

REPORT TO: EQUALITY ACTION COMMITTEE – 14 MAY 2001

REPORT ON: “TOWARDS INCLUSION – CIVIL RIGHTS FOR DISABLED PEOPLE – GOVERNMENT RESPONSE TO THE DISABILITY RIGHTS TASK FORCE CONSULTATION DOCUMENT

REPORT BY: DIRECTOR OF NEIGHBOURHOOD RESOURCES & DEVELOPMENT

REPORT NO: 294-2001

1.0 PURPOSE OF REPORT

1.1 To inform Committee of the proposals within the above report and seek approval for recommendations.

2.0 RECOMMENDATION

It is recommended that the Committee:

- 2.1 note the Government’s response to the Disability Rights Task Force report.
- 2.2 agree to the views of Departments being sought and collated by the Directors of Corporate Planning and Neighbourhood Resources and Development to inform the Council’s response to the Minister for the Disabled.
- 2.3 remit to the Equality Action Task Group (Disability), where appropriate, the changes to legislation and policy resulting from above response/or recommendations.

3.0 FINANCIAL IMPLICATIONS

3.1 None

4.0 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 The following key themes have relevance to the contents of this report:
- Diversity and local distinctiveness are valued and protected
 - All sections of the community are empowered to participate in decision making.
 - Facilities, services, goods are accessible to all.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 This report is concerned with proposals to improve the effectiveness of anti-discrimination legislation and to increase participation for disabled people.

6.0 BACKGROUND TO THE REPORT

- 6.1 In December 1999, the Disability Rights Task Force published "From Exclusion to Inclusion," with 156 recommendations for Government action across all areas of disabled peoples’ lives.
- 6.2 The “Towards Inclusion” consultation document discussed in this report is the Government’s response to these recommendations. It contains legislative proposals on which the views of employers, public authorities and others are sought.

7.0 SUMMARY OF THE GOVERNMENT'S RESPONSE

- 7.1 The government proposes that the definition of disability should be extended to include people with HIV, those diagnosed as having cancer and those registered with a Local Authority or certified with an ophthalmologist as blind or partially sighted.
- 7.2 It is proposed to remove from the Disability Discrimination Act 1995 the provision that allows employers to justify a failure to make reasonable adjustments. It also proposes that training in disability issues, in the use of equipment and providing support or access to external support should be included as examples of reasonable adjustments.
- 7.3 The Government propose to remove exemption from the Disability Discrimination Act for employers of less than 15 people and to extend the employment provisions of the Act to members of Local Authorities in England and Wales. No mention is made of the position in Scotland.
- 7.4 The general requirements on access to goods, facilities, jobs and services should ensure that Local Authorities are as accessible to elected members as to members of the public and employees.
- 7.5 There is a proposed extension of the time limit by which tribunals may consider allegations of discrimination. The present arrangements exclude many people who may have suffered illness and distress resulting from the alleged discrimination.
- 7.6 It is proposed to include a range of voluntary workers in the Disability Discrimination Act in order to open up opportunities for volunteers.
- 7.7 It is also proposed to place a legal duty on public authorities to promote equality of opportunity for disabled people.
- 7.8 Positive action measures are proposed which will require careful consideration.
- 7.9 Tribunals would be empowered to recommend re-instatement or re-engagement under the employment provisions of the Disability Discrimination Act. The extension of time limits for issuing of questionnaires and the requirement to draw inferences that are fair and equitable following failure to respond are also proposed.
- 7.10 It is proposed to make it unlawful for employers to instruct or pressurise other people to discriminate and the Disability Rights Commission would be empowered to take action in such situations.
- 7.11 Finally, there are provisions on letting of residential premises. Current practice within the City Council is excellent in terms of the provision of adaptations for disabled tenants and the proposed changes to legislation should make it possible for such good practice to become the duty of social landlords following the transfer of housing stock.

8.0 COUNCIL RESPONSE

- 8.1 It is recommended that the views of all Departments on these proposals be sought and collated by the Directors of Corporate Planning and Neighbourhood Resources and Development who will prepare a response to the Minister for Disabled People.

9.0 CONSULTATION

- 9.1 The Chief Executive and the Directors of Corporate Planning, Finance, Housing, Support Services and Personnel and Management Services have been consulted and are in agreement with the contents of this report.

10.0 BACKGROUND PAPERS

10.1 The following background paper as defined by Section 50D of the Local Government (Scotland) Act 1973 was relied on to a material extent in preparing the above report.

Department for Education and Employment Report "Towards Inclusion – Civil Rights for Disabled People – Government Response to the Disability Rights Task Force".

Director, Neighbourhood Resources & Development

Date

FRP/ADB/OS/AHPH (TowardsInclusion)
Amended 2 May 2001