

EAST AYRSHIRE COUNCIL

POLICY AND RESOURCES COMMITTEE – 14 NOVEMBER 2006

DISABILITY EQUALITY SCHEME

Report by the Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek the Committee's approval of the Disability Equality Scheme which the Council is required to prepare under the Specific Duty placed on it by the Disability Discrimination Act 2005.

2. BACKGROUND

- 2.1 The Disability Discrimination Act 2005 and The Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005 place on Public Authorities, including the Council, new duties in relation to disabled people and the services they receive.
- 2.2 Under the legislation the Council has placed upon it a General Duty and Specific Duties. The purpose of these duties is to put in place a framework for the Council to carry out its functions more effectively and to tackle discrimination and its causes in a proactive way. The General Duty requires the Council not only to have due regard to disability equality when making decisions about the future but also to address issues which may arise from decisions which it has taken in the past which may not having given due regard to disability equality. The Specific Duties require the Council to detail how it will meet the General Duty.
- 2.3 In addressing the new requirements placed on the Council it should be recognised that the Council already has in place a range of policies and procedures underpinning the delivery of services to disabled people and where appropriate their carers. It is the intention that these existing arrangements be built upon and enhanced to meet the new requirements laid down by the legislation. Similarly, the Disability Equality Scheme and the accompanying Action Plan lay out the key actions which will be taken over the three year span of the Scheme. These key actions will be supported by the identification of specific actions which will be taken at a corporate and departmental level.

3. GENERAL DUTY

- 3.1 The General Duty placed on the Council by the Disability Discrimination Act 2005 requires the Council, when carrying out its functions, to 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.

3.2 The General Duty builds upon the duties of the Disability Discrimination Act 1995 including the duty to make reasonable adjustments to make sure disabled people can access employment, goods, services, facilities, functions and premises.

4. SPECIFIC DUTIES

4.1 To assist Public Authorities to meet the General Equality Duty, The Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005 require the Council to produce and publish a Disability Equality Scheme, to implement certain aspects of the Scheme and to report on it. In summary, the Specific Duties state that:-

The Council should publish a Disability Equality Scheme demonstrating how it intends to fulfill its general and specific duties;

The Council should involve disabled people in the development of the Scheme;

The Scheme should include a statement of:-

- a. the way in which disabled people have been involved in the development of the Scheme;
- b. the Council's methods for impact assessment;
- c. the steps which the Council will take towards fulfilling its general duty (the action plan);
- d. the Council's arrangements for gathering information in relation to employment and its delivery of education and its functions;

- e. the Council's arrangements for putting information gathered to use, in particular in reviewing the effectiveness of its action plan and in preparing subsequent Disability Equality Schemes.

The Council must within three years of the Scheme being published, take the steps set out in the action plan (unless it is unreasonable or impractical for it to do so) and put into effect the arrangements for gathering and making use of the information.

The Council must publish a report containing a summary of the steps taken under the action plan, the results of its information gathering and the use to which it has put the information.

5. DISABILITY EQUALITY SCHEME

5.1 In accordance with the requirements of the The Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005 a Disability Equality Scheme has been prepared and is attached as Appendix 1. The Scheme also contains an Action Plan which outlines the actions which will be taken to promote disability equality.

5.2 In developing the Scheme the Council hosted two Stakeholder Events in October 2006 at which disabled people had the opportunity to contribute to the development of the Action Plan. Specific issues which were raised at the events and which are included in the Action Plan are:-

- Arrangements for involving disabled people on an ongoing basis [objective 1]
- Examination of specific actions which would allow disabled employees to participate in public life [objective 9]
- Accessibility to Council premises [objective 2]
- Information about services [objective 10]

5.3 A draft Disability Equality Impact Assessment Template has been developed and it is intended to implement this initially on a pilot basis in order to assess its effectiveness. Its implementation will also require to be supported by training for those who will be required to use the Template. A copy of the draft Disability Equality Impact Assessment Template is available in the Members' Information Point.

6. POLICY AND LEGAL IMPLICATIONS

6.1 The approval of the Disability Equality Scheme will enable the Council to meet its statutory obligations and its policy objectives in relation to services for disabled people.

7. COMMUNITY PLAN

7.1 The Disability Equality Scheme and its related Action Plan will contribute to the achievement of all aspects of the Community Plan.

8. FINANCIAL IMPLICATIONS

8.1 There are no financial implications arising at this time from the Disability Equality Scheme. Any future financial implications arising from actions taken under the Action Plan will require to be considered in accordance with the Council's agreed budgetary arrangements either from departmental budgets or by specific consideration by the relevant Committee.

9. RECOMMENDATIONS

9.1 The Committee is recommended to approve the Disability Equality Scheme and its accompanying Action Plan.

Elizabeth Morton
**Depute Chief Executive/
Executive Director of Corporate Support**
7 November 2006

BACKGROUND PAPERS

Nil

Anyone wishing further information should contact the Head of Personnel (tel: 01563 576092).

Implementation Officer : Martin Rose

EAST AYRSHIRE COUNCIL

DISABILITY EQUALITY SCHEME

1. INTRODUCTION

East Ayrshire Council has as its core values – QUALITY – EQUALITY – ACCESS – PARTNERSHIP. These core values are at the heart of everything we do and are significant elements of the Community Plan whose key themes are:-

- Promoting community learning
- Improving opportunities
- Improving community safety
- Improving health
- Eliminating poverty
- Improving the environment

The Community Plan seeks to ensure that all of East Ayrshire's citizens can contribute to the life of the community free from barriers both structural and organisational.

The Council in seeking to meet the aims of the Community Plan is keen to ensure that the needs and wishes of disabled people are taken account of in all aspects of its service delivery.

Fiona Lees
Chief Executive

Councillor Andrew McIntyre
Leader of the Council

EAST AYRSHIRE COUNCIL
DISABILITY EQUALITY SCHEME
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2. THE LEGISLATIVE FRAMEWORK

This Disability Equality Scheme has been prepared in accordance with the requirements of the Disability Discrimination Act 2005, the Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005 and statutory guidance produced by the Disability Rights Commission.

The Disability Discrimination Act 2005 places on the Council a General Duty to promote equality for disabled people.

2.1 General Duty

The Disability Discrimination Act 2005 places a duty on the Council, when carrying out its functions, to 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.

The elements detailed above are referred to as the General Duty. In addition to the General Duty, the Council also has a Specific Duty under the legislation.

The General Duty builds upon the duties of the Disability Discrimination Act 1995 including the duty to make reasonable adjustments to make sure disabled people can access employment, goods, services, facilities, functions and premises.

2.2 Specific Duties

The Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005 require the Council to produce and publish a Disability Equality Scheme, to implement certain aspects of the Scheme and to report on it.

The Council should publish a Disability Equality Scheme demonstrating how it intends to fulfil its general and specific duties;

The Council should involve disabled people in the development of the Scheme;

The Scheme should include a statement of:-

- a. the way in which disabled people have been involved in the development of the Scheme;
- b. the Council's methods for impact assessment;
- c. the steps which the Council will take towards fulfilling its general duty (the action plan);
- d. the Council's arrangements for gathering information in relation to employment and its delivery of education and its functions;
- e. the Council's arrangements for putting information gathered to use, in particular in reviewing the effectiveness of its action plan and in preparing subsequent Disability Equality Schemes.

The Council must within three years of the Scheme being published, take the steps set out in the action plan (unless it is unreasonable or impractical for it to do so) and put into effect the arrangements for gathering and making use of the information.

The Council must publish a report containing a summary of the steps taken under the action plan, the results of its information gathering and the use to which it has put the information.

EAST AYRSHIRE COUNCIL

DISABILITY EQUALITY SCHEME 2006

3. THE DISABILITY EQUALITY SCHEME

This Disability Equality Scheme has been produced in accordance with the terms of The Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005 and statutory guidance provided by the Disability Rights Commission.

3.1 RESPONSIBILITY FOR THE SCHEME

The following levels of responsibility for the Disability Equality Scheme and its related Action Plan are in place:-

- East Ayrshire Council through the Policy and Resources Committee has responsibility for approving and maintaining the Disability Equality Scheme
- The Chief Executive and Executive Directors are responsible for ensuring that the Scheme is implemented effectively throughout the Council's Services
- Service Committees will be responsible for ensuring that the services for which they are responsible meet their obligations as laid down in the Disability Equality Scheme and its accompanying Action Plan
- The Chief Executive will chair an Equalities Strategy Group which will ensure that Elected Members and Chief Officers receive current advice on best practice relating to disability issues

3.2 INVOLVEMENT OF DISABLED PEOPLE

The Disability Equality Scheme has been developed with the involvement of disabled people. The Council currently has formal links with a number of groups representing disabled people and some of these groups were involved in the preparation of the Scheme through attendance at two workshops which were held to consider matters relating to the new statutory obligations.

The principal groups who contributed to the development of the Scheme were:-

The Cumnock and Doon Valley Access Panel

The East Ayrshire North Access Panel

Disability Forum

Although disabled groups and people were involved in the preparation of the Scheme it is acknowledged that existing engagement arrangements used by the Council require to be strengthened. The strengthening and enhancement of engagement arrangements is identified as a key action within the Disability Scheme's Action Plan.

3.3 DISABILITY EQUALITY IMPACT ASSESSMENT

The Council will implement a system for carrying out Disability Equality Impact Assessments. The system will allow all policies, procedures and proposed changes to functions to be assessed to ensure that the council's decisions and activities do not disadvantage disabled people. It will allow the Council to identify where it might better promote equality of opportunity for disabled people and where different parts of the disability equality duty might be built into these policies and practices.

3.4 ACTION PLAN

The Action Plan which is contained in Appendix 1 to the Scheme details the steps which the Council will take to ensure that it meets the General Duty.

The Action Plan reflects:-

The priorities of disabled people identified through their involvement;

The strategic priorities of the Council including business milestones and major projects to be implemented over the timescale of the Scheme;

Evidence of where problems and priorities lie;

Specific outcomes which the Council wishes to achieve to promote disability equality set against a realistic timetable;

Measurable indicators of progress towards those outcomes; and

Lines of accountability.

3.5 GATHERING INFORMATION

In order to assess the effectiveness of this Scheme and its related Action Plan the Council will gather a range of information to allow it to:-

Monitor the effect of its policies and practices on the recruitment, development and retention of its disabled employees

This will be done through the Computerised Human Resources Information System (CHRIS) and the online recruitment management system. The information gathered will be reported to the relevant Service committees, the Policy and Resources Committee, the Chair's Monitoring Group, the Chief Executive's Equality and Diversity Strategy Group and the Disabled Employees Forum.

Monitor the effect of its policies and practices on the educational opportunities available to and the achievement of disabled pupils and students

This will be done through existing quality improvement arrangements which are in place within the Department of Educational and Social Services.

Monitor the extent to which the services it provides and those other functions it performs, take account of the needs of disabled persons.

This will be done through a range of service specific statistical profiles.

In addition, the Council will gather qualitative and quantitative information through existing mechanisms such as:-

The Customer Service Commitment

Employee Attitude Surveys

Residents Surveys

Where appropriate the Council will also commission specific research into issues relating to disability and will take account of the recommendations of statutory inspections.

3.6 USING INFORMATION GATHERED

The information gathered, as described in Section 3.5 above, will be used to assess the effectiveness of the actions set out in the Action Plan.

The information gathered will be used by services in their performance management arrangements and regular reports will be submitted to the Chief Executive's Equalities Strategy Group, the Policy and Resources Committee and the relevant Service Committees.

In addition the information gathered will be used in identifying priorities and actions within the Community Plan and will be monitored by the Community Planning Partnership Joint Officers Group and by the Partnership Board.

3.7 IMPLEMENTING THE SCHEME

The Disability Equality Scheme will be approved by the Policy and Resources Committee following which it will be included in all Service business plans.

Each Department will produce a Departmental Action Plan which will outline how it will contribute to the achievement of the objectives contained in the Corporate Action Plan.

3.8 ANNUAL REPORTING

Annually a corporate Report will be submitted to the Policy and Resources Committee. In addition, each Department will submit an annual departmental report to the relevant service committee.

3.9 THE NEXT VERSION OF THE SCHEME

The next version of the Disability Equality Scheme will take account of:-

- Experience gained during the operation of the first Scheme.
- The analysis of information gathered
- The ongoing involvement of disabled people through the mechanisms established under the Action Plan

3.10 PREPARATION OF THE SCHEME

The Disability Equality Scheme has been prepared having regard to the advice contained in the Statutory Code of Practice: The Duty to Promote Disability Equality.

3.11 PUBLISHING THE SCHEME

The Council has a responsibility to publish details of the Disability Equality Scheme and demonstrate its ability to meet the demands of the Act. Furthermore, the Council recognises that publishing comprehensive information regarding its performance is open to public scrutiny which is in itself an effective, additional consultative tool.

The Council will make publicly available:

The Disability Equality Scheme & Action Plan

The Annual Report on how the Council has met targets outlined in the Equality Scheme and Action Plan

Results of Disability Equality Impact Assessments

Details of the involvement process

Results of monitoring mechanisms including complaints

Leaflet 'Pocket Guide to Disability Equality'

In all instances the Council will endeavour to publish comprehensive information, however, where publication of information would identify a private individual the Council reserves the right to withhold such information on grounds of data protection and possible infringement on human rights.

The Council will make available important information in a variety of accessible formats.

3.11.1 WHERE WE WILL PUBLISH

Where mechanisms for publishing and reporting upon performance currently exist the Council will continue to utilise these resources. This includes:

- Council minutes
- Best Value Performance Plans
- Annual Council Report

The Council will also make use of:

The Council website www.east-ayrshire.gov.uk

Headlines newspaper delivered to all households in the area

Eastwords – staff magazine

A leaflet entitled 'Pocket Guide to Disability Equality' will be distributed to all Council employees as well as distributed to schools, libraries, local offices, community centres and doctor's surgeries.

The Council will use the local press and radio to advertise particular initiatives which concern promotion of disability equality.

The Council will seek other avenues for informing the public through involvement and consultation with disabled people. As well as responding to any gap in information provision identified as a part of the consultation mechanism, following a complaint or evident from other monitoring processes.

3.12 THE ROLE OF SCHOOLS/.....

3.12 THE ROLE OF SCHOOLS

In addition to being covered by the terms of the Council's Disability Equality Scheme each school is required to make arrangements to:-

Assess the impact of its policies and practices, or likely impact of proposed policies and practices on equality for disabled pupils;

Gather information on the effect of its policies and practices and the educational opportunities available to, and on the achievements of, disabled pupils;

Provide an annual report in respect of the above two matters;

Carry out such steps which the Council proposes to take towards the fulfilment of its section 49A(1) duty i.e. the General Duty; and

Maintain a copy of the corporate Disability Equality Scheme.

4. THE ACTION PLAN

The Action Plan which will support the Council in meeting the General and Specific duties is attached as Appendix 1.

The Action Plan will be monitored in accordance with the arrangements detailed in Section 3.6 above.

6 November 2006

EAST AYRSHIRE COUNCIL

DISABILITY EQUALITY SCHEME 2007-2010

CORPORATE ACTION PLAN TO MEET GENERAL AND SPECIFIC DUTIES

OBJECTIVE	ACTIVITY	ACTIONS	TIMESCALE	LEAD OFFICER/SERVICE
1.	Engagement and involvement with disabled people	Review current arrangements to ensure representative forums throughout the Council area	February 2007	Executive Director of Corporate Support
2.	Accessibility to Council premises	Review current targets and establish action plan for improvements	April 2007	Executive Director of Development & Property Services
3.	Information gathering, collation and analysis	Review current arrangements and ensure that information gathered is taken account of in policy and service development	February 2007	Executive Directors
4.	Impact Assessments	Implement impact assessment process	April 2007	Executive Directors
5.	Assessments, consultation and monitoring	Ensure that relevant publications contain information relating to all aspects of the Disability Equality Scheme and actions arising from it.	December 2007	Executive Directors
6.	Publicising information relating to the Disability Equality Scheme	Review existing publicity and information arrangements.	December 2006	Executive Director of Corporate Support and Head of Corporate Development & Communications

7.	Participation in public life	Review current arrangements to ensure that all groups supported by the Council are open to membership by disabled persons	April 2007	Executive Directors
8.	Residents Survey	Review structure of Survey to include specific questions on disability	April 2008	Executive Director of Corporate Support and Head of Corporate Development & Communications
9.	Transport costs and travel expenses	Investigate scope for meeting travel or transport costs for individuals attending meetings of groups or consultative forums	April 2007	Executive Director of Corporate Support
10.	Ensure that information about services is provided effectively	Review current arrangements for publicising service information	April 2007	Executive Directors and Head of Corporate Development & Communications
11.	Ensure that elected members and employees receive appropriate training and development in relation to disability issues	Establish a specific disability awareness training programme	April 2007	Executive Director of Corporate Support and the Head of Personnel