
Questionnaire - Consultation on a New Code of Practice (The Duty to Promote Disability Equality)

The Disability Discrimination Act 1995 will be amended by the Disability Discrimination Bill to place a duty on all public sector authorities to promote disability equality. The duty on the public sector will have a significant impact on the way in which all public services are run and on improving the lives of disabled people.

The draft Code of Practice explains how the legislation seeks to improve equality for disabled people by placing this new duty on the public sector. We would welcome your views on this draft Code of Practice. We will revise the Code on the basis of comments and aim to produce a final Code in December 2005.

Please note:

The draft Code is based upon the Disability Discrimination Bill and upon regulations relating to the specific duties neither of which have been approved by Parliament, and thus may be subject to change.

We would be most grateful if you could complete this questionnaire. Please answer each question by ticking the relevant box and writing any comments in

the box provided. Please send completed questionnaires and/or written responses in the Freepost envelope provided to:

Post: DRC Consultation
Chelmsford Data Centre
NOP World
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CHELMSFORD
CM1 1ZZ

You can send responses electronically by Email to:
Consultation@NOPWORLD.com

**Responses to this consultation must be received
by Friday 22 April 2005.**

There are two Versions of this draft Code of Practice – one for **England and Wales** and one for Scotland.

Please tick the box indicating which version you are responding to:

England and Wales.... ✓

Scotland

The closing date for this consultation is 22 April 2005. We need to receive your comments on or before that date.

Please fill in your name and address or that of your organisation if relevant.

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Equality Standard Project Manager

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Derby DE1 2FS

Responses will remain confidential unless respondents indicate by ticking this box that they may be made available to the public on request.

Section One – Yourself and your organisation

The questions in this section will enable us to have a better understanding of who has responded to this consultation.

Q1a If you are responding as a private individual, please indicate where you are based.

Wales.....

Scotland

England.....

Q1b If you are responding on behalf of an organisation, please indicate which countries your organisation covers.

Wales.....

Scotland

England.....

Q2a In which capacity are you responding to this questionnaire?

On behalf of:

- A representative organisation.....
- Central or devolved governments.....
- A Local Authority.....
- A health sector organisation.....
- An education body.....
- A criminal justice body.....
- An employer, or,.....
- As an individual.....
- Other – please tick box and describe below.....

Members from our Disabled People’s Advisory Committee and Disabled Employees Network have helped us put together our response

Q2b If responding on behalf of a representative organisation are you a:

- Voluntary organisation of disabled people.....
- Voluntary organisation for disabled people.....
- Trade union or professional association.....
- Other representative organisation – please tick box and describe below.....

Q2c If responding as an individual are you a:

- Disabled person.....
- Parent or carer of a disabled person.....
- Practitioner – lawyer etc.....
- Other – please tick box and describe below...

Q3 If you are responding as a representative of an organisation. How many people does it employ?

- Up to 50.....
- 51 to 100.....
- 101 to 500.....
- 501 to 1,000.....
- 1,001 to 5,000.....
- 5,001 and over....
- Don't know.....

Section Two – Chapter evaluation

This section of the questionnaire covers the individual chapters within the Code of Practice.

Chapter 1: Introduction

Q4 How much of Chapter 1 have you read?

- Read all/most of it.....

- Read about half.....
- Read less than half.....
- Not read any of it.....

If you have not read any of chapter 1, please go to Q8 of the questionnaire – all others please continue with Q5.

Q5 How strongly would you agree or disagree that Chapter 1 is clear and easy to understand?

- Agree strongly.....
- Tend to agree.....
- Neither agree nor disagree.....
- Tend to disagree.....
- Disagree strongly.....
- Don't know.....

Q6 Is there sufficient explanation of the issues addressed in Chapter 1?

- Too much.....
- About right.....
- Too little.....

Q7 Are there any comments that you would like to make about Chapter 1?

Where relevant please mention paragraph numbers. We welcome both positive and negative comments. Please write in the box below.

We found this chapter very useful and liked the examples in it. We felt it was a good tool to tell us how the new positive duty would work.

We did feel that the code needed to be written in plain English.

In paragraph 1.13, we felt that the first bullet point was not clear enough and could be seen as discriminatory.

Another point we want to make is that it would be better to use the term 'employees' rather than 'staff' as some manual workers may not identify with this description.

Chapter 2: The General Duty

Q8 How much of Chapter 2 have you read?

- Read all/most of it.....
- Read about half.....
- Read less than half.....
- Not read any of it.....

If you have not read any of Chapter 2, please go to Q12 of the questionnaire – all others please continue with Q9.

Q9 How strongly would you agree or disagree that Chapter 2 is clear and easy to understand?

- Agree strongly.....
- Tend to agree.....
- Neither agree nor disagree.....
- Tend to disagree.....
- Disagree strongly.....
- Don't know.....

Q10 Is there sufficient explanation of the issues addressed in Chapter 2?

- Too much.....
- About right.....
- Too little.....

Q11 Are there any comments that you would like to make about Chapter 2?

Where relevant please mention paragraph numbers. We welcome both positive and negative comments. Please write in the box below.

In 2.2 we felt the description of 'due regard' wasn't clear at all. However, we did like the examples, particularly about car parking policies as these can have a negative impact on disabled people as the example demonstrated.

Another example you might want to include is that of

bollards and street furniture on pedestrian walkways. There seems to be a fashion nationally for local councils to install stainless steel bollards and street furniture. Stainless steel street furniture creates particular barriers for visually impaired people as there is very little colour contrast and the light reflects off the metal. An impact assessment would highlight this difficulty.

Another example could be used to highlight the difficulties faced by disabled people when advertising boards are allowed on the public pathways.

2.9 included a 40 word sentence and again we felt this needed plain English editing.

We were concerned that the author of the code did not appear to grasp the understanding of the social model of disability. The code kept referring to people's disability, rather than impairment.

We were also concerned that monitoring by impairment seemed a very medical approach. It appeared to us that you had just copied the Race Relations Amendment Act requirement of monitoring racial groups and transferred this requirement to suggest monitoring by impairment specific groups.

Chapter 3: Specific Duties

Q12 How much of Chapter 3 have you read?

- Read all/most of it..... ✓
- Read about half.....
- Read less than half.....
- Not read any of it.....

If you have not read any of Chapter 3, please go to Q16 of the questionnaire – all others please continue with Q13.

Q13 How strongly would you agree or disagree that Chapter 3 is clear and easy to understand?

- Agree strongly.....
- Tend to agree.....
- Neither agree nor disagree.....
- Tend to disagree.....
- Disagree strongly.....
- Don't know.....

Q14 Is there sufficient explanation of the issues addressed in Chapter 3?

- Too much.....
- About right.....
- Too little.....

Q15 Are there any comments that you would like to make about Chapter 3?

Where relevant please mention paragraph numbers or examples. We welcome both positive and negative comments, as well as any examples which you may wish to provide. Please write in the box below.

We felt 3.5 was not easy to understand as it was set out in a legal context. In 3.8, we felt that the signing of the introduction of the Disability Equality Scheme, could the appropriate Chief Officer and / or Cabinet member.. Our own Equality Scheme is due to be signed by the Chief Executive and the Leader of the Council.

We didn't feel this section flowed as well as the other sections.

We felt 3.17 was a particularly long sentence.

Under 3.31 we liked the example, but we felt it was important that each government department is consistent in giving clear messages of equality for disabled people. For example, building consultants are interpreting the Building Regulations differently. Local councils, who have an Access Officer and are committed to access for disabled people, are insisting that say, for example, lifts are provided to upper floors of new developments. But, where a developer goes to a private consultant for Building Regulations

approval, they are interpreting the regulations differently. So, you could have two new developments, one uses the council's building consultancy and the other uses a private agency and the result is that one is accessible and the other is not.

In 3.72, we agree it is important to use employees with disability expertise to work on the Scheme. It is not clear whether or not you are suggesting this should be an additional dedicated resource. It is up to each public authority to decide how to resource the work. Here in Derby, we do have a dedicated two-person Access Team in our Building Consultancy Team. We also have an Equality Standard Project Manager who co-ordinates work on the Equality Standard for Local Government and will link the new positive duty into this, just as she does for the positive duty under race. Both the Access Officer and the Equality Standard Project Manager are very experienced in disability equality. .

Chapter 4: Public Authorities

Q16 How much of Chapter 4 have you read?

Read all/most of it..... ✓

Read about half.....

Read less than half.....

Not read any of it.....

If you have not read any of Chapter 4, please go to Q20 of the questionnaire – all others please continue with Q17.

Q17 How strongly would you agree or disagree that Chapter 4 is clear and easy to understand?

Agree strongly.....

Tend to agree.....

Neither agree nor disagree.....

Tend to disagree.....

Disagree strongly.....

Don't know.....

Q18 Is there sufficient explanation of the issues addressed in Chapter 4?

Too much.....

About right.....

Too little.....

Q19 Are there any comments that you would like to make about Chapter 4?

Where relevant please mention paragraph numbers or examples. We welcome both positive and negative comments, as well as any examples, which you may wish to provide. Please write in the box below.

In 4.13 we thought you could give an example of how care homes should be accessible for disabled people, particularly if local councils are contracting with them to provide the care service. There have been occasions, where disabled relatives have not been able to access care homes to visit.

In 4.14 we felt that consideration needed to be given to government helping voluntary and community groups in making their services accessible so that they can compete on equal terms for tenders.

Chapter 5: Enforcement of the Disability Equality Duty

Q20 How much of Chapter 5 have you read?

- Read all/most of it.....
- Read about half.....
- Read less than half.....
- Not read any of it.....

If you have not read any of Chapter 5, please go to Q24 of the questionnaire – all others please continue with Q21.

Q21 How strongly would you agree or disagree that Chapter 5 is clear and easy to understand?

- Agree strongly.....
- Tend to agree.....
- Neither agree nor disagree.....
- Tend to disagree.....
- Disagree strongly.....
- Don't know.....

Q22 Is there sufficient explanation of the issues addressed in Chapter 5?

- Too much.....
- About right.....
- Too little.....

Q23 Are there any comments that you would like to make about Chapter 5?

Where relevant please mention paragraph numbers or examples. We welcome both positive and negative comments, as well as any examples, which you may wish to provide. Please write in the box below.

We felt that you could include an example about enforcement action in this section.

Section Three – Appendices

Q24 Did you read any of the Appendices to the Code of Practice?

Yes..... Go to Q25

No..... Go to Q26

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Q25 Are there any comments that you would like to make about any of the Appendices?

Please write in the Appendix number that your comment relates to. We welcome both positive and negative comments.

Appendix Number	Comments
B page 81	We felt this would be much clearer if bullet points were used, so that you could link when someone is a disabled person, to people who have recovered.
C page 86	We felt the bottom page going on to page 87 was a very long sentence and needed to be broken down.

Section Four – Code of Practice overall

Q26 How strongly would you agree or disagree that the Code of Practice provides you with a clear understanding of the duties that apply to public bodies and others with obligations under the Act under the revised Disability Discrimination Act?

- Agree strongly.....
- Tend to agree.....
- Neither agree nor disagree.....
- Tend to disagree.....
- Disagree strongly.....
- Don't know.....

Q27 If you disagree strongly or tend to disagree please tell us where the Code is unclear and/or how it could be improved. Please write in the box below.

In parts the code was very clear, but in others it was very unclear. We felt this was down to different people writing the code and also because it had not been plain English edited. There were many examples of very long sentences, which were quite hard to understand. If the code is to be used to its full potential, then it is really important it is written clearly

for people to understand.

Q28 Are there any other comments you would like to make about the draft Code of Practice? Can you suggest ways in which the draft Code of Practice could be improved?

We welcome both positive and negative comments. Please write in the box below and continue on a separate sheet if necessary.

See answer to the previous section.

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Q29 The DRC will be producing a range of guidance on the new duties.

Set out below are some suggestions for guidance. Please tick boxes on the right to indicate what you consider to be the top 5 and write in the box below suggestions for further guidance.

- 1. General Overview and Introduction.....
- 2. Guidance for Disabled People.....
- 3. Involvement of Disabled people.....
- 4. Monitoring.....
- 5. Local Authorities.....
- 6. Health and Social Care.....
- 7. Housing.....
- 8. Local Transport Plans.....
- 9. Planning.....
- 10. Highways.....
- 11. Education – FE and HE.....
- 12. Education – Schools.....
- 13. Procurement.....
- 14. Employment Practices.....
- 15. Effective Impact Assessments.....
- 16. Parish Councils.....
- 17. Advisory Bodies.....

Our organisation has so many roles that we could not just give the top 5.. We thought it might be useful if you could do a guide for voluntary and community

groups when they want to tender to provide council services.

Thank you very much for taking the time to complete this questionnaire. Please return it in the Freepost envelope provided. You do not have to put a stamp on the envelope.

For further copies or copies in accessible formats (such as Braille, audio cassette, disk and large print) please contact the DRC Helpline. There are 2 versions of this Code – one for England and Wales and one for Scotland – please specify which version you require.

Telephone: 08457 622 633

Textphone: 08457 622 644

For a link to the online Questionnaire and the Questionnaire and Codes of Practice in downloadable formats please use the DRC website: www.drc-gb.org

Responses to this consultation must be received by Friday 22 April 2005.

If you require this publication in an alternative format and/or language please contact the helpline to discuss your needs. It is also available on the DRC website:

www.drc-gb.org

The DRC Language Line service offers an interpretation facility providing information in community languages and is available on the DRC Helpline telephone number.

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