Access Service would maintain an overview of the disability access and disability equality work being undertaken in the Borough. This is positive for regeneration and inclusion as well as for meeting the Equality Duty.

It may already be the case that the Social Justice Unit have been given a wider role in advising the public and/or generating income from offering advice and training but I am not aware of this.

It is proposed that owners of privately owned buildings should use Access Auditors or Consultants from the National Register of Access Consultants (NRAC). For those businesses and individuals that can afford the cost it is viable, but for small businesses, community groups etc it may not be affordable which could mean that improvements to access are either not undertaken or are not suitable. A fully funded Access Service could offer support to small businesses and community groups and offer free advice that would increase their ability to attract new customers, which is good for the local economy, and support community groups to attract new members/users, which is good for the inclusion and health of disabled people and the viability of the community groups themselves. This could be important as the Council moves to using local groups to provide more services on its behalf. It could also contribute to the Council meeting the Duty to promote.

NRAC consultants could also be used by the Council, with associated costs, but it is important to note that access is more than just access to a building. The Access Service has the ability to maintain an overview on the state of access across the borough. This includes the wider regeneration, inclusion and built environment impacts on access. For example, every building on the proposed Napier Park development could be accessible but the Access Service, if involved, would also be able to check that wayfinding is accessible and that the proposed employment opportunities are accessible to disabled people because the routes to them are accessible. This also supports the Council to meet its wider equalities duties. NRAC Consultants could be engaged on long term projects by the Council but this is unlikely to produce a saving over having a fully funded in house Access Service.

The Equality Duty in relation to disability is more than simply making sure that buildings are accessible, it is about promoting equality of opportunity. Just having accessible buildings is not sufficient and the larger the project the more likely it is that both access and meeting the Equality Duty requirements will not be met without specialist input, the Busway being an example. It may be that Developers could be asked to contribute towards the cost of the Access Service to support the Council to meet its requirements.

It is not known what alternative sources of funding have been considered before the proposal to discontinue the service on grounds of cost have been explored, if any. It would be reasonable for what consideration there has been of alternative sources of funding to be covered within the report to Committee.

The areas of work that a fully funded Access Service could offer are attached as Annex 1.

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Proposal

It is proposed that the Access Officer post should be considered a Corporate resource, instead of a narrow Building Control resource, and funded to work across the Council and with small private and third sector organisations in the borough.

With Corporate, or other, guaranteed funding there will be no need to charge either internally or externally to provide a service. It would mean that Council Departments and Services and external organisations would be more likely to use the service. This would also enable the Council to maintain an overview of access within the Council and the borough and of the wider regeneration and inclusion impacts of good access. It would also reduce the pressure on the limited resources of Building Control.

The role could be expanded to include supporting the Council's training teams, those undertaking Integrated Impact Assessment and the Social Justice Unit around advice and training on disability access and awareness issues where they required specialist assistance.

It would be possible to make disability access advice and disability equality and access training available for free for local small businesses and/or voluntary organisations where there may not be the resources to bring in consultants/trainers but where basic advice and/or training could improve access to buildings and services (good for people, good for the voluntary groups and good for the economic viability of businesses who would be able to attract new customers).

This could be supported by income generation through Luton Traded Services where appropriate, but it should not be expected that the Service will be able to cover all its costs through trading.

Conclusion

Building Control has to make savings and the non statutory post of Access Officer is the simplest post to delete in order to make those savings. The result will be that the Council as a whole will not have a specialist Disability Access Officer. Given the contribution the Access Service could make to the Council and the borough this could be short sighted.

To begin with there is one simple question that should be answered to start to fully assess the proposal to discontinue the service:

After considering the issues around disability access and its role in regeneration, inclusion and compliance with legislation (including case law around the Equality Duty), does the Council as a whole need and/or want specialist access advice available in house?

If the answer is that the Council as a whole does not need and does not want specialist access advice available in house then the service can be discontinued.



If the answer is that the Council does need or does want specialist access advice available in house then the objective must be to look at alternative sources of funding. It is accepted that it is unlikely that the service will be able to generate sufficient income from trading to cover all costs. The consideration then is whether there is scope for a fully funded Access Service, with no further charges to Departments or the wider borough, and where there is some limited scope to contribute towards those costs using trading income generated through Luton Traded Services.

If it is decided that the Council wants and/or needs the specialist Access Service but after consideration of all possible funding options it is found that the Council as a whole can't afford the service then the service can be discontinued.

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Annex 1

Role of an Access Officer – what could a fully funded Access Officer do for Luton

The role of the Access Officer is to raise awareness of accessibility issues, offering advice on how to improve access to the built and transport environments. This encourages inclusion and leads to full compliance with legislation and best practice.

It's worth remembering that access isn't just about visibly disabled people. People who can be affected by poor access include:

People who :

- are wheelchair users
- have learning difficulties
- have visual and/or hearing impairments
- are pregnant
- are frail and elderly
- need an Assistance Dog eg Guide Dog
- might be laden with shopping
- push a child in a buggy
- have a temporary disability - eg: have a broken leg

The Access Officer could promote access to Council properties by:

- Auditing existing buildings
- Identifying restrictions to access
- Prioritising access issues
- Commissioning access improvements

The Access Officer could promote access to the wider community by:

- Assessing Planning applications
- Advising and collaborating with Building Control surveyors
- Working with the Highways department
- Developing improvement programmes with local businesses
- Working with local disability and special interest groups
- Developing new initiatives eg. disability awareness training for small businesses.

The Access Officer could provide advice and information on Legislation including:

- The Equality Act 2010
- The Special Educational Needs and Disability Act - 2001
- Building Regulations – Part M
- British Standard BS8300:2009 +A1 2010 - a nationally recognised guideline



The Access Officer could offer advice on disability and access to:

- Council Departments and Services
- The General public
- Employers
- Service providers
- Charity and Voluntary groups
- Developers
- Architects
- Contractors
- Officers undertaking Integrated Impact Assessments where there was a disability element.

The Access Officer could offer disability advice and training for:

- Any review or update of Council policies and procedures
- Any employment issues
- improvement of disability awareness in any organisation
- Schools
- Groups of and for disabled people. This is also an opportunity to feedback issues to the Council.

This will mean that the Access Officer would be able to:

- Provide an effective advisory role to guide and direct on practical and technical solutions in matters relating to disabled people and inclusive access issues.
- Ensure that the needs of disabled people and inclusive access are fully considered in all the Council's proposals for change in the built environment.
- Promote and improve disabled people's access to, and use of, existing facilities and proposed changes in the built environment.
- Promote and improve other areas not directly related to the built environment, which enable fuller participation and integration of disabled people.
- Provide advice and guidance to Departments and Services within the Council on delivering appropriate access for disabled people to services.
- Through consultation with organisations, groups, council departments, developers and other agencies provide solutions to inclusive access design challenges.
- Liaise with other employees and organisations in the borough on publicising and promoting disabled people's and inclusive access issues.
- Undertake site/building surveys and inspections as required.
- Offer specialist advice when looking at the disability and access issues in the Public Sector Equality Duty where this specialist advice is required, provide, or advise on disability related training, Integrated Impact Assessments etc where appropriate.

End.

