



CORPORATE EQUALITIES SCHEME DISABILITY 2006 - 2009

A Framework for Equalities Implementation

If you or someone you know would like a copy of this document in another language or format, (on occasion only a summary of the document will be provided in translation), this can be arranged by contacting Equalities Planning Officer 01738 475073

ان اچتت انت او اي شخص تعرفه نسخه من هذه الوثيقة بلغة أخرى أو تصميم آخر فيمكن الحصول عليها (أو على نسخة معدلة لمخلص هذه الوثيقة مترجمة بلغة أخرى) بالاتصال ب:
الاسم: Equalities Planning Officer
رقم هاتف للاتصال المباشر: 01738 475073

اگر آپ کے کسی جاننے والے کو اس دستاویز کی نقل کسی دوسری زبان یا شکل میں درکار ہو، (کبھی کبھی یہ دستاویز کے ترجمے کا خلاصہ ہی پیش کیا جائے گا)، اس کا انتظام 01738 475073 پر Equalities Planning Officer سے رابطہ کر کے کیا جا سکتا ہے۔

如果你或你的朋友希望得到這文件的其他語言版本或形式

(某些時候，這些文件只會是概要式的翻譯)，請聯絡

Equalities Planning Officer 01738 475073

來替你安排。

Other languages include British Sign Language and other formats include Large Print, Braille, Audio etc detailed in Council Guidance for Translation, Interpreting and other Formats

Council Text Phone Number – 01738 442573

Contact Officer:
Mary McGregor
Equalities Planning Officer
01738 475073
November, 2006

Foreword by the Chief Executive and Leader of the Council

As stated in this Council's Corporate Equalities Policy first published in 2004, Perth & Kinross Council is committed to taking actions to promote equality of opportunity. The Council is also committed to ensuring that equality is being mainstreamed through the Council's planning, policies and procedures for Services and Employment.

In order to achieve this we fully support the approach taken in this Corporate Equalities Scheme which provides the Council with a framework for promoting disability equality, eliminating discrimination, eliminating harassment, promoting positive attitudes and encouraging the participation of disabled people in public life.

Training and information will continue to be provided to enable all employees to comply with the statutory duties, responsibilities and to recognise their rights. This will enable this Council to consistently implement this Corporate Equalities Scheme (Disability) in all Council Services.

We recognise that everyone who works for and with the Council has statutory duties, responsibilities and rights in relation to equalities and steps will be taken to communicate this to enable everyone to support the Council to achieve the commitment in relation to promoting disability equality.

We will continue to carry out consultation and involve people with disability in the development and implementation of the Disability Scheme to help to ensure that we are continuing to develop and deliver inclusive services and access to services.

**Bernadette Malone
Chief Executive**

**Jimmy Doig
Leader of the Council**

PERTH & KINROSS COUNCIL

Corporate Equalities Scheme Disability 2006 - 2009 A Framework for Equalities Implementation

I n d e x

- 1. Introduction:**
 - 1.1. The Disability Discrimination Act (2005) - General and Specific Duties**
 - 1.2. The Scotland Act 1998 – Equalities Categories and Equalities Legislation and Perth & Kinross Council Equalities Policy**
 - 1.3. Perth & Kinross Council Corporate Plan 2006 – 2010**
 - 1.4. Local Government in Scotland Act 2003**
 - 1.5. Disability Rights Commission – Ten priorities for change**

- 2. Progress Report – Disability Initial Assessment of Functions and Policies – Key Corporate and Service Outcomes**
 - 2.1. Assessment and Reassessment of Functions and Policies**
 - 2.2. Communication**
 - 2.3. Consultation and Involvement**
 - 2.4. Training**
 - 2.5. Physical Access**
 - 2.6. Education – Schools**
 - 2.7. Monitoring**
 - 2.8. Procurement**
 - 2.9. Harassment**
 - 2.10. Complaints procedure**
 - 2.11. Annual Review and reporting progress**

- 3. Equality - Implementation Arrangements and Strategies:**
 - 3.1. Equalities Assessment of Functions and Polices (including new or re-developed Policies)**
 - 3.2. Equalities Communication**
 - 3.3. Involving People with Disabilities**
 - 3.4. Equalities Training**
 - 3.5. Equalities Monitoring**
 - 3.6. Equalities Procurement and Partnerships**
 - 3.7. Reports of Harassment**
 - 3.8. Council Complaints Procedure and Disability**
 - 3.9. Annual Review and Progress Reporting - Disability**

- 4. Education and Children’s Services (including Schools)**
 - 4.1. Implementing Arrangements and Strategies**
 - 4.2. Accessibility Strategy**
 - 4.3. Additional Support for Learning**
 - 4.4. Inclusive School Campus Project**
 - 4.5. Cultural and Community Services**
 - 4.6. Self-Assessment Outcome 2005/6**
 - 4.7. Disability Assessment and Action Plan – Education and Children’s Services - 2005/06/07**

5. **Equalities Legislation**
6. **Roles and Responsibilities as stated in the Corporate Equalities Policy (2004)**
 - 6.1. **Roles**
 - 6.2. **Responsibilities**
7. **Corporate Equalities Sub-Group – Purpose and Membership**
8. **Corporate Disability Actions 2006 – 2009**
9. **Appendices:**
 - 9.1. **Guidance for Services: Arrangements for Reassessing Functions and Policies.**

Appendix A	Proforma to be completed as part of Impact Assessment Process
Appendix B	Flow Diagram setting out the process of assessing
Appendix C	Meaning of Disability from Statutory Code of Practice
Appendix D	Examples of Good Practice from Statutory Code of Practice
 - 9.2. **Monitoring Data (including Education and Children’s Services and Schools – pupil data)**

Perth & Kinross Council
Corporate Equalities Scheme (Disability) 2006- 2009
A framework for Disabilities Equalities Implementation

1. Introduction

People with disability number between 1 in 5 of the population according to the Disability Rights Commission statistics. However, Health statistics suggest this may be higher. It should be recognised that access issues do affect most people at some time in their life.

1.1 The Disability Discrimination Act 2005

1.1.1 The Disability Equality Duty for Public Sector became law in December 2005 as the Disability Discrimination Act 2005 (DDA 2005). This new legislation builds on the Disability Discrimination Act 1995, but at the same time this is a new approach. The new duty is about the Council doing what they currently do and doing it better. The focus for this disability legislation is on organisational change and not on individual adjustments and is also about tackling institutional discrimination.

One of the main aims of this legislation is to close the gaps which exist for people with disability and other persons' experiences and opportunities using the lessons learned from experience of implementing the race duty. Two key aspects of the new legislation is to shift the focus to an action and outcome orientated duty and to involve people with a disability.

The new Disability General Duty applies to any person, certain of whose functions are functions of a public nature. The General Duty therefore also applies to private and voluntary bodies who carry out public functions.

To implement the new six strand General Duty the Council will need to have due regard to the need to:

- promote equality of opportunity between disabled people and other people
- eliminate discrimination that is unlawful under the Disability Discrimination Act
- eliminate harassment of disabled people that is related to their disability
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life
- take steps to meet disabled people's needs, even if this requires more favourable treatment

1.1.2 Definition – when is a person disabled?

A person has a disability if they have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. See Impact assessing guidance Appendix 9.1 for further information about what this includes.

1.1.3 The Statutory Code of Practice (Scotland), The Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005 – the Specific Duties: sets out the arrangements that public bodies need to put in place by December 2006 to enable them to meet the requirements of the new duty.

- a public authority should publish a Disability Equality Scheme demonstrating how it intends to fulfil its General and Specific duties;
- a public authority should involve disabled people in the development of the Scheme;
- the Scheme should include a statement of:
 - the way in which disabled people have been involved in the development of the Scheme
 - the authority's methods for impact assessment
 - steps which the authority will take towards fulfilling its general duty (the "action plans")
 - the authority's arrangements for gathering information in relation to employment, and, where appropriate, its delivery of education and its functions
 - the authority's arrangements for putting the information gathered to use, in particular in reviewing the effectiveness of its action plan and in preparing subsequent Disability Equality Schemes
 - a public authority must, within three years of the Scheme being published take the steps set out in its action plan (unless it is unreasonable or impracticable for it to do so) and put into effect the arrangements for gathering and making use of information
 - a public authority must publish a report containing a summary of the steps taken under the action plan, the results of its information gathering and the use to which it has put the information

1.1.4 Education authorities, as well as being covered in their own right by the Specific Duty, also have a duty in relation to the schools under their management.

The duty is to make arrangements for each school to:

- assess the impact of its policies and practices, or likely impact of proposed policies and practices on equality for disabled pupils
- gather information on the effectiveness of its policies and practices and the educational opportunities available to, and on the achievements of, disabled pupils
- provide an authority with an annual report in respect of the two above matters
- carry out such steps which the authority proposes to take towards the fulfilment of its section 49A(1) duty; and
- maintain a copy of the authorities' Scheme

The above arrangements are expected to ensure that schools are fully involved in working with education authorities to meet both the authorities' general and specific duties. They will also ensure that the impact of the disability equality duty will be felt directly both by schools and by disabled pupils. See also Section 4 below.

1.1.5 Both Local Authorities and Education Authorities are listed within the regulations for the new positive Disability Equality Duty. James Clover, Head of Development and Equality for the Disability Rights Commission in a letter to Local Authorities advised on the 6 September, 2006:

"How this scheme is presented is a matter for each authority. Some may choose to combine some or all of the information in their Local Authority Scheme with that of their Education Authority Scheme. It may well be that there is crossover in some of the information contained in each, for example in the monitoring of the effects of policies and practices on the recruitment, development and retention of its disabled

employees. No matter how authorities choose to publish their two schemes, whether as one conjoined scheme or separately, it must be clear to anyone reading the scheme(s) how each of the six strands of the General Duty, promoting equality, eliminating discrimination and harassment, promoting positive attitudes, encouraging participation of disabled people in public life, and taking account of disability even when that involves treating disabled people more favourably, are being addressed within education specifically”.

A conjoined scheme is being published by this Council for the period covering December 2006 to November 2009. In addition, Section 4 below sets out additional specific Education & Children’s Services strategies and arrangements for disability. Where appropriate, joint information is included and then cross-referenced.

1.2 The Scotland Act 1998 – Equalities Categories and Equalities Legislation

The Equalities categories included in Schedule 5 to the Scotland Act 1998, namely, Race (including Race, colour, nationality – including citizenship, ethnic or national origins), gender, marital status, gender reassignment, disability, religion or belief, sexual orientation, age, language, social position and personal attributes.

Perth & Kinross Policy

In addition to including all categories in the Scotland Act, Perth & Kinross Council Equalities Policy reflects a broad view of equalities, and believes that all people have the right of access to information, Council Services and opportunities to participate whether they are included in the categories stated in the relevant legislation or whether they have the potential to be disadvantaged due to their location, house-hold make-up, employment status or personal circumstances. The Perth & Kinross Council Equalities Policy includes Gypsies/Travellers for the purposes of planning, policy development and delivery of services.

The Perth & Kinross Council Policy will be reviewed to ensure it reflects changes to legislation and statutory codes and people with a disability will be involved in the updating process for the policy.

A summary of equalities legislation, regulations including the current General and Specific duties for Disability is included in this Scheme, see point 5 below.

1.3 Perth & Kinross Council Corporate Plan 2006 - 2010

The Corporate Plan 2006 – 2010 identifies Equalities as one of the Council’s values.

1.4 Local Government in Scotland Act 2003

The Local Government in Scotland Act 2003 places a duty of Best Value on the Council. The Council is committed to achieving Best Value through more effective partnership working, integrated responsive service delivery and more effective use of public resources.

The Corporate Procurement function will work with other services to ensure arrangements are put in place to demonstrate the fulfilment of requirements of the McClelland reports and the statutory obligations, which make up the Best Value regime provided by the Act. In doing so the Corporate Procurement function will ensure that the principles of Corporate Social Responsibility are promoted and delivered.

The Council will take into account within its tender evaluation and contracting processes, a potential contractor's approach to equalities in terms of its employment practices and service delivery, which will also be monitored and managed during the life of each contract. Further information about the Council's approach to procurement can be found in the Corporate Procurement Strategy 2006 – 2008.

1.5 Disability Rights Commission – Ten Priorities for Change

To raise awareness of the ten priorities these have been included in the Council's Disability Toolkits provided at the March briefings for all Service nominated officers and made available on the equality/diversity intranet site.

- 1.5.1 Increasing disabled people's participation in public, civic and community life
- 1.5.2 Closing the employment gap, including a successful outcome from welfare reform
- 1.5.3 Ensuring no one is obliged to live in an institution or in a particular living arrangement against their will
- 1.5.4 Securing rights and entitlements which facilitate independent living across the life course
- 1.5.5 Creating safe communities – tackling hate crime, harassment, bullying and negative stereotyping
- 1.5.6 Improving disabled people's housing rights, opportunities and conditions
- 1.5.7 Ending child poverty, disadvantage and wider barriers to children and young people's life chances
- 1.5.8 Enhancing vocational and personal skills
- 1.5.9 Tackling health inequalities
- 1.5.10 Ensuring that future legal and institutional arrangements for promoting equality and human rights are sufficiently well designed with regard to securing disabled people's rights.

2 Progress Report - Disability initial assessment of functions and policies (2004) - Key Corporate and Service outcomes

Council Services were provided with a template for a self-assessment audit in 2006 to identify progress made in relation to the DDA 1995 for service delivery and employment. The key outcomes from Services are summarised below to provide an indication of the current level of implementation of Disability and the Statutory Duties. See also Section 4.6 below for Education & Children's Services outcomes.

2.1 Assessment and Reassessment of Functions and Policies

As part of the work to implement the DDA 1995 Parts 1, 2 and 3, Council Services carried out a disability assessment of their functions and policies. Human Resources carried this out in 2002 for employment and all Services in 2004 for service delivery. Council Services identified improvement actions and commenced implementation. Education & Children's Services carried out an assessment using their own assessment process as part of their Accessibility Strategy. See Section 4 below.

A Disability Toolkit was developed and provided for Services to enable them to carry out a reassessment of their functions and policies and has been carried out in 2006 in line with existing and new legislation including the DDA 2005. As indicated above, briefings and guidance were provided for nominated officers from all Services to enable them to carry out a reassessment of their functions and policies. See also section 3.1 below.

The Disability Toolkit contains the following guidance and information for Services:

- Timetable for Service Actions
- Services Disability Self-Assessment
- Presentation handouts from January and March 2006 briefings
- Impact Assessment Guidance Disability, including Appendices A - D
- Space for Service completed proforma for relevant and non relevant functions and policies
- Space for Service 3 year Disability Action Plan 2006 – 2009
- Space for Service progress reports – year 1, 2 and 3
- Translation, Interpreting and other Formats Guidance and Contacts
- Council Corporate Equalities Policy (2004)
- Council Equalities Leaflet
- DRC Scotland – ten priorities for change
- Welcoming Disabled Customers Booklet (EFD)

In 2006 Services carried out a Disability self-assessment audit to assess their progress since their first impact assessment in 2002 for employment and 2004 for Service Delivery and to help them to identify improvement actions to ensure Statutory duties are being effectively implemented in their Service.

Copies of the Statutory Code of Practice Scotland were purchased and distributed to all Council Services in April, 2006. In addition, copies of the Guide for Schools, Education and the Disability Equality Duty were distributed to Education & Children's Services.

Electronic copies of all the internal guidance for assessing, reporting and other information including links to statutory codes, guidance, other information and useful websites have been made available on the Equality & Diversity site on the intranet.

2.2 Communication

Internal Council and Service Newsletters and the community newspaper - Perth & Kinross News, as well as other media used to raise awareness by publishing information about policies, procedures, consultations, etc carried out in relation to Disability.

Provision of translation and interpreting and other formats guidance in line with Scottish Executive endorsed guidance has been provided for all Services to ensure that they are offering information in other languages and formats including British Sign Language interpreters, Lip Speakers, Braille, audit and large print etc. The guidance includes a standard access message to enable this to be incorporated into new and developed leaflets, booklets and other information provided by the Council for members of the public as well as details of symbol style messages to include information including the Council text telephone number etc. This guidance is also available in the Disability Toolkits and on the Equality/Diversity intranet site.

A customised copy of Welcoming Disabled Customers Booklet has been circulated to front line staff and to all Schools. This provides staff with a guide and reference for responding to a range of situations involving different disabilities.

The Council website continues to be developed and audited for accessibility. An equalities section will be developed on the new website.

The equality/diversity intranet site has been updated for the new intranet and contains Council guidance, information on legislation, codes of practice, and links to other websites including the Disability Rights Commission and Employers Forum on Disability. See also Section 3.3 below.

2.3 Consultation and Involvement

Consultation and involvement of people with a disability has been carried out in line with the National Standards for Community Engagement. Several initiatives have been employed to encourage members of the public, voluntary organisations and employees to become involved with the development of this scheme.

This includes meeting with members of the voluntary sector organisations involved with disabled persons to attend focus groups and to complete a Customer Services questionnaire during May and June, 2006 as one element of the Customer First approach. Contacts made with individuals made through the Council Complaints procedure have also been invited to become involved.

Council employees have been invited to contact the Equalities Planning Officer through an article carried in the internal news journal – Inside News and have taken part in the involvement meetings.

Letters of invitation were sent to the representatives of the Trade Unions advising them of this approach and to ask them to encourage their members to become involved with this work; other ad hoc initiatives employed to try to involve members of the public in the development of the Scheme include invitations to a buffet lunch at a local hotel and follow-up meetings and an article in Perth & Kinross News inviting members of the public to contact me. Several meetings have now been carried out to involve people with a disability about Council Services and comments made and

questions raised have been forwarded to Services and responses provided to the disability involvement groups.

The first meetings have taken the form of a capacity building briefing for both groups to provide a shared basis for understanding the requirements of the existing and new legislation. In addition, those attending were asked to identify their concerns and priorities.

Through the series of meetings the groups have both focused on specific Services and raised questions and issues for consideration by the Services. The Group also decided at their last meeting to the approach of inviting individual Services to attend a specific meeting date in order to discuss in more detail specific aspects of those Services directly with Services Managers and others to enable them to inform the ongoing development and implementation of the Disability Scheme including Service Disability assessments and action Plans. See also Section 3.3 below.

In addition, Services including Housing and Community Care and Education & Children's Services have taken action to involve those they provide services to i.e. tenants, service users with learning disabilities, parents and carers to ask them to comment on their Service provision to enable them to identify improvement actions. See Section 4 below.

2.4 Training

Disability training is being carried out in a number of different ways - see Training arrangements section 3.4 below. Currently e-learning training for Disability awareness, which consists of three training modules, has been provided for all on-line staff during 2006 and on CD for non on-line staff. This training provides checklists and a quiz for each module. The Learning Management System enables training to be monitored and provides reports of staff who have either failed a quiz or not started the modules. Lists of names of staff who have failed or not completed the modules are provided for managers in each Service. Services with staff who are completing this training using the CD versions are recording the names and dates that staff complete this training using the CD versions. The responsibility is with each Council Service to ensure that all their staff have access to this training and that they successfully complete this and a record is kept.

To provide summary information for all staff an equalities leaflet was developed and distributed to all employees during 2005. The Equality Leaflet is also being made available to new staff and is available in Council Offices for members of the public.

The Equalities & Diversity Internet site has been developed and made available to all employees with links to relevant sites on the Internet. This includes information about legislation and codes of practice, guidance for the six equality categories, and presentations on equality and equality related subjects, report, examples of good practice, updates and useful links to other websites including the Disability Rights Commission and Employer Forum on Disability. Hard copies of key guidance documents are provided for Services to enable them to ensure that staff with no computer access are provided with information and guidance.

AbilityNet were commissioned by the Corporate Equalities Sub-Group to provide an awareness raising session for those working in IT, Human Resources, Health & Safety, Trainers and other line managers. The purpose of this was to raise awareness of the adaptations that can be made to computers to help provide access to work for those with a disability and to help to prevent the development of problems or disabilities through wrong use of technology.

A pilot for sensory impairment training has been implemented through Community Care. See also Section 3.4 below.

2.5 Physical Access

Since the mid-90's the Council has carried out Council building audits and through its Property Division has identified funding, developed and implemented schedules of works to develop the physical access of Council buildings. This work is ongoing.

2.6 Education - Schools

A programme of auditing is due to be completed by the end of March, 2007 on existing school buildings. Audits on school buildings commissioned by Education & Children's Services are being carried out via Perth & Kinross Council Architects Service, part of the Property Division. A comprehensive auditing tool was developed for this purpose and contains detailed specifications for access. When audits have been evaluated and prioritised, a phased programme of works is carried out to allow schools and other Education establishments to become Disability compliant. On occasion, when individuals with additional support needs require adaptations to be carried out this is assessed with the help of a paediatrician and occupational therapist and necessary works are carried out where appropriate.

There is an ASN Equipment budget for the provision of specialist equipment including hoists, plinths/tables, chairs, communication aids, sit-fit cushions etc. The therapy team hold some equipment in stock. In the last year 21 new items of specialist equipment were purchased. There is also a servicing and repair service. Smaller items such as forks, pen holders etc are either supplied through the integrated therapy team or ordered directly by schools. Stock items come within a few days, purpose-made items can take up to 3 months. Every effort is made to carry out an assessment as soon as possible, on occasion a delay can be created by the availability of a sale representative to provide a demonstration and trial of equipment. See Education at 4 below for information about the ASL assessment and implementation process for pupils.

A new ASN school is being built and will replace two existing schools. The new school will provide an inclusive education/life skills experience for pupils requiring this. Facilities include a hydro pool and this facility will enable the further development of integrated public services for children in this area.

In addition, to the new schools which have recently been built and are disability compliant, another 9 new schools are in the process of being developed. The 3 new schools being funded and directly developed by the Council are disability compliant and the other 6 new schools have also been contracted to be disability compliant. See also section 4 below.

2.7 Monitoring

Systems continue to be developed to enable disaggregated information to be published and which comply with Data Protection Principles. Human Resources will analyse and report outcomes which identify employee profiles and success rates, see also section 3.5 below for arrangements and key outcomes for employee monitoring and Appendix 9.2 for employee profile data currently available.

Education and Children's Services have developed systems for gathering information about pupils and school staff. Human Resources are working with representatives of that Service through the monitoring group to ensure that systems are in place and

data provided to Human Resources to enable them to provide combined data for all Council staff. See Appendix 9.2 for data currently available including pupil data.

The Environment Service and Housing and Community Care have developed monitoring processes to enable them to identify their service users and to identify where there may be barriers preventing people with a disability accessing their services.

2.8 Procurement

A Council Procurement Strategy 2006 – 2008 has been drafted and is now being developed to build in relevant disability considerations into the procurement process to ensure the Council can meet all its statutory requirements including those for the new Disability Duty 2005. See also Section 3.6 below.

2.9 Reporting Disability Harassment

The Council has put in place a procedure for reporting disability and other incidents of harassment involving Council employees. Harassment contact officers have been trained and their contact details published to enable members of staff to contact them for support.

Education and Schools have a procedure in place for reporting bullying in Schools, including disability harassment which is managed by the School and monitored by the Service Manager for the School concerned. Data is compiled corporately in Education & Children's Services and analysed and reported. See also Section 3.7 below.

2.10 Complaints Procedure

The Council complaints procedure has been developed to identify how complaints relating to disability will be dealt with see also 3.8 below.

2.11 Annual Review and reporting progress External and Internal

2.11.1 Statutory Duties to report progress - External

An annual progress report will be published for each year of the Disability Scheme. This will also inform Scottish Ministers who are required to report progress for the Public Sector.

2.11.2 Internal reporting

The Council's Organisational Change and Improvement Plan (OCIP) supports the delivery of our Community and Corporate Plans. The OCIP provides a framework for the development and improvement of our organisation and covers nine key areas:

- Strategic Leadership, Vision and Commitment
- Customer Focus, Community Involvement and Communication
- Sound Governance
- Sound Management
- Continuous Improvement
- Partnership and Joint Working
- Sustainability
- Equalities
- Transparency and Accountability

The Council has already self-evaluated itself corporately in these areas and developed improvement plans accordingly. For each of the nine areas the Council has clear objectives, outcomes and benefits identified and reports annually as part of its Public Performance Reporting commitments to Council and to the public.

Each of the Council Services has a Business Management and Improvement Plan (BMIP) which sets out their key objectives, core activities and improvement plans. Each Service will include actions in respect of its equalities plans and monitor these as part of the BMIP process on a six monthly and annual basis – reporting to the Executive Officer Team, their own Committees and to Standards and Scrutiny Committee. See also 3.9 below.

3 Equality – Implementation Arrangements and Strategies

Introduction

Equalities has been identified as one of the Council's values in the Council's Corporate Plan 2006 – 2010. This will contribute to ensuring that equalities is mainstreamed through all the strategic plans and action plans. Mainstreaming is a strategy that aims to make equality considerations a regular part of the mainstream planning and policy process.

Mainstreaming equalities means achieving equal access, of equal quality to Services and Employment for all groups in the community and the workplace. The Council will identify any barriers which may prevent equal quality of access to Services and Employment and will put in place appropriate measures to remove these barriers and promote equality for all.

Mainstreaming aims to change the organisational culture in order that an equalities perspective becomes integral to it – building in equality rather than building it on to existing policies and programmes.

Underlying the concept of mainstreaming is recognition that all groups do not have the same resources, situations and needs. Adopting a mainstreaming approach acknowledges that while real gains have been made in terms of eliminating discrimination, the achievement of equality requires a shift or transformation in the policy-making process, particularly to ensure that equalities is being promoted.

The shift requires an understanding of how various factors impact on opportunities and access to Services and Employment.

Mainstreaming equality requires the following:

- Leadership and political commitment to the principles and processes of mainstreaming equality
- Commitment and ownership across the organisation for the principles and processes of mainstreaming
- Work on mainstreaming equality to be integrated with Service Plans, policy objectives and progress reporting
- Consultation and involvement of individuals and groups who can help to identify barriers preventing full access etc.

3.1 Equalities Assessment of Functions and Policies (including new or re-developed Policies)

A Disability toolkit containing guidance, proforma, templates, supporting information and examples of good practice, DRC ten priorities for action etc has been developed and provided at the briefings held for Service nominated officers in January and March 2006. This is to support them to carry out their impact assessment for functions and policies, develop and implement Service Disability Action Plans and implement actions and report progress.

The purpose of the assessment of functions and policies is to identify which ones are Relevant, i.e. the functions/policies have an impact on people as members of the public or employees and therefore might have a different and even a detrimental impact on some people with disabilities or some types of disability. Proposed and new policies are also assessed to ensure there will be no detrimental impact on any individuals or groups and a record kept of the outcome of any consultations

undertaken and subsequent changes made to the relevant policy. See assessment guidance Appendix 9.1 below.

If any adverse impact or unfair or unlawful barriers to access are identified the policy will be changed to ensure that all individuals or groups are able to gain access to information about Council Services and access to Services.

An equalities self-assessment audit has been prepared for Services to enable them to self-assess to establish the current level of implementation in relation to the equalities categories. The audit has been used for assessing the level of implementation for Disability following the initial impact assessment carried out in 2002 for Human Resources and 2004 for other Services. Education & Children's Services have carried out their own assessment as part of the Accessibility Strategy in 2005 see 4 below. A Summary of Outcomes is included at 2 above indicating progress made to implement the requirements for the Disability Discrimination Act 1995 including a summary of progress reported by Education & Children's Services. See also Section 2.1 above for progress.

3.2 Equalities Communication

The development of an Equalities Communication Strategy will continue to ensure that information about Equalities, including disability is being communicated both internally and externally and at all levels to enable compliance with the relevant Legislation and Statutory Duties. Council Guidance for Translation, Interpreting and production of information in other Formats has been available to Services since February 2003 and continues to be updated and developed at regular intervals. This guidance is also available on the Internet (Eric) Equality and Diversity site.

Publication of the Disability Scheme

The Disability Scheme will be published on the Council's internet and intranet sites with copies made available in line with the Council guidance for Translation, Interpreting and other Formats.

3.2.1 Communication Objectives

- to ensure provision of access to information about Services for all individuals and groups
- to ensure provision of access to Services for all individuals/groups
- to promote equality of opportunity in Service Delivery and Employment for all members of the public and employees
- to contribute to the educative process/awareness raising relating to Equality and Social Inclusion
- to publish as appropriate and in line with Statutory Duties, monitoring and consultation outcomes (see also monitoring below)

3.2.2 Methods of Communication

The established methods of communication will be utilised to provide guidance, updates and information about equalities. These include:

- Equalities Intranet/Information Centre
- Perth & Kinross News
- Inside News Magazine
- Service Newsletters
- Inside News Bulletin

- Internet
- Press Releases
- Other as available and appropriate

3.2.3 Audiences

Raising awareness will enable everyone to identify their roles, responsibilities and rights to ensure that the Corporate Equalities Policy is being fully implemented in service delivery and employment.

- Members of the Public including voluntary and other groups linked to disability; parents, carers and pupils
- Elected Members
- Employees including Schools staff
- Equality Commissions and Scottish Executive
- Audit Scotland, internal audit and other Service specific inspection bodies including HMIE, Community Scotland etc

3.2.4 Key Messages

- Perth & Kinross Council is committed to Promoting Equality and Social Inclusion in Service Delivery and Employment
- Perth & Kinross Council wants to ensure that all the Statutory Duties are being complied with and this Council is ensuring that all members of the public and staff have access to information about Services and access to Services. Information about monitoring and consultation outcomes are published
- Elected Members and all Employees are aware of their statutory duties, responsibilities and rights in relation to Promoting Equality and are supporting the Council's commitment to promote Equality and Social Inclusion
- Partner agencies are made aware of Perth & Kinross Council's commitment to Promote Equality and Social Inclusion and they are working with the Council to support that work and commitment
- Perth & Kinross Council is committed to ensure that victims and witnesses of inappropriate behaviour, including disability can confidently report such incidents to the Council, their School or (as appropriate) the Council Partners and feel confident that appropriate actions will be taken.
- No place for unfair or unlawful discrimination in this Council area as the Council supports and reflects the Scottish Executive - One Scotland campaign in all its forms. See also Section 2.2 above for progress.

3.3 Involving People with a Disability

Perth & Kinross Council has a practice of engaging with people in a number of different ways including through the Viewfinder surveys, tenants groups and parent/carers etc. However, in order to increase confidence in its Services and Employment practices amongst disabled people, the Council has also started to implement specific initiatives to ensure disabled people are involved with the development and implementation of this Scheme and given ongoing opportunities to comment on Council Services. See also 2 above for progress made.

Key aspects of the involvement of employees, voluntary organisations and members of the staff and the public is being organised to try to prevent consultation fatigue. Disability Involvement Groups have been established through invitations made to employees with a disability, members of the public with a disability, Trade Unions, Voluntary Organisations involved with disability etc. A series of meetings have taken place and priorities and issues have been raised with Services.

The first meetings have provided useful capacity building and opportunities and those attending provided with briefings, including the implications of the new duty, as well as opportunities to consider how people wanted to be involved and agree the approach for future involvement.

It has been agreed that the next meetings will be themed and include an employment and housing themed meeting to involve the disability groups with the Service level assessments and action plans etc. The aim will be to try to identify informed solutions to help Services meet new challenges and changes.

However, Council Services will continue to consult with and involve their established groups such as tenant, parent/carer etc. See also section 4 of this Scheme for Education/Schools involvement with parents, carers and pupils.

The Council has a Statutory Duty to consult in relation to new and proposed policies to establish whether the proposed/new policy is likely to have an adverse impact on some individuals or groups and then take appropriate action to change the policy or find an alternative way of meeting the aims of the policy as appropriate. The consultation may indicate that there could be an adverse impact; therefore Services will take appropriate actions to prevent this by changing their proposed or new policy as required to prevent adverse impact and promote disability equality.

The Equalities consultation and involvement will continue to be carried out taking full account of the Data Protection and Confidentiality including ensuring that no data is published or shared which would enable a person to be identified due to the small numbers of people in a specific group. This consultation/involvement is being carried out in accordance with the National Standards for Community Engagement. See also Section 2.3 above for progress.

3.4 Equalities Training

3.4.1 The Equalities Training Strategy has been developed to enable this Council to effectively implement the Council's Corporate Equalities Policy including the General and Specific Statutory Duties to Promote Disability Equality, (and to Promote Race) (and Promote Gender) in line with legislative requirements.

This approach reflects the commitments stated in the Corporate Equalities Policy to promote equality of opportunity and to enable Elected Members and employees to understand their statutory duties, responsibilities and rights in relation to equality.

The key to successful implementation of the training strategy will be to ensure that Elected Members and employees understand how they can support the Council to promote Equal Opportunities and Social Inclusion in Service Delivery and Employment.

3.4.2 Equality Training Objectives for Elected Members and Employees:

- to enable them to identify their Statutory Duties in relation to Equalities Legislation
- to enable them to develop their knowledge and awareness of their role in implementing the Perth & Kinross Council's Corporate Equalities Policy in relation to Service Delivery and Employment
- to enable them to comply with their responsibilities in relation to Equality for Service Delivery and Employment

- to enable an appropriate response to be provided to reports of disability harassment from members of the public, employees, parents/carers and pupils etc.
- to ensure employees know where to access equality information and advice to enable them to identify and gain their rights in relation to Equality in Employment
- to enable employees to develop an understanding of how they can contribute to ensuring the Council can promote equality including Disability, Race, Gender, comply with legislation for employment and training, goods facilities and services for Sexual /Orientation, Religion/Belief and employment and training for Age as stated in the Corporate Equalities Policy.

3.4.3 Training solutions required for the following groups:

- Trainers
- Members of the Corporate Equalities Sub-Group
- Service Equality Representative and/or Disability and Race Assessors and other equalities categories
- Elected Members
- Executive Directors and Heads of Service
- Other Supervisors and Managers identified as having specific training requirements for equality
- Groups of staff with specific equality training requirements
- All other employees

3.4.4 Training Programme

There are 5 levels of implementation in the Equalities Training Strategy. Development and delivery of some of the levels has already commenced or will be run concurrently with others and reflects good practice in equalities training. Future versions of this Scheme for other equalities categories will focus on specific training solutions for those statutory duties.

Level 1 - E-Learning solution(s): Target Date – Training solution Disability Confident made up of three separate modules. Module 1 provides awareness raising training and all staff are required to complete successfully. Module 2 and 3 designed for staff and managers who require a more in depth knowledge and awareness, due to the nature of their job.

Disability training delivered with joining instructions to on line staff during 2006 to be completed by end of this year. This is being distributed via the Learning Management System which provides a record of pass marks and completion etc. Managers will be provided with lists of names of their staff who have either failed the quiz or not started to complete these modules.

A perpetual licence will ensure that this e-learning training has been made available for all new employees to complete as soon as possible after their start date.

Level 2 - Training solutions(s) for employees with no computer access: Target Date – Training solutions for Disability delivered commencing mid-2006 and completed within 12 month period and record kept of completion by Service. Disability Confident CDs have been provided for staff including School staff to enable them to complete this training in a longer timescale. Forms have been distributed to Services to enable Services to manage and monitor the completion of training by staff working from the CD version.

Level 3 – Provision of Equalities training for trainers to enable them to review equalities aspects of existing Council training courses, in particular courses offered relating to people management for supervisors and managers i.e. recruitment and selection, flexible working, employee review and development training etc.

In addition, all Council training to be reviewed to ensure that inappropriate classroom language and behaviour is challenged and dealt with appropriately and all those internal and external trainers and providers contributing to training courses have reviewed their materials and their own approach to ensure they do not in any way undermine the Council's commitment to Promote Equality.

Target date - review completed by year 3 of Scheme and progress made reported through equalities annual progress reporting.

Level 4 – Development and delivery of classroom based training/briefings for those identified by their Service with specific duties in relation to implementing the Council's Equalities Policy including the nominated officer responsible for impact assessment, action planning and reporting progress for equalities and Representatives of the Corporate Equalities Sub-Group etc.

Equalities Training and Briefings provided by the Equalities Planning Officer for Service Equality Assessors commenced in 2004 in line with DDA 1995 Part III and in January and March 2006 for reassessments and updated on new Disability Equality Duty 2005.

Further training/briefings to be developed and delivered as required for individuals and groups with specific responsibilities. These briefings may also be delivered during First Thursday training and Service team meetings or specifically organised to meet the requirements of new Legislation etc.

Target date – already commenced and ongoing as required.

Level 5 – Training and Education for equalities through awareness raising events, initiatives and through the provision of information including via the Equalities Intranet site. Council membership of the Employers Forum on Disability commencing 2006 provides additional source of information, workshops, briefings etc to promote disability compliance.

Welcoming Disabled Customers booklet customised and made available to Services to distribute to front line and other key employees to further develop the quality of service for disabled customers.

The Equalities Intranet site was made available to employees with computer access during 2004. An article in Inside News and other Service Newsletters and documents continue to raise awareness about its availability. Ongoing development and publicity for the site carried out during 2005 and ongoing.

Assessment of the impact of equality training, information and awareness initiatives will be carried out in liaison with Human Resources.

Equalities awareness raising events will be developed as part of the educative process for equalities including attendance at Employers Forum on Disability (EFD) Master classes by key staff and the EFD Scottish Network meetings.

Specific disability events such as the AbilityNet Master class held during 2006 to help to promote disability awareness at all levels in the organisation.

The 2005 employee Questionnaire includes a question about equalities and responses indicate that 72% of current employees consider that Perth & Kinross Council is an equal opportunities employer.

Training and communication - See 2.2. and 2.4 above for progress and also 3.2 above for Equalities Communication arrangements which is part of the education process for equalities.

3.5 Equalities Monitoring

Introduction

- 3.5.1 The Equalities Monitoring arrangements identify the statutory duties to collect, analyse, report on and publish the outcomes in relation to Service Delivery and Employment. All monitoring reports will comply with Data Protection and Confidentiality considerations. (See also Education and Children's Services including Schools at 4 below).

Human Resources have established a monitoring working group to coordinate and develop systems for gathering, analysing and reporting on monitoring data outcomes. Human Resources is also working with representatives from Education & Children's Services to ensure that their staff data gathering systems enable reports to be made for all Council staff including Schools staff.

Monitoring is a process used to collect, store and analyse any adverse impact or detriment to some individuals or groups based on categories such as Disability, gender, married status, disability, religion/belief or sexual orientation, age etc. Monitoring enables any adverse impact to be identified in relation to outcomes for particular individuals or groups based on analysis in relation to equalities categories and compared to profile data.

- 3.5.2 Good practice in relation to monitoring Service Delivery includes:

- Service applicants profiles, including identifying groups who may not be applying for a specific Service and try to find out why (there may be access barriers preventing use of a service)
- Service users
- Levels of use
- Satisfaction rate; and
- Complaints

Monitoring also enables progress to be identified in relation to improvement actions implemented or to identify where improvement actions need to be developed, implemented and monitored.

The outcomes of monitoring should be published using the normal channels of communication. To ensure that monitoring complies with Data Protection Principles, no data will be published when the numbers involved would enable a person to be identified. (See also Equalities Communication arrangements at 3.2 above).

- 3.5.3 Employment Monitoring (including Education & Children's Services)

The purpose of employment monitoring is to enable the Council to assess the impact of its Human Resources policies and procedures and where indicated implement positive action strategies to promote equality and raise the profiles of underrepresented groups:

- to identify any adverse impact for any group
- to enable workforce planning to be carried out effectively
- to establish and monitor progress (if targets set)
- to develop and implement appropriate recruitment campaigns including positive action strategies to promote equality and raise the profiles of underrepresented group i.e. Positive about disability guaranteed interview scheme
- to comply with Data Protection and Confidentiality

Monitoring systems have been and continue to be developed to enable information for new and existing employees, school staff and pupils to be collected and analysed. Reports of existing staff profiles are included within reports to the Executive Officer Team and relevant Council Committees.

Data Protection and Confidentiality considerations will be addressed to prevent identification of individuals when data is published. This may mean publishing a corporate profile for some aspects of Disability monitoring instead of by individual Service etc.

Summary monitoring data will be included in this Corporate Equalities Scheme in relation to equalities categories – see Appendix 9.2.

Staff Profiles including Education & Children's Services staff for the following equality categories:

- Disability
- Nationality/Ethnic Origin
- Race
- Gender
- Age (by age groups)
- Other information to be added as available and considered appropriate

Monitoring is being carried out and continues to be developed for the above staff profiles for the following: recruitment, selections and experience in employment with the Council including access to acting-up/promotion level posts, access to opportunities for review of grading, training, assessment outcomes, leavers etc. Data currently available is included at Appendix 9.2.

Profiles and success profiles (as appropriate) for the following:

- workforce as a whole
- workforce by Service
- Staff group (as appropriate)
- Grade/salary bands including point on scale at start of employment
- External and Internal job applicants
- External and Internal short-listed candidates
- Profiles of applicants for acting-up/promotion posts
- Profiles of applicants for secondments or other similar career enhancing opportunities
- Profile of applicants for re-grading and success rates
- Monitor employee review and development
- Profile of applicants for training and success rates and
 - record if the training is optional/mandatory;
 - if training provided internally or externally;
 - if training leads to a qualification;
 - if Council funding provided for external training;

- as a percentage of total cost of training.

Monitor Grievance and harassment as follows:

- Number grievances by equality categories
- Staff satisfaction levels with procedure
- Staff satisfaction levels with outcome of grievance
- Number of reports of harassment for Disability, Race and Gender
- The type of harassment if verbal, physical or other

Monitor Disciplinary proceedings by equalities categories:

- Profiles for staff subject to disciplinary procedures
- Profiles for staff in relation to stage of process
- Profiles for staff subject to different levels of disciplinary actions including dismissals arising from disciplinary procedures - see also Appendix 9.2.

Monitor levels of employee wastage by equalities categories listed above to identify profiles for

- Dismissal
- Retirement including early retirement
- Secondment (external)
- Redundancy
- New job elsewhere
- Following maternity leave
- Other as appropriate

See Monitoring 2.7 above for progress and 9.2 below monitoring data currently available.

3.5.4 Education and Children's Services Monitoring

Education and Children's Services has responsibility for ensuring schools can meet their specific duties including ensuring monitoring arrangements are in place. This includes details of information gathering process and outcomes to demonstrate educational achievements and experiences for disabled pupils and students including admissions, exclusions, test scores, participation in school trips etc. and to ensure that other information kept in pupil progress files is collated as appropriate.

Schools should also have information gathering processes in place to identify outcomes and demonstrate how schools are promoting positive attitudes towards pupils and students with a disability. This will enable Schools to demonstrate how pupils and students with a disability are being encouraged in the participation of public life. Schools also need to provide details of information gathering process and outcomes from procedures for responding to and dealing with issues of harassment and bullying.

Schools also need to consider how they can promote the inclusion of parents/carers with a disability in relation to information sent from Schools and encouraging involvement with School Councils etc. (See also Employment monitoring at 3.5.3).

3.5.5 Details of other Services - Monitoring Arrangements

- Housing and Community Care have developed a monitoring form to enable them to monitor profiles of tenants and service users and to help identify any barriers or non-service users. This has still to be implemented.
- Environment Services has developed a process to identify who is and is not using their customer telephone services. They also undertake regular on-bus surveys and feedback from a number of sources including Community Councils and Community Groups.

3.6 Equalities Procurement and Partnerships

3.6.1 Procurement

Procurement of Services: the duty requires public authorities to ensure that the way they in which services are procured complies with the Act.

Contracted out functions - sometimes the nature of a function which is contracted out will mean that the contractor is itself carrying out the public sector function. In these cases the public authority will be responsible for meeting the duty in relation to the procurement process and the monitoring of the contract. The contractor itself will be found by the General Duty to be carrying out the function and therefore has responsibility for the General Duty. In many cases however, the contractor will only be providing a service for the public authority and not carrying out the whole function in which case the public authority retains the responsibility for the General Duty.

The Procurement Strategy 2006 – 2009 will be implemented and the procurement processes monitored for compliance. See also 2.8 above for progress)

3.6.2 Partnerships

As disability equality is often dependent on different public bodies working together effectively, authorities may need to look beyond the specific services which they provide to working with other authorities, and developing appropriate partnerships, to deliver disability equality. (Statutory code para 2.63)

All members of a partnership will have a role to play when they are jointly involved in developing and delivering strategies and services that are relevant to Disability.

3.7 Reports of Disability Harassment by members of the public

The Council will develop arrangements to enable members of the public to report disability harassment. This will be done with the Disability involvement groups to ensure the process responds to their requirements. Reports will be managed and monitored and victims and witnesses provided with support. Efforts will be made to publicise the approach taken and to inform members of the public how to report harassment. Preventative measures will be identified and implemented. See also 2.9 above for progress.

3.8 Council Complaints Procedure and Disability

The Council complaints procedure takes account of the disabled customers in two distinct ways. Firstly, a customer may use the procedure to make a complaint about discrimination they have faced in the way that the Council's Services have been delivered. This may be to do with a Service that is not appropriately adapted to meet their needs or the conduct of a council employee. Such complaints are handled in the same way as any other, but the fact that the complaint is about discrimination is

recorded and reported through the six-monthly reporting regime. Secondly, employees handling Council complaints are advised about making appropriate adjustments to the complaints service for disabled customers.

A Council reporting process is being developed to enable members of the public to report incidents of disability harassment. See also 2.10 above for progress.

3.9 Annual Review and Progress Reporting Disability

Council Services, including Education & Children's Services have developed a Service Disability Action Plan and will report details of progress for each year of the Scheme to enable the Equalities Planning Officer to coordinate a Council summary progress report for submission via internal management groups and committee to the Disability Rights Commission and in future years of the Scheme to the Commission for Equality and Human Rights. Reports of progress made will also enable the Council to provide information requested by Scottish Ministers to enable them to report on public sector progress in Scotland.

(See 2.11.2 above for internal reporting mechanisms).

4 Education and Children's Services (including Schools)

4.1 Implementation Arrangements and Strategies

Education and Children's Services, as well as being covered in their own right by the duty, also have a duty in relation to the Schools under their management.

The duty is to make arrangement for each school to:

- Assess the impact of its policies and practices, or likely impact of proposed policies and practices on equality for disabled pupils
- Gather information on the effectiveness of its policies and practices and the educational opportunities available to, and on the achievements of, disabled pupils
- Provide an authority with an annual report in respect of the two above matters
- Carry out such steps which the authority proposes to take towards the fulfilment of its section 49A(1) duty; and
- Maintain a copy of the authorities' Scheme

4.2 Accessibility Strategy

Education & Children's Services carried out a comprehensive review of its functions and policies as part of the development of its "Accessibility Strategy" in 2002/2003. A subsequent disability assessment was undertaken again in 2004 which led to the production of a Disability Service Action Plan (DSAP) 2005 - 2007. The action plan is arranged around themes including Physical Resources, Curriculum Access and Training and Consultation. See copy below as part of Section 4.

An HMIE visit in November 2005 indicated that the Service was well prepared for the implementation of the Disability Discrimination Act.

4.3 Additional Support for Learning

The Additional Support for Learning (ASL) Act introduced an approach which has a wider application than special educational needs and can include any factor which presents a barrier to learning for all children. This covers significant numbers of children and young people. It requires all schools/nurseries to identify children/young people with additional support needs and to decide on the appropriate level of planning. The authority has introduced new procedures for monitoring, reviewing and supporting children/young people who require additional support. This includes Individualised Educational Programmes (IEP) Guidance. An ASL comprehensive action plan has been developed and is being implemented. Disability work is also being progressed through the implementation of the ASL Act.

Schools and nurseries work in partnership with other agencies. Integrated team meetings are held with representation from schools, Education & Children's Services, including Social Work, Police, Health and voluntary agencies to ensure the needs of children/young people with additional support needs are being effectively met. Senior Integrated team meetings are also held to ensure that all children/young people whose additional support needs arise from significant social, emotional and behavioural factors are provided with support in collaboration with other agencies. These meetings include youth justice, operational managers and educational psychology.

Recommendations for future actions are being considered as part of the Education & Children's Services Disability Action Plan see copy below.

4.4 Inclusive School Campus Project

Education & Children's Services have taken part in a two year Inclusive School Campus Project which culminates in the creation of a new school campus which incorporates four schools at the same location. This project includes a review of attitudes and understanding of an inclusive campus concept and the broader issues of inclusion. This project involved a range of approaches being taken to identify the views of various groups including School Staff, Teachers, Pupils and Parents. This included telephone interviews with Parents, Questionnaires to Parents, and Pupil consultation during 2005.

Parent Councils

A project has been established to progress the work of redeveloping School Boards into new Parent Councils. Although these will be open to all parents and carers etc. consideration will be given during the planning stage to positive actions and encouragement to people with a disability to help to get them involved. In addition, any required arrangements will be made to facilitate their involvement.

4.5 Cultural and Community Services

A number of positive steps have been taken to promote disability in relation to Cultural and Community Services.

4.5.1 Library Services

Mill Street Library is a specialist library for serving clients with a range of disabilities. In addition, there is a delivery system in place for clients that can be accessed via telephone, and members of the mobile library service go to houses or local venues and schools where they meet their adult clients with disability. The AK Bell Library and local community libraries offer a large print service and various audio tapes.

4.5.2 Childcare Strategy Team

Kids Clubs and Playstart Services offer inclusive service provision meeting individual needs and interests including young people with a disability. Staff training and policies reflect this approach. The Service has a Service Level Agreement with SHIP and SPLASH, local organisations which provide services for children with complex and profound additional support needs. To decrease accessing mainstream, childcare services are working with Capability Scotland on the All Together Project which works with families and children to support their transition into existing services. An increased range of sensory equipment and resources appropriate to a range of additional support needs are in place to support inclusive service provision. Equipment can also be borrowed by parents accessing community crèche services across Perth & Kinross.

4.5.3 Sports Development

One of the three sports development officers focuses on the needs of people with a disability to ensure that they are able to access facilities and are being encouraged to use facilities and take part in all sports. These include young people and adults who attend Adult resource Centres, Glebe School and Upper Springlands. A range of activities and events happen throughout the year where young people and adults with a disability can take part. These include:

- Swimming galas
- Boccia taster sessions
- Sport and physical activity sessions for primary school children with autism or downs syndrome
- Chair based exercises
- Athletics festival for pupils with more profound disabilities

4.5.4 Youth Services

Within Youth Services a member of staff is employed to ensure that young people with a disability are able to participate fully within the Duke of Edinburgh's Award Programme. Some candidates with a disability are supported within an integrated setting of school or open award groups. Other young people with similar and specific additional support needs participate in the award via supported programmes in schools. The Perth & Kinross schools which run these programmes are:

- Community School of Auchterarder
- Blairgowrie High School
- Perth Grammar
- New School Butterstone

4.5.5 Lifelong Learning Team

Adults with a learning disability can access support with literacy and numeracy. Specific groups for adults with a learning disability run within the three adult resource centres within Perth & Kinross, Capability Scotland and at the Letham Community Learning Base. Adults with learning disabilities can also access other adult learning programmes including ICT sessions where an appropriate programme and resources will be put in place to support their disabilities.

4.5.6 Active Schools Team

A Sports Development Officer works with Secondary schools to increase sustainable opportunities for pupils with additional needs to take part in extra curricular sport. All 8 primary based active schools co-ordinators have specific targets for children with additional needs. Various clubs have been established and particular successes include a learn to swim club for children with a disability at Strathearn Centre in Crieff and a Fun for All club for the Crieff and Auchterarder clusters.

4.5.7 Heritage Service

The Heritage Service has made significant improvements to ensure people with a disability can access their provision.

These include:

- Entrance ramp
- Entrance lift
- Disabled toilets
- Hearing loop in the lecture hall
- Considerations of heights point size when hanging exhibitions
- Tactile interactive activities
- Loan kits available to all free of charge
- All talks available free of charge

- Staff trained in disability awareness
- What's on Leaflet in large print if required
- In the future, there are plans to have new signage in the entrance hall and the use of audio guides will be researched

The adult learning worker within the museum has worked with groups from Upper Springlands and the library for the disabled.

4.5.8 Horsecross Concert Hall

Cultural & Community Services has a Service Level Agreement with Horsecross Concert Hall, all provision within the concert hall is accessible for people with a disability.

Note: Employment monitoring for Education & Children's Services /School staff is included at Section 3.5 above and at Appendix 9.2 Monitoring data. Appendix 9.2 also includes pupil data.

4.6 Self-Assessment outcome 2005/6

During 2005/6 a self-assessment was carried out to measure progress and the outcomes are stated as being good and very good for the following areas:

4.6.1 Communication

- Development of a fair considered and equitable method of accessing equipment.
- Development of a single coherent system for refurbishment/physical alteration.
- Development of a clear strategy for deploying disability equipment and furniture funding/resources to support access.
- Develop and maintain support for head teachers with regard to issues relating to physical access and equipment needs.
- Develop a fair considered and equitable method of accessing transport and provide suitable transport in response to need.
- Develop clear admissions criteria for special schools, specially resourced locations and mainstream bases.
- Develop proposals regarding availability of information in a variety of formats including complaints procedures/appeals.
- Develop information leaflets in a variety of formats for parents indicating support available and who to contact.
- See also 3.2 above Council Communication arrangements which include provision of information to Schools for staff, pupil and parent/carer groups.

4.6.2 Involvement

- Using information collated in an additional support needs audit; develop a clear strategy for providing physical access for all children as required by legislation.
- Parent Forum for parents of children with disabilities/complex needs.
- Develop and implement policy and procedures on transition with specific reference to children with additional support needs.
- See Inclusive School Campus Project at 4.4. above for further information about Consultation involving School staff, pupils and parents.
- See also Section 3.3. above for Council-wide Consultation arrangements which includes members of staff from Education & Children's Services.

4.6.3 Training

- Specific training on disabilities (pre-transition).
- Moving and Handling.
- Safe use of specialist equipment.
- Joint inter-agency training programme for disability awareness.
- Playback training (a) Promoting Attitudinal change in Policy and Practice (b) Towards an Inclusive New School Campus (c) Celebrating Diversity and Difference
- How to use symbols to facilitate communication
- Inclusion and Working Together
- Children Handling and Risk assessment
- Communication difficulties
- Outreach provision for Autistic spectrum disorder
- See also 3.4 – Council Training plan for disability training for all Council staff including school staff.

4.6.4 Monitoring

- Undertake annual additional support needs audit.
- Identify officer within the service who will lead all matters of physical access in relation to children with additional support needs.
- Continuous development of a partnership approach with wider Council/Health staff.
- See also Council Monitoring arrangements at 3.5 above in relation to categories to be monitored and Appendix 9.2 below for pupil data. Human Resources responsible for providing data for all staff groups including school staff.

4.6.5 Procurement

- Review of existing Service Level Agreements with partner agencies and plan future provision.
- Develop outreach provision to support children with specific disabilities in mainstream contexts.
- Ensuring organisations with Service Level Agreements have a strategy for working with those with a disability
- See 3.6 above – the Council Procurement Strategy which includes all Services.

4.6.6 Groups

- Maintaining partnership approach to joint equipment store with Occupational Therapy, Education & Children's Services, Adult Care.
- Initiate a strategic group to maintain an overview of services for children with additional support needs.
- Clarify management of additional support needs provision at PKC SMT level.
- Identify key person in schools with a management responsibility for children with additional support needs.

4.6.7 Other

- Childcare Partnership has developed provision to mainstream children with disabilities in normal Out of School Care provision.
- Arrangements for SQA examinations in all Secondary schools are now confirmed as being DDA compliant.

DISABILITY DISCRIMINATION ACT 1995
Disability Assessment and Action Plan – 2005/06/07

Service: EDUCATION AND CHILDREN'S SERVICES

Contact Name: P MCAVOY

Contact Number: 01738 476837

This Assessment scheme and action plan has been developed in the context of the **Accessibility Strategy** which E&CS finalised in 2004. It is arranged around a number of themes including;

- Physical Resources
- Curriculum Access
- Training and Communication

Key statement: <i>This relates to an aspect of the service function that was found to be particularly relevant to the duty.</i>	Action(s) <i>required to ensure people with disability have access to Services and public information about services</i>	Timeframe <i>for action to be taken</i>
--	---	--

NB

A "detailed assessment" of the functions and policies relating to "Support for Learning" will be undertaken in the period Aug – Nov 2005 as part of the Service review of the implementation of the Additional Support for Learning Act 2004. The findings of this review will further impact on service improvement actions relating to the DDA.

KEY STATEMENT 1	<i>PHYSICAL RESOURCES</i>	Pupils with disabilities should be able (as far as possible) to attend the school of their choice and be able to access all the areas and activities of the school.
---------------------------	---------------------------	--

RELEVANT SERVICES	Yes	No	Don't Know
Children's Services (CS)	X		
Youth, Community, Arts and Culture (CC)	X		
Support Services (SS)	X		
Education Services (ES)	X		

ACTIONS REQUIRED	SERVICE RESPONSIBILITY	Yr 1	Yr 2	Yr 3
Clarify support for children affected by family disability.	CS		x	
Review existing Service Level Agreements with partner agencies and plan future provision.	CS CC SS	x	x	
Ensure that Community Learning provision responds to needs of children with disabilities.	CC		X	X
Ensure adequate support is in place for holiday play schemes to support children with additional support needs.	CC	X	X	
Continue development of mediation service.	CC (ES)	X	x	
Review support for parents and families of children with Additional Support Needs.	SS (CC) (CS)	x	X	
Implement interdisciplinary assessment processes.	ES (CS)		x	X
Contact with outside agency to deliver in terms of alternative methods of communication.	ES		x	

ACTIONS REQUIRED	SERVICE RESPONSIBILITY	Yr 1	Yr 2	Yr 3
Maintain partnership approach to joint equipment store Occupational Therapy, Education and Children's Services, Adult Care.	ES	X	X	X
Develop and maintain support for head teachers with regard to issues relating to physical access and equipment needs.	ES	X	X	
Review Management of resources and provision for children whose additional support needs arise from a physical disability <ul style="list-style-type: none"> • Recruitment and retention of staff • Centralised and developed resources 	SS		X	X
Develop policy/training in Moving and Handling.	SS	X		
Develop a clear strategy for deploying disability equipment and furniture funding/resources to support curricular access.	SS (ES)	X	X	
Review resourcing of PKC specialist services (including Additionally Resourced provision and Sensory Services).	ES (SS)	X	X	
Implement an additional support needs audit.	ES	X	X	X
Develop a fair considered and equitable method of accessing transport.	SS	X		
Develop a single coherent system for refurbishment/physical alteration.	SS	X	X	
Using information collated in the additional support needs audit; develop a clear strategy for providing physical access for all children as required by legislation.	(SS) (ES)	X	X	X
Develop a fair considered and equitable method of accessing equipment.	SS	X	X	
Identify officer within the service who will lead all matters of physical access in relation to children with additional support needs.	ES	X		
Develop specific training on safe use of specialist equipment.	ES	X	X	

KEY STATEMENT 2	CURRICULUM	<ul style="list-style-type: none"> • Pupils with disabilities should as far as possible have access to a full and broad curriculum. • Adjustment to allow pupils to access a full curriculum will be provided on the basis of individual need.
------------------------	-------------------	--

RELEVANT SERVICES	Yes	No	Don't Know
Children's Services (CS)		X	
Youth, Community, Arts and Culture (CC)	X		
Support Services (SS)		X	
Education Services (ES)	X		

ACTIONS REQUIRED	SERVICE RESPONSIBILITY	Yr 1	Yr 2	Yr 3
Review Sensory Impairment Service.	ES			X
Clear guidelines re school/extra curricular activities and equality of opportunity.	ES			X
Ensure all schools and services develop plans to enable information to be provided for pupils with additional support needs in a variety of formats.	SS		X	X
Provide advice regarding the provision of alternative formats of materials <ul style="list-style-type: none"> • Information and advice • Curriculum materials 	ES	X	X	X
Develop and implement policy and procedures on transition with specific reference to children with additional support needs.	ES	X	X	
Develop policy and provision to support the education and welfare of Gypsy Travellers and other ethnic minorities.	ES CC	X	X	
Develop outreach provision to support children with specific disabilities in mainstream contexts.	ES	X	X	X

KEY STATEMENT 3	TRAINING & COMMUNICATION	<ul style="list-style-type: none"> Responsible bodies should ensure communication with pupils with disabilities is addressed. Information should be available in a variety of accessible formats.
---------------------------	-------------------------------------	---

RELEVANT SERVICES	Yes	No	Don't Know
Children's Services (CS)	X		
Youth, Community, Arts and Culture (CC)	X		
Support Services (SS)	X		
Education Services (ES)	X		

ACTIONS REQUIRED	SERVICE RESPONSIBILITY	Yr 1	Yr 2	Yr 3
Develop a protocol for Looked After Children including Education Support Plan.	CS	X	X	
Implement Direct Payment Scheme for respite care.	CS		X	
Develop and implement a Mental Health strategy.	CS			X
Implement Youth Crime Strategy.	CS		X	X
Develop and implement a strategy to support Children in Need in their local community.	CS CC			X
Implement Foster Care and Adoption Policy.	CS	X	X	
Develop a policy on parental partnerships/parental involvement.	CC	X	X	
Develop specific training on disabilities (pre-transition).	CC	X	X	
Out of School Care policy clarified in relation to Children with Additional Support Needs.	CC		X	X

ACTIONS REQUIRED	SERVICE RESPONSIBILITY	Yr 1	Yr 2	Yr 3
Develop clear admissions criteria for special schools, specially resourced locations and mainstream bases.	ES	X		
Identify strategy to support children with Autistic Spectrum Disorders.	ES	X	X	
Further develop a Parent Forum for parents of children with disabilities/complex needs.	ES			X
Develop a consultation forum with young people who have disabilities/additional support needs.	CC			X
Develop strategic approach to behaviour management.	ES	X	X	
Implement policy on inclusive practice across the service <ul style="list-style-type: none"> • Audit of existing policies • Targets for inclusion • Joint Training 	ES			X
Ensure that specific grant for training focuses on learning in relation to additional support needs.	ES	X	X	
Continue to develop a programme with and for parents to meet specific needs.	ES (CS)		X	X
Develop joint inter-agency training programme for disability awareness.	SS		X	X
Develop and maintain support for head teachers with regard to issues relating to children with Additional Support Needs.	ES	X	X	
Develop training for School Board.	SS	X	X	
Develop training for Pupil Councils etc as part of the Youth Strategy.	CC			X
Initiate a strategic group to maintain an overview of services for children with Additional Support Needs.	ES	X		

ACTIONS REQUIRED	SERVICE RESPONSIBILITY	Yr 1	Yr 2	Yr 3
Continuous development of a partnership approach with wider Council/Health staff.	ES CS	X	X	
Provide clear advice on Health and Safety including evacuation for children with disabilities.	ES			X
Review advice regarding Risk Assessment to ensure needs of children at risk are included.	ES		X	X
Implement policies on Better Behaviour, Better Learning.	ES	X	X	
Implement policies on Inclusion.	ES	X	X	
Implement policies on Citizenship.	ES	X	X	
Develop disability awareness training for Head Teachers.	SS	X	X	X
To develop and take forward proposals regarding availability and development of information in a variety of formats including complaints procedures/appeals.	SS	X	X	
Develop information leaflets in a variety of formats for parents indicating support available and who to contact.	SS	X	X	
Implement a co-ordinated Child Protection Strategy.	All	X	X	
Develop integrated models of service delivery.	All	X	X	X
Clarify management of Additional Support Needs provision at PKC SMT level.	ES	X	X	
Identify key person in schools with a management responsibility for children with additional support needs.	ES	X	X	

5 **Equalities Legislation**

The list below represents some of the equalities legislation and related legislation:

Race Relations Act 1976 and as amended
In the Race Relations (Amendment) Act 2000
Race Relations Act 1976 (Statutory Duty) (Scotland) Order 62/2002
Sex Discrimination Act 1975 as amended
Disability Discrimination Act 1995
The Disability Discrimination Act 2005 (Disability Equality Duty)
Human Rights Act 1998
Equal Pay Act 1970 as amended
Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended
Ethical Standards in Public Life etc (Scotland) 2000
The Employment Act 1989
The Employment Rights Act 1996
Pregnant Workers Directive
Maternity and Paternity Regulations 1999
The Employment Act 2002
Prevention of less fair treatment for Fixed Term
and Part-time workers
Article 119 of the Treaty of Rome – Equal Treatment Directive 76/207
Equal Pay Directives
Amsterdam Treaty 1998
The Equality Act 2006
The Work and Families Act 2006

Relevant legislation that applies to specific Services or provides for rights for service user includes:

Additional Support for Learning 2004
Housing (Scotland) Act 2001
Education (Disability Strategies and Pupil's Records) (Scotland) Act 2002
Standards in Scotland's Schools Act 2000
Special Educational Needs and Disability Act 2001
Carers Recognition and Services (Scotland) Act 1995
Regulation of Care (Scotland) Act 2001
Chronically Sick and Disabled Persons Act 1970
Adults with Incapacity (Scotland) Act 2000
Children (Scotland Act) 1995
European Convention on Human Rights
Protection from Harassment Act 1997
European Charter for Minority Languages

The power to legislate on equality is reserved by the UK Parliament. The Scotland Act 1998 gives the Scottish Parliament powers to encourage equality as well as to impose duties on public authorities. An example of this is the Specific Duties relating to The Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005 S1 No. 565 which came into force on 5 December, 2005.

It should be noted that the Council's Corporate Equalities Policy includes all other related, subordinate and relevant current and future legislation. This includes future amendments to existing legislation and regulations and relevant Statutory Codes of Practice and Guides which are produced by the Government Commissions including the Disability Rights Commission, Commission for Racial Equality, Equal Opportunities Commission, the Scottish Human Rights Commission and the Commission for Equalities and Human Rights from 2007.

6. Roles and Responsibilities as stated in the Corporate Equalities Policy 2004

Equality is mandatory for the organisation and therefore everyone working for or with Perth & Kinross Council has responsibilities in relation to promoting equality of opportunity and good relations between different groups. Successful implementation of the Equalities Policy will depend on a partnership between the Council and the Community.

6.1 Roles

Elected Members	-	to comply with the Equalities Policy
	-	to provide leadership and support
	-	to engage with the local community
	-	to provide a scrutiny role
Executive Directors	-	to comply with the Equalities Policy
	-	to provide leadership and support to enable Services to comply with the Equalities Policy
	-	to oversee and monitor compliance with the Equalities Policy
Employees and staff representatives	-	to comply with the Equalities Policy
	-	to challenge existing cultures and traditions
	-	to engage with the community
Partners/Contractors	-	to comply with the Council's Corporate Equalities Policy
Providers of Goods and Services to and for the Council		
Responsibilities		

6.2 Responsibilities

Elected Members

As part of their Scrutiny role for equalities, Elected Members have responsibility for ensuring that reports before Committee identify any relevant equalities implications and clearly indicate how the equalities implications will be addressed. Training will be provided for Elected Members to enable them to provide leadership and support to encourage compliance with the Corporate Equalities Policy and enable them to develop their engagement with all groups in the local community.

Corporate Management Team

The Corporate Management Team (CMT) has the lead responsibility for ensuring the equalities policy, legislation and related duties are complied with both in service delivery and employment matters.

Executive Directors have responsibility to ensure that the Council's Equalities Policy and related strategies are effectively implemented throughout their Service.

Service Management Team

Service Management Teams should ensure that equality matters are integrated into policy development, decision-making, service planning and delivery and employment matters.

Service Managers

Managers will be responsible for ensuring that service and employment functions, policies, practices or procedures comply with the commitment in the equalities policy and ensure changes are implemented.

Employees

All employees have responsibilities as well as rights in relation to implementing the Corporate Equalities Policy. Training will be provided for employees, together with guidance and information to enable everyone to positively promote equality of opportunity and good relations between different groups.

Employees will be encouraged to identify any functions, policies, practices or procedures that do not comply with this Corporate Equalities Policy and the relevant legislation.

Partners, Contractors and Suppliers

We will work with partners to ensure good equalities practice is shared and that they adopt the principles of equality to enable them to comply with the Equalities Policy. Partners, Contractors and Suppliers of goods and services will be encouraged to comply with the specific requirements. Public, Private and Voluntary sector partners, contractors and suppliers will be asked to provide evidence on how they are meeting the general and specific duties to enable us to comply with our duty to eliminate unlawful discrimination, promote Disability equality and good relations between different racial groups.

Organisations in receipt of Council Grants

All organisations receiving grants will be asked to provide evidence of how they are complying with the Perth & Kinross Council Corporate Equalities Policy in relation to their service delivery and employment matters.

See also the Role and responsibilities of the Corporate Equalities Sub-Group at 7 below.

7 Corporate Equalities Sub-Group (CES) – Purpose and Membership

The Corporate Equalities Sub Group will champion the implementation of equalities in service delivery and employment. The purpose of the Sub-Group is to provide strategic direction to ensure the effective and coordinated implementation of the Corporate Equalities Policy in their Service.

The Sub-Group members will develop and agree a prioritised programme of work in their Service to facilitate the implementation of the Corporate Equalities Policy and to ensure their Service is able to meet their responsibilities in relation to equality and to help to avoid omission and duplication at a Service level. The Sub-Group will make recommendations to the Corporate Management Group's Policy and Governance Group.

Membership of the Sub-Group will include a Heads of Service from each Service including Corporate Service, Chief Executive's Service. The Environment Services and Planning Education and Children's Services.

The Sub-Group is currently being chaired by the Depute Director Corporate Services and the Equalities Specialist Advisor to the Sub-Group is the Equalities Planning Officer.

Members of the Sub-Group will also act as Service representatives providing and disseminating information and highlighting important issues of relevance from a strategic perspective to their Service and from the Service report progress back to the Sub-Group.

8 Disability Actions 2006 – 2009 including Corporate and Service Responsibilities

Actions	Corporate Responsibility	Service Responsibility	Timescale	Intended Outcomes
8.1 Publish a Disability Equality Scheme 2006 – 2009.	Develop the Disability Scheme 2006 – 2009 and make arrangements for the Scheme to be reported and approved through the management and committee processes.	Service Nominated Officer to attend Corporate Equality briefings and make arrangements to coordinate their Service Level Work for reassessment and updating Service Disability Action Plans.	Publish Disability Scheme 2006 – 2009 December 2006	<p>To enable the Council to set out the statements of commitment, arrangements and strategies for complying with the Disability Equality Duty including the six parts of the General Duty and the Specific duties.</p> <p>To enable all parts of the Council to progress and resource relevant actions to comply with the existing and new Disability Equality Duty.</p> <p>To enable the Council to implement actions at a Corporate and Service level and report progress for each year of the Disability Scheme.</p>
8.2 Carry out a Disability self-assessment audit 2006 and every third year of Scheme to assess progress.	Self- Assessment Audit developed for Services.	Services should complete a self-assessment audit to identify progress made.	March 2006 and the third year of each Scheme	<p>To enable Services to identify progress made since initial assessment of functions and policies in 2002 for HR and 2004 for other Services.</p> <p>See also Section 2 above for progress</p> <p>See Section 4.6 above for Education & Children's Services Outcomes from self-assessment.</p>
8.3 Reassess Service functions and policies in line with new Disability Equality duty (DDA 2005). Include any new policies developed since first	Reassessment guidance updated for Services to enable them to carry out a reassessment of their Service functions and policies. Disability Toolkit developed and	Services are carrying out a reassessment of their functions and policies during 2006 and will add a list of their relevant and non-relevant functions and policies to section 5.1 and 5.2 of the Disability	Commence during 2006. Ongoing involvement of people with disability in assessment and action plans	<p>To enable Services to ensure that their functions and policies, initially assessed for compliance with the DDA 1995 are reassessed during 2006 to ensure they comply with the requirements of DDA 2005.</p> <p>To enable Services to identify positive actions and update their assessments and Service Disability Action Plans 2006 – 2009.</p> <p>To ensure that Service actions will be coordinated,</p>

Actions	Corporate Responsibility	Service Responsibility	Timescale	Intended Outcomes
assessment carried out.	<p>provided for Services. Toolkit includes guidance, information and reference materials.</p> <p>Briefings provided in 2004/5 for DDA 1995 and during January and March 2006 for Services. Covering legislation, Statutory codes and duties and impact assessment process.</p> <p>A series of follow-up meetings held and ongoing with Services to them with provide additional support and guidance.</p>	<p>Toolkit.</p> <p>Services will review and update their Service Disability Action Plan to reflect the outcomes of their reassessment and include a copy at section 6 of their Disability Toolkit.</p>		<p>implemented and reported during the three years of this Scheme to enable the Council to demonstrate how it is complying with the six strands of the new Disability Duty.</p> <p>To develop the involvement of the Corporate Disability Involvement groups with Service level preparations and implementation; including via Service own links with people with disabilities and community groups.</p> <p>See also section 2 above for progress.</p> <p>See also Section 4.7 above for Education & Children's Services assessment and action plan.</p>
8.4 Assess and consult on proposed or new policies 2006 - 2009.	Impact Assessment Guidance includes information for Services to enable them to assess proposed or new policies to ensure they meet the six strands of the new duty.	Services developing new policies should ensure they impact assess for compliance with the six strands of the new duty.	Year 1 - 3	<p>To ensure that any new functions and policies enable the Council to promote disability equality and avoid unlawful discrimination and comply with the DDA 2005.</p> <p>To ensure that new policies are included in the Year 3 reassessments for future disability schemes.</p>
8.5	Continue to keep	Services to include	Continue to	To ensure that members of the public and staff who

Actions	Corporate Responsibility	Service Responsibility	Timescale	Intended Outcomes
<p>Communication – Translation Interpreting and Communication in other Formats.</p>	<p>information and contacts contained in Translation, Interpreting and Other Formats Guidance updated to ensure ongoing provision of information in other formats including BSL, Braille, large print, audio etc.</p> <p>Copies of guidance in Disability toolkit and on intranet.</p> <p>Consideration to be given to BSL online language service when video conferencing facilities become available in the Council.</p>	<p>standard message offering information in other formats including large print, Braille, audio etc., in new and developed public information documents.</p> <p>Ensure all Service staff know how to provide information in other languages and formats.</p> <p>To monitor demand and satisfaction with supply of interpreting services and report outcomes.</p>	<p>monitor level of requests and satisfaction with information provided in other formats and report as part of annual disability progress report.</p> <p>First report to be published by December 2007</p>	<p>request BSL interpreters, information in other languages and formats are provided with this within a reasonable timescale.</p> <p>To ensure members of staff know how to provide information in other languages and formats.</p> <p>To ensure that Services have up to date information about the provision of information and services in other formats including BSL, Braille, Audio, Large Print etc.</p> <p>To ensure that Services are continuing to include the standard access message in their new and development public information documents.</p> <p>To ensure that Services are monitoring the demand and quality of supply of interpreting and information provided in other formats services to members of the public and reporting this in their annual disability progress report.</p> <p>See also section 2 above for progress.</p>
<p>8.6 Communication – General</p>	<p>Continue to use existing communication channels to publish information in line with the arrangements identified in Section</p>	<p>To use Service Level communication mediums to promote positive attitudes towards disabled persons.</p> <p>Identify new</p>	<p>Year 1 and ongoing through year 2 and 3</p>	<p>To ensure that Corporate and Service level opportunities are being identified and used to communicate and encourage a positive attitude towards people with disability.</p> <p>To utilize communication opportunities as part of the education process to raise awareness about disability for staff and members of the public.</p>

Actions	Corporate Responsibility	Service Responsibility	Timescale	Intended Outcomes
	<p>3.2 of this Scheme to promote positive attitudes towards disabled persons.</p> <p>Identify new opportunities to promote attitudes towards disabled persons.</p>	<p>opportunities to promote attitudes towards disabled persons</p>		<p>See also section 2 above – progress.</p>
<p>8.7 Consultation/involving employees and members of the public who have disabilities with development of the scheme and ongoing</p>	<p>Consultation arrangements and strategy developed see Section 3.3 of CES.</p> <p>Whenever possible consultation and involvement with the development of the Scheme and related activities will be organised corporately to avoid 'consultation fatigue'</p>	<p>To use existing Service forums to involve members of the public with disability work.</p>	<p>Consultation commenced and involvement ongoing.</p>	<p>To ensure that staff and members of the public with a disability are given opportunities to contribute to the development and implementation of disability equality in the Council.</p> <p>To ensure that the National Standards for Community Engagement are complied with in the development of the consultation/involvement approach taken at a Corporate and Service level.</p> <p>To help the Council to identify ways in which it can promote disability equality in the way it delivers services.</p> <p>See also section 2 above for progress</p>
<p>8.8 Training</p>	<p>Equalities Training arrangements and strategy see Section 3.4 above.</p>	<p>Services to continue to support employee attendance or by ensuring they are given time for equalities training and briefings etc.</p>	<p>Equalities electronic training delivered by March 2007 and employees not on line to have</p>	<p>To enable staff to identify and comply with their responsibilities in relation to the new and existing disability duties.</p> <p>To enable the Council to ensure that all staff have been provided with disability training and information to ensure they are able to provide an appropriate response</p>

Actions	Corporate Responsibility	Service Responsibility	Timescale	Intended Outcomes
		Delayed opening office meetings provide an opportunity for reminding staff and time for completing the training modules.	completed training using CDs and stand alone computers by May 2007. Training solutions for other levels of training year 1 of the scheme and ongoing.	to people with a range of disabilities. See also Section 2 above for progress
8.9 Monitoring	Set out in section 3 above the arrangements to be developed and progressed for monitoring. Analyse and report on the monitoring data currently available as below in Appendix 9.2 and as part of other reporting procedures for equalities. Work with Services to identify positive actions to improve profiles.	Human Resources and Education and Children's Services have Specific Duties as detailed above at section 3 - Monitoring. All other Services to develop monitoring as appropriate to identify profile of Service Users and any barriers preventing access to ensure there is access to information and Services for people with a disability.	Report progress made each year of Scheme. First annual report at the end of Year 1 of Scheme and as appropriate.	To ensure that all members of the public and staff have access to information in an accessible format on request. To ensure that Services have taken steps to identify any barriers to access in relation to information and Services. To ensure that Schools have data gathering systems in place as set out at Section 3 of the Scheme. To ensure that people management systems do not create any barriers preventing people with a disability accessing employment, promotion, training, etc. See arrangements required at Section 3 of the Scheme. See Section 2 above for progress.
8.10 Procurement	Corporate	Services to ensure	Year 1 and	To ensure that any Council Contracts and Service Level

Actions	Corporate Responsibility	Service Responsibility	Timescale	Intended Outcomes
and Partnerships	<p>procurement strategy to be developed to enable compliance with Disability duty.</p> <p>Guidance and information to be provided for Services</p>	<p>that all their contracts, service level agreements etc comply with the Disability Equality Duty.</p>	ongoing	<p>Agreements contain appropriate clauses to ensure compliance with the General and Specific Duties as appropriate.</p> <p>To ensure that any Council functions and services provided by others are monitored for compliance with the General and Specific duties as appropriate.</p> <p>See also section 2 above for progress</p>
8.11 Education & Children's Services (including Schools)	<p>To provide information, briefings, training and guidance to the Service nominated officers to enable them to ensure that Education & Children's Services is implementing actions to comply with the Specific Duties for Schools as stated above at Section 4 above.</p>	<p>Education & Children's Service to put arrangements in place to ensure they are able to comply with the specific Statutory duties including enabling all Schools under their management to comply with the Statutory duties. As stated above at Section 4.</p>	<p>Report progress made for each year of the Scheme towards meeting the requirements of the new duty.</p>	<p>To ensure that Education & Children's Services and Schools under their management are able to identify and comply with the six parts of the new Disability Equality Duty and build on the work carried out for ASL etc.</p> <p>To enable each School to impact the assessment of its policies and practices on equality for pupils with a disability.</p> <p>To enable Schools to provide Education & Children's Services with an annual progress report.</p> <p>All actions to ensure the six parts of the General Duty are being effectively implemented.</p> <p>See Section 4 above.</p>
8.12 Disability Harassment	<p>Develop process to enable reports of disability harassment to be made by members of the public. Involve</p>	<p>Human Resources and Education & Children's Services to review and update their existing harassment</p>	<p>During Year 1 of this Scheme and ongoing</p>	<p>To enable members of the public to make a report of disability harassment and for an appropriate response including support for victims and witnesses to be developed and delivered.</p> <p>To ensure that existing employment procedures and</p>

Actions	Corporate Responsibility	Service Responsibility	Timescale	Intended Outcomes
	Disability Involvement Groups in the development of the process.	procedures to ensure they fully comply with the new duty.		Schools procedures comply with the General and Specific Duties. See also section 2 above for progress
8.13 Reporting progress	Report progress made for Corporate Actions and coordinate reports received from Services.	Service to provide progress reports for inclusion in the Council annual reports for disability as requested. Higher level reporting for equalities is included in BMIP and OCIP.	By end of Year 1 publish a Council-wide report of progress	To identify progress made to review and update Service and Corporate Action plans as appropriate to comply with the six strands of the disability duty. To enable progress to be identified, reported and published. To enable any barriers to progress to be identified and remedial actions taken to ensure the Scheme can be fully implemented. To enable Scottish Ministers to report progress in the Public Sector. To enable internal reports of progress to be mainstreamed through BMIP/OCIP process at the appropriate level. See also Section 2 above for progress.

**Perth & Kinross Council
Corporate Disability Equality Scheme 2006 – 2009
Guidance for assessing functions and policies**

Also Available on Equality Intranet Site

GUIDANCE FOR SERVICES

The Disability Discrimination Act 1995 and Disability Discrimination
Act 2005

Assessing Impact of Existing and Proposed Functions and Policies

Contact Officer:
Equalities Planning Officer
Corporate Services
01738 475073
(Guidance updated September 2006)

Contents

Introduction: Guidance for Assessing Impact – The Disability Discrimination Act 1995 and Disability Discrimination Act 2005 plus.....

2. Roles and Responsibilities
 - 2.1 Corporate Equalities
 - 2.2 Service Representative - Corporate Equalities Sub-Group
 - 2.3 Service Manager/Service Assessor
3. Assessing Existing Functions and Policies – Completing the proforma
 - 2.1 When is a service or function or policy **relevant**?
 - 2.2 Assessing Impact - A, B, C and D
 - 2.3 Actions and Priority
 - 2.4 Recap
4. Assessing and Consulting on new and Proposed Policies
 - 4.1 Step by step guide to assessing new and proposed functions and policies
 - 4.2 Consultation – involving people with disability
 - 4.3 Review and Revise
 - 4.4 Recap
5. Publishing assessments of new or proposed policies
6. Monitoring access to information and services
 - 6.1 Monitor to identify barriers
 - 6.2 Possible barriers to access
7. Reporting Progress
8. Appendix A Blank Proforma
Appendix B Flow Plan of process
Appendix C Meaning of Disability from Statutory Code
Appendix D Examples of Good Practice excerpts – Statutory Code

Guidance for Services - Assessing Impact - Disability

The Disability Discrimination Act 1995 and Disability Discrimination Act 2005

Introduction

The purpose of assessing the impact of functions and policies is to ensure that there is no **adverse impact** preventing the Council from complying with its statutory duty to eliminate unlawful discrimination and promote equality of opportunity and positive attitudes towards disabled persons.

Adverse impact means that some functions and policies may not be fully accessible by some disabled persons thereby causing them a detriment.

Council Services, with the exception of the Human Resources Division of Corporate Services have selected to carry out individual assessment for each equality category and this guidance has been developed to help services carry out a reassessment of their functions and policies.

An initial assessment of functions and policies was carried out by Services in 2004 as part of the work to implement the Disability Discrimination Act 1995.

This guidance has been produced to enable a **reassessment** of Council functions and policies in relation to the way they impact on disabled persons and incorporating the changes in legislation.

A blank proforma (Appendix A) has been developed to record the outcome of the impact assessment and should be completed and returned with all the relevant functions and policies. A flow diagram (Appendix B) is also attached to explain the impact assessment process. Appendix C contains an excerpt from the Statutory Code of Practice for Disability outlining the meaning of disability and Appendix D includes examples of good practice from the Statutory Code of Practice for Disability.

Legislation

The Disability Discrimination Act (DDA) 1995 introduced new measures aimed at ending the discrimination which many disabled people face.

In summary:

Part I of the DDA defines the key concept of disability and disabled person and includes the schedules to the Act.

Part II contains the employment provisions.

Part III of the DDA makes it unlawful for those who provide goods, facilities and services to discriminate against disabled people.

Reasonable Adjustments

Service Providers must also make reasonable adjustments to ensure that they do not make it impossible or unreasonably difficult for disabled people to use the service.

Some types of - Reasonable Adjustments:

- i) changing practices, policies and procedures for example amending a “no dogs” policy to allow disabled people who have service dogs to enter.
- ii) Providing auxiliary aids or services – providing information in alternative formats, extra assistance or a text phone where this would make it easier for a disabled person to use an otherwise inaccessible service.
- iii) Where a physical feature, for example, a flight of steps, makes it impossible or unreasonably difficult for disabled people to use the service. Service providers must take reasonable steps to provide an alternative method of making the service available i.e. providing the service on the accessible ground floor or as from 2004 some service providers may have to install a ramp or a lift. Also from 2004 removing or altering the feature where this is reasonable or by providing a reasonable means of avoiding the feature. If the service provider is a tenant and needs the consent of their landlord to make the changes the landlord cannot unreasonably withhold this consent.
- iv) Making a Web site assessable to visually and hearing impaired people is an example of a reasonable adjustment.

The Disability Discrimination Act 2005 is being implemented during 2006 with the express purpose of reinforcing the DDA 1995 and brings in a General Duty to have due regard to the need to:

- Promote equality of opportunity between disabled people and other people
- Eliminate discrimination that is unlawful under the Disability Discrimination Act
- Eliminate harassment of disabled people that is related to their disability
- Promote positive attitudes towards disabled people
- Encourage participation by disabled people in public life
- Take steps to meet disabled people’s needs, even if this requires more favourable treatment

Definition - when is a person disabled?

A person has a disability if they have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. For further information about the meaning of disability see Appendix C attached which is an extract from the Statutory Code of Practice for Disability.

1 Roles and Responsibilities

Services have identified a Head of Service or equivalent to be their Representative on the Corporate Equalities Sub-Group and also a member of staff to carry out the impact assessment of their functions and policies and other disability related work.

1.1 The Corporate Equalities role relating to the development of the Disability Equality Scheme include the following:

- Plan, develop and deliver presentations, advice, guidance and briefings for Corporate Equalities Sub-Group members and nominated Service Managers and Service Equality contacts.
- Develop contacts with disabled persons and disability groups to co-ordinate ongoing consultation and their involvement in relation to Disability.
- Plan, manage and co-ordinate the corporate approach to consultation and involvement.
- Develop a self-assessment disability audit and co-ordinate and monitor corporate outcomes to identify progress and impact.
- Incorporate key outcomes and progress reports into the Disability Equality Schemes and other corporate annual and summary reports, as appropriate.
- Initiate reassessment of all functions and policies by Services every three years or as required by statute.
- Develop a new Disability Equality Scheme every three years to include Corporate and Service strategies and arrangements for disability.
- (Note: not all the Corporate and Service level work and actions relating to implementing the Disability Equality Scheme is listed here).

1.2 The Service Corporate Equalities Sub-Group representative main tasks include the following:

- Ensure that there is consistent implementation of equalities in their Service
- Make arrangements for completion and return of the self-assessment Disability Audit
- Report progress through their membership and regular attendance at the Corporate Equalities Sub-Group meetings and ensure Service outcomes are submitted for the Council's annual progress report on disability and as required.

1.3 Service Managers and Service Assessors' roles include the following:

- Attend corporate briefings for disability assessing.
- Assess the impact of their Service existing and new functions and policies and identify actions that need to be taken to enable compliance with the Disability Discrimination Acts 1995 and 2005 and related regulations and codes of practice.
- Reassess all Service functions and policies every three years for new equality scheme.
- Develop Service Disability (or combined equality) action plan and report progress.

- Keep track of all new policies and ensure they are impact assessed before implementation and add new policies to the service list of policies and functions to enable them to be reassessed every three years.
- Ensure that any functions or policies previously assessed as low or non-relevant are reassessed at year 3.
- Ensure that any outcomes or changes made to the new policy as a result of assessment or consultation are recorded before a new policy is implemented.
- Ensure that any monitoring outcomes are published as appropriate.
- Identify the training needs of staff to enable them to comply with the legislation and ensure that support is provided for their training and development in relation to disability.
- Provide Service Level annual progress report to Equalities Planning Officer to contribute to a Council progress report for disability.
- Provide progress reports as requested for Service and Corporate reports.

2 Assessing Impact of Existing Functions and Policies

2.1 When is a Service function or policy relevant?

- Service functions and policies need to be impact assessed to ensure that they are inclusive and do not cause a detriment or adverse impact on the basis of disability.
- Consider which functions and policies are **relevant**.
- **Relevant** in this context means that you consider if people with disability or some disabilities may experience an adverse impact as a result of the functions or policy or due to the way this function or policy is currently being implemented.
- Consider whether people with disability have different needs, experiences, issues and priorities in relation to the function or policy being assessed.
- Consider disability impact in relation to normal day-to-day activities for people with a range of disabilities which could affect their access to information or the Service: mobility, manual dexterity, physical co-ordination, continence, ability to lift, carry or otherwise move everyday objects, speech, hearing or eyesight, memory or ability to concentrate, learn or understand, or perception of the risk of physical danger.
- If you do not know if this policy is relevant but consider it might be then plan an action to find out – see Reminder below.
- Refer to Appendix C attached for more information about the meaning of disability.
- If you consider the function or policy is **relevant** you should list this on the proforma for relevant functions and policies.
- If you consider that the function or policy is **low relevance or non relevant** then list this on a proforma for low/non-relevant functions and policies and reassess at year 3 and take no further action for now.
- Consider the potential for the function or policy to eliminate unlawful discrimination, promote equality of opportunity and positive attitudes towards disabled persons. See examples of good practice as a guide at Appendix D.

2.2 Assessing Impact – sections A, B , C and D on proforma:

- A** Is there already any evidence or indications that the function or policy is affecting people with disability differently? Review Customer satisfaction surveys, complaints data etc. Insert a yes or no in column A of the proforma.
- B** Is there any public concern that the function or policy is causing unlawful discrimination – consider findings of reports such as Capability Scotland etc? Insert a tick for a yes response. Insert a yes or no in column B of the proforma.
- C** Is there any public concern that this function or policy is preventing the Council from promoting equal opportunities and positive attitudes towards disabled persons? Insert a yes or no in column C of the proforma.

Reminder

Insufficient or no information about impact may mean that you will need to carry out further work such as consultation/involvement or research with disabled persons to enable you to assess the impact.

Consultation and involvement of people with disability or those working in the area of disability will mainly be coordinated corporately to prevent ‘consultation fatigue’ and contribute to the Council encouraging participation by disabled people. Human Resources will continue to carry out consultations with Trade Unions and employees.

If common sense indicates that there is likely to be a different and adverse impact then consider what action needs to be taken to prevent this. Other actions include considering an alternative way to achieve the aims of the policy which will not have the same adverse impact.

- D** Indicate the type(s) of disability which may prevent full access to this function or policy. Appendix C attached provides more detailed information on the Meaning of Disability.

Reminder

*The weight given to disability should be **proportionate** to its relevance. In practice, this approach may mean giving greater consideration and resources to functions or policies that have the most effect on disabled persons whether they are members of the public or the Council’s employees.*

2.3 Actions and priority

- On the proforma identify actions or reasonable adjustments to be implemented for the relevant functions or policy to ensure there is no adverse impact. Also see Appendix D for examples of good practice.
- When a **relevant** function or policy has been assessed and action needs to be taken to ensure the function or policy complies with all parts of the General Duty. The actions should also be **prioritised** as follows:

Year 1 - Changes/actions need to be carried out within 1 year (High relevance) for functions and policies.

- The function or policy is relevant to all or most parts of the General Duty to eliminate unlawful discrimination, promote

equality of opportunity and positive attitudes towards disabled persons.

- There is substantial evidence that some disabled persons are, or could be differently affected or have difficulty accessing the function or policy
- Substantial public concern has been expressed about the impact of the function or policy in relation to disabled person.

Year 2 - Changes/actions need to be carried out within 2 years (Medium relevance) for functions and policies.

- The function or policy is relevant to most parts of the General Duty
- There is some evidence that some disabled persons are (or could be) differently affected
- There is some public concern about the function or policy and its impact on disabled persons.

Year 3 - In most cases this usually refers to low or non-relevant functions and policies and these will be listed separately. *Although you may identify a small improvement action in year 3 for a functions or policy you have assessed as low-relevance. Year 3 action includes reassessing all functions and policies including relevant, low-relevant and non-relevant.*

2.4 RECAP

Indicate on the assessment proforma the following information following the guidance above:

- the name of the service
- the name of the assessor(s)
- list the function or policy assessed as **relevant**
- list the low or non-relevant functions and policies separately and retain in your service for reassessment in year 3
- Where it is clear that the relevance is low or non-relevant, record the reasons why a full impact assessment is not being carried out for this function or policy. Consideration should be given to any small improvements which do not require a full impact assessment.

Note: A policy which has an extremely negative impact on a small number of disabled people will be of greater relevance than one which has only a minor impact on a large number of disabled people.

- indicate changes or actions which need to be taken to ensure the **relevant** the function or policy complies with the General Duty.
- indicate the priority given to the changes/actions i.e. year 1, 2 or 3.
- Return a copy of the completed proforma with the **relevant** functions and policies only to the Equalities Planning Officer.
- Develop a service Disability action plan by transferring to an action plan the actions from the proforma and then attribute responsibility and timescale within the priority year and a progress column for registering progress made.

- *Monitor progress and report on progress made via your Service Representative on the Corporate Equalities Sub-Group and as requested for annual and other progress reports when requested to do so by the Equalities Planning Officer.*

3. **Assessing and Consulting on New or Proposed Policies**

By assessing how new and proposed policies are likely to affect people with disabilities. You can **challenge the assumption that policies affect everyone in the same way**. Detecting any adverse impact before the policy is introduced prevents claims of unlawful discrimination, and can help to promote equality of opportunity and positive attitudes towards disabled persons.

3.1 **Step by Step Guide to Assessing:**

- Identify the **aims** of your policy or function
- Consider **who is going to be involved or affected** by your proposed policy both externally and internally
- While gathering together information around the policy, consider if there **are any obvious gaps** that need to be filled.
- Consult and involve relevant stakeholders see note above regarding Corporate organisation of consultation and involvement of disabled persons.
- **Consider any information that is already available**, for example service complaints information or customer contact information.
- Consider **the disability profile** of people in this Council area; census information is available on the intranet to help you with this. (Intranet - Chief Executive/PPM/Research and Information/A-Z – select “C”) and will be included in the Council’s Disability Scheme.
- Consider any **disability data collected at different stages** of a process, for example, when people apply for a service. If for example you identify a service which is not accessed by some groups take action to identify why this is happening.
- Refer to **previous inspection reports or research outcomes** as they relate to **disability**.
- **Compare** with similar policies in other authorities
- **Consider alternative ways** of achieving the aims of your policy and delivering your policy or function in order to minimise negative impact or eliminate unlawful discrimination and to comply with the all parts of the General Duty.

3.2 **Consultation and Involvement**

Consult and involve disabled persons who are likely to be affected by your proposed policies.

For the time being **consultation is being co-ordinated at a corporate level** to prevent ‘consultation fatigue’. If you are developing a new policy and have assessed it as likely to impact differently on some groups you can contact the Equalities Planning Officer before publishing your policy to consider how consultation and involvement can be carried out with disabled persons. Human Resources carry out consultations with Trade Unions and employees for employment policies etc.

3.3 **Review and Revise**

Review and Revise proposed policies in the light of assessment and consultation outcomes, if they indicate there is likely to be an adverse impact on some groups.

Record any changes made following consultation as results of consultation will be published as appropriate.

3.4 **RECAP**

<i>Step 1</i>	<i>identify your policy aims</i>
<i>Step 2</i>	<i>consider the data and research</i>
<i>Step 3</i>	<i>assess the likely impact on promoting equality of opportunity and positive attitudes towards disabled persons</i>
<i>Step 4</i>	<i>review policies from other authorities</i>
<i>Step 5</i>	<i>carry out consultation and record outcomes</i>
<i>Step 6</i>	<i>make a decision about the policy impact using all information available</i>
<i>Step 7</i>	<i>put in place arrangements to monitor the way the policy works</i>
<i>Step 8</i>	<i>publish the results of the assessment and consultation as appropriate</i>

4. **Publishing assessments of new or proposed policies**

If the new or proposed policy has been assessed and consulted on and the policy impacts on disabled person then record outcomes of consultation and consider the external communication options below:

- Results of assessments **can be published** and this can include:
 - Publishing results in **Perth & Kinross News** indicating the outcome from the assessment and consultation about the new policy.
- Other **public reporting mechanisms** can be used as appropriate.

If the proposed policy has been assessed and consulted on and the policy impacts on employees then consider the internal communication options below.

Publishing options:

- Internal newsletters can be used to publish the results of assessments of functions and policies related to disability and employment.
- The Perth & Kinross intranet site can be used to publish the outcomes of assessment and consultation on new policies.
- As with the outcomes of the assessments and consultations for new policies, the outcomes of monitoring undertaken to measure compliance with the general and specific duties should also be published and reported on using the normal public reporting channels.

5. **Monitoring Access to Information and Services**

5.1 **Monitoring to identify barriers**

To identify any barriers to access to information and services the following monitoring can be carried out:

- **Monitor** requests for information
- **Monitor** the use of information
- **Monitor** how services are used or not used
- **Seek feedback** from the people who use the service and information
- **Analyse complaints** about services or information
- **Consult and involve disabled persons**, including people who do not use a service(s) to identify any barriers

5.2 Possible barriers to services:

- **No knowledge** about a service
- Service provided in a way that makes it **inappropriate or inaccessible for some individuals or groups**
- **Mobility, manual dexterity, physical coordination, continence, ability to life, carry or otherwise move everyday objects, speech, hearing or eyesight or memory or ability to concentrate, learn or understand, or perception of the risk of physical danger access to information or services, Language/literacy barriers.**
- Not satisfied with a **previous experience** of using a Council service
- **Other barriers** experienced trying to access a service

6. Reporting Progress

Services should report progress corporately through via their Service Representative on the Corporate Equalities Sub-Group, BMIP reporting process, and as requested for Corporate disability/equality **annual** (anniversary of scheme – see Timetable for Service Actions developed and circulated by the Equalities Planning Officer and other reporting the Equalities Planning Officer is required to so.

Reminder: Services should ensure that they **keep their assessments of functions and policies up to date** by adding new policies as they are assessed and implemented.

7. Appendices attached to guidance

Appendix A – Proforma to be completed as part of impact assessment process
 Appendix B – Flow diagram setting out the process of assessing
 Appendix C – Meaning of Disability from Statutory Code of Practice
 Appendix D – Examples of Good Practice from Statutory Code of Practice

Contact Officer:

Equalities Planning Officer
 Corporate Services
 Extension 75073

**DISABILITY DISCRIMINATION ACT 1995 and 2005
Disability Impact Re-assessment of Service functions and policies 2006**

Service:

Contact Name:

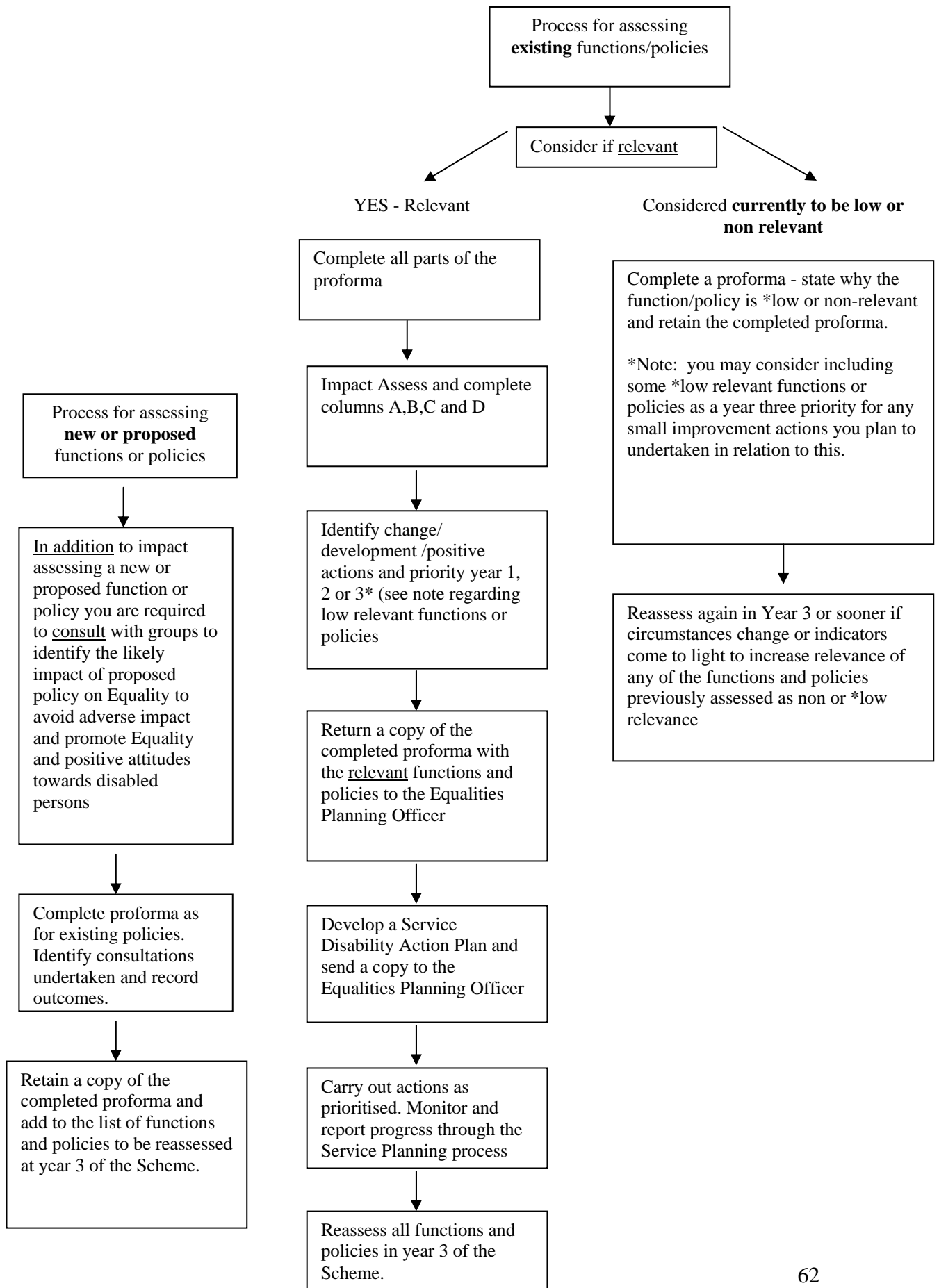
Contact Number:

First step: nominated Service Representative to attend Corporate Briefing for Disability Impact assessment and Read Guidance for Disability Re-assessing - February 2006.

<p>Second Step: list your Service relevant functions/policies below and keep a separate list of the functions and policies you have assessed as low or non-relevant in relation to disability see guidance notes 2.1 – see also notes 2.3 regarding year 3 actions</p>	<p>Third Step: Completing columns A, B or C - consider if there is evidence or reason to believe that people with some types of disability could be affected differently see guidance notes 2.2 Completing column D– see guidance notes Appendix B for types of disability and meaning of disability</p>				<p>Fourth step: Identify the action(s) required to be taken by your Service (or Corporate Actions see guidance notes 2.3 and Appendix D for examples of good practice</p>	<p>Timeframe for action to be completed by Year 1, 2 or 3 see guidance 2.3</p>		
<p>Relevant Service Functions/Policies and work practices</p>	<p>A</p>	<p>B</p>	<p>C</p>	<p>D Identify which disability(ies)</p>		<p>Yr1</p>	<p>Yr2</p>	<p>Yr3</p>

Next step: return a copy of completed proforma(s) with relevant functions and policies and your Service Disability Action Plan 2006 – 2009 to Mary McGregor, Equality Planning Officer, Standards & Compliance, Corporate Services, Perth and Kinross Council, 2 High Street, Perth (01738) 475073 and retain the completed proforma(s) with the functions and policies you have assessed this time around as low or non-relevant these will have to be reassessed at year 3 or you may have included some low-relevance functions and policies above together with small improvements to be carried out in year 3.

FLOW DIAGRAM FOR IMPACT ASSESSING FUNCTIONS AND POLICIES FOR DISABILITY



The Meaning of Disability - Disability Rights Commission - Codes of Practice

This appendix is included to aid understanding about who is covered by the Act. A Government publication 'Guidance on matters to be taken into account in determining questions relating to the definition of disability' is also available from the Stationery Office.

When is a person disabled?

A person has a disability if he has a physical or mental impairment, which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.

What about people who have recovered from a disability?

People who have had a disability within the definition are protected from discrimination even if they have since recovered.

What does 'impairment' cover?

It covers physical or mental impairments; this includes sensory impairments, such as those affecting sight or hearing.

Are all mental impairments covered?

The term 'mental impairment' is intended to cover a wide range of impairments relating to mental functioning, including what are often known as learning disabilities.

What is a 'substantial' adverse effect?

A substantial adverse effect is something which is more than a minor or trivial effect. The requirement that an effect must be substantial reflects the general understanding of disability as a limitation going beyond the normal differences in ability which might exist among people.

What is a 'long-term' effect?

A long-term effect of impairment is one:

- which has lasted at least 12 months, or
- where the total period for which it lasts is likely to be at least 12 months, or
- which is likely to last for the rest of the life of the person affected.

Effects which are not long-term would therefore include loss of mobility due to a broken limb which is likely to heal within 12 months and the effects of temporary infections, from which a person would be likely to recover within 12 months.

What if the effects come and go over a period of time?

If impairment has had a substantial adverse effect on normal day-to-day activities but that effect ceases, the substantial effect is treated as continuing if it is likely to recur; that is if it is more probable than not that the effect will recur.

What are 'normal day-to-day activities'?

They are activities which are carried out by most people on a fairly regular and frequent basis. The term is not intended to include activities which are normal only for a particular person or group of people, such as playing a musical instrument, or a sport, to a professional standard or performing a skilled or specialised task at work. However, someone who is affected in such a specialised way but is also affected in normal day-to-day activities would be covered by this part of the definition. The test of whether impairment affects normal day-to-day activities is whether it affects one of the broad categories of capacity listed in Schedule 1 to the Act. They are:

- mobility
- manual dexterity

- physical co-ordination
- continence
- ability to lift, carry or otherwise move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand, or
- perception of the risk of physical danger.

What about treatment?

Someone with impairment may be receiving medical or other treatment which alleviates or removes the effects (though not the impairment). In such cases, the treatment is ignored and the impairment is taken to have the effect it would have had without such treatment. This does not apply if substantial adverse effects are not likely to recur even if the treatment stops (i.e. the impairment has been cured).

Does this include people who wear spectacles?

No. The sole exception to the rule about ignoring the effects of treatment is the wearing of spectacles or contact lenses. In this case, the effect while the person is wearing spectacles or contact lenses should be considered.

Are people who have disfigurements covered?

People with severe disfigurements are covered by the Act. They do not need to demonstrate that the impairment has a substantial adverse effect on their ability to carry out normal day-to-day activities.

Are there any other people who are automatically treated as disabled under the Act?

Anyone who has HIV infection, Cancer or Multiple Sclerosis is automatically treated as disabled under the Act. In addition, people who are registered as blind or partially sighted, or who are certified as being blind or partially sighted by a consultant ophthalmologist are automatically treated under the Act as being disabled. People who are not registered or certified as blind or partially sighted will be covered by the Act if they can establish that they meet the Act's definition of disability.

What about people who know their condition is going to get worse over time?

Progressive conditions are conditions which are likely to change and develop over time. Where a person has a progressive condition he will be covered by the Act from the moment the condition leads to an impairment which has some effect on ability to carry out normal day-to-day activities, even though not a substantial effect, if that impairment is likely eventually to have a substantial adverse effect on such ability.

Are people with genetic conditions covered?

If a genetic condition has no effect on ability to carry out normal day-to-day activities, the person is not covered. Diagnosis does not in itself bring someone within the definition. If the condition is progressive, then the rule about progressive conditions applies.

Are any conditions specifically excluded from the coverage of the Act?

Yes. Certain conditions are to be regarded as not amounting to impairments for the purposes of the Act. These are:

- addiction to or dependency on alcohol, nicotine, or any other substance (other than as a result of the substance being medically prescribed)
- seasonal allergic rhinitis (e.g. hay fever), except where it aggravates the effect of another condition
- tendency to set fires
- tendency to steal
- tendency to physical or sexual abuse of other persons
- exhibitionism

- voyeurism

Also, disfigurements which consist of a tattoo (which has not been removed), non-medical body piercing, or something attached through such piercing, are to be treated as not having a substantial adverse effect on the person's ability to carry out normal day-to-day activities.

(Excerpt from the Disability Rights Commission Statutory Code 2006).

Examples of Good Practice – Disability

The General Duty requires public authorities to give due regard to promoting equality of opportunity between disabled persons and other persons.

Chapter 1 of the Code of Practice discusses in more depth what is meant by equality of opportunity for disabled people. The objective is that disabled people should have full opportunities and choices to improve the quality of their lives, and be respected and included as equal members of society.

If such equality were achieved this would mean for example, at a very basic level, that **disabled people who rely on additional assistance for their daily living, such as getting up and dressed, would have the same ability to determine the time at which they get up and go to bed as non-disabled people**. Where public authorities can, by giving due regard to this goal, facilitate such an outcome they are required to do so.

The General Duty required public authorities to have due regard to the need to eliminate unlawful disability discrimination in the way in which they carry out their functions. This reinforces the reasonable adjustment duties which all the anti-discrimination provisions of the Act contain (further details of which can be found in the relevant Codes of Practice). In particular, it compliments and in some cases overlaps with **the anticipatory duty to make adjustments**.

Only some provisions (those relating to the provision of good facilities and services, the exercise of a function, the use of transport vehicles, private clubs, and education) contain an “anticipatory” duty to make adjustments. An **anticipatory approach requires adjustments to be made in advance of individual disabled people attempting to use the service or access education**.

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.

An authority reviews its policy of requiring detailed medical questionnaires to be completed in advance by all applicants for employment. It is concerned that questionnaires may put off disabled applicants, and it decides that **medical questions will only be posed to successful job applicants**. It tailors its form to the particular requirements of the job, and the investigation of possible reasonable adjustments. The authority finds that not only does this improve the success rate of disabled applicants, but it also reduces costs and produces more focused occupational health reports.

For example an authority which implements a policy on harassment (whether in relation to students, tenants, customers, or employees) **that does not prohibit harassment on grounds of disability is unlikely to be paying due regard to the need to eliminate harassment**. Similarly, **an authority which adopts such a policy, but fails to implement it effectively** will be unlikely to be complying with its general duty.

Local authorities and the police can include in their community safety strategy a plan to reduce harassment of disabled people by, for example, working with local authority services, schools and transport operators.

A local mental health charity proposes establishing **support accommodation in the community for mental health service users** who are leaving hospital. The local health

board works with the charity to **ensure that local residents are aware of the nature of the accommodation** and the need for it as well as the positive benefits to the community that the residents will bring. **The health board is acting proactively to prevent potential harassment of the mental health service users.**

Whilst many people have positive attitudes towards disabled people, **some express pity, fear, and lack of respect and/or contempt.** Demeaning stereotypes or simply the absence of any representation in public images, both have very negative impacts on disabled peoples' lives. **Such attitudes are not only hurtful, but can lead to discrimination and place unnecessary restrictions on disabled people.** When exercising their functions, authorities will need to consider what they can do to eliminate ignorance and prejudice in the wider community.

In addition to **building positive attitudes toward disabled people into the ethos of the school, schools may also promote positive attitudes to disability in lessons such as citizenship** through discussion of the skills and knowledge that well known disabled people who are public figures have that enables them to play an active role as citizens. **Positive attitudes to disabled people will be particularly promoted if teaching staff ensure that the views and contributions of disabled children are valued,** for example by ensuring that disabled children who require support or advocacy to participate in debates receive it.

Scottish Executive Departments may examine their communication strategy to ensure that disabled people are positively portrayed (**although promoting positive attitudes is not limited solely to communications policies.**

When closing services, authorities should explain why reorganisation is necessary and not allow the impression to be given that such closure is as a result of having to comply with the anti-discrimination provisions of the Act (the Disability Discrimination Act would not require the closure of any service, as the duty to make adjustments requires only what is "reasonable").

For example, **selection criteria for public body appointments should be examined** to ensure that they do not make it more difficult for disabled people to succeed in applications for such posts. **Public authorities should also consider appointing non-executive directors with broader community and customer-focused experience,** as this may make the posts more open to disabled applicants.

In an **educational setting, disabled pupils can be encouraged to be on any pupil council.** Support can be organised so **that disabled pupils can participate in youth forums outside schools.** Such encouragement should respect the wishes of disabled children, so that they do not feel pushed into activities that they do not wish to take part in.

Whilst **refurbishing a staff office** may not immediately appear to be relevant to the disability equality duty, it can in fact be of particular relevance to both existing and future staff. **Poor colour contrast can affect the mobility of people with visual impairments,** whilst the nature of the flooring can have an effect on how easily wheelchair users can move around the office.

As part of its continued communication with parents, **a primary school sends a newsletter to all parents about the duty to promote disability equality.**

The newsletter **highlights the school's responsibilities towards disabled parents as well as disabled students in the school.** A definition of disability is also given so that parents who may not immediately identify as being disabled see the broad coverage of the definition. The newsletter states that the school would be very interested to hear disabled parents views on any school matter. **Disabled parents who want to give information are asked to contact the duty head to arrange an informal discussion.**

Taking active steps to ensure the involvement of disabled people is particularly important given the under representation of disabled people generally in positions which determine policies and priorities of public authorities. The **requirement to give due regard to the need to promote participation in public life** requires that steps are taken to ensure that the formal structures of governing and advising bodies are accessible to and inclusive of disabled people, for example, health boards and Local Community Planning Partnerships.

Excerpt from - Disability Rights Commission – Statutory Code of Practice 2006

1. Monitoring Data

1.1 Population Profiles - People with Disability (sources of data as indicated)

In 2003 - 24% of people with a disability aged 16 – 24% had no qualifications at all, compared to 13% of non-disabled people of the same age. Only 69% of people with a disability, who have a higher education qualification are in employment compared with 89% of people with no disability.

There are 6.8 million people with a disability who are of working age which represents 19% of the working population. In Autumn 2004 only 51% of people with a disability are in employment compared to 81% of people with no disability. (Source: Labour Force Survey June 2005).

Disabled people die younger than non-disabled people, partly because of levels of access to health screening, assessment and treatment.

One study found people with learning disabilities were 58 times more likely to die before 50 than other citizens. (Source: Disability Rights Commission)

Population projections for Perth & Kinross for 2004 – 2024 indicate an increase in the number of people in all older age groups from 65 to 90 years. This change will impact on the requirements for accessible services. Projections for this period include a 36% increase in the 66 to 69 age group. This rises in all age groups up to and including 90 years plus. The highest level of increase projected for 90 plus age group at 137%.

Scottish Executive National Statistics – Key trends for Scotland 2006

Work travel:

According to the 2005 Scottish Household Survey, there is relatively little difference in the modes of transport by which people with and without a disability/long-term illness commute to work. The most popular mode of transport for both groups is the car/van, either as driver or passenger. (67% of adults with a disability/long-term illness; 68% of adults with no disability/long-term illness). Since 1999, higher proportions of both groups are commuting to work as a car driver, and fewer travel as a car passenger.

Local Bus Services:

The Scottish Household Survey 2005 estimates that adults with a disability or long-term illness are most likely to use a bus service 2 or 3 times a week (15%) or every day/almost every day (13%). Those with no disability or long-term illness are also most likely to use a bus service 2 or 3 times a week (11%) or every day / almost every day (11%).

56% of adults with a disability or long-term illness have used a bus service in the previous month (to the survey interview). This compares to 42% of adults reporting no disability or long-term illness. Since 2002 the most marked difference in frequency of local bus use is that the proportion of adults with a disability or long-term illness using the bus every day or almost every day has increased from 9% to 13%.

Disability Rights Commission and Health Statistics

People with disability number between 1 in 5 of the population according to the Disability Rights Commission statistics. However, Health statistics suggest this may be higher. It should be recognised that access issues do affect most people at some time in their life.

Percentage of the population who have a disability or more than one disability include:

- 1.7% are estimated to be visually impaired
- 18% of people have some degree of hearing loss.
- Over 2% are wheelchair users
- 4% have learning disabilities

1.2 Staff Profiles

1.2.1 Existing staff profiles including Education & Children's Services (E&CS) as at 31 March, 2006

Total staff	6380 (includes 3,612 E&CS staff)
Females	4595
Males	1785
Number of staff who have advised they have a disability	26 (includes 9 Females and 17 Males) This figure <u>does not include</u> any staff from E&CS as <u>data is not available</u> .

The level of staff who have advised and are recorded on the personnel computer as having a disability is well below the estimates of 20-25% of the population who are estimated to have a disability. See also employee survey outcomes below.

This percentage may reflect reluctance on the part of some staff to identify themselves as having a disability and consideration has to be given to continuing to create a culture where more people feel able to do this.

Further consideration is also being given to ways in which the Council can promote disability equality in employment and this will be included in the Human Resources Equality Action Plan 2006 – 2009. 15% of existing staff with a disability are in Professional posts.

Employee Survey

The council commissioned MORI Scotland to conduct a census employee survey in May 2005 on its behalf. The purpose of the survey was to identify and explore the issues which are important to employees and the impact on their working life. A 49% response rate was achieved. It was identified that 3% of employees who responded considered themselves to have a disability.

72% think the Council is an equal opportunities employer. A second census employee survey is planned for May 2007.

1.3 Recruitment and Selections profiles and outcomes 1 October to 31 March, 2006

Total number of applicants	3639	(does include 1621 for E&CS)
Total number recruited	86 of 2018	(does <u>not</u> include E&CS outcomes)

Success Rate overall	4%	success rate (excluding E&CS)
Total number with disability	80	(taken from monitoring form)
Total number recruited with disability	2	(2.5% success rate for staff who advised they have a disability)

The percentage of those recruited with a disability is 2.5% which is lower than the 4% recruited from the rest of the group which excludes any outcomes from the Education & Children's Services applicants which are not known.

100 applicants requested a Guaranteed Interview, although only 80 identified they have a disability and this may be due to a misunderstanding about who can apply for the Guaranteed Interview Scheme.

1.4 Discipline, Grievance and Harassment

Disciplinary procedure total recorded = 35; Grievance Procedure total recorded = 23; Harassment Procedure total recorded = 12. No staff who declared they have a disability are included in the recorded processes during the six month period to March 2006. This information includes Education & Children's Services.

1.5 Exits and training access

There is no information available at present in relation to those leaving the organisation and reasons. Training is recorded but at present this does not include applications for training and success rates. Monitoring systems are currently being developed by Human Resources.

1.6 Other information

Other information available in relation to staff includes occupational stress, sickness absence, capability procedures and redeployment. In the 6 month reporting period to 31 March, 2006, there are no staff who have identified themselves as having a disability in any of these procedures.

(Data provided by Human Resources)

1.7 Education and Children's Services

Selected Pupil data information – Census 2006 (as of 13/10/06)

Disability Status	Male	Female	Total
Assessed Disabled / Declared Disabled	68	30	98
Assessed Disabled / NOT Declared Disabled	237	94	331
NOT Assessed Disabled / Declared Disabled	4	5	9
NOT Assessed Disabled / NOT Declared Disabled	7,026	6,890	13,916
TOTALS	7,335	7,019	14,354

Main Difficulty in Learning	Male	Female	Total
Significant Hearing Impairment	6	5	11
Significant Visual Impairment	6	4	10
Significant Physical or Motor Impairment	12	12	24
Significant Language or Speech Disorder	32	12	44
Autistic Spectrum Disorder	62	7	69

There are currently 48 pupils who required physical adaptations to have access to learning opportunities (29 Male and 19 Female).

The above information is incomplete as there is still information from 15 Primary schools and Glebe special school to be added to above when available.

(Data supplied by Education & Children's Services).

Contact Officer:

Mary McGregor
 Equalities Planning Officer
 Perth & Kinross Council
 Telephone 01738 475073
 mamcgregor@pkc.gov.uk