

Disability Discrimination Bill

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Aims

- To outline the main principles of the Disability Discrimination Bill
- To discuss the main implications for HEIs and colleges
- To consider the next steps

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Current Legislation

- Disability Discrimination Act Part 4
 - less favourable treatment
 - a requirement to make 'reasonable adjustments'

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Disability Discrimination Bill

Scope includes:

- Extending the definition of disabled people
- Transport
- Private clubs
- Letting of premises

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Public Sector Duty

- A duty on all public authorities to promote disability equality
- For HEIs/colleges a need to meet:
 - general duties
 - specific duties

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Public Sector Duty (cont'd)

- Builds on DDA, but at the same time is a new approach
- Not about new entitlements
- About public authorities doing what they currently do better!
- Focuses on organisational change not individual adjustments
- Tool for tackling “institutionalised discrimination

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Overall Goal

- To close the gaps between disabled and non-disabled peoples' experiences and opportunities

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General Duties

- The need to eliminate discrimination
- The need to eliminate harassment
- The need to promote equality of opportunity between a disabled person and other persons

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General Duties (cont'd)

- The need to promote positive attitudes towards disabled people
- The need to encourage participation by disabled persons in public life

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Learning from the Race Duty

Structure of the disability equality duty will be slightly different to the race one:

- Action/outcome orientated duty
- Involvement of disabled people at the heart
- Flexible requirements within unified structure
- Early guidance often in partnership with the public sector

Specific Duties – Disability Equality Schemes (DES)

- By Dec 2006 HEIs/colleges will publish a Disability Equality Scheme
- The DES will demonstrate how the HEI/college will fulfil general and specific public sector duties
- Annually report on progress

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The practical application of the specific duties

- Preparation of action plans
- Involving disabled people
- Gathering evidence
- Analysing evidence
- Assessing the impact of policies and proposed policies

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Action Plans

The action plan in a highly effective Disability Equality Scheme (DES) would reflect:

- The priorities of disabled people
- The strategic priorities of the HEI/college

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Action Plans (cont'd)

- Specific outcomes which the HEI/college wishes to achieve to promote disability equality set out against a realistic timetable
- Lines of accountability
- Measurable indicators
- The key milestones or external pressures faced by the HEI/college

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Involving disabled people

Disabled people must be involved in all aspects of the DES. In particular in:

- Identifying the barriers faced by disabled people and unsatisfactory outcomes
- Setting priorities for action plans
- Assisting planning activity

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Involving disabled people (cont'd)

- Assessing impact of existing and proposed policies and monitoring the success of initiatives undertaken
- Reviewing and revising the Scheme

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Gathering evidence: what is required

DES must include a statement of:

- The HEI's/college's arrangements for gathering information on the effect of its policies and practices on disabled persons
- The effect on the recruitment, development and retention of its disabled employees

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Gathering evidence: what is required (cont'd)

- The effect on the educational opportunities available to, and on the achievements of, disabled students
- The extent to which the services it provides, and functions it performs, take account of the needs of disabled persons

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Specific Duties – assessing impact

DES will:

- Set out plans for putting into effect the arrangements for impact assessments of existing and future policies and functions
- Show how the impact of major projects to be implemented during the life of the DES should be assessed

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Monitoring and Evaluation

- DES must include:
- A statement of the HEI's/college's arrangements for making use of the information gathered
- Arrangements for reviewing, on a regular basis, the effectiveness of the action plan and preparing subsequent DES

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Example 1

A university is planning to introduce a new IT system. Its action plan includes details of work it will do to ensure that the new system is suitable for use by disabled staff and students and the way it will develop the specification so that the system delivers the right products for disabled people – which might include printing PowerPoint slides in accessible formats, producing accessible webpages.

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Example 2

A college is going to install a swipe card system (for security reasons) in one of its buildings. In the past the estates department would not have necessarily considered disability issues. However, the DES requires any major new projects to be assessed for their impact on promoting disability equality. This assessment identifies barriers in the new system for some disabled people who could not use it easily and appropriate improvements are therefore built into the plan and the contract.

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Enforcement

- General Duty: any person, including the DRC, could apply to the Court of Session for Judicial Review of a public body they thought was failing to comply.
- Specific Duty: DRC issues Compliance Notice. If not satisfied apply to Sheriff Court for an Order to Comply.

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Next steps

- Ensure involvement of senior management team
- Establish a sub-group/committee to develop and implement institutional strategy
 - review current disability provision
- Start implementing the principles of the legislation now

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Provisional timetable

- Royal Assent – Spring 2005
- Code of Practice – Dec 2005
- Legislation comes into force – Dec 2006

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Useful documents

- NDT Briefing at:

<http://www.natdisteam.ac.uk/documents>

DDBillbrief.doc

- ECU Briefing at:

<http://www.ecu.ac.uk/publications/downloads/BriefingPaper1.pdf>

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Quick Check: Are you getting it Right?

If you cannot identify anything that has improved as a result of involving disabled people, producing a DES and putting into effect an outcome based action plan then you are not doing them right!

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.....And finally

- This is a pro-active, problem-solving approach which seeks to tackle institutional discrimination and mainstream disability equality into the core business of the public sector
- We must not waste this opportunity that will help us deliver better public services overall as well as addressing discrimination faced by disabled people

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