

DISABILITY EQUALITY SCHEME

1 SUMMARY

- 1.1 This report advises Members of the requirements of the Disability Discrimination Act 2005 and recommends the adoption of a Disability Equality Scheme to meet legislative requirements and help the Council meet its obligations under the Act.

2 INTRODUCTION

- 2.1 In recent months the Council has developed its approach to equalities and diversity. Members will recall that, in July, the Committee adopted a Corporate Equality Strategy which provides a framework for our approach to all aspects of equalities. Subsequently, in September, a revised Race Equalities Scheme was adopted.
- 2.2 In addition, Maldon District Council submitted a bid for funding to Building Capacity East. The bid was submitted in partnership with ourselves and Castle Point Borough Council. The proposal was for support to enable the three authorities to achieve Level 3 of the Equality Standard for Local Government. This includes the provision of a bespoke Impact Assessment toolkit, training and support for senior managers in the toolkit and the establishment of a cross-authority community forum to enable effective consultation. This cost of the project over 2 years is £61,000, at no cost to the Council. We recently learnt that the bid has been successful and implementation is now being discussed. As a result of this additional funding, all three authorities should be able to make significant progress in responding to the equalities agenda.

3 DISABILITY EQUALITY

- 3.1 The Disability Discrimination Act (DDA) 2005 comes into effect in December 2006 and places upon public bodies new statutory duties to promote disability equality, eliminate disability related harassment, to promote equality of opportunity for people with disabilities, to promote positive attitudes towards disabled persons and encourage participation by disabled persons in public life.
- 3.2 According to the DDA, an adult or child is disabled if he or she has a physical or mental impairment that has an effect that is “substantial, adverse and long term (lasting or expected to last for at least a year) on his or her ability to carry out normal day to day activities”, the term “physical or mental impairment” includes sensory impairment, e.g. loss of hearing or sight. It includes disfigurement and people with a history of disability as well as people with symptomatic HIV and cancer.

3.3 The DDA places a legal duty on public bodies that when carrying out their functions they must have due regard to the need to:-

- Promote equality of opportunity between disabled and other persons
- Eliminate discrimination that is unlawful
- Eliminate harassment of disabled persons that is related to their disability
- Promote positive attitudes towards disabled persons
- Encourage participation by disabled persons in public life
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons

3.4 The duty comes in two parts:

- **General duty:** public authorities to have due regard to promotion of disability equality in relation to all policy and practice including: planning and policy making, service delivery, regulation, monitoring and enforcement, employment, future decisions, address consequences of poor quality past decisions
- **Specific duty:** public authorities to publish a Disability Equality Scheme which must set out how the Council intends to fulfil its general and specific duties. The scheme must include a statement of:-
 - The way in which disabled people have been involved in the development of the scheme
 - Methods for impact assessment
 - Steps which the authority will take towards fulfilling its general duty in the form of an action plan
 - Arrangements for gathering information in relation to employment
 - Arrangements for putting the information gathered to use, in particular reviewing the effectiveness of its action plan and in preparing subsequent Disability Equality Schemes

3.5 Appended to this report is a draft Scheme for consideration by Members. The Scheme sets out how we will meet our duties over the coming months and may well need to be revised in the light of the information we receive from the impact assessment process and the consultation work we will undertake.

4 RISK IMPLICATIONS

- 4.1 Failure to meet legislative requirements could result in compliance action being taken against the Authority. There would also be a risk of damage to reputation if this were to occur.

5 RESOURCE IMPLICATIONS

- 5.1 There will be an officer resource in undertaking impact assessments and continuing to develop the Council's approach. It is likely that there will be training requirements. In the longer term, impact assessments may identify service actions which have a resource impact.

6 RECOMMENDATION

- 6.1 It is proposed that the Committee **RESOLVES** to adopt the appended Disability Equality Scheme.

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Background Papers:-

Disability Rights Commission – Statutory Code of Practice

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