

# Individual Decisions

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The attached report will be taken as an  
Individual Portfolio Member Decisions on:

30<sup>th</sup> November 2006

<b>Ref:</b>	<b>Title</b>	<b>Portfolio Member</b>	<b>Page No.</b>
ID1212	The Disability Equality Scheme 2007-2009	Emma Webster	1

## Individual Decision

<b>Title of Report:</b>	<b>The Disability Equality Scheme 2007 - 2009</b>		
<b>Report to be considered by:</b>	<b>Councillor Emma Webster</b>	<b>on:</b>	<b>30<sup>th</sup> November 2006</b>
<b>Forward Plan Ref:</b>	<b>ID1212</b>		

**Purpose of Report:** To secure approval of publication of the draft Disability Equality Scheme 2007 – 2009 and its implementation and further development of its action plan.

**Recommended Action:** Approve the publication and implementation of the Scheme

**Reason for decision to be taken:** To comply with the Disability Discrimination Act 2005, in particular one to comply with the General Duty to

- promote equality of opportunity for disabled people;
- eliminate unlawful discrimination
- eliminate harassment of disabled people
- encourage participation by disabled people in public life
- take steps to meet disabled people's needs, even where that involves treating disabled people more favourably

and two, to comply with the Specific Duty to:

- to publish a Disability Equality Scheme by December
- to involve disabled people in the development and implementation of the scheme.

**List of other options considered:** n/a

**Key background documentation:**

- The Duty to Promote Disability Equality: Statutory Code of Practice (2005)

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## **Supporting Information**

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### **1. Background**

- 1.1 The Disability Discrimination Act 1995, as amended by the Disability Discrimination Act 2005 ('The Act') requires Public Bodies, including the West Berkshire Council, to publish a Disability Equality Scheme ('DES') by 4<sup>th</sup> December 2006.
- 1.2 The Act imposes a General Duty on all public bodies, when carrying out their functions to have due regard to the need to:
- promote equality of opportunity for disabled people;
  - eliminate unlawful discrimination
  - eliminate harassment of disabled people
  - encourage participation by disabled people in public life
  - take steps to meet disabled people's needs, even where that involves treating disabled people more favourably than other people
- 1.3 The Duty is similar to that of the Race Relations (Amendment) Act 2000. It will affect all public bodies from local authorities to Government departments. The Duty is not so much about changes to buildings or adjustments for individuals but more about including equality for disabled people into the culture of public authorities in practical ways. This means including disabled people and disability equality into everything from the outset, rather than focussing simply on providing 'reasonable adjustments' or redress to individual complaints. The aim of the duty is to ensure we take a proactive approach to tackling 'institutional discrimination' associated with disability.
- 1.4 Under the Duty, most public authorities, including all local councils, have a Specific Duty to:
- produce and publish a Disability Equality Scheme by 4<sup>th</sup> December 2006
  - to state how disabled people have been involved in developing the DES
  - for DES to include a three year action plan
  - to implement certain aspects of DES
  - to produce an annual report on progress in implementing the DES

### **2. Progress on developing our Disability Equality Scheme**

- 2.1 West Berkshire Disability Alliance, together with representatives from Newbury Mencap and Resource for Mental Health, have worked closely with Council Officers to help develop a DES over the last six months. An initial planning group was set by the Policy Executive tasked with co-ordinating the work, which included key representatives from local disability groups; Council Officers; and our Equality Champion, Councillor Emma Webster.
- 2.2 The planning group met three times over the summer and made the following proposals:
- 2.3 Information should be gathered from each Service on how far they consider they already meet the various requirements of the General Duty and what plans, if any, they have to improve upon this. It was agreed that these self assessments would form the basis of the consultation with stakeholders, including local disability groups, and help inform the draft action plan of the DES. A summary of the self assessments, provided by key services, is an appendix to the main draft DES, both of which have been put aside in the Conservative Support Group's Office for information.
- 2.4 Involvement of disabled people and consultation with them should focus on the established groups which already exist. It was agreed that key groups be briefed by the Council on the Duty and asked

their views on existing barriers and priorities which need to be addressed through the DES action plan.

- 2.5 In addition to contacting existing groups, it was agreed there should be a wider consultation, open to members of the public, through an online survey, details of which would be made available in other formats if requested.
- 2.6 As part of the public consultation, it was agreed that two drop in sessions be held in October to give more residents who have disabilities and their carers the opportunity to comment on the Duty and the priorities they would like the Council or PCT to address.
- 2.7 It was agreed that Council staff should also be informed about the Duty and consulted about any barriers to disability equality within the workplace. This resulted in online consultation which was advertised through Reporter and the Intranet homepage.
- 2.8 It was agreed that on-going involvement of local disabled people was essential for the successful implementation of the Scheme and effective monitoring of progress. Therefore, it was agreed the Council would help local disabled people to set up an 'independent scrutiny board' which would, in effect, act as an umbrella group by bringing together representatives from the various disability groups to monitor the Council's compliance with the Duty and make recommendations as appropriate. Further details are set in paragraph 6

### **3. Key barriers and priorities identified in relation Council Services**

- 3.1 Transport was identified by all ranges of disability groups, and many individuals, as a key barrier. Examples of the issues raised are set out below:

The lack of accessible bus stops and bus services along key routes, identified as the A4, Thatcham Town Centre, West Berkshire Community Hospital, Newbury Town Centre, and Sandleford Rise / Newbury College.

The Council's concessionary fare scheme for older people and those with disabilities currently excludes people with mental health problems, who are classified as disabled under the Act.

The concessionary fare scheme only permits people to use their bus passes from 9am onwards and many young disabled people argue this is a barrier to accessing training or work opportunities.

Negative attitudes and lack of disability awareness displayed by Newbury bus drivers and other frontline officers in relation to transport services.

Need for clear, accessible information regarding transport services, including bus timetables and information and eligibility criteria regarding concessionary fare schemes and the bands for travel tokens.

Car Park policy is discriminatory to some disabled people and their carers

Concerns about traffic management, the condition of roads and pavements, including obstructions to pedestrianised areas, and the need for improved signage

- 3.2 Other issues identified

The eligibility criteria which excludes many people with significant need

Lack of accessible information available to disability groups and failure by the Council to notify them about consultations or encourage them to participate / contribute to the Council's disability equality training.

Need for better signposting regarding Council services and community services to support disabled people eg an A – Z of services or a single point of contact.

Concern about bullying and/ or harassment by school children towards people with learning disabilities

Need to improve disability awareness training / attitudes for managers and frontline staff, in particular in relation to 'hidden disabilities'.

Need to adequately resource user groups, in particular concern about the Home Care User Group; the mental health PLUS group; and effective links with carer groups

Need to improve DDA compliance of Council buildings which are open to the public, including installation of appropriate equipment such induction loops.

**Note:**

A summary of responses received from the Learning Disability Partnership Board (also incorporating Its My Life Group); Members of Resource and PLUS (people with mental health problems); and the Ormonde Centre (people with physical & sensory disabilities) are set out in Appendix 1. Full details of all the consultation feedback, including issues raised by WBC staff and local residents, is available from the Policy Executive, Joanna Richardson.

**4. Barriers to work opportunities and disability equality within the Council**

Limited information about specific impairments of applicants and staff working within the Council

Reluctance of staff to disclose information about impairment or raise equality related issues for fear of discrimination.

Lack of confidence amongst staff that disability equality issues will be effectively addressed and concern about apparent lack of support for this agenda by Elected Members and Senior Management.

Need for improved disability equality training, to cover all ranges of disability, and, where possible, involve disabled people to improve policy development and managerial practice

Lack of work placements, particularly to people with learning disabilities or mental health problems and real opportunities for placements to lead to paid employment.

**5. Development of draft Disability Equality Scheme, including the draft action plan.**

An Executive Summary of the draft DES is set out in Appendix 2. As indicated earlier, the full draft DES, including the draft action plan, which continues to be developed, has been put aside in the Group Support Offices for information.

The feedback received during the consultation process is now being considered by the relevant service units, via SMTs, to help develop an appropriate and realistic action plan for the year 1, 2, and 3, of the DES (2007 – 2009) and to ensure that other issues are addressed within individual service and team plans.

**6. Enabling disabled people to effectively monitor the Council's Disability Equality Scheme and advise the Council where necessary**

6.1 As indicated in paragraph 2.9 the DES planning group identified the need for the Council to help local disabled people establish an "independent DES scrutiny board" to monitor implementation and further development of this Scheme.

6.2 The purpose is to empower local disabled people so they can play a central role in scrutinising the Council's progress in meeting our public sector duty under the DDA, and to enable them to make recommendations on future schemes, and provide an effective consultation forum in relation to disability equality.

6.3 Membership of the DES Board

The intention is to draw together twelve disabled people to represent, as far as possible, all ranges of disability. Representatives will have links to specialist carer or disability groups across the district, covering physical disabilities, mental health problems, and learning disabilities. The Council is currently assisting local disabled people in identifying a strong, independent chairman, who has an interest in disability equality but is not strongly associated with any one particular type of disability.

6.4 Frequency of Meetings

The intention is that the board will hold quarterly meetings, commencing before end of April 2007, following a training session in January or February 2007. It is hoped that after the first quarterly meeting, future meeting will be held in a public forum, to enable the board to take account of public comments or concerns which relate to the Council its duty to promote disability equality.

6.5 Terms of Reference for the DES Board

- (a) To monitor and assess the Council's progress in delivering actions set out in its Disability Equality Scheme 2007- 2009 and to make recommendations as required.
- (b) To monitor the Council's wider compliance with the general and specific duties of the Disability Equality Duty and make recommendations as required.
- (c) To take account of public comment and consider issues of concern relating to the Council's functions in terms of disability equality and make recommendations as appropriate.
- (d) To formally respond to the Council's annual report on its Disability Equality Scheme.
- (e) To advice the Council on its impact assessment process and specific impact assessments
- (f) To advise the Council on any recommended amendments or additions to its current scheme and offer advice on the development of future schemes.
- (g) To take appropriate action if the Council, or agents acting on its behalf, fail to comply with the Duty.

## 6.6 Requirements of the Council to support the DES Board

- (a) The DES Board requires full recognition from the Council's Chief Executive and Executive Committee. The Council would be expected to implement the Board's recommendations within reason, and where it is evident that to do otherwise, would result in a breach of the DDA.
- (b) The Scrutiny Board would be able to call on any Officer to attend a relevant meeting or provide information in relation to the actions set out in the scheme.
- (c) The Council would be required to provide appropriate support to enable the Board to be a robust scrutiny group. This would include the provision of training; administrative support; reimbursement of any loss of earnings or transports costs; and provision of fully accessible venue.

## 6.7 How the DES Board will link to other disability groups and the Council

Although there are many disability groups across West Berkshire District which the Council either supports or consults with, there are none which represent the full range of disabilities and which are purely focused on monitoring how far the Council complies with the Disability Equality Duty. The proposed DES Board will provide a channel of communication between the various groups and the Council in relation to the Disability Equality Duty.

It is expected that specific disability groups will take a close interest in the Scheme and in particular how the actions impact on their own specific groups. The aim is that the DES Board will provide a forum to capture the various interests and co-ordinate recommendations to the Council. The Board will make recommendations to the Council through the Executive Member responsible for Equality and the Head of Policy and Communication, who has lead responsibility for equality within the Council.

It is important to recognise that the DES Board is independent of the Council and co-operation with the DES Board is not a statutory requirement. It is a matter of choice and reflects the goodwill that exists between the Council and local disability groups across West Berkshire. It also highlights the Council's determination to be open and transparent about the actions it is taking, or planning to take, to better promote equality for disabled people. The Council is happy to support and co-operate with this independent board as it wishes to involve disabled people, and enable them to participate in the monitoring and further development of this Scheme.

In addition to working with the DES Board, the Council has its own formal monitoring and scrutiny procedures. In compliance with statutory requirements, the Council will publish its own annual progress report on the Scheme and this will be brought to the attention of Members and senior managers via the normal routes, and thereafter made available to the public.

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### Appendices

Appendix 1 - Summary of responses received by disability groups

Appendix 2 - Executive Summary of the draft Disability Equality Scheme 2007 - 2009

## Implications

<b>Policy:</b>	The proposed Disability Equality Scheme will compliment our Comprehensive Equality Policy and Corporate Equality Plan.
<b>Financial:</b>	A budget bid has been put forward to support implementation of the Scheme, in particular to support the independent DES scrutiny board, which is estimated to be approximately £3000 per annum.
<b>Personnel:</b>	n/a
<b>Legal:</b>	Requirement set out in the Disability Discrimination Act 2005
<b>Environmental:</b>	n/a
<b>Equalities:</b>	Report relates to the Disability Equality Scheme which will promote equality for disabled people.
<b>Partnering:</b>	Implementation of the Scheme involves working with a wide range of partners.
<b>Property:</b>	n/a
<b>Risk Management:</b>	n/a
<b>Community Safety:</b>	n/a

## Consultation Responses

<b>Members:</b>	
<b>Leader of Council:</b>	Via Management Board on 9 <sup>th</sup> November 2006
<b>Overview &amp; Scrutiny Commission Chairman:</b>	Via letter, dated 10 <sup>th</sup> November 2006 - no comments received
<b>Ward Members:</b>	n/a
<b>Opposition Spokesperson:</b>	Via letter, dated 10 <sup>th</sup> November 2006 – no comments received
<b>Policy Development Commission Chairman:</b>	Via letter, dated 10 <sup>th</sup> November 2006 – no comments received
<b>Local Stakeholders:</b>	Extensive consultation between August and November 2006
<b>Officers Consulted:</b>	Staff consultation August and end of October and in depth consultation with key officers
<b>Trade Union:</b>	Unison are fully supportive of the draft DES



**Consultation feedback from**

- (a) the Learning Disability Board Partnership (and Its My Life Group)**
- (b) members of Resource and PLUS group (mental health service users)**
- (c) members of the Ormonde Centre (physical & sensory disabilities)**

## **A. West Berkshire Learning Disability Partnership Board**

### **Introduction**

West Berkshire Learning Disability Partnership Board is a board made up of people with Learning Disabilities, Carers, professionals, and interested organizations. We are committed to the key principles of the government white paper "Valuing People: A New Strategy for Learning Disabilities for the 21 Century" We believe that all people with Learning Disabilities should have rights, choice, independence and inclusion in all aspects of their lives.

As a group we were very keen to be invited to have an input into the council's disability equality duty, and hope that it makes a difference for all people with disabilities.

When making any plans, whether that is for job advertising, layout of buildings, planning procedures, buying new equipment, altering transport in any way and so on, it is always important to ensure that a correct consultation has taken place to raise awareness, gather and give out information, and a good assessment has been produced. Education is also a key to ensure that people with disabilities are treated equally.

In response to Barriers to Council Services the LDPB identified the following:

### **Priority 1 – Transport & Accessibility**

- People with Disabilities often experience bullying and less favorable treatment when traveling on busses, especially when traveling during the school time rush hour. This behaviour can come from children as well as adults.
- Bus Station Curbs fall short of the full width of bus door, making it difficult for a wheelchair to access the bus.
- The low level busses do not meet the curbs, as the curbs are too low. In the case of Northbrook Street, there are no curbs at all.
- Busses do not have fastenings to secure wheelchairs safely.
- There is not enough room on busses to maneuver a wheelchair easily into position.
- When wheelchair users are traveling by train, they must first contact the stations in advance to ensure they have ramps to access the trains, and to ensure that there can be help available. People cannot travel without making these plans in advance. Some stations still do not have ramps available, or if they do they are kept locked up and can only be accessed by a member of staff.
- Busses can often run out of sync with normal working hours, therefore making people late for any work, appointments or meetings with council services. (This can apply to barriers to work within council section of the questionnaire also.)

### **Priority 2 – Bullying**

- People with disabilities can often be bullied when in the community. This can be when accessing council services such as transport and leisure facilities, also when working and being out in the local area.

### **Priority 3 – Accessibility of Council Services**

- There is a lack of clear signage within council services and council buildings. When pictograms are used, they are often not representative of what people that are unable to read would associate with the written text. Signs need to be clear and in a larger format for people with visual impairments.
- There is not enough clear advertising about the services that are available. The advertising needs to be in the right formats, and in the right places to attract a wider range of users. People that are unable to read are unlikely to read a written advert in a newspaper for example.

- The council buildings and surrounding areas can be poorly lit when it is dark. This makes people feel unsafe, and puts them off visiting those areas when it is dark, especially in the winter.

In response to barriers to employment opportunities with the Council the LDPB identified the following:

### **Priority 1 – A better understanding about the benefit systems.**

- Many people with disabilities and employers are unaware of the benefits systems and are unaware of how having a job, and earning money will affect their benefits. More education is needed in this area.
- There are people with Learning Disabilities that work within the Council, but are not paid for their work. Are people expected to work voluntarily if they need to claim benefits for long term disabilities, even though they can earn a wage if they choose?

### **Priority 2 – Creative Thinking**

- There appears to be a lack of creative thinking within the council to provide job opportunities for people with disabilities. An example of this is employing contractors to clean buildings, when we could be offering that service as a paid employment for people that are less able to do other jobs that may require more skills or qualifications. There could be a strong case for “positive discrimination” to benefit the greater good of all.
- The council does not currently provide enough job coaching for people from disadvantaged groups. If these people were to receive more help and support, then more people would be able to have employment opportunities within the council, and within the local community.

### **Priority 3 – Accessibility**

- Job advertisements for the council are often placed either in the local papers, or on the internet. They are always in written format. An application form also needs to be completed in writing. This is of no use to people who cannot read or write. They are automatically at a disadvantage before they reach the interview process.
- Council office layouts can be in-accessible for wheelchair users. This includes some of the equipment that has been installed. E.g. the new photocopiers are very high. Someone in a wheelchair would not be able to use it easily.
- Some of the lifts in council buildings (Northcroft House) are not accessible they are too small to fit a wheelchair in.
- There is only one disabled toilet within Avonbank and Northcroft House. If someone in a wheelchair were to work on the 2<sup>nd</sup> floor of Northcroft House, A) they couldn't get to the toilet in the lift and B) what a trek! The other toilets in the buildings are completely inaccessible for a wheelchair user.
- Working hours need to be more flexible to accommodate people with disabilities that may need more time to get themselves prepared for work in the mornings.

In response to ‘what areas would you most like the Council to address as a matter of priority’ the LDBP identified the following:

### **Priority 1 - Positive Discrimination**

- In circumstances where the council can proactively work to develop positions for people from disadvantaged groups, then there is a strong case for positive discrimination. Why pay contractors to do a job that the council could employ people with less qualifications, skills and opportunities to do.

## Priority 2 - Housing

- There is a big issue with Housing within West Berkshire. Many vulnerable people with disabilities are inadequately housed, or are awaiting allocation. Quite often people with disabilities are being cared for within the family home, until there is an emergency, and the person with a disability needs to be re-housed urgently. The council needs to ensure that there is enough provision for these circumstances.
- When new houses are built, a percentage should be allocated for the use of people with disabilities. They should also be adequate and accessible. People that work and have good incomes often have the opportunity to buy their own homes at some point in their lives. Many people with disabilities have had a disability all of their lives, and will have for the rest of their lives. They are often unable to have the same opportunities as people without disabilities because their only source of income is from benefits. Therefore there should be more housing provision available to them.

## Priority 3 – Transport

- There should be more focus on the importance of public transport. There are many people with and without disabilities that are unable to drive, and rely solely on the use of public transport. When the bus and train stations are not accessible, the bus stops are not accessible, the busses are not accessible, there are not enough routes taken by the busses and they do not come often enough; then it becomes a pretty unreliable service, and discriminates against anyone with a mobility disability that might want to use public transport.

It would be beneficial to include on all council policies a declaration that explains how the policy includes and affects services and people with disabilities – including learning disabilities, because people often forget that this is a disability as there may be no obvious physical disability. If there was a statement something like:

*“Impact on People with Disabilities and the Services they Receive”*

Written underneath should be the evidence of the effect this policy would have.

## **B Formal response from members of Resource and PLUS**

### ***General comments about access to the council***

- 1) There is a need to improve information about services, as it is often hard to know services exist, and where to find information about those services. This would be helped by a central information point, possibly at the council offices- everybody knows where they are, so it is a good starting point
- 2) A single named contact person to act as first point of contact would also be good- a disability champion who could sign post people (similar to patient information point provided at West Berkshire Community Hospital)
- 3) Better transmission of information about consultation, meetings etc
- 4) Better training to include a good mental health element is needed. This is for all staff, especially front line ones
- 5) Better communication between the Council and its partners, and between Council departments, for example between CMHT and Housing.
- 6) The council needs to consult with mental health service users. Either we need to work to make the disability alliance representative of our needs, or else the Council need to build contact with PLUS, Resource etc.

All the above points came up repeatedly from different people during the consultation. In addition Resource and PLUS considered in detail the summary of service statements provided by the Council and made the following observations / comments:

### ***Community services directorate***

#### **Housing**

The floating support and support from Supporting people is highly regarded- it works well and helps people, but there is not enough and more people would benefit from it. Also, people don't always know about it.

Harassment is a major problem for a lot of people. This is usually for people in general needs housing, either they are being harassed, or they are having to cope with antisocial behaviour around them. Because they are in general needs, the HA's have little expertise in mental health, aren't aware of the impact, and people are likely to receive little ongoing help from CMHT, as they are regarded as having less needs. So, they are alone with the problems. This isn't directly under the council's control, but somebody needs to take a lead to get action- better support, training, tackling antisocial behaviour etc.

#### **Arts and leisure**

The cost of arts and leisure facilities is a real barrier. Resource has some passes to Northcroft, but otherwise the cost is a real problem. Other areas give free access to people on benefits; exercise is good for your mental health so this would be a good idea.

There is no real mention of arts- using corn exchange is expensive, and the concessions are limited and inconsistent- you get reductions on jobseekers but not income support, which excludes most mental health service users.

The atmosphere can often be intimidating as well for both arts and leisure- better training and some contact building?

Also, what about providing support to artists with mental health problems- Resource tried to set up activities for Black History Month, Reading council gave money, but nothing from west Berks- what about some community outreach, there are people who want to get involved but nobody at the council seems to be interested.

## **Learning disabilities**

No major comment, except better communication between services for people with mental health problems and learning disabilities/ specific learning disabilities/ aspergers etc. also, the same for people with physical disabilities and mental health problems- trying to sort things out is a nightmare

## **Children and young people**

We didn't look at this, except for the position of adult learning- the cost/ access/ confidence issues here- more consistency/ support/ training needed

## **Mental health**

In general, we were not impressed by the self-assessment of the CMHT. If you contrast it with learning disabilities, you get the feeling that with one they have thought about it, looked at things seriously, considered how they do things and are committed to improvement.

In particular, in relation to Mental Health Services, the following comments were noted:

- 1)- Equal opportunities they talk about working with the voluntary sector-to promote employment. What organisations are involved and how?  
- "Employment of service users within BHCT" who are they? The three we are aware of are primary care, which are the ones from CMHT services, how are they supported, what is being done to encourage others, and how is this support publicised?
- 2) Unlawful discrimination  
- "Service user employment and service user strategy for engagement" we are unclear what this means- what is the strategy, how is it publicised, what service users are engaged, where, what are they doing?
- 3) Eliminate harassment. "User and carer engagement strategy" again what does this actually mean?
- 4) Promote positive attitudes
  - Positive examples of employment. who? Where? How are they publicised?
  - Mental health clients are positively regarded what does this mean? How does this translate into practice, given that it does not equate with many peoples experience, especially of being refused help/ discharged from help without notice/ not feeling engaged in plans that enable them to live full lives.
  - There should be a single point of entry to the service, which should be simple to use. Staff should take a holistic view, looking at the complete client and all their needs. This is especially true of people with other disabilities/ cultural needs/ other special needs as these all impact on mental health
  - Better communication with other parts of the council, and other bodies, especially for those with complex needs egg other disabilities/ housing problems. If nothing else signposting and door opening to other services. In the long run this would be easier as people would get well sooner and stay well longer!
- 5) Encourage participation in public life.
  - Service user conferences. There has been one so far, and nothing has been produced from it.
  - Consultation with service users and participation in the MH forum. This is not a user group, few users attend. There is no consultation with PLUS unless it is initiated and pursued by PLUS itself. Other consultation, some but limited, also publicity selection of users opportunities to communicate with others, support all missing

- CPA. How is this public life? CPA is your own care, not public life, being involved in this is government policy and obligatory. Only some service users have CPAs.

6) More favourable treatment and meeting peoples needs. More information, expansion explanation of what this means.

### ***Environment***

There is mention of work experience at Thatcham nature discovery centre, Link Up etc for people with learning disabilities- what about developing these things to be pan disability? We could benefit from lots of these things, and having people with different disabilities working together would enable us to share strengths and break down barriers.

### ***Transport***

As you are aware the travel pass scheme is a major source of frustration. The wording on the website seems to specifically exclude mental health and this needs to be reviewed and clarified. Despite the current wording on the website, some people have obtained passes via Hillcroft which has led to further confusion. This is all wrong. We are disabled and need to access the concessionary travel scheme. The current policy seems to discriminate against people with mental health problems, who are protected under the DDA 2005. The rules should apply equally and not vary depending on individual luck! This needs sorting out ASAP, so that all disabled people get equal treatment

### ***Chief Executive's Directorate***

There are very mixed views on the job application process- some good some bad. What about making P2E more flexible- the council could provide a stepping stone back into work for people. Our needs and abilities can be very varied but often our confidence is very low- what about recruitment events, chances to be buddied on jobs, setting aside some move on jobs for Resource- at the moment people find it hard to move on from the members employment scheme, especially people who cannot cope with full time work- the council could provide a range of opportunities, to suit peoples different abilities and wishes. In return, we could give you good, hard working dedicated staff who usually only need a small amount of the right support!

## **C Response from the Ormonde Centre (physical disabilities)**

### **Members of the Ormonde Centre identified the following as barriers in accessing Council services:**

1. Information about Council services is fragmented and can be difficult to find. Would like more streamlined information related to the relevant information for council services for people with disabilities. DIWB website helps with this but resources are limited.
2. Lack of wheelchair accessible buses, train travel can be problematic. Would like council to invest more in wheelchair accessible transport i.e. more voluntary transport, more low rider buses, more taxis that can take wheelchairs.
3. People with disabilities get tired of explaining their life story to community care, housing, revenue and benefits – would better information held across all council services.

### **The following issues were identified as barriers to employment opportunities with the Council**

#### **Barrier 1.**

Office layout are not always easy to people with mobility problems, or visual impairments to access i.e. photocopiers can be used whilst sitting down  
Space between desks can be tight (not wheelchair friendly). Lifts small at Avonbank and Northcroft.

#### **Barrier 2.**

Some people with physical disabilities returning to work would need quite intense support to begin with when starting a work placement. There is a perception that this support may not always be available. Many people need this support to build up confidence and work based mentor would help with this.

#### **Barrier 3.**

Benefits in starting work and changing hours is a real problem for H.B., CT.B, and incapacity benefits. Need to re apply time consuming – difficult to come off these benefits when many people have real uncertainties about long-term health.

### **The following areas were identified as recommended priority areas for action**

1. Long term housing plan.  
"Improve the housing stock"  
Better housing – more wheelchair accessible housing, widened doorways, bigger lifts, easy to adapt.  
"Not just the houses people with physical disabilities live in, but all homes so we can get out and visit our friends and family"
2. Improve access to services  
Better transport, especially rural areas  
Reduce waiting times for services  
Improve eligibility to services not just critical need, but easy access to prevent crisis.
3. Make sure the strategy is followed through not shelved and real changes are made to improve the live of people with disability.



## Executive Summary

### Draft Disability Equality Scheme 2007 - 2009

#### 1 Introduction

- 1.1 This Scheme has been produced in response to the requirements of the Disability Discrimination Act 2005. This legislation places a General Duty and Specific Duties on all local authorities to promote equality of opportunity for disabled people. Together, these duties are known as the Disability Equality Duty.
- 1.2 This is the Council's first Disability Equality Scheme. It will run for three years, and its action plan will be kept under regular review and further developed as necessary to ensure compliance with the Duty. Progress reports will be published at the end of each year.
- 1.3 The Scheme supports the Council's Equality Policy and complements the Council's own strategic priorities, including the priorities to tackle all forms of social exclusion and to promote independence for people with disabilities. The Scheme should be viewed in context with the Council's Corporate Equality Plan which aims to ensure the necessary corporate mechanisms are in place to mainstream equality.

#### 2 Disability and the Local Context

- 2.1 A person is defined in law as 'disabled' when he or she has a "physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day to day activities". Significantly, the DDA 2005 Act has widened the definition to include conditions previously not covered by DDA 1995, for example cancer. Therefore, the Council will need to ensure it takes account of all those now protected by the legislation when carrying out its functions.
- 2.2 Chapter One considers the local context and addresses the difficulty identifying how many disabled people live in West Berkshire, largely because there is no universal definition. The 2001 Census showed that 18,000 residents reported themselves as having a long-term limiting illness, with 2,400 describing themselves as permanently sick or disabled. The Council's own adult social care services provide services to just over 3000 people which include those with physical/sensory impairments; adults with learning disabilities; and adults with mental health problems.
- 2.3 West Berkshire Council recognises that many disabled people still face inequality, for example, we know that disabled people –
  - Disabled people face discrimination and are more likely to be victims of hate crime and harassment
  - They are less likely to be employed and more likely to be economically inactive
  - Disabled people are more likely to live in unsuitable housing and travel less
- 2.4 The Council recognises the value of the social model of disability, which goes beyond the focus on a person's medical condition, and instead accepts that it is often 'social barriers' which are the key

disabling factors. This Scheme is designed to enable the Council to tackle those barriers which prevent equal access to Council services or employment opportunities and career prospects with the Council.

### **3 The Disability Equality Duty**

The DDA 1995 gives disabled people rights in the area of employment and access to goods, facilities, and services. The DDA 2005 Act places a positive duty on all public authorities to promote disability equality.

3.1 The General Duty means the Council, when carrying out its functions, must have due regard to:

- The need to eliminate discrimination that is unlawful under the Act
- The need to eliminate harassment that is unlawful under the Act
- The need to promote equality of opportunity between disabled persons and other persons
- The need to take steps to take account of disabled persons disabilities, even where that involves treating disabled persons more favourably than other persons.

3.2 Specific Duties also apply to the Council, which include:

- To prepare and publish a Disability Equality Scheme, including a statement of how disabled people have been involved in the Scheme and details on the Council's impact assessment process
- To implement the Disability Equality Scheme
- To publish an annual report containing information on what progress has been made in implementing actions set out in the Scheme

3.3 Chapters 3 and 4 provide detailed information on the legislation and requirements of the Duty.

### **4 Achievements to date in promoting disability equality**

4.1 Part Two of the Scheme sets out what the Council already does to help promote equality of opportunity for disabled people. It covers key issues of leadership in terms of Elected Councillors, senior managers, and the Council's Corporate Equality Group, which seeks to mainstream equality across all directorates.

4.2 Part Two also indicates how the Council assesses the impact of its policies and procedures on people with disabilities, including consultation with local disability groups, and how these assessments help identify targets when are then incorporated into the Council's service planning process.

4.3 All Council Services are to some extent engaged in helping to better promote equality for disabled people. Detailed statements from the key services on how they already work to meet the various requirements of the Duty are set out in Appendix 3.

### **5 Involvement of Disabled People in developing the Scheme**

5.1 Chapter 9 of the Scheme sets out in detail how disabled people have been involved in helping to develop this Scheme, including how they have helped to identify barriers and priority areas for action. The Council has worked closely with a wide variety of local disability groups, covering physical disabilities, mental health and learning difficulties. In addition, it has ran a three month public consultation and held two 'drop in' sessions to enable members of the public to comment on the Council's work in terms of promoting equality and tackling discrimination. Council Staff have also been

encouraged to express their views on how the Council might improve attitudes towards disability and employment opportunities for people with impairments.

- 5.2 The issues identified through this involvement are set out in Chapter 9, and will be carefully considered by the relevant Service Units and where appropriate, reflected in the Scheme's Action plan. Key issues include:
- Problems in relation to limited accessible transport
  - Need for more accessible and comprehensive information on support services
  - Improve disability awareness training required for staff and Council partners
  - Positive action to improve employment opportunities with the Council
  - Improve understanding of issues facing residents and staff who have disabilities

## **6 Future plans to improve disability equality**

- 6.1 Part Three of the Scheme sets out what we will do over the next three years to better promote disability equality, including how we will improve our arrangements for gathering and using information and statistics, as well as our plans to implement, monitor and report on actions set out in the Scheme.
- 6.2 Crucial to the success of this Scheme, and how we can effectively address the inequalities disabled people face, is the need to continue to involve and work with local disability groups. For this reason Chapter 13 sets out our plans to help local disabled people set up their own independent scrutiny board, which will represent, as far as possible, all ranges of disability, and be tasked with monitoring the Council's progress in implementing actions set out in this Scheme, and our general compliance with the Duty. In effect this 'independent' board will act as an umbrella group by bringing together representatives from the various disability groups, to monitor and advice the Council on its duties under the Act. In addition, it will also assist the Council by commenting on our Equality Impact Assessments. The draft terms of reference are set out in Appendix 5.
- 6.3 Chapter 14 set outs the Scheme's Action Plan 2007 – 2009. It should be viewed in conjunction with the details already provided by Service Units, as set out in Appendix 3, on their future plans to further promote equality and tackle discrimination.
- 6.4 It is important to note that disability equality will be regularly considered and reviewed by the various Senior Management Teams within the Council and, together input from local disabled people, the action plan will be further amended and developed during the lifetime of this scheme.

## **7 How to comment on this scheme**

If you would like to comment on this Scheme or would like further information please contact  
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