

EAST AYRSHIRE COUNCIL

CUMNOCK AREA LOCAL COMMITTEE – 4 NOVEMBER 2004 DISABILITY DISCRIMINATION ACT 1995

Report by Executive Director of Development and Property Services

1. PURPOSE OF REPORT

- 1.1 The purpose of the Report is to advise the Committee of the legal requirements of the Disability Discrimination Act 1995 with particular reference to Council owned properties, and of the approach being adopted by East Ayrshire Council to address these requirements.

2. BACKGROUND

- 2.1 The Local Committee, at a previous meeting, asked for a Report on the Council's responsibilities under the Disability Discrimination Act 1995 and what action is proposed to meet these in relation to Council owned properties.

3. LEGAL REQUIREMENTS

- 3.1 Since 2nd December 1996 it is unlawful for service providers to treat disabled people less favourably for reasons relating to their disability.
- 3.2 The Act makes it unlawful to discriminate against disabled people in relation to:
- Employment Law
 - Provisional Goods and Services
 - The selling, letting or managing land or premises
- 3.3 The Act recognises that discrimination does occur and seeks to put an end to discrimination made through ignorance. It provides for disabled people to challenge discrimination or seek redress.
- 3.4 The Act is all embracing. It affects all who provide goods, facilities or services, from the most senior employee in an organisation to the most junior. An employee, as well as a service provider, may be held liable for any breach of the Act. The Act affects Councils, Hospitals, Hotels, Restaurants, Churches, Hairdressers, Petrol Stations, Banks, in fact all public service providers.

4. TIMETABLE

- 4.1 In relation to employment rights, the provisions of the Act were introduced in December 1996.
- 4.2 In relations to buildings, from 1st October 2004 service providers have to make "reasonable adjustments" to the physical features of buildings, to make them accessible to disabled service users.
- 4.3 From October 1999, all service providers are required to make "reasonable adjustments" to the way in which they deliver their services for disabled people. This may include providing extra help.

4.4 Disability is defined in the Act, as a physical or mental impairment which has a substantial long-term adverse effect on a person's ability to carry out normal day to day activities. This definition is quite wide and encompasses some conditions or disabilities which may not be immediately apparent. This does not exonerate a service provider from having to consider such a disability in the delivery of services.

5. POLICY IMPLICATIONS

5.1 Equality and Access are two of the four corner stones of the Council's commitment to the people of East Ayrshire. The legislative requirements in the Act are consistent with the Council's commitment to equal opportunities and access to Council services.

6. PROGRESS TOWARDS COMPLIANCE

6.1 In terms of the Act the obligation to make reasonable adjustments is owed to disabled people at large. It is therefore necessary to anticipate the needs of disabled service users, rather than simply reacting when a disabled service user experiences difficulty in a service. Service providers have a duty to take reasonable steps to:-

- Change a policy, practice and procedure which makes it impossible or unreasonably difficult for disabled people to make use of its service
- Provide the service by a reasonably alternative method to disabled people where a physical feature makes it impossible or unreasonably difficult for disabled people to make use of them.
- Provide auxiliary aid or service if it would enable (or make it easier for) disabled people to make use of services.
- To make adjustments in the form of physical alterations where the above actions have been insufficient to overcome barriers to Access.

6.2 In progressing matters the Council has undertaken the following:-

Property Audits

Detailed property access audits have been carried out to all Council properties from which the Council delivers a service to the public and includes, local offices, sports facilities, schools, car parks etc.

Training

Disability awareness training has been provided to senior management, line managers and frontline staff by external consultants and the Council's Personnel department. All new employees will receive this training as part of their induction day.

Disability Awareness Adviser

The Council has appointed a Disability Awareness Adviser (DAA) who took up the post on 29th March 2004. The post will involve assisting Council departments in undertaking audits of services in the preparation of management statements for properties and information and communications protocols to comply with the requirements of the Disability Discrimination Act. The DAA will monitor the Council's disability access policies and programmes and liaise with external agencies including the Disability Rights Commission, SCVO, SDEF and other public service providers regarding disability access policies and programmes. Finally the DAA will provide a

comprehensive design and service advice including leaflets, booklets, reports, seminars and lectures, highlighting the reasons why an accessible and inclusive built environment with interrelated service provision is necessary.

Management Statement

The Council has adopted a Management Statement Guideline prepared by the Disability Awareness Adviser as a template to be used by individual departments in determining how they will deal with issues arising from the DDA Property Access Audits for each property.

Investment Programme

The Council undertook a programme of works during 2003/04, which had a budget allocation of £100,000 and addressed a range of issues relating to access from the point of dropping off to reception at a number of Council facilities.

Next Step

Service Departments have been passed copies of the Access Audits for each of the properties from which they deliver a service and will use these to identify the main issues affecting their ability to deliver service from the property. Service Departments will use the Management Statement Guidelines, referred to above, to address these issues by identifying alternative ways in which departmental services can be delivered to disabled persons.

Local Disability Groups will be consulted regarding the issues identified and this will be taken into consideration when looking at how to address these.

On completion of the above process, where it is not possible to provide the service by a reasonable alternative method the Council shall devise and implement a programme of physical works to properties. The Council shall through the auditing process continually review the status of the Councils property portfolio, particularly in light of future changes in legislation and best practice to meet the needs of the disabled in accessing Council services.

7. RECOMMENDATION

- 7.1 The Committee are asked to note the contents of the Report.

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Executive Director of Development and Property Services
7 October 2004

List of Background Papers – Nil

Any person wishing further information on this Report should contact James Lavery, Executive Director of Development and Property Services on (10563) 574877