

Item No. 5.	Classification: Open	Date: 21st July 2004	Meeting Name: Council Assembly
Report title:		Deputation Requests	
Ward(s) or groups affected:		All	
From:		Chief Executive (Borough Solicitor & Secretary)	

RECOMMENDATION

1. That Council Assembly decide whether or not to receive the following deputations and should it agree to do so, at which meeting they should be received:
 - (a) Darren P Burns Consultancy (see paragraph 2).
 - (b) BACC 84 Tenants and Residents Association (see paragraph 3).
 - (c) Southwark Mind (see paragraph 4)

BACKGROUND

2. Darren Burns, a disability consultant/disability rights campaigner has requested a deputation to ask for a meeting of a working party charged with the reassessment of Council policies around the needs of the disabled demographic in light of the Disability Discrimination Act. Mr Burns believes further action is required before the implementation of the last section of the Act in six months time.
3. The BACC 84 Tenants and Residents Association has requested a deputation to oppose any planned closure of the Aylesbury Day Centre.
4. Southwark Mind has also requested a deputation to oppose any planned closure of the Aylesbury Day Centre.

KEY ISSUES FOR CONSIDERATION

5. In accordance with Council Procedure Rule 3.7 (3) the request that a deputation be received stands referred to Council Assembly to decide whether or not it wishes to receive the deputation, or whether it wishes to refer the deputation to an appropriate Committee/Sub-Committee.

Council Procedure Rule 3.7 (9) sets out the procedures to be observed at Council Assembly meetings:-

Composition of Deputations

The deputation shall consist of no more than six persons, including its spokesperson.

Speech on Behalf of the Deputation

Only one member of the deputation shall be allowed to address the Council Assembly, her or his speech being limited to 5 minutes.

Questions

Members of the Council Assembly may ask questions of the deputation which shall be answered by their spokesperson or any member of the deputation nominated by her or him, for up to 5 minutes at the conclusion of the spokesperson's address.

Debate

At the conclusion of the questions, the deputation may remain (subject to any resolution excluding attendance of the public) but shall take no further part in the proceedings.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Comments from the Chief Executive on the Darren Burns Consultancy Deputation

6. 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.
7. 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.
8. Some of these measures became law for employers in December 1996. Others were to be introduced over time.
9. 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.
10. 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.
11. The Council’s commitment to delivery across the entire Equalities, Diversity and Social Cohesion agenda is set out in the Corporate Equalities Action Plan, (CEAP) which was adopted by the Executive on 4 November 2003.
12. The CEAP says what we will do to ensure that in the areas of leadership, service provision and delivery, employment and participation. We are designing and developing our activities to ensure that we are meeting the Council’s vision of our community’s entitlement to equality of opportunity and access. This entitlement is built on shared values of mutual respect and sense of belonging, where every member of the community can exercise their right to fully participate in the range of services and activities to which they are entitled.
13. The Council’s framework for addressing disabilities is firmly embedded within the CEAP, and the Plan contains a number of actions that pick up key messages from the Council’s Best Value Review of Disabilities. Thus the Plan contains a clear commitment to ensuring that through our community leadership role, we will ensure that the role 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. Similarly, it commits us to improving our record as an employer that welcomes employees who are disabled. In terms of service delivery, we will improve access to Council services and develop services that are accessible, sensitive and appropriate. This means also adapting existing, or developing new, services so they can suit differing needs.
14. The Plan has been developed by the Chief Officers’ Equalities sub-group, led by the Chief Executive, which meets bi-monthly to assess progress. A number of key developments under the Plan are set out below. They give a flavour of progress against some of the key corporate targets and identify where the Council is in terms of compliance with the Act.

15. These are:
 - Implementing the disability access audit of the Council's public buildings, and making appropriate changes to comply with the Disability Discrimination Act.
 - The Equalities Impacts Assessment process;
 - Development of a Southwark Disability Access Guide;
16. Work is currently well underway to meet the Council's duties in respect of the improvements needed to achieve compliance with those requirements of the Disability Discrimination Act that come into force in October 2004. The key features of the strategy for compliance are that ground floor access to public buildings is ensured, and appropriate aids/signage etc are in place to improve accessibility to service provision.
17. This work is being managed on behalf of the Council by Property, with the help of Southwark Building and Design Services, (SBDS). Officers from SBDS have recently made presentations at a Chief Officers Equalities sub-group, an Overview and Scrutiny Committee and at the Equality and Diversity Panel to inform on progress so far, and to demonstrate some of the improvements that have already taken place in some of the Council's main public buildings. Indeed, given the importance of the Council in terms of leadership and best practice, this presentation was the lead item at the Scrutiny sub-committee.
18. It should be remembered however that works will not be required in all cases, and that it is equally important that local managers take steps to implement the small management changes that may in certain circumstances be all that is needed for compliance in many cases.
19. The Housing Department has a separate programme for their housing offices, funded under the HRA, to achieve compliance. At present, approximately 90% of the required work is complete, and Housing have contracted to carry out any outstanding recommendations and DDA work to sheltered housing units for completion by October 2004.
20. The Education Department has, in accordance with the legislative requirements under the Disability Discrimination Act, as amended by the Special Educational Needs and Disability Act 2001, consulted on and published its Accessibility Strategy by April 2003. The needs of the legislation, which are to increase accessibility over time, will be achieved by;
 - Incorporating accessibility criteria into all major capital schemes;
 - Phased implementation of schools of their accessibility plans;
 - Using DfES and local resources to ensure the specific accessibility needs of individual pupils are addressed;
 - Developing a focus on key schools as local centres to establish a geographical spread of accessible schools across the borough.

21. Throughout the course of the year a number of impact assessments have been carried out across the Council, assessing the impact of our activities in respect of race, gender and disability. The requirement to carry out impact assessments flows from the requirements of the Race Relations Amendment Act 2000, and Southwark, in accordance with best practice, has extended their remit beyond race to include wider equalities dimensions, including disability.
22. The purpose of impact assessments is to test our services for compliance with relevant equalities legislation and, where we identify that an activity might have an adverse effect on a particular group, to take steps to put this right. The process is subject to rigorous challenge from an external Equality and Diversity Panel, which includes members of key disability agencies in the borough, including Southwark Children and Families Alliance, Southwark Disablement Association, the Disability Forum and Southwark Community Care Forum. The Panel has been exceptionally helpful in raising issues of concern and providing expert advice to those services that have presented their impact assessments to them.
23. The impact assessments have identified a number of gaps in how we deliver services to people with disabilities, and how they are involved in service development.
24. So, for example the Housing impact assessment identified that they had insufficient data on ethnicity and disability. In order to redress this they are now developing a standard questionnaire to collect data, and amending their repair satisfaction forms to record ethnicity and disability.
25. The Community Safety Division, currently working with older people on their Elder Care Project, are committed to targeting people with disabilities, following the findings from their impact assessment.
26. The Economic Development Division are now taking steps to ensure that all contracting processes include a requirement for diversity policies, good employer codes and effective monitoring, to specifically include disability. They are also committed to ensuring that their marketing and publicity materials attempt to promote positive images of BME groups, women and people with disabilities.
27. On a very practical level, feedback from service users has resulted in the Council agreeing that it needs better management of pavements when it is carrying out works. So now the Council has decided that where we use contractors to carry work, we'll make them use much clearer signage with our contractors, to minimise the risk to people with disabilities.

28. In relation to accessibility generally, Southwark has recently entered into an arrangement with DisabilityGo, an independent company, to carry out an audit of public and private sector properties in Southwark. The aim of the scheme is to enable people with disabilities to find information on local amenities, to enable them to make informed choices about the services and facilities they might wish to access in the borough. The Social Policy Team worked with members of the external Equalities and Diversity Panel (Southwark Disablement Association, the Disabilities Forum and Southwark Access) in assessing the scheme. This has ensured that a degree of expertise and disability perspective could be brought into the process to establish whether this would be a useful resource for Southwark residents with disabilities, and indeed for people outside the borough, who might wish to make use of the diverse range of leisure, entertainment and other opportunities that Southwark offers.
29. The proposal is for DisabilityGo to carry out an audit of no less than one thousand premises in Southwark, to assess their disabled access. This information is held on their website, which can be linked to Southwark's Internet access. The thousand sites will be selected by consultation with the Council and local disability organisations. Key locations (e.g. the Globe, Tate Modern, London Eye, transport hubs, any major Council buildings we wish to out into the programme) could be on the website as well as other Council facilities, local restaurants, hotels, conference facilities etc.
30. DisabilityGo's audits are carried out from a disability perspective. So, for example, where there are car parking facilities, their audit will identify the park surface, so that a disabled person can make the judgement as to whether they might need additional support to negotiate (for e.g. a gravel surface) or can use a self-powered wheelchair.
31. DisabilityGo use 16 symbols, ranging from staff attitude, to handrail facilities, loop system, assistance dogs etc to inform a user of facilities available. So, for example, a person wanting to check into a hotel could see height of beds, evacuation plans, whether there is fixed furniture, to better inform their decision to stay there. This would be done at the customer's discretion and according to their personal needs. The beauty of the scheme is that it provides disabled people with informed, discreet choice.
32. The DisabilityGo website is fully compliant with best practice on website access. So for example, a user can change the typeface, format and background to meet their individual needs. Equally, where there are hearing impaired needs these can also be met.
33. All the action detailed above has been widely consulted upon. Indeed we are grateful for the input both in a supportive and a challenge capacity that we've received from the representatives of key communities on how we take the disability agenda forward.

Comments from the Strategic Director of Social Services on the BACC 84 Tenants & Residents Association and Southwark Mind Deputations

34. The Executive agreed on the 13th April 2004 the Commissioning Strategy for day care and community based services for adults with physical disabilities. The strategy had previously been considered at the Physical and Neuro/Sensory disabilities Partnership Board and the Health and social Care Scrutiny sub-Committee in February and March 2004 respectively. The key components of the strategy are:
- A commitment to maintain and improve day care and community based services for adults with physical disabilities
 - A recognition of the continuing need for day care for service-users with the most complex and highest level of needs
 - A wider range of community based services and opportunities including the development of outreach and access services
35. The Executive also noted the intention, in line with previous Executive decisions, to present a further report on the outcome of tendering for a new provider of day care (as required by Contract Standing Orders).
36. The need for continuing day care has been established through the community care assessments, service user and other consultations and the Best Value Review of Disabilities. In addition it has been established that such a service needs to exist alongside a wider range of services in the community. The wider range of options will include:
- Access to work and volunteering opportunities
 - Adult education, college and training
 - Leisure opportunities
 - Access to and use of mainstream and universal services available to all Southwark residents – including council offices and services, health facilities, libraries etc.
37. In the first instance the Aylesbury Day Centre building will continue to be used as a base for the new range of day services ranging from building based day care to assertive outreach. Its characteristics will begin to change to include:
- Continuing day care on site for those users with the highest level of need
 - A one-stop shop range of services that can be accessed from the centre (job-seeking support, adult education/training, advice etc.)
 - Additional interim funding to resource an assertive outreach team of support staff that would provide access to mainstream services in a similar style to the Learning Disabilities service. The cost of the extra investment is £250,000 for the year 2004-2005. This is to be funded by part of the Access and System Grant
 - Continuing the combined use of the building with voluntary organisation such as Southwark Disablement Association (SDA) but also, potentially including other day care services and possibly the Physical Disabilities Assessment and Care Management Team.
 - Beginning the process of tendering for one or more external organisation to manage the range of day care and community based services for people with physical disabilities

38. As stakeholders in the Aylesbury Day Centre are aware the Southwest corner of the Aylesbury Estate is a potential site for regeneration. Therefore, if regeneration plans are approved by the Executive, the building will be affected. This is not likely to happen for 2-3 years. The Regeneration Department presented a paper to Executive in March 2004 and the employment of an expert consultant architect to draw up detailed plans for further consideration was agreed. If the site of the Aylesbury Day Centre building forms part of the regeneration plan then Social Services needs to:
- Ensure the above characteristics remain in place
 - Ensure close partnership working between the Social Services and Regeneration Departments
 - Re-provide a smaller Day Centre on the current site or on/in a different site/building; either through a purpose built state of the art building or the suitable conversion of another building. Re-provision could also include office accommodation and social housing for people with physical disabilities. The overall range of services would then be provided from a number of sites
39. Some service users at the Aylesbury Day Centre have asked for an independent input into the development of the day service. In response, the Department intends to employ an independent expert consultant in the field who would:
- Review the robustness of the commissioning strategy
 - Work-up detailed proposals, in partnership with service users and liaising as appropriate with the Regeneration Department
 - Be accountable to a working party sub-group of the Physical and Neuro-Sensory Disabilities Partnership Board (including users and carers)
 - Assist in the tendering process for the new provision
40. The Executive has decided that existing in-house day care services, including the Aylesbury Day Centre, should be transferred to external management through the process of negotiated tender. The development of the alternative day care services is likely to require the close involvement of service providers with a track record in service redesign and continuous improvement in the change management process. The expert consultant will assist directly in this process.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Deputation Request File	Town Hall, Peckham Road, London SE5 8UB	Lesley John 020 7525 7228

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