



Delivering equality for disabled people – summary

A consultation on the extension of the Disability Discrimination Act to functions of public authorities, and the introduction of a duty to promote equality for disabled people

Executive summary

The purpose of this consultation

1. The Disability Discrimination Bill will complete the Government's reforms of civil rights legislation to deliver effective rights for disabled people.
2. Two key measures in the Bill will extend the Disability Discrimination Act (the DDA) 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.
3. This consultation sets out and seeks views on the Government's plans in respect of the principal regulation-making powers affecting the public sector, and will allow the Government to explain the proposed content of Regulations, to inform Parliament during its consideration of the Bill.

Extension of the DDA to cover functions of public bodies

4. The Bill will ensure that all the activities of the public sector are covered by the DDA. At present, disabled people are not protected by civil rights legislation when bodies exercise 'public functions' – a term that includes, for example, powers of arrest, and other activities that may usually only be conducted by public sector bodies.
5. The Government recognises that the relationship disabled people have with bodies exercising public functions is broadly similar to the relationship disabled people have with service providers, and therefore the new provisions are closely modelled on the requirements the DDA places on service providers.
6. This means that the Bill will make it unlawful to treat a disabled person less favourably in the exercise of a public function, and place an anticipatory duty of reasonable adjustment on public authorities.
7. The consultation seeks views on the guidance the Disability Rights Commission (DRC) should issue to support the implementation of this change, and on the possible use of regulation-making powers to define whether certain adjustments should be considered to be 'reasonable' adjustments.

The duty to promote equality

8. The Bill will also introduce a positive, statutory duty on public authorities to promote equality of opportunity for disabled people. This duty is closely modelled on the duty to promote race equality introduced by the Race Relations (Amendment) Act 2000, and will require public authorities to have due regard to the need to:
 - eliminate unlawful discrimination against disabled people;

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- eliminate unlawful harassment of disabled people; and
 - promote equality of opportunity for disabled people.
9. The Bill will give the Secretary of State (and Ministers in Scotland) the power to use regulations to impose specific duties on public authorities to help them comply with this duty. This consultation sets out the Government's plans for using these powers.
 10. The Government intends to require bodies which can have a significant impact on equality for disabled people to produce a Disability Equality Scheme that sets out how the body intends to comply with the duty to promote equality. The consultation lists the bodies the Government will expect to produce Disability Equality Schemes, and seeks comments.
 11. Regulations will set out some key requirements of Disability Equality Schemes. They will need to state how bodies:
 - have involved disabled people in developing the Disability Equality Scheme;
 - will assess the impact of their activities on equality for disabled people;
 - will improve outcomes for disabled people;
 - will monitor whether outcomes are improving for disabled people; and
 - will use the results of their monitoring.
 12. The Government will expect bodies to report on progress annually, and to revise their Disability Equality Scheme within three years of publishing the Scheme.
 13. The consultation seeks views on whether these proposals represent a fair balance between taking action to improve outcomes for disabled people, and placing burdens on public authorities. It also seeks views on key topics the DRC guidance should cover to help public authorities implement the duty to promote equality.
 14. Insofar as the consultation involves devolved matters in relation to Scotland, it should be viewed as being carried out jointly by the Department for Work and Pensions with the Scottish Executive.

Next steps

15. This consultation will run from 23 July 2004 to 21 October 2004. The Government expects that the new duties will be implemented no earlier than late 2006, to allow sufficient time for the DRC to produce guidance, and for public authorities to implement the new duties effectively.

Versions are available in Braille, large print, audiocassette,
a British Sign Language (BSL) tape, an easy guide, Welsh and Welsh summary from:

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