

MAYOR & CABINET		
Report Title	Disability Equality Scheme	
Key Decision	Yes	Item No. 8
Ward	All Wards	
Contributors	All Directorates	
Class	Part 1	Date: 8 November 2006

1. Purpose

The purpose of this report is to present Lewisham's draft Disability Equality Scheme (DES) for Mayor and Cabinet's comments and agreement.

2. Recommendations

It is recommended that Mayor and Cabinet:

- note the requirements of the Disability Equality Duty
- consider the comments made by Safer Strong Communities Select Committee
- agree publication of Disability Equality Scheme by the 4 December 2006 statutory deadline.

3. Background

3.1 Context

The Disability Discrimination Act (DDA) 2005 amended the DDA 1995 and placed the Disability Equality Duty on public authorities when carrying out their functions, to have due regard¹ 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
- take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

There are specific requirements included in the Duty, which include:

- assessing the extent to which our services and functions take account of the needs of disabled people
- assessing the effect of our policies and practices on educational opportunities available to, and achievements of disabled pupils and students

¹ "Due regard" is defined as comprising of relevance and proportionality. How relevant is the function to disabled people and where changing a function or proposed policy would lead to significant benefits for disabled people, that the need for change carry added weight when balanced against other considerations.

- assessing the effect of our policies and practices on recruitment, development and retention of disabled employees. Part of this duty is to publish a Disability Equality Scheme (DES).

3.2 Policy context

Lewisham's DES forms part of the Council's Comprehensive Equality Scheme (CES) that was published in February 2006. The CES sets the Council's approach to equality covering the themes of race, age, gender, disability, religion / belief and sexual orientation.

Where organisations have comprehensive schemes, The Disability Rights Commission recommends publication of Disability Equality Schemes as stand-alone documents. This ensures transparency in demonstrating the requirements of the Disability Equality Duty are met.

Lewisham's action plan updates and develops the disability related elements of the CES action plan. At the time of publication of the CES, the Duty guidance was in draft form. The DES meets all requirements of the final guidance.

3.3 Requirements on Lewisham

The DDA 2005 requires that Lewisham publish by the 4th December 2006 a Disability Equality Scheme (DES) outlining how we intend to meet the requirements of the Duty.

Lewisham is required to produce an annual report, not later than one year after the publication of its Scheme, setting out:

- the steps that the authority has taken to meet the Duty
- the results of the information gathering carried out in order to meet the Duty
- how this information has been used to assess how we are meeting the needs of disabled people.

This requirement will be met through publication of the CES annual report.

3.4 Content and process

The Council's priorities for disabled people in Lewisham were identified in the production of the CES, and the Achieving Access for All strategy 2004-7. These are reproduced in chapter 1 of the DES.

An engagement process with key disability stakeholder groups and individuals across the borough was carried out to inform the priorities of the DES. Approximately 111 people participated: 86 disabled people and 25 representatives from disability groups².

A significant number of views were gathered through this process; chapter 2 of the DES summarises these. Analysis confirmed the issues identified previously through services' existing engagement processes and consultation with disabled people.

Chapter 3 of the DES outlines the work we are already doing across services and the actions we have identified for the future to both meet the requirements of the Duty and

² Questionnaires (49: 24 by post, 25 submitted electronically); letters: 4; discussions with 18 disability groups

to ensure that equality for disabled people is part of day-to-day delivery of services. A detailed action plan is included in appendix I.

Chapter 4 outlines the Council's commitment to ongoing improvement in this area. Local authorities are now statutorily required to carry out Equalities Impact Assessments (EIAs) of services to assess the impact of policies and practices on disabled people. Lewisham has been carrying out EIAs since December 2002, covering all six equality themes, including disability, and the results of this information have been used to inform service planning processes. The plan for future EIAs of services is included as an appendix to the document.

4. Safer Stronger Communities Select Committee

A draft DES was presented to the Safer Stronger Communities Select Committee on 19 October 2006. The Committee recognised the work the Council has done in the past to increase disability equality. Members emphasised their wish for delivery of as many of the actions identified in the plan as possible and the need for commitment to do this.

The Committee provided extensive discussion and review of the DES. The following key points were raised and addressed:

- *Measuring success.* The action plan incorporates relevant KPIs, although there are a limited number of these available. In some other areas, the council is establishing baseline data for this and will in subsequent years be able to set a greater number of harder, more specific, targets for achievement.
- *Assessing progress.* Internally this monitoring and reporting will take place via the Comprehensive Equality Scheme; external assessment of this area will take place via the Equalities Standard for Local Government.
- *Breadth of engagement.* Consultation activities took place, and will continue to do so, with a range of groups, recognising the complexity of issues and the spectrum of disabilities that the DES covers.
- *Disability Equality in schools.* Secondary schools are each required to produce a DES by December 4; primary schools, community special schools and foundation special schools by 3 December 2007. The council, under its role as LEA, is providing support and training for schools in this area.
- *Disabled employees.* The Committee requested further information regarding disabled staff from HR on how Lewisham sets its targets for the numbers employed; how their careers' progression is monitored; how many staff have mental health difficulties. This information is to be provided to support the future work of the Committee.
- *Timetabling of Equality Impact Assessments (EIAs).* Children and Young People's directorate confirmed their commitment to completing all EIAs of services by the end of 2007/8. Further information was to be provided by Customer Services directorate to the Committee on the prioritisation and timing of EIAs of functions, including rationale for scheduling some services later than others. This information is to be provided to support the future work of the Committee.

The Committee welcomed the ambitions underpinning the DES and is keen to be a part of its review in 2007.

5. Financial implications

Any financial implications of the actions outlined in the DES will be incorporated into the service planning processes and existing budgets.

6. Legal implications

The DES ensures the authority meets the requirements of the new Disability Equality Duty, introduced by the DDA 2005.

- 6.1 The Disability Discrimination (Public Authorities)(Statutory Duties) Regulations 2005, requires the Council, on or before the 4th of December 2006 to publish a Disability Equality Scheme showing how it intends to fulfil its section 49A(1) duty and its duties under those Regulations.
- 6.2 The scheme is required to include a statement of—
- (a) the ways in which such disabled people have been involved in its development;
 - (b) that Council's methods for assessing the impact of its policies and practices, or the likely impact of its proposed policies and practices, on equality for disabled persons;
 - (c) the steps which that the Council proposes to take towards the fulfilment of its duties under section 49A(1) (which are those duties listed in paragraph 3.1 above);
 - (d) the Council's arrangements for gathering information on the effect of its policies and practices on disabled persons and in particular its arrangements for gathering information on—
 - (i) their effect on the recruitment, development and retention of its disabled employees,
 - (iii) the extent to which, the services the Council provides and those other functions it performs take account of the needs of disabled persons; and
 - (e) the Council's arrangements for making use of such information to assist it in the performance of its section 49A(1) duty and, in particular, its arrangements for reviewing on a regular basis the effectiveness of the steps taken to fulfil its duties under section 49A(1) and preparing subsequent Schemes.
- 6.3 The Council is required to review its Scheme and publish a revised Scheme not later than the end of the period of three years beginning with the date of publication of its first Scheme and subsequently at intervals of not more than three years beginning with the date of publication of the last revision of the Scheme.
- 6.4 It is permissible to comply with the duty to publish the Scheme as part of another published document or within a number of other published documents such as the Council's Comprehensive Equality Scheme.

7. Crime and disorder implications

The Disability Equality Duty requires public authorities to give due regard to the need to eliminate harassment of disabled people that is related to their disabilities. Specific

actions have been identified in this area with regard to children and young people. The Community Safety team proactively undertakes actions to empower vulnerable adults to recognise that harassment is abuse and how to challenge it safely. Multi-agency adult protection procedures provide for action to address reported discriminatory abuse.

8. Equalities implications

The purpose of the DES is to ensure equality for disabled citizens in Lewisham, and disabled staff and members of the Council. The DES outlines how Lewisham is meeting the requirements of the DDA 2005, which introduced the Disability Equality Duty. It forms a part of the Council's Comprehensive Equality Scheme, which demonstrates our commitment to equality across all strands: age, race, gender, disability, sexual orientation, religion and belief.

9. Environmental implications

The DES works alongside other council commitments to effect improvements in the environment.

10. Conclusion

The DES has been produced as part of the Council's Comprehensive Equality Scheme to ensure that the Council is meeting the requirements of the Disability Equality Duty introduced by the Disability Discrimination Act 2005.

11. Background documents and originator

Lewisham Council:

- Achieving Access for All (Disability Equality) Strategy 2004-7
- Comprehensive Equality Scheme 2006-8

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