

## **DISABILITY DISCRIMINATION ACT 1995 - UPDATE**

### **Abstract**

This report advises on the implementation of the final element of Part III of the Disability Discrimination Act 1995 and the introduction of a new Statutory performance Indicator.

### **RECOMMENDATION**

The Resources and Central Services Committee is recommended to note the contents of this report.

### **1 INTRODUCTION**

The "Reasonable Adjustments" element of Part III, of the Disability Discrimination Act 1995 came into force on 1st October 2004 and this will have implications for Angus Council.

A long-term programme of accessibility adaptations, approved in May 2001, is being progressed in accordance with priorities agreed with departments using funding provided from the Property Renewal and Repair Fund, from provisions within the Property Services element of the Financial Plan and provisions from Quality of Life funding.

There remains, however, a continuing programme of work to complete the exercise for non-housing properties, excluding schools (to which this aspect of the DDA does not directly apply).

### **2 BACKGROUND**

Report No 556/01, Access for Disabled – Progress, Policy and Strategy, approved by the Policy and Resources Committee on 8 May 2001, advised on the obligations for Angus Council and the strategy which has been adopted.

The Disability Discrimination Act 1995 prohibits discrimination against disabled people in the provision of services, goods or facilities which are provided to the public and establishes new duties and an implementation timetable for their introduction.

In particular Part III requires that those providing goods, facilities or services to the public have new duties to ensure: -

- Equality of treatment by service providers -  
*From 2 December 1996*

- “Reasonable adjustments” [to services]for disabled people -  
*From 1 October 1999*
- “Reasonable adjustments” in relation to physical barriers -  
*From 1 October 2004*

#### **“Reasonable adjustments”**

A service provider has to take reasonable steps to: -

- change a practice or procedure which makes it impossible or unreasonably difficult for disabled people to make use of its services;
- provide an auxiliary aid or service if it would enable (or make it easier for) disabled people to make use of its services;
- provide a reasonable alternative method of making services available to disabled people where a physical feature makes it impossible or unreasonably difficult for disabled people to make use of the services.

## **2.1 Progress**

Good progress is being achieved in implementing the long term accessibility adaptations programme approved in May 2001 but further work needs to be done to ensure full compliance in respect of the Council’s non housing, non-educational properties. It is anticipated that, based on current funding projections, the programme will need to continue to run for at least a further four years.

As forecast in the May 2001 report, the scale of the work involved and associated costs have grown as a consequence of detailed surveys and ever-higher standards being introduced in the intervening period.

The approved strategy incorporated improving the accessibility of schools on a prioritised basis, assisting the Education department to meet the needs of disabled pupils as they enter the educational system, with the majority of schools being dealt with in later years.

The introduction of the Educational (Disability Strategies and Pupils’ Educational records) Act 2002 requires responsible bodies to prepare and implement accessibility strategies to improve over time, access to education for pupils and prospective pupils with disabilities. The aim is through long-term strategic planning to improve access for all pupils with disabilities. The act outlines three particular areas to consider:

- improving access to the curriculum
- improving access to the physical environment
- improving communication to pupils with disabilities

The Education and Property Services department are working together to audit all school properties, identify costs, prioritise accessibility adaptation needs and establish and progress a programme of improvements funded from Education department resources and the Property Renewal and Repair Fund.

## **2.2 Statutory Performance Indicator**

Indicator 4, Public Access, has been introduced in the 2004/05 reporting cycle and is defined as:-

*The number of council buildings from which the Council delivers services to the public and the percentage of these in which all public areas are suitable for and accessible to disabled people.*

Council buildings mean those from which the council provides a service and for which it is responsible for meeting the required standard of access. It includes buildings at least a part of which are usually open to the public but excludes:-

- Public conveniences that are not integral to buildings
- Schools and educational establishments
- Residential homes
- Buildings leased to other organisations where the responsibility for compliance with the Act lies with the lessee;
- Offices that do not contain any public services areas.

Audit Scotland has confirmed that buildings will be assessed as either fully compliant or non-compliant. No account will be taken of part-compliance. They recognise that this will under report the extent of improvement achieved.

The original accessibility survey was undertaken prior to 2001 and standards have risen in the meantime with BS8300 and a number of Best Practice guidance documents being published. It has therefore been decided to survey all buildings, in 2004/05, where the DDA will apply and ensure that all those to which the SPI applies are included. The audit is being undertaken using an updated checklist, which incorporates the latest standards and guidance. The findings will be tabulated and used to assess the level of compliance achieved.

A programme of minor remedial works will be undertaken in 2004/05, 2005/06 and 2006/07 to address the areas of minor non-compliance and bring as many buildings up to full compliance status and a programme of larger works has been identified for the same period. Further improvements will depend on future funding provisions.

A standardised assessment and reporting approach is being developed with our neighbouring councils, Dundee City and Perth and Kinross.

### **3 IMPLICATIONS**

While significant progress has and is being made in our programme of works, there is still further work to be done to ensure full compliance with the requirements of Part III of the Act and we can demonstrate that a reasonable approach has been taken within the financial constraints placed upon us.

Departments occupying Council buildings have been required to undertake reasonable adjustments to services for disabled people to provide access to services during the interim period pending accessibility adaptations being completed and it is expected that these arrangements will continue to be employed in the meantime.

### **4 FINANCIAL IMPLICATIONS**

There are no financial implications.

### **5 HUMAN RIGHTS ACT IMPLICATIONS**

There are no Human Rights Act implications specific to this report.

## 6 CONSULTATION

The Chief Executive, the Director of Law & Administration and the Director of Finance have been consulted in the preparation of this report.

## REFERENCES

| <u>Committee</u>     | <u>Date</u> | <u>Report No</u> | <u>Subject</u>                                      |
|----------------------|-------------|------------------|---|
| Policy and Resources | 8 May 2001  | 556/01           | Access for Disabled – Progress, Policy and Strategy |

## BACKGROUND PAPERS

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing the above report.

M G Lunny  
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