



DERBY CITY COUNCIL

## DISABLED PEOPLE'S ADVISORY COMMITTEE 23 SEPTEMBER 2004

Report of the Director of Policy

### **Delivering equality for disabled people – consultation on extending the Disability Discrimination Act**

#### **RECOMMENDATION**

1. To nominate a few members for a small one-off focus group to discuss the consultation document in detail and then give comments for the Council to consider for inclusion in its formal response to the Department for Work and Pensions.

#### **SUPPORTING INFORMATION**

- 2.1 In December 2003, the Government published the draft Disability Discrimination Bill. The draft Bill will amend the Disability Discrimination Act 1995 in a number of very significant ways and these include:
  - widening the definition of disability to clearly include more people with HIV, cancer and multiple sclerosis from the point of diagnosis, as at present this isn't guaranteed
  - extending the Disability Discrimination Act to cover discrimination in relation to transport, as at present only the transport infrastructure is covered
  - introducing a duty on the public sector, such as local councils, to promote disability equality and this parallels the Race Relations Amendment Act
  - extending the Disability Discrimination Act to cover most functions of public authorities. At present, the Act is not clear for example on issues relating to disabled prisoners and access to pavements and highways
  - extending the Disability Discrimination Act's duties on landlords and managers of premises to include a duty to make reasonable adjustments to policies, practices and procedures. This also covers providing auxiliary aids and services, where reasonable, to enable a disabled person to rent a property and facilitate a disabled tenant's enjoyment of the premises
  - extending the Act to cover any club with 25 or more members
  - extending the Act to cover disabled councillors.
- 2.2 The Bill will implement many of the Disability Rights Task Group's recommendations and aims to close some of the loopholes in the Disability Discrimination Act and to extend disabled people's rights.

- 2.3 A Joint Committee of MPs and Members of the House of Lords considered the draft Disability Discrimination Bill. They published a report recommending ways that the Government should improve the draft Bill to provide better opportunities for the UK's 10 million disabled people. The Government has now produced a response to these recommendations and although not all the recommendations have been accepted, some have. In particular, the Government plans to remove a major barrier which makes it difficult for people with mental health impairments to take cases under the Disability Discrimination Act. The Government also agreed to remove from the draft Bill a pre-condition that says the positive duty applies 'where opportunities for disabled people are not as good as those for other persons'.
- 2.4 Two key measures in the Bill, as previously mentioned, will extend the Disability Discrimination Act to cover the functions of public authorities and to impose a positive duty on public bodies to eliminate discrimination and harassment and promote equality of opportunity for disabled people. It is these two measures in particular, that the Department for Work and Pensions are asking people to give their views on. A summary of the consultation document is attached to this report. Copies of the full consultation document are available to members who want one. The consultation period ends on 21 October 2004.

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<b>Background papers:</b>	Delivering equality for disabled people consultation document
<b>List of appendices:</b>	Appendix 1 – Implications Attachment – Delivering Equality for disabled people - summary



## IMPLICATIONS

### Financial

1. None.

### Legal

2. The Draft Disability Discrimination Bill will have a major impact on disabled people's legal rights to equality.

### Personnel

3. We have already informed our Disabled Employees Network about the consultation document and they will also be giving us their views to be included in the formal response.

### Equalities impact

4. Just as the Race Relations Amendment Act requires public bodies to carry out race equality impact assessments, the positive duty in the Disability Discrimination Bill will require us to conduct disability equality impact assessments. We are already introducing an equality impact assessment process, which covers a wide range of equality target groups.

### Corporate objectives and priorities for change

5. The work being done in this area links directly to:
  - the Council's new objectives of **job opportunities, education and protecting and supporting people**
  - the Council's priority to **respond to people's needs appropriately, on time and first time, by developing a customer-focused culture, using new technology and investing in the Council's buildings to provide modern working environments for service delivery and employees.**
  - The Council's priority to **enhance our community leadership role through partnership working and listening to, and communicating with the public.**

