

CANNOCK CHASE COUNCIL

COUNCIL

13 DECEMBER 2006

REPORT OF CHIEF EXECUTIVE

DISABILITY EQUALITY SCHEME (DES)

1. Purpose of Report

1.1 To adopt a Disability Equality Scheme (DES) for Cannock Chase Council.

2. Recommendations

2.1 It is recommended to adopt the Disability Equality Scheme attached as Annex 1 to this report.

3. Key Issues -- The Disability Equality Scheme (DES).

3.1 The Disability Discrimination Act 1995 amended by the Disability Discrimination Act 2005 places a general duty to promote disability equality and a specific duty on all public authorities to publish a Disability Equality Scheme (DES).

3.2 Attached as Annex 1 is the current draft of Disability Equality Scheme.

3.3 The Disability Equality Scheme is at the heart of the Council's framework for eliminating the harassment of and unlawful discrimination against disabled people, for promoting equality of opportunity and ensuring that all members of the community, including those with a disability, can access employment opportunities and use the services and facilities provided by Cannock Chase Council.

3.4 In meeting its statutory duty in producing and publishing this scheme by the 4 December 2006 the Council has:

- Actively involved disabled people in its development
- Identified how it will gather and analyse evidence to inform its actions and monitor progress
- Set out how it will assess the impact of its existing and proposed activities on disabled people
- Produced a three year action plan
- Set out a process to report on its progress every year and review and make appropriate revisions to its scheme at least every three years.

- 3.5 As a first step towards involving disabled people the Council has circulated the Scheme to various disability groups, employees and Trade Unions during October and November 2006 as well as hosting an event held on 6 November to develop its DES.
- 3.6 During November the Scheme has also been reported to the Council's Social Inclusion and Housing Select Committee and Cabinet for comment.
- 3.7 A copy of the DES and a form to record comments has been made available on the Council's website.
- 3.8 All relevant and appropriate comments have been included within the Scheme and involvement will continue with further planned events arranged, in partnership with Staffordshire County Council, during January 2007. In light of this further involvement the Scheme will continue to be reviewed and revised accordingly.
- 3.9 It is a legal requirement to produce a DES, which must be published by 4 December 2006. Due to the timings of meetings and the ongoing consultation process it has not been possible to bring the draft scheme to Council before this date.

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Section 1

Background

From December 2006 The Disability Discrimination Act (DDA) 1995 will be amended to place a duty on all public sector authorities to promote disability equality. This will affect all public bodies, from local councils to government departments, from universities to hospitals.

The Disability Equality Duty will require the public sector to actively promote disability equality, and is similar to the duty to promote race equality under the Race Relations (Amendment) Act.

The Act sets out what is known as the General Duty which requires public authorities to adopt a proactive approach, mainstreaming disability equality into all decisions and activities. When carrying out their functions, all public bodies must have due regard to the need to:

- Promote equality of opportunity between disabled persons and other persons
- Eliminate discrimination that is unlawful under the Act
- Eliminate harassment of disabled persons that is related to their disabilities
- Promote positive attitudes towards disabled persons
- 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.

"Due regard" means that authorities should give due weight to the need to promote disability equality in proportion to its relevance. It requires more than simply giving consideration to disability equality.

In addition to this general duty, certain public authorities are subject to what are known as "specific" duties, laid down in regulations. A full list of organisations covered is included in the Disability Rights Commission (DRC) Code of Practice "The Duty to Promote Disability Equality". District Councils are subject to these duties which set out a framework to assist them in planning, delivering and evaluating action to meet the general duty and to report on these activities.

Central to the development of the DES is the Equality and Diversity Project Action Team who are responsible for overseeing and co-ordinating the Council's work on all equality and diversity issues including implementing the Disability Equality Scheme, the Race Equality Scheme and the Equality Standard.

The Team comprises key employees from all departments and directorates with particular expertise in general equalities, disability, gender, race, religion, project management, self assessment systems, audit, research, human resources and management information systems.

In broad terms, as with Race Equality, responsibility for Disability Equality in each service will lie with the relevant Head of Service. The specific changes and practices required for each service area will be identified as part of the Impact Assessment process undertaken by each Head of Service.

Section 2

Details of Matters to be Considered

Set out in the key issues section of this report.

Section 3

Contribution to CHASE

The Council has adopted objectives based on the CHASE acronym which stands for:

- Culture and Sport - Increasing participation in culture and sporting activities
- Health - Developing a healthy community
- Access to Skills and Economic Development- A vibrant economy, A job for everyone, Learning opportunities for all
- Social Inclusion and Housing- Reducing Inequality, Decent Homes for all
- Environment- A clean, safe and sustainable environment

Within the Social Inclusion and Housing Objective we have identified that “We will continue to work to reduce inequality within the District and will involve more people in the work of the Council”

The Council has identified the following groups as being “at risk” requiring specific action to ensure that they are socially included within our society:

- Young unemployed
- Lone parents
- Long term unemployed
- Disabled
- Elderly people
- Homeless people
- People from black and other ethnic minorities

One of the most important issues is the exclusion of these “at risk” groups from the activities that many of us take for granted. We are working closely with various agencies and the voluntary sector, in particular, to tackle the problems faced by these groups and to help us build communities that promote equality in all aspects of life. As a community leader we are building an organisation that promotes equality in all of our services and functions.

The purpose of the DES is to ensure equality for disabled residents in Cannock Chase, disabled employees and members of the Council and our approach is to mainstream activities across all

services in order to ensure that people with any kind of disability are able to access and use services, and are not discriminated against, directly or indirectly, as a result of their disability.

Our DES sets out the framework within which we can achieve this.

Section 4

Section 17 (Crime Prevention) Implications

There are no identified implications in respect crime prevention arising from this report.

Section 5

Human Right Act Implications

The Human Rights implications arising from this report are complex, but the essential point is that **all** the rights set out in the Convention have to be applied to everyone;

..without discrimination on any ground such as...race, colour, language, religion... national or social origin, association with a national minority... birth or other status.

Art 14 European Convention on Human Rights

By not adopting a Disability Equality Scheme it could be difficult to demonstrate that the Council was otherwise respecting the Convention rights in its dealings with its customers, employees and the public generally. The proposal contained within this report would avoid this situation.

Section 6

Data Protection Act Implications

There are no identified implications in respect of the Data Protection Act arising from this report.

Section 7

Risk Management Implications

The risks involved in not adopting this DES are that the Council will be in breach of legislation either in terms of not employing someone because they have a disability without justification or in respect of unequal access to Council services and this could consequently lead to costly discrimination claims against the Council.

Other risks include not meeting performance indicator targets for BVPI 2a and 2b relating to the Race Equality Scheme and the Equality Standard for Local Government., directly excluding disabled customers from participating in the democratic process, inappropriate access to Council buildings which exclude disabled customers and also failing in our duty of care to our employees and members. As a consequence there is also the potential risk of adverse publicity.

Section 8

Legal Implications

The Disability Discrimination Act 1995 (amended by the Discrimination Act 2005) places a legal duty on all public authorities to produce and publish a three year Disability Equality Scheme (DES) by 4 December 2006.

The DES attached as Annex 1 to this report ensures that the Council meets the requirements of the new Disability Equality Duty introduced by the Disability Discrimination Act 2005 ('the 2005 Act').

The 2005 Act places specific duties and responsibilities upon the Council. The Council does not have any discretion in determining which duties or responsibilities it wishes to discharge. The 2005 Act requires the Council to be proactive in its approach and demonstrate its commitment to promoting disability equality.

There is a specific legal requirement for the Council to produce a DES. The DES must be reviewed periodically (every three years). Such a requirement clearly indicates the importance and significance the 2005 Act has placed upon the Council (and other public bodies) in promoting disability equality.

Failure on the part of the Council to fully embrace and implement all necessary requirements imposed by the 2005 Act would expose the Council to potential criticism and liability.

Section 9

Financial Implications

There are no financial implications arising directly from this report.

There may be financial implications for individual service as they identify areas through equality impact assessments where they may need to make changes or adjustments to the way that services are delivered. Wherever possible any financial implications arising from the actions contained in the DES will be incorporated into the service planning process and existing budgets.

Any additional costs that cannot be met from existing budgets will be the subject of further reports to Cabinet.

Section 10

Human Resource Implications

The general duty to promote disability equality is a duty, not just on the Council as a corporate body, but also upon every individual within it. The promotion of equality is not simply a matter of developing appropriate written policies and procedures but is heavily dependent upon all

employees having an understanding and awareness of equalities issues and having a willingness to grasp and address those issues in their everyday interactions with service users. Arising from the action planning process it is likely that additional training will be required both for members of the Project Action Team driving forward the equalities agenda and for all employees with customer facing responsibilities to ensure that they understand the needs of people with disabilities and are equipped to respond to them appropriately.

The targets identified in the Disability Equality Scheme action plan will require a significant commitment in time and energy from all services represented.

Section 11

Equality Implications

An initial impact and needs requirement assessment has been carried out on the introduction of the Disability Equality Scheme, the outcomes of which are considered to have a positive impact upon disabled people. The introduction of the DES will assist in eliminating unlawful discrimination and in ensuring that all members of the community, including those with a disability, can access employment opportunities and use the services and facilities provided by the Council.

Section 12

Conclusion

That the recommendation at paragraph 2.1 be approved.

Section 13

Background Papers

Disability Rights Commission (DRC) Code of Practice "The Duty to Promote Disability Equality"

Impact and Needs Requirement Assessment – Disability Equality Scheme

Annexes

Annex 1 - Disability Equality Scheme