

EAST AYRSHIRE COUNCIL

CORPORATE GOVERNANCE COMMITTEE – 23 SEPTEMBER 2003

DISABILITY DISCRIMINATION ACT AND COUNCIL PROPERTIES

Report by Director of Development Services

1 PURPOSE OF REPORT

- 1.1** To inform the Committee of action being undertaken to demonstrate the Council's commitment to compliance with the property access requirements of the Disability Discrimination Act which will come into force in October 2004.

2 BACKGROUND

- 2.1** The Disability Discrimination Act 1995 requires new standards of accessibility to services available to the public provided by both private businesses and public sector agencies. Its provisions relating to the availability of services have already come into force. Provisions requiring a higher standard of accessibility to properties do not, however, come into force fully until October 2004. This was to enable organisations to assess the requirement for adaptation of buildings and make reasonable provision for improved access.

- 2.2** The precise terms of the relevant section of the Act are:

- Where a provider of services has a practice, policy or procedure which makes it impossible or unreasonably difficult for disabled persons to make use of a service which he provides, or is prepared to provide, to other members of the public, it is his duty to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to change that practice, policy or procedure so that it no longer has that effect
- Where a physical feature (for example, one arising from the design or construction of a building or the approach or access to premises) makes it impossible or unreasonably difficult for disabled persons to make use of such a service, it is the duty of the provider of that service to take such steps as it is reasonable, in all the circumstances of the case, for him to have to take in order to—
 - (a) remove the feature;
 - (b) alter it so that it no longer has an effect;
 - (c) provide a reasonable means of avoiding the feature; or
 - (d) provide a reasonable alternative method of making the service in question available to disabled persons.

2.3 It is not known how the key word “reasonable” will be interpreted by the courts. It is generally accepted, however, that organisations such as the Council will not be expected to have adapted every part of every building to make it suitable for people with every form of disability. It is also recognised that the way in which a building is used may be modified in a way which provides adequate standards of access – for example by moving a meeting room which is not accessible to someone in a wheelchair to a location which is, a reasonable standard of accessibility may be achieved without physical modifications to the property. Standards of provision for people with a disability are set out in Building Regulations. But these apply only to new buildings or major modifications. Even then they do not cover all features which may be appropriate to cater for different forms of disability.

2.4 This report sets out working arrangements which have been established by the Director of Development Services, in conjunction with other departments, to implement a programme of action which is aimed to demonstrate the Council’s commitment to providing a target minimum level of accessibility by October 2004 and a continuing programme of improvements which it is considered will represent a reasonable level of provision in terms of the requirements of the Act.

3 PROGRAMME OF ACTION

3.1 A Working Group has been established to develop the programme of action and co-ordinate its implementation. The key elements of the programme are:

- An audit of all Council properties
- Target minimum standards
- A programme of investment in upgrading access to properties
- Management statements for individual properties setting out the provisions made for people with a disability
- Staff training

4 AUDIT OF PROPERTIES

4.1 A comprehensive audit of all Council properties is being carried out by the Technical Services Section of HATS. Around half of the properties of the Council have been audited to date. It is expected that the audit will be completed by January 2004. The audit is based on a computerised questionnaire which enables surveyors to check systematically the facilities available at each property in relation to standards recommended by the Disability Rights Commission.

4.2 The output of the audits is a report about each property which identifies all the features which might require upgrading depending on the level of access for people with a disability which will be in practice required. It will not be necessary in terms of the Act to undertake all the improvements identified through the audit

process. The audit provides a checklist against which appropriate programmes of improvement may be drawn up for each property which will in turn depend on the use of the property. It is a working tool, not a definitive statement of the investment programme required to meet the terms of the Act. It is, however, a starting point in demonstrating that the Council has a systematic approach to complying with the terms of the Act.

5 TARGET MINIMUM STANDARDS

- 5.1** In order to establish a reasonable and achievable programme of investment target minimum standards have been drawn up by the Working Group. It would be the intention that these minimum standards should be progressively raised as targets are achieved. The initial target minimum standards proposed are set out in an annex to this report.
- 5.2** There are two basic standards: one for properties where access by the public is a core function and one for offices and other facilities which are not generally accessible to the public.
- 5.3** The standard proposed for offices does not extend to full accessibility to all offices and other staff facilities. The Council cannot, however, discriminate against people with a disability in its employment. Where, therefore, people with a disability are recruited it may be necessary to move groups of staff within a property to provide full access required by any member of staff with a disability without any disadvantage in relation to their ability to perform their job. It is also recognised that responsive investment may require to be carried out to accommodate a new member of staff with a disability – for example the installation of an adapted toilet in a smaller office with no such facility. The appraisal of individual properties will include consideration of how essential adaptations may be made in response to requirements to avoid lengthy lead time in providing the necessary facilities.

6 INVESTMENT PROGRAMME

- 6.1** From the audits carried out to date and reviews which have been undertaken by Service Managers, it is apparent that in many properties the access route from the entrance to the site to the point of service delivery to the public is sub-standard in relation to disability access requirements. In many cases this requires relatively small scale low cost remedial work such as the provision of a disabled parking bay, dropped kerbs, reconstruction of pathways and steps, and door improvements. In a number of other properties there are medium cost requirements for ramp accesses and toilet facilities for people with a disability which would also make a significant improvement without requiring extensive adaptations. Accordingly, an investment programme is being drawn up using the results of the audit to provide improved access to the first point of public service delivery in all properties. It is intended that this should include an early action

programme based on the results of the audits carried out to date which will be undertaken during the course of the current financial year. This will be followed by a more substantial investment programmed rolled out over the next 2-3 years. The level of investment will depend on funds being made available for this work at a level which reflects a reasonable level of commitment in terms of the requirements of the Act.

7 MANAGEMENT STATEMENTS

7.1 This concept flows from the principle that it is realistic only to aim for a minimum standard of access. The other side of this coin is that there must be a clear management policy as to how the organisation will respond to the requirements of individuals when they arise.

7.2 There should be a management statement for each property. It is suggested that the topics covered would include:

- The accessibility audit (or the key issues arising from it)
- Any programmed improvements to the property
- Action plan for rearranging operations within the constraints of the property to provide a higher standard of accessibility
- Recognised restrictions on accessibility and “work arounds”. The work arounds would include such items as:
 - assistance available and how members of the public will be informed of this
 - procedures for assisting people with a disability in the event of fire
 - arrangements for relocating activities on demand to alternative premises
 - restrictions on letting where relevant

8 TRAINING

8.1 A successful programme of courses for staff directly involved in managing building work and maintenance was run earlier in the summer.

8.2 A programme for Managers has been arranged in conjunction with the Institute of Public Finance (IPF). It is targeted on Managers, probably in most cases at the level below Heads of Services, although others would be welcome. Its scope will range beyond property issues to awareness of the way in which service delivery may require to be adapted to meet the requirements of the Act. I would suggest that all departments should consider submitting reports to their relevant service committees during the course of the autumn setting out their current revisions to

meet the terms of the Act and planned improvements. The course will be aimed to assist Managers in drawing up these reports.

- 8.3** Personnel are arranging for staff to attend training for trainers courses for training of frontline staff in assisting people with a disability. This would be rolled out as an internal training course.

9 EDUCATION PROPERTIES

- 8.1** The Education Department have an established responsive policy to undertake significant adaptations to schools in anticipation of enrolment of pupils with known disabilities. These adaptations can be partly funded from ringfenced Education funds. Schools will, however, be included within the overall programme for adaptations aimed at providing a generally acceptable level of disability (including access to members of the public, parents and staff with a disability).

9 MAJOR PROJECTS

- 9.1** Current indications are that major issues, which will require to be considered as specific projects in relation to future capital funding, need to be tackled at: Dean Castle Country Park (and associated facilities), Dick Institute, Palace Theatre, Grand Hall, Baird Institute, various facilities in Stewarton Town Centre and the Galston Local and Social Work office. Work relating to upgrade of the Dick Institute, Palace Theatre and Baird Institute is already incorporated into the Community Services capital programme. Community Services also intend to draw up proposals for upgrade of the Grand Hall. Consideration will, however, be given to whether further improvements should be considered prior to 2004 to reach minimum acceptable standards of accessibility. Issues relating to Dean Castle Country Park are also being assessed by Community Services.
- 9.2** It is proposed that Development Services' Property Section should be asked to investigate options for relocating premises from the town centre of Stewarton and the Galston Local/Social Work Office in consultation with the departments affected, and with the assistance of Technical Services.

10 CONSULTATION

- 10.1** It is proposed to consult the Access Panels during the autumn on the policy framework summarised in this report. They will also be consulted on the Management Statements and access improvements programme.
- 10.2** The overall approach being taken to demonstrating a commitment to provide disability access throughout the Council's properties in terms of the Act will also be discussed at the next joint meeting with the Forums on Disability.

11 LEGAL IMPLICATIONS

- 11.1** The Working Group includes a Legal Services representative who has advised the Group on the development of the policy and programmes set out in this report.

12 FINANCIAL IMPLICATIONS

- 12.1** The Council has since its formation undertaken a number of investment projects which provide improved access for people with a disability. This continues to form a significant element within the Council's overall investment programmes. Current projects include improvements within some of the key buildings managed by the Community Services Department (see para 9.1 above).

- 12.1** It is proposed that a provision should be included within future capital programmes for funding for the investment programme outlined at para 6.1 above. The level of this provision will be determined once outline programmes have been drawn up on the basis of the audit currently being carried out.

13 RECOMMENDATIONS

- 13.1** It is recommended that the Committee endorse the policy and programmes set out in the report to demonstrate commitment to upgrading access to East Ayrshire Council's properties in terms of the requirements of the Disability Discrimination Act 1995.

Stephen Chorley
Director of Development Services
11 September 2003
SC/JR

BACKGROUND PAPERS

Nil

For further information on the content of the report contact Stephen Chorley, Director of Development Services, on 01563 576011

Implementation Officer: Stephen Chorley

DISABILITY ACCESS TO COUNCIL PROPERTIES TARGET MINIMUM STANDARDS

This schedule sets out target minimum standards of access for people with disability which will be provided at operational Council properties. These target minimum standards will be incrementally raised as resources allow.

Standards for properties where public access is a core function:

- Full access to the point of delivery of all public services (noting that the point of delivery may need to be shifted within a particular building to make optimum use of the potential for providing disability access)
- Provision of disabled toilet facilities (where toilet facilities are provided to the general public)
- Provision of designated disabled car parking bay(s) within associated car parking area
- Suitable fire exits from all areas accessible by the public

Standards for offices and other facilities not involving public or general staff access as a core function:

- Upgrade external access including lighting to full standard
- Upgrade full access to public reception desks (with associated facilities including toilet accommodation where this is required)
- Upgrade one meeting room or interview rooms (where these facilities are provided – where these facilities are not provided but meetings are regularly held with members of the public consideration needs to be given to upgrading at least one office together with the provision of a disabled toilet facility)
- Provide full disability access for at least one office (above 20 staff)
- Upgrade internal circulation routes to all principal facilities such as canteens or vending facilities which are available to all staff (above 20 staff)
- Provision of designated disabled car parking bay(s) within associated car parking area
- Provision of disabled toilet facilities (above 20 staff)

- Provision of fire exits for all areas designed for disability access in terms of the above requirements

Note: responsive provision arrangements will be set out in Management Statements for offices with less than 20 staff.

Note: Access features to meet requirement: A full definition is available in the relevant standards. As a guide access features which require to be reviewed in order to meet minimum standards include:

- Steps
- Slopes
- Obstacles and tripping hazards
- Lighting
- Colour schemes (important for visually impaired)
- Signage (important for visual and hearing impairment)
- Doors
- Control switches (e.g. lighting or lifts – important for people with visual impairment)
- Acoustics
- Communication aids (see below)
- Fire exit routes and procedures

Consideration needs to be given to a corporate policy on communication aids. This should include standards on, for example, signage and the circumstances where installation of induction loops will be considered.