

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE - 21 OCTOBER 2003

REVIEW OF ACCESS PANELS IN SCOTLAND

Report by Director of Development Services

1 PURPOSE OF REPORT

- 1.1** To present to Committee the outcome of the consultation by the Scottish Executive on the Review of Disability Access Panels within Scotland and the implications for the Building Control Section of an increased workload relating to disability issues.

2 BACKGROUND

- 2.1** In 1981 the Secretary of State for Scotland recommended that each local authority nominate a disability access officer and set up Access Panels within each district for the purpose of improving disabled people's access to the built environment. The panels would provide a point of contact where disabled people could meet and consult with local Council representatives such as architects and building control surveyors, and other relevant bodies on access issues.
- 2.2** Following this directive Disability Access Panels were set up throughout Scotland with mixed success. The former Cumnock and Doon Valley District Council did succeed in developing an Access Panel which has flourished through the years with its membership having an active role in the development of disability issues within the built environment. An Access Panel was formed within the former Kilmarnock and Loudoun District Council. Membership, however, dwindled until business ceased with East Ayrshire Council during the late 90's.
- 2.3** In June 2002 East Ayrshire Council invited local disabled groups and disabled community members within the former Kilmarnock and Loudoun boundary to participate in the formation of a new Access Panel. The East Ayrshire Access Panel (Northern District) was set up with a membership of twelve disabled volunteers and following its successful constitution covers the following remit to review and monitor disability issues in relation to:-
- a) Planning and Building Warrant applications;
 - b) Roads and Transportation
 - c) Disability Discrimination Act 1995
 - d) Health Board premises

Consequently, East Ayrshire Council now supports two Access Panels with similar goals and objectives.

- 2.4** During the 1990's Access Panels could access information and support at a national level from the umbrella body, Disability Scotland. Unfortunately, Disability Scotland who were a charitable organisation had funding difficulties and as a result folded in September 2000 leaving a national void for Access Panels, disability groups and local authorities in the availability of national co-ordination, standards or information.

3 THE REVIEW OF ACCESS PANELS

- 3.1** The Scottish Council for Voluntary Organisations (SCVO) was commissioned by the Scottish Executive to undertake a review of Access Panels in Scotland. SCVO set up a steering group with representation from the user led organisations such as Inclusion Scotland, Scottish Disability Equality Forum and the Disability Agenda Scotland (a service provider alliance) who worked with a consultant to complete the review.

- 3.2** The purpose of this review was to:-

- a) assess how much the work of the Access Panels is valued by disabled people, their organisations and other key stakeholders such as architects, building control surveyors and other local authority agencies who use their services; and
- b) consider whether this work continues to meet a legitimate need, which should be financially supported by the Scottish Executive.

- 3.3** The review consulted all 32 local authorities along with existing Access Panels and disability working groups. The review identified that there were 32 operational Access Panels in 24 local authority areas and supported with at least one Council representative, generally a Building Control Surveyor. It was established that 8 local authority areas were without any form of Access Panel. The Key functions of Access Panels within Scotland are identified as:-

- a) reviewing access issues in Council planning and building warrant applications;
- b) undertaking access audits;
- c) lobbying and having watchdog role;
- d) providing disability services and advice to the local community.

- 3.4** Having completed the review the steering group concluded that local Access Panels have an ongoing and highly valued role in consulting, monitoring and advising on disability access within the built environment from a users perspective. The recommendations of the steering group are also in keeping with commitments contained in the Scottish Executive's Equality Strategy to

'follow policies and programmes that seek to address the inequalities and exclusion which result from discrimination' and to 'promote the inclusion of under-represented groups in decision making'

3.5 The steering group made five key recommendations to the Scottish Executive In May 2003, as follows:

- a) Funding should be provided by the Scottish Executive to a national umbrella organisation, in close consultation with local Access Panels to:-
 - i) offer support and information to panels
 - ii) facilitate communication between panels
 - iii) form a national network or advisory body on access issues
 - iv) develop common standards for Access Panels
 - v) organise training and seminars
 - vi) promote and publicise the work of local panels
 - vii) liaise with national bodies on access issues.
- b) Earmarked funding should be set aside, perhaps through local authorities, to support the setting up of new panels and the ongoing work of existing panels.
- c) Scottish Executive guidance should be issued to ensure the role of Local Authority Access Officer is given more formal recognition and support in relation to both funding given to local authorities and training and information offered to Access Officers.
- d) Government bodies operating within the arena of the built environment and/or disability should be encouraged to consider their role in relation to local Access Panels. Key bodies in particular would include the Disability Rights Commission, Communities Scotland and Historic Scotland, among others.
- e) The research has shown that further work is needed to promote the rights provided by the Disability Discrimination Act to disabled people. The Disability Rights Commission should seek to work closely with Access Panels and other local organisations of and for disabled people to achieve this.

4. SCOTTISH EXECUTIVE'S RESPONSE TO THE REVIEW

4.1 The Scottish Executive welcomed the proposals in principle. They agreed that the role of panels should be clearly defined and that the Access Panels' work

should complement not duplicate work being undertaken by other bodies. The steering group was encouraged to consult with COSLA over proposed expansion of panels' role beyond that of the built environment. The Scottish Executive also agreed that it is sensible that membership of panels are mainly disabled people with others invited to join when relevant and that other people affected by access issues are invited to join in an advisory capacity as required.

- 4.2 The Executive confirmed its willingness to recommend to local authorities that a designated Access Officer attends panel meetings "as an advisor". They agree the importance of the job-holder being suitably qualified. However, the Scottish Executive have reiterated that it will be for each local authority to decide to what extent their resources will enable them to have such an officer and whether they are full or part time.
- 4.3 In relation to the umbrella organisation they accept in principle that a "coordinating function for Access Panels should be established" but they express "concerns about the implications of the recommendation that a new body be established". However they also state that "any body (that took on this function), whether new or existing, should have the backing of Access Panels".

5. THE UMBRELLA ORGANISATION

- 5.1 Having received an unfavourable response from the Scottish Executive, the SCVO reviewed the position in relation to the funding of an independent umbrella organisation or alternatively, utilising an existing disability organisation to facilitate the Executives funding criteria. A further review identified that the Scottish Disability Equality Forum (SDEF) could facilitate the role of the umbrella organisation. However, to endorse the SCVO proposals all Access Panels were balloted to seek support and clarification on the way forward. The outcome of the vote unanimously supported the SDEF as the umbrella organisation to take over the national role.
- 5.2 The SCVO have referred this decision to the Scottish Executive along with a financial bid for funding to carry out this additional work, which goes beyond the scope of their existing funding arrangements with the Scottish Executive. If the bid succeeds the next stage will be for a board membership to be elected and established with an aim of staffing the new element of the business by the start of the 2004/2005 financial year.

6. RESOURCE IMPLICATIONS AND STAFFING

- 6.1 The current support and advice provided to both Access Panels is from the Building Control Manager (North area) and the Principal Building Control Surveyor (South area).The workload associated with this activity is set to increase with the imminent introduction of the property upgrade requirements of the Disability Discrimination Act 1995. This will affect all businesses and other organisations which provide services to the public. The Council is

engaged in an audit of all its premises under the auspices of a working group led by the Director of Development Services.

6.2 At the same time, there has been an increase in the core workload within Building Control which is making it difficult to provide the level of support and advice required for the Access Panels..

6.3 It is, therefore, proposed that a Disability Awareness Adviser post is created which will undertake the following functions:

- (a) Liaison and support advice for Access Panels
- (b) Assisting Council departments in undertaking audits of Services and preparation of management Statements for properties and information and communications protocols to comply with the requirements of the DDA;
- (c) Responding to general queries about disability issues, and overall contact with disability rights organisations such as the Disability Rights Commission (DRC), SCVO and SDEF; and
- (d) Monitoring of the Council's disability access policies and programmes

7 LEGAL AND POLICY IMPLICATIONS

7.1 The introduction of a Disability Awareness Advisor will assist to support the work currently undertaken by Building Control and the Corporate Working Group in assisting the Council in meeting the requirements of Part 3 of the Disability Discrimination Act.

8 FINANCIAL IMPLICATIONS

8.1 The proposed post can be funded within the existing budget of the department. Other sources of funding may also be sought as the remit of the proposed post develops.

9 RECOMMENDATIONS

9.1 It is recommended that the committee:

- (a) notes the contents of the report;
- (b) approves in principle the establishment of a post of Disability Awareness Adviser within the Building Control Unit of the department; and
- (c) refers (b) to the Corporate Governance Committee for consideration of appropriate terms and conditions.

Stephen Chorley
Director of Development Services

2 October 2003 (DMcD/SA)

LIST OF BACKGROUND PAPERS

1. The review of Access Panels in Scotland
2. Recommendations on the future of Access Panels in Scotland:- SCVO
3. Scottish executive response to review
4. SDEF proposals for an Umbrella Organisation

Anyone wishing to inspect the above papers please contact David McDowall on 01563 576749.

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