

# **Leicester City Council Disability Equality Scheme and Action Plan**

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## **Appendix 1**

### **What counts as a disability according to the law?**

(The information in this section is based on information from the Disability Rights Commission's website)

The Disability Discrimination Act (DDA) protects disabled people. The Act sets out the circumstances in which a person is "disabled". It says you are disabled if you have:

- a mental or physical impairment
- this has an adverse effect on your ability to carry out normal day-to-day activities
- the adverse effect is substantial
- the adverse effect is long-term (meaning it has lasted for 12 months, or is likely to last for more than 12 months or for the rest of your life).

There are some special provisions, for example:

- if your impairment has substantially affected your ability to carry out normal day-to-day activities, but doesn't any more, it will still be counted as having that effect if it is likely to do so again
- if you have a progressive condition and it will substantially affect your ability to carry out normal day-to-day activities in the future, you will be regarded as having an impairment which has a substantial adverse effect from the moment the condition has some effect on your ability to carry out normal day to day activities
- cancer, HIV infection and multiple sclerosis are covered effectively from the point of diagnosis
- people who have had a disability in the past but are no longer disabled are covered by certain parts of the Disability Discrimination Act 2005.

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

At least one of these areas must be substantially affected:

- mobility
- manual dexterity
- physical co-ordination
- continence
- ability to lift, carry or move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand

- understanding of the risk of physical danger.

In considering what counts as disability under the law, it's really important to think about the effect of an impairment without treatment. The Act says that any treatment or correction should not be taken into account, including medical treatment or the use of a prosthesis or other aid (for example, a hearing aid). The only things which are taken into account are glasses or contact lenses.

The important thing is to work out exactly how your impairment affects you. Remember to concentrate on what you can't do, or find difficult, rather than what you can do. For example, if, as a result of a hearing impairment, you experience difficulty hearing someone talking at a sound level which is normal for everyday conversations in a moderately noisy place, it would be reasonable to regard this as having a substantial adverse effect. Being unable to hold a conversation in a very noisy place such as a factory floor would not.

If your impairment affects your mobility, being unable to travel a short journey as a passenger in a vehicle would reasonably be regarded as having a substantial adverse effect. So would only being able to walk slowly or with unsteady or jerky movements. But experiencing some minor discomfort as a result of walking without help for about 1.5 kilometres or a mile would not.

### **What does not count as a disability?**

Certain conditions are not considered impairments under the Disability Discrimination Act 2005:

- lifestyle choices such as tattoos and non-medical piercings
- tendency to steal, set fires, and physical or sexual abuse of others
- exhibitionism and voyeurism
- hayfever, if it doesn't aggravate the effects of an existing condition
- addiction to or a dependency on alcohol, nicotine or any other substance, other than the substance being medically prescribed.

## Appendix 2

### The Council's general and specific duties under the Disability Discrimination Act 2005

#### General duties, to:

- Promote equality of opportunity between disabled persons and other persons
- Eliminate discrimination which is unlawful under the Act
- Eliminate harassment of disabled persons which is related to their disabilities
- Promote positive attitudes towards disabled persons
- Encourage participation by disabled persons in public life
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.

(The Duty to Promote Disability Equality: Statutory Code of Practice, DRC, p.13)

#### Specific duty, to:

- Produce and publish a three-year **Action Plan** which sets out how the general duties will be achieved and how disabled people are involved in this process. The action plan must be reviewed at the end of each year.

## Appendix 3

### Legislation on disability

The Disability Discrimination Act (DDA) was passed in 1995 to end the discrimination that many disabled people face. It protects disabled people in:

- employment
- access to goods, facilities and services
- the management, buying or renting of land or property
- education.

Some of it became law for employers in December 1996. Other parts were introduced over time.

For service providers (e.g. businesses and organisations):

- since **December 1996** it has been **unlawful to treat disabled people less favourably** than other people for a reason related to their disability
- since **October 1999** they have had to make **reasonable adjustments** for disabled people, such as providing extra help or making changes to the way they provide their services
- since **October 2004** they have had to make reasonable adjustments to the **physical features** of their premises to overcome physical barriers to access.

For education providers, new duties came into effect in September 2002 under Part IV of the DDA amended by the Special Educational Needs and Disability Act (SENDA). These require schools, colleges, universities, and providers of adult education and youth services to ensure that they do not discriminate against disabled people.

Under Part IV of the DDA amended by the SENDA, the duty to provide auxiliary aids, through reasonable adjustment, came into force in September 2003.

From September 2005, further and higher education institutions have been required to make reasonable adjustments to physical features of premises where these put disabled people at a substantial disadvantage.

The DDA also allows the government to set minimum standards to

help disabled people to use public transport easily.

Additionally, the DDA 2005 amends the DDA 1995 to place a duty on public bodies to promote equality of opportunity for disabled people. The Disability Equality Duty will come into force on 4th December 2006.

## **Appendix 4**

### **Examples of existing good practice in disability equality**

The 'Mystery Shopper' exercise in the Housing department involved the training of disabled people to test standards of service delivery and won the Best Value Award 2005 for the success of this collaboration and the service delivery improvements it brought.

The Social Care and Health department (now part of the new Adult and Community Services department) has a long history of consulting with and involving disabled people in the improvement of service delivery.

The system for prioritising improvements to buildings (under the Disability Discrimination Act 1995) has been developed to require evidence of the involvement of disabled people on the proposed improvements before any works can take place.

The Disability Information Network (DIN) is an accessible website for disabled people to gain information, explore the world of the internet, and communicate with others electronically. Special terminals were designed and set up to facilitate use by people with severe impairments. The team from Social Care and Health (now part of the new Adult and Community Services department) responsible for the development of the website and terminals won national praise and awards.

The website can be accessed through the Council's main website on [www.leicester.gov.uk](http://www.leicester.gov.uk) or directly through [www.ldicn.org.uk](http://www.ldicn.org.uk) .

## **Appendix 5**

### **The Council's strategic priorities**

The Council adopted a new Corporate Plan for the period 2003 - 2006, which is currently being renewed. The Council's aim is to make Leicester more attractive for our diverse communities to live, work and invest in. The Corporate Plan contains specific actions against which the Council will be measured in regard to its performance as a service provider.

As part of the Corporate Plan's commitment to 'build on Leicester's history of including people from all backgrounds in a cohesive community free to pursue peace and prosperity' are the following actions:

- Improving and promoting community cohesion in Leicester (Community Cohesion Strategy)
- Creating equality of opportunity in services provided to citizens, service users and visitors to the city.

The Council cannot operate in isolation in achieving the vision for Leicester.

One of the main partnerships for coordinating the work of different public agencies, voluntary organisations and businesses is the Leicester Partnership. The Partnership has developed a Community Strategy for Leicester which sets out the key challenges the Council and all its stakeholders face to improve the social, economic and environmental well-being of local citizens, and details what actions will be undertaken to bring about positive change.

The goals are to:

- Facilitate people's opportunities to have a full and active life in the city
- Promote trust and understanding between the faith communities and good relations among all communities in Leicester
- Develop services and policies that reflect the changing needs of the population
- Ensure that a decent home is within the reach of every citizen in Leicester



- Work in partnership with agencies in Leicester to improve sporting opportunities for black and other ethnic minority communities and for disabled people.

The Leicester Partnership's Community Cohesion Strategy (March 2004) was developed in partnership with the Council and external organisations committed to working towards community cohesion in the city. The main themes of Community Cohesion Strategy are:

- Supporting the social integration of communities in Leicester
- Working with and supporting young people
- Building confidence and a sense of belonging in Leicester
- Addressing the immediate social tensions in the city
- Improving communication and information.

## Appendix 6

### Corporate structures in place

#### **Elected Members**

The Head of Human Resources and Equalities meets with a 'link' Cabinet member on a monthly basis to discuss equalities at a corporate strategic level.

The **Resources and Corporate Issues Scrutiny Committee** has the remit for the scrutiny of the Council's performance in delivering its equalities agenda, including the promotion of disability equality. Members of this Scrutiny Committee review proposed policies prior to their agreement by Cabinet, and scrutinise the performance of the Council in meeting its statutory responsibilities and strategic objectives. **Other scrutiny committees** will consider Equality Impact Assessments and service planning issues related to services within their particular service portfolios.

#### **Area Committees**

Area Committees have so far been set up in 4 of the 9 areas into which the city is grouped. They are for everyone who lives in the area and are open for anyone to attend. They are held in accessible buildings and use accessible forms of communication. The Area Committees engage local people to help them shape and improve the quality of life in their area, by influencing service provision, kick starting new initiatives and spending money directly on public priorities.

In deprived communities it is often disabled people who experience the biggest disadvantages. In 2006 Leicester will also set up new **Neighbourhood Management** arrangements in the five most deprived neighbourhoods of the city. Funded largely by the Neighbourhood Element of the Safer Stronger Communities Fund, the Neighbourhood Management schemes will work by engaging local people to take an active role in developing and delivering a neighbourhood plan to improve the neighbourhood and the quality of life for its residents.

#### **Council Officers**

The **Corporate Equality Strategy Group** (CESG) co-ordinates disability equality work across the city council. The Corporate Equality Strategy Group is accountable to the **Corporate**

**Directors' Board**, a group of senior managers with responsibility for taking decisions about corporate working and performance management.

The **Equality Standard Steering Group (ESSG)** was established to implement the Equality Standard for Local Government. The Council has achieved Level 3 of the Standard and is currently working to achieve Level 4. The work on the Equality Standard incorporates the requirements of the Disability Discrimination Act 2005.

Most departments have **departmental equality groups** which meet on a regular basis to discuss equalities issues.

**Departmental equality officers** are responsible for ensuring that equalities issues are incorporated into departmental service plans which are drawn up on an annual basis and feed into the overall corporate budget.

#### **Other corporate bodies**

The Council's **Disabled Employees Group** meets regularly, and has a site on the Council's intranet. This group, and other disabled employees, has a key role in contributing to the Disability Equality Scheme and Action Plan and to its continuing development.

The Council's **Joint Trade Unions** have their own programme of events related to equalities issues.

#### **Community engagement mechanisms**

During the past year, the Council has carried out a broad range of **consultation** to support the ongoing development of its corporate equality strategy. The Disability Equality Scheme and Action Plan build upon these findings.

Activity on disability equality feeds into the **Equality and Diversity Partnership** of the Leicester Partnership, of which the Council is a member.

## Appendix 7

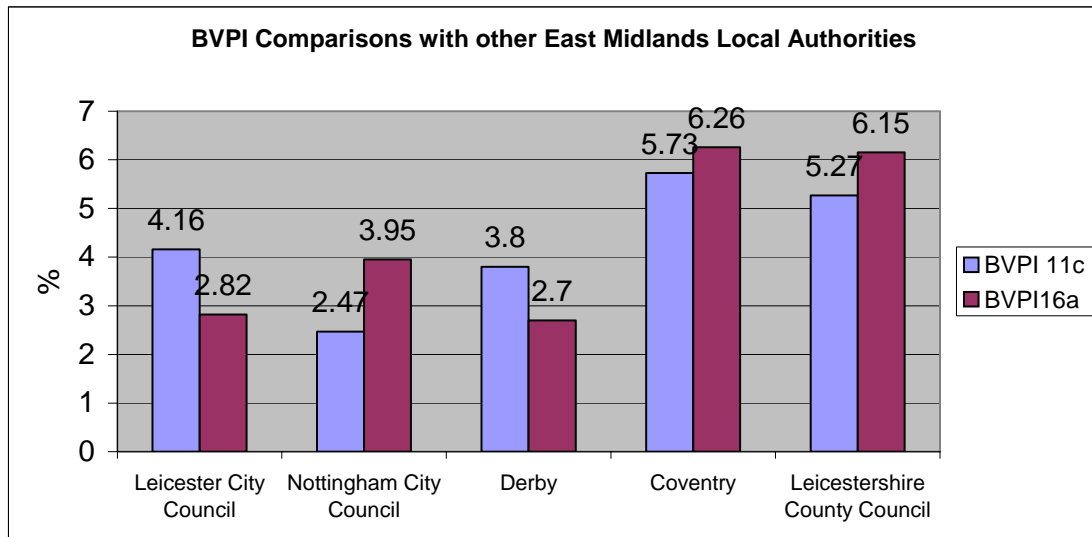
### 2005 MORI Residents Survey: Equality-Related Findings for Customer Satisfaction: Disabled residents

Q44: Respondents were asked how satisfied or dissatisfied they were with the following services in Leicester. Responses are in order of net satisfaction.

	<b>Service Users Only</b>		<b>All respondents</b>	
	<b>Disabled people</b>	<b>All respondents</b>	<b>Disabled people</b>	<b>All respondents</b>
	<b>Satisfaction</b>	<b>Satisfaction</b>	<b>Satisfaction</b>	<b>Satisfaction</b>
Street lighting	76%	70%	70%	73%
Libraries	84%	85%	66%	69%
Refuse collection	67%	66%	68%	67%
Leicester / Beaumont Leys Market	77%	73%	68%	66%
Parks, open spaces and play areas	58%	61%	48%	55%
Museums	84%	70%	57%	52%
Recycling facilities	49%	53%	51%	51%
Adult education	58%	74%	41%	46%
Cemeteries and crematorium	61%	65%	53%	45%
Arts, culture and entertainments	45%	42%	46%	41%
Primary schools	49%	65%	34%	42%
Swimming pools/sports facilities	40%	53%	29%	39%
Family centres, nursery schools	68%	72%	29%	36%
Street cleaning	32%	28%	23%	30%
Secondary schools	76%	50%	33%	29%
Road maintenance	20%	24%	11%	22%
Cycle lanes / facilities for cyclists	-4%	18%	16%	21%
Social services for children	-17%	29%	15%	21%
Community, neighbourhood and youth centres	64%	46%	14%	21%
Allotments	8%	49%	15%	18%
Social services for adults	22%	29%	17%	17%
Council housing	51%	36%	19%	16%
Pavement maintenance	2%	-2%	-18%	-1%
Public toilets	-36%	-38%	-36%	-36%

## Appendix 8

### Best Value Performance Indicators



**Source: Leicester City Council Best Value Performance Indicators 2005/06**

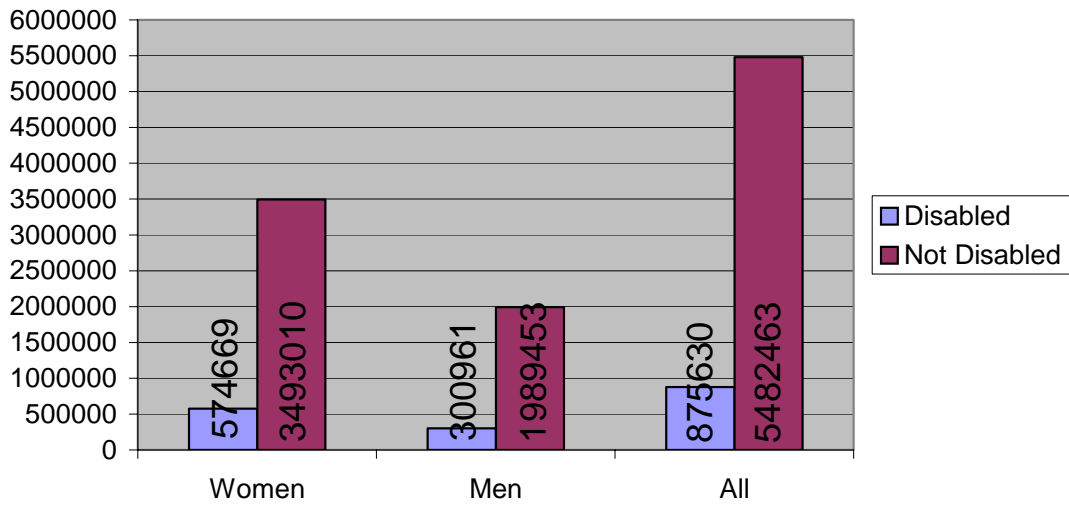
#### **BVPI 11c – Top 5% of Earners with a Disability**

Does not include casuals, temporary employees with less than one year's service or teachers in schools.

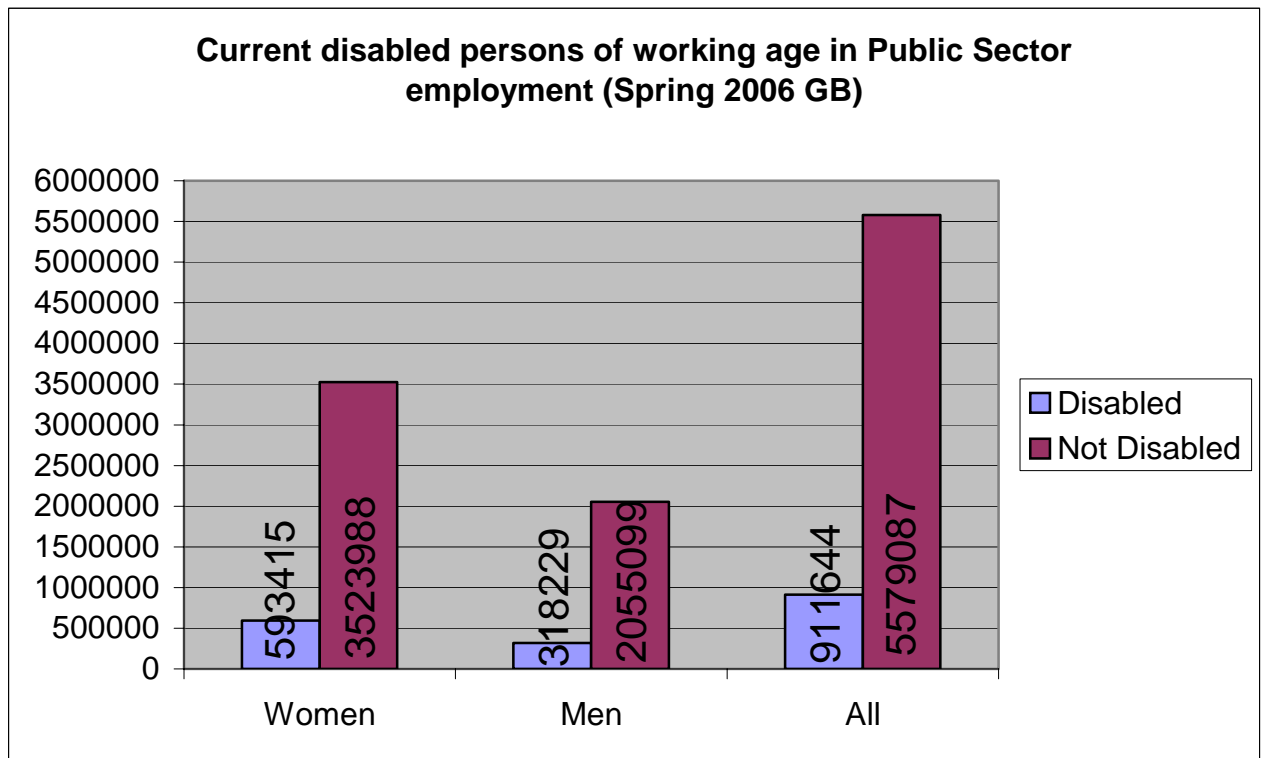
#### **BVPI 16a - Percentage of Employees with a Disability**

Does not include school staff, casuals or temporary employees with less than one year's service.

**Current disabled persons of working age in Public Sector  
Employment (Spring 2005 GB)**



Source: ONS Spring 2005



Source: ONS Spring 2006

## Appendix 9

### Disabled people – a national picture

Some key facts and figures about disabled people

- There are about 11 million disabled adults (about 4.6 million are over State Pension Age) and about 770,000 disabled children in the UK. (These figures include people with limiting longstanding illnesses)
- The annual spending power of disabled adults is around £80 billion.

(Both estimates use data from the Family Resources Survey)

Analysis from the Autumn 2004 Labour Force Statistics (LFS) indicates that:

- There are 6.8 million disabled people of working age in Britain, one fifth of the total working age population. Fifty two per cent (3.5 million) are men and forty eight per cent (3.3 million) are women.
- Disability rates increase with age. Whilst 9 per cent of adults aged 16-24 are disabled, this increases to over 40 per cent for the 50 to retirement age group.
- In Autumn 2004, the overall employment rate for disabled people in Britain was 51 per cent, compared with 81 per cent for non disabled people.
- Employment rates vary greatly according to the type of impairment a person has. Disabled people with mental health problems have the lowest employment rates of all impairment categories, at only 21 per cent. For people with learning difficulties, the employment rate is 26 per cent.
- The unemployment rate for disabled people (7 per cent) is nearly twice that for non disabled people (4 per cent).
- Disabled people are three times more likely to be economically inactive as non disabled people (45 per cent compared with 15



per cent). However, over one third of inactive disabled people said they would like to work.

- Disabled people in employment are more likely to work in manual and lower-skilled or unskilled occupations, and less likely to work in managerial, professional and high-skilled occupations.
- At £9.52 per hour, the average gross hourly pay of disabled employees is about 10 per cent less than that of non disabled employees (£10.43 per hour).
- Disabled people are still only half as likely as non-disabled people to be qualified to degree level and are twice as likely as non disabled people to have no qualification at all.

(The information above comes from the Disability Rights Commission's Disability Briefing, June 2005)

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