



THE MORAY COUNCIL

DISABILITY EQUALITY SCHEME

2006 – 2009



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Background / Rational

The Disability Discrimination Act 1995 has been amended by the Disability Discrimination Act 2005 so that it now places a general duty on all public authorities, when carrying out their 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
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

'Due regard' means that authorities should give due weight to the need to promote disability equality in proportion to its relevance.

This Disability Equality Scheme sets out how The Moray Council intends to address the strands contained in the new Disability Equality Duty which must be supported by an action plan.

The Act prohibits discrimination against disabled people broadly in relation to the following areas:

- Employment and occupation
- Trade associations and qualification bodies
- Education
- General qualifications bodies
- Housing
- The provision of goods, facilities and services
- The exercise of a public function

Part 3 of the Disability Discrimination Act 1995 imposes a duty on service providers to make reasonable adjustments. This means removing or altering any physical barrier which makes it impossible, or unreasonably difficult, for disabled persons to make use of a service, or to provide some alternative means of making the service accessible to disabled persons.

In relation to employment and occupation, qualifications bodies, and providers of housing, however, the duty to make adjustments is not an anticipatory one. In these circumstances, the duty arises only where the employer or qualifications body knows or could reasonably be expected to know that the person requires particular adjustments; and in the case of housing provision, where a request for an adjustment has been made.

In addition to the Disability Discrimination Act 2005, the Education Authority has a duty to comply with the Education (Additional Support for Learning) (Scotland) Act 2004 which aims "to ensure that all children and young people

are provided with the necessary support to help them achieve their fullest potential”.

To this end The Moray Council has developed an Additional Support for Learning Framework which commits the Council to the following principle:-
“Equality of access to effective provision for all children on the basis of need, irrespective of race, disability, gender, sexual orientation, language, religion or belief, or age”.

The Duty will come into force on 4 December 2006. This contains a specific duty for public authorities to publish a Disability Equality Scheme no later than 4 December 2006.

Introduction

A person has a disability if he or she has a physical or mental impairment, which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. This includes people who have long-term medical conditions such as cancer and HIV. (*Disability Rights Commission, Statutory Code of Practice:2006*).

Disability equality is about offering full opportunity and choices for disabled people to improve their quality of life and be respected and included as equal members of society.

The Council can make a significant contribution towards removing the barriers (both environmental and attitudinal) to equal opportunities for disabled people. The Council can do this by addressing the way in which we run our services and employ people, and also by exerting our influence in the community at large.

The understanding that to deliver true equality of opportunity for disabled people requires more than treating them the same as everyone else underpins the requirements to combat discrimination (notably the Act's requirement to make reasonable adjustments) and to promote equality of opportunity.

Aims / Objectives

The Moray Council believes in, and is committed to, the principle of equality of opportunity. The Council recognises the diversity in the community and that all groups do not have the same resources, situations and needs. Therefore the Council must ensure that these issues are reflected in the planning, designing and improving of our services.

The Council aims to meet the general duty, to:-

- promote equality of opportunity for disabled people
- eliminate discrimination
- eliminate harassment of disabled people that is related to their disability
- encourage participation by disabled people in public life
- take steps to meet disabled peoples' needs, even if this requires more favourable treatment

The objectives will be to:-

- ensure that the promotion of equal opportunities are included in all policies, plans and working practice
- be a model employer and equip our workforce to promote equal opportunities
- report performance on disability equality in the annual Corporate Public Performance Report
- promote diversity and equality through Community Planning
- ensure that we are enabling people to fully participate in consultations

Impact Assessments

The Council must outline its methods for assessing the impact of its policies and functions on equality for disabled people. The purpose of impact assessment is both to ensure that decisions and activities do not disadvantage disabled people, and also to identify where they might better promote equality of opportunity.

All Council policies and functions must be prioritised for their relevance and importance in relation to the general duties, and arrangements will be in place to investigate their impact.

Policies and functions will be impact assessed according to priority. If evidence suggests that it is likely to be discriminatory or otherwise inhibit progress towards equality of opportunity, then the assessment process will enable the Council to consider whether the policy can be modified to reduce any adverse impact or whether an alternative policy that better promotes equality could be adopted. Assessment guidance has been published to assist services (Appendix 1).

Gathering and Using Information

Information and outcomes from impact assessments will be used for consultation purposes, training staff and for preparing future action plans.

Performance indicators will be built into service plans. This will operate as the measuring process to indicate what has been done against what was planned to be done. This will indicate where improvements can be made.

In addition to quantitative measures for example:-

- school performance statistics
- buildings adapted
- recruitment and retention of disabled employees

We will aim to collect qualitative information for example:-

- staff / customer surveys
- complaints

This will help the Council identify disabled individuals' concerns, highlight their requirements and increase involvement.

Involvement

The legislation places a duty on local authorities to involve disabled people in producing the Disability Equality Scheme including the action plan. Their involvement helps in identifying the barriers faced by disabled people and, setting priorities for action plans.

The Council recently undertook a consultation with disabled people through the Moray Resource Centre to inform the research project 'Equality in Moray'. As a result when adverts were placed seeking involvement there was no response. Given this, it was agreed to use the recent comments obtained from the 'Public and Voluntary Sector Provided on Equal Terms' research to inform this document. Nonetheless the draft document was given to the Moray Resource Centre for their comments before it was finalised.

To further develop our provision for children and young people, comprehensive consultation has taken place with pupils in Moray schools, their parents and the staff who work with them. Through consultation and in line with the Disability Equality Duty, the Council, working with a focus group, is developing an action plan to ensure that provision fully meets the needs of its users.

Problems that were highlighted at the Moray Resource Centre consultation included:-

Parking

Parking was a major problem for many people as there were simply insufficient spaces provided. Some people felt that disabled parking bays needed to be time-restricted.

Progress to date:- Disabled parking bays in the Moray area meet legal requirements and in some car parks exceed this requirement. Time restrictions have been applied to some pay and display car parks within the Elgin area. Some of our disabled parking bays are however underused.

Action:- Publish leaflet indicating where disabled spaces are located, stating long or short stay parking.

Investigate why some bays are underused.

Information and Advocacy

Participants reported difficulty of access to the full range of services available. They find it necessary to be very pro-active and go and look for information and this may be very difficult for some people because of ill-health, lack of mobility or the need for communication support.

Progress to date:- The Council part funded The Moray Access Guide. This provides information on accessibility for people with a disability, living in or visiting Moray. The Council also part funded The Moray Guide to Mental

Health Services. This seeks to offer people who have, or are recovering from, Mental Health Problems, their family, friends and carers, information on the services and support that is available both locally and nationally.

Action:- Publish a list of information and services available from the Council and provide them in different formats on request.

Progress standardised documentation ie letterheads on Arial font, size 12 or above.

Translation & Interpretation Communication Support Services

Access to mainstream services for Deaf people was felt to be wholly inadequate and participants cited lack of awareness and limited services as key issues.

A lack of awareness and the need for staff training was a current theme which emerged. Participants reported a lack of consistency within services and it was widely felt that quality of service within larger organisations, such as the Council, were largely depended on the individual worker.

Progress to date:- The launch of the Happy to Translate initiative in April 2006 offers interpretation and translation services to those who require it. Information can be provided in:-

- Braille
- Large print
- Audio tape

British Sign Language interpreters will be organised on request for meetings.

Action:- Implement the Interpreting On-line Service and Video Relay Service. This will allow British Sign Language users to communicate with Council Staff. The Moray Council is the first Council in Scotland to sign up for this service.

Implement the Video Relay Service at the Elgin Library. This service will offer individuals an opportunity to carry out any personal business they require at a minimum cost.

Employment

Participants reported a range of problems relating to employment in Moray, including low wages, lack of access and training and low levels of awareness among employers.

Progress to date:- The Council display 'positive about disabled people' sign on all job advertisements.

The Council interview all applicants with a disability who meet the essential criteria for a job vacancy.

Action:- Advertise jobs using positive action to encourage those with a disability to apply for employment.

Awareness Training

There seems to be a huge need for disability training. Participant comments included “there is a lack of awareness training”.

Progress to date:- During 2006 a number of front-line staff attended a Deaf awareness and basic British Sign Language training course.

The research project ‘Equality in Moray’ has been completed and a Seminar held, to highlight the issues and offer advice for improvement. The research aimed to explore current equalities policy and practice in Moray, identify good practice and help public, voluntary and private sector organisations address equalities issues as employers and service providers.

Action:- During 2007/2008 the main emphasis will be on disability awareness training for front-line staff. Partnership working will be looked into in order to reduce costs.

Action Plan

Action	Responsible Officer	Completed by
Adaptation of Council properties	Head of Estate Services	Ongoing works
Publish leaflet regarding disabled parking	Equal Opportunities Officer	June 2007
Carry out consultation on underused bays	Equal Opportunities Officer	October 2007
Publish list of information and services available from the Council and format.	Corporate Policy Unit Manager	July 2007
Standardise documentation	Corporate Policy Unit Manager	April 2007
Implement on-line BSL interpretation	Equal Opportunities Officer	March 2007
Implement Video Relay Service in the library	Equal Opportunities Officer	August 2007
Advertise jobs using positive action ie at the Moray Resource Centre.	Head of Personnel	Ongoing
Roll out disability awareness training with partners	Equal Opportunities Officer	December 2008

APPENDIX 1 – GUIDANCE NOTES

Disability Equality in Moray Council Assessing Relevance of Functions/Policies

Step 1 – Identify policies and functions

Step 2 – Assess relevance to Disability Equality Procedures.

Step 3 - Conduct Full Impact Assessment for all Functions/Policies assessed as Medium or High

Title of function or policy Guidance note: it maybe necessary to delineate aspects of a larger strategy, policy or service.	Which of the 3 Aspects does or should it relate to? 1 – Eliminating discrimination. 2 Promoting equality of opportunity 3 – Promoting good relations.	Is there evidence or reason to believe that some groups could be differently affected? How much? A – None B – A little C – Some D – A lot	Is there public or staff concern about potential discriminatory practices? How much? A – None B – A little C – Some D – A lot	Overall Relevance High Medium Low

Moray Council – Equality Step 3.
Equalities Impact Assessment 3 Part Pilot Framework (Dec 06 – Dec 09)

Part 1 – Background

1A – Key details of the function or policy to be equality impact assessed

Title of function or policy Guidance note: it maybe necessary to delineate aspects of a larger strategy, policy or service.	Lead Council Department / s +/-or partner agencies responsible for delivering the function or policy	What are the intended outcomes of the policy, what is its primary purpose?	
Participants involved in the equalities impact assessment	How will the customers / service users encounter the function or policy or find out about proposed changes?	Information to be used to assist screening (e.g partnership views, consultation, Officer knowledge).	Details of any other evidence to be used.

Part 2 – Full Equalities Impact Assessment

<i>Equality Group</i>	Positive impacts of policy or function. What we've got in place.	Negative impacts of policy or function. What we need to put in place.
• Black & Ethnic Minority people (incl. gypsy/travellers, refugees & asylum seekers)		
• Gender		
• People in religious/faith groups		
• Disabled people, inc. learning disabilities, mental health problems, physical disabilities and sensory impairments, literacy		
• Age		
• Lesbian, Gay, Transgender and Bi sexual people		
Consultation	Were any Equalities Groups Consulted. Give details if so.	Were any Community Groups Consulted. Give details if so.

Part 3 – Recommendations

Guidance Note: Please set out the series of recommendations developed as an outcome of Part 2. These should include recommendations to address both potential positive and negative impacts listed in Part 2. It is necessary to link recommendations to mainstreaming equalities action plans or other relevant service plans.

Recommendation	Person / Department / Partner agency responsible for implementing recommendation	Date recommendation to be completed by
----- Final Sign Off. Signature of Director Date Work Completed –	-----	-----