

COMMUNITY SUPPORT AND SAFETY SCRUTINY SUB-COMMITTEE

NOTE FOR MEMBERS

- Project title:** Disabilities - Review of arrangements on meeting statutory requirements
- Project brief** To determine how well the Council is meeting its statutory requirements in the provision of opportunities and services for those with disabilities

1. BACKGROUND

1.1 Members of the Community Support and Safety Scrutiny Committee scheduled a review of how effective the Council is proving in meeting its statutory obligations in respect of those with disabilities.

1.2 At its meeting on Tuesday 7 January, Members requested that officers attend the meeting of the Sub Committee on Wednesday 5 February with a full briefing on arrangements for meeting the needs of the disabled and details of a mystery shopper exercise which will further inform the Sub Committee's Review.

1.3 Please find attached two reports from officers in respect of this review. The first has been written specifically for this Sub Committee to inform its review and gives details of the mystery shopper exercise planned (section 35) as well as outlining some of the ways in which Sub Committee members may want to contribute to arrangements. The second report, scheduled to go to the Executive on 28th January, is on Equality, Diversity and Community Cohesion and should be read in conjunction with the first report below.

Item No.	Classification: Open	Committee: Community Support and Safety Scrutiny Sub-Committee.	Date: 5 February 2003.
From: Head of Social Inclusion		Title of Report: Southwark's Disability Strategy.	

1. PURPOSE

2. This report informs Members of the progress being made the by the Council in meeting its statutory duties in relation to the provision of opportunities and services for people with disabilities and invites the sub-Committee's views on this.
3. The report further invites Members to contribute to the development of the Corporate Equality Action Plan, (further discussed at paragraph 12 below) which is currently being developed by a Chief Officer Team, and will be available for wider consultation in March 2003.

4. CONTEXT

5. The Disability Discrimination Act, 1995, places a legal duty on the Council in a number of areas, and provides the legislative framework within which the Council must operate to comply with the law.
6. The Act was passed in 1995 to end the discrimination which many disabled people face. It protects disabled people in the areas of:
 - employment;
 - access to goods, facilities and services and;
 - the management, buying or renting of land or property.
7. Some of these measures became law for employers in December 1996. Others will be introduced over time. For the Council this means that :
 - 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 we have had to make reasonable adjustments for disabled people, such as providing extra help or making changes to the way we provide our services;
 - from 1ST October 2004 we will have to make reasonable adjustments to the physical features of our premises to overcome physical barriers to access.
 - In addition, it requires schools, colleges and universities to provide information for disabled people and allows the Government to set minimum standards to assist disabled people to use public transport easily.
8. The Act has been supplemented by 2 important further pieces of law:

- The Human Rights Act 1998 has the potential to impact on a wide range of equality related matters. It is particularly relevant in respect of people who may be vulnerable because of physical or mental impairment;
 - The Employment Directive 2000/78/EC, which restates the principle of “equal treatment” in the context of sexual orientation, religion or belief, disability and age. The disability provisions take effect in October 2004.
9. The legislative framework is set out in greater detail in the attached Committee report, at Appendix 1, which was considered by Executive Committee on 28 January.

10. MATTERS FOR CONSIDERATION.

11. The Council is seeking to go beyond the bare minimum requirements of the legislation. It is accordingly developing a strategy, which mainstreams disability into the broad social inclusion agenda and builds disability issues into a corporate framework that addresses Equality, Diversity and Social Cohesion in a holistic manner. This work is being taken forward by the Chief Executive led Chief Officers team. The report at Appendix 1 sets out this approach in detail.
12. Members are advised to note that a key feature of the strategy is the preparation of a Corporate Equalities Action Plan (CEAP) for consultation in March of this year. Early discussions on the content of the CEAP have identified employment, service provision and delivery, equality of access and political and community leadership as the four key areas that the Plan might cover.
13. In summary, the Council is adopting an integrated approach to meeting, and indeed exceeding the legal requirements of Act and other related legislation. The specific disability related work can be set out under five main work strands:
- Developing a vision for disabilities in the borough;
 - Acting on the key messages of the Best Value Review of Disabilities;
 - Developing a Disability Equality Scheme;
 - Taking forward the disability access audit of the Council’s public buildings.
 - Implementing a pilot model customer access project;

14. Developing a vision for equalities in the borough

15. The Best Value review of Disabilities sets out the Council’s vision for disabilities. It is based on the understanding that disabled people are citizens who should enjoy the same rights, choices and opportunities as others who live, work or use their leisure time in Southwark. We recognise that for many disabled people there is a significant gap between this ambition and the reality of their daily lives.
16. The Council has a major role to play in tackling discrimination and social exclusion faced by people with disabilities. We will do this:

- Through our community leadership role, ensuring that the voice of disabled people is heard and listened to in all the arenas where decisions are made that affect the future of the borough and its people;
- By improving access for disabled people to the full range of Council services and working with our partners to create services that are accessible, sensitive and appropriate to the needs of disabled people in Southwark;
- By providing specific services where disabled people need additional or different provision to enable them to lead fulfilling lives;
- By improving our record as an employer who welcomes employees who are disabled.

17. Acting on Key messages of the Best Value review.

18. We are making progress on a number of the key recommendations of the Best Value Review, notably:

- **Acting to make adjustments to premises.** This is discussed in more detail at Paragraph 27 onwards below.
- **Better Meeting Communication Needs.** This is discussed in more detail at Paragraph 33 onwards below.
- **Developing staff awareness.** Central disability awareness training has been ongoing during 2001/02, and take-up is high. Opportunities will be increased, including sign language courses. It is also proposed that a Disability Access Guide is produced during 2003 to outline the Council's commitment to accessible service delivery.

19. Developing a Disability Equality Scheme (DES).

20. Building on the experience of the Race Equality Scheme we are preparing a DES. This is being prepared as part of the Council's strategy for addressing Equality, Diversity and Social Cohesion and our statutory responsibilities under the Disability Discrimination Act 1995. It encompasses Southwark's vision as set out in the Disability Best Value Review.

21. The DES will be an important milestone in the Council attaining Level 2 of the Equalities standard, which we are committed to achieving by April 2003, and details of which are set out further in the attached Committee report.

22. There are a number of aims and objectives we are seeking from the DES:

- A clearer picture and process for identifying and addressing the most immediate concerns, issues and priorities for the Council in terms of disability equality;
- A more informed, open and systematic process for decision making across all Council functions;

- Services which are better oriented and more effectively delivered to disabled people
 - A more reliable and faster way to identify when things are going wrong or when discrimination is taking place in order to put things right;
 - Greater confidence among all groups but particularly among disabled people in the borough.
23. The DES mirrors the format of the Southwark's Race Equality Scheme (RES), published in May 2002, under the requirements of the Race Relations (Amendment) Act 2000. (Further explanation of the RES can be found in Appendix 1.) Its key feature is the requirement to carry out equality impact assessments.
24. The aim of an Impact Assessment is to identify whether a council policy or practice differentially impacts on a particular group, and if so whether that differential impact is justified. Where policy or practice discriminate in a way that cannot be justified, then action to change policy and practice is required. Impact assessments relate to a concept of proportionality. Greater analysis and if necessary change to policy and practice should occur for those policies and services that have the greatest impact. As far as possible Impact Assessments should become integrated in other core processes, such as policy review, Best Value review and annual service planning.
25. The rationale behind applying the standards of the RES to our disability agenda is to ensure that the exacting standards, enshrined in law, related to race equality are applied consistently to disability across the Council. In due course this will be extended to other areas of equality, such as gender, sexuality, age and religion and belief.
26. Like the RES, the DES will be rolled out on a three year programme, subject to annual review.
- 27. Taking forward the disability access audit of the Council's public buildings.**
28. An audit of 116 operational properties (excluding schools and neighbourhood housing offices) has been undertaken in order to identify measure necessary under the DDA to improve accessibility by the public and employees. The findings of the audit, including proposed priorities and investment implications are currently being taken forward by a small sub-group of officers, established by the Chief Officers Group.
29. The sub-group is working on a physical access plan to support access to the Council's public buildings. The proposed Plan is attached at Appendix 2. The plan adopts the philosophy of the DDA in applying a proportionate response to access, which meets the "reasonableness" requirement of the legislation. The key features of the strategy are that ground floor access to public buildings is ensured, and appropriate aids/signage etc are in place to improve accessibility to service provision.
30. The sub-group is working on capital costs of compliance with the DDA in order to prioritise the most urgent work, to allow public access to the ground floor of

buildings and to plan a rolling programme to bring other buildings into compliance.

31. It is proposed that a programme is developed in accordance with the proposed access plan. To ensure value for money, it may be advisable, in certain buildings, to carry out less urgent work identified as part of the same contract for the physical access requirement. It is anticipated that work will start towards the end of this year, to ensure compliance by October 2004.

32. The Housing Department have conducted their own audit and are currently developing a programme for works.

The sub-group will be having discussions with WS Atkins to establish their position in relation to access to schools, and will seek a statement from them on the matter.

The sub-group is seeking to clarify the potentially more complex situation where the Council has a freehold or landlord interest in community buildings.

33. Better meeting communication needs: Implementing as pilot model customer access project

34. A pilot exercise is being implemented to test service provision and delivery of a Council front line service. The pilot will take place at the Peckham One Stop Shop within the next three weeks.

The exercise has three stages, as follows:

35. Stage One: A mystery shopping exercise

This will be carried out by Disability Matters Ltd, who Southwark contract to deliver disability training to staff. They will use using experienced mystery shoppers (disability advisers) with the following impairments:

- learning difficulties
- mental health needs
- mobility impairment
- hearing impairment
- visual impairment

The staff will not be aware of the exercise.

The five shoppers will report on:

- the general accessibility of the Peckham One Stop Shop in respect of their impairment.
- staff performance in responding to an agreed request for information or assistance

36. Stage Two: An access audit of the Peckham One Stop Shop.

37. This will be carried out by Disability Matters using their specialist access auditor. The audit will focus on the accessibility of the service, of which the building forms only part. The audit will be pan impairment, and make recommendations for improvement in access.

38. The audit report will embrace:

- physical access including parking, approach, entrances, reception, doors, surfaces, circulation, stairs, lifts, toilets, seating, counters, telephones, signs, wayfinding, lighting, acoustics and means of escape etc;
- objective records of past training on disability awareness;
- communications and signage;
- accessibility of information (a sample of literature available at the Peckham One Stop Shop);
- the availability of useful assistive technology such as Induction Loops, Textphones, Fax machines, Text enlargers, local Website access.

39. Stage Three :Implementation and Review.

Following implementation of any short and medium term recommendations arising from the mystery shopping and the audit, the mystery shopping exercise will be repeated to measure and benchmark the improvements. We anticipate carrying this out approximately 12 months following the date of the access audit. We intend that the follow up mystery shopping exercise will be carried out by local residents, trained by Disability Matters.

40. The lessons learnt will be shared in order to inform the council's Customer Access Strategy.

41. An update on progress on the pilot will be presented to this sub-Committee when it next meets, on 4 March. Officers have commissioned Disability Matters to attend the meeting to present early interim findings and discuss the project in more detail.

42. CONSULTATION.

43. This report has not been consulted upon widely, as it effectively adds more detail to the information already contained within the report to Executive of 28 January.

That report sets out proposals to set up an External Challenge Panel (ERP) comprising key community leaders and experts. Their role will be to advise on the content of policy and practice, on ways of consulting communities and to challenge the rigour of impact assessments and outcome monitoring. Members of the ERP have had sight of that report.

44. BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Executive Committee Report 28 January 2003: Equality, Diversity and Community Cohesion: Update on policy and proposed challenge function..	Social Inclusion Division Southwark Town Hall	Jules O'Mahoney.

Lead Officer	Nathalie Hadjifotiou		
Report Author	Jules O'Mahoney		
Version	Final.		
Dated	25.01.03		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER			
Officer Title	Comments Sought	Comments included	
Borough Solicitor & Secretary	N/A	N/A	
Chief Finance Officer	N/A	N/A	
List other Officers here			
Executive Member	N/A	N/A	
Date final report sent to Constitutional Support Services			27.01.03.

APPENDIX 2.

DRAFT ACCESS PLAN.

The Disabilities Discrimination Act 1995 requires that from 1st Oct 2004 building occupiers make reasonable adjustments to the physical features of premises to overcome physical barriers to access.

To address DDA requirements Southwark should develop a strategy whereby priorities are agreed and a programme of work planned.

The strategy proposed below acknowledges the reasonableness requirement and seeks to make a proportionate response given local circumstances. Implementation of the strategy will be informed by the access audit of all municipal and housing buildings and the mystery shopping exercise at Peckham One Stop Shop.

The following order of priorities is proposed:

1. Ensure access to the ground floor of buildings to which the public have access
2. Provide the necessary facilities at ground floor level for people with disabilities to receive service / information generally available to the public with supporting management arrangements, if necessary, and after consultation as appropriate.
3. Provide audio aids in all reception, interview areas and places of public assembly or for entertainment.
4. Ensure that buildings have clear and precise information and directional signage.
5. Prepare schemes with costs to bring other buildings into compliance with Parts II & III of the DDA and arrange for a rolling programme of financing.
6. Incorporate proposals to provide visual aids to assist people with sight impairment into future redecoration / refurbishment schemes.
7. Similarly incorporate more substantial works into major refurbishment / alteration schemes.
8. Set up a monitoring procedure to ensure the programmes set are implemented, to monitor use, identify problems and ensure that remedial action is taken where necessary.
9. Officers to review best contractual and packaging arrangements to ensure value for money.