THE EXECUTIVE

22 NOVEMBER 2005

REPORT OF THE DIRECTOR OF CORPORATE STRATEGY

This report is submitted under Agenda Item 6. The Chair will be asked to decide if it can be considered at the meeting under the provisions of Section 100B(4)(b) of the Local Government Act 1972 as a matter of urgency.

THE SOCIAL MODEL OF DISABILITY	FOR DECISION

Summary:

This report introduces the Social Model of Disability (SMD) (definition attached as appendix A) and makes recommendations that the Council formally adopt it by 3 December 2005 (International Day of Disabled People). The objective is to adopt the SMD ahead of the introduction of the Disability Discrimination Amendment Act (DDAA 2005). The DDAA 2005 requires the Council to positively promote disability equality, which is also the philosophy underpinning the SMD.

Once adopted, the Council will oversee the practical implementation of the SMD change programme over a six year timescale this gives the Council and its partners enough time to carry out the actions. The Council will also provide leadership to the local strategic partnership, including the voluntary and community sector, on the implementation of the SMD to ensure that disability equality is positively promoted throughout the borough.

Wards Affected: All

Implications:
Financial:

None specific, the majority of facilities and resources to deliver improved accessibility are in place. The vast majority of the other changes are around behaviours, processes and attitudes. CIIIL have applied for a corporate grant to fund support and advice work to Council service departments on the practical work of implementing the social model action plan. The terms of reference of this work is to be established by the targets in the change programme. All commitments beyond that need to be considered within the context of the legal requirements and available resources with particular reference to 'reasonable adjustments' (see Appendix B for definition)

Legal:

The Council has a significant responsibility for eliminating disability discrimination under the Disability Discrimination Act (DDA) 1995 and 2005 the measures outlined in this report are an important step in carrying out the duty.

The DDAA 2005 will have major implications for the Council. It requires that, (with some exceptions), those functions not already covered by the DDA 1995 are brought within its scope (so that it would be unlawful for a public authority, without justification, to discriminate against a disabled person when exercising its functions). The Council when exercising its functions, is to have due regard to the need to eliminate harassment of and unlawful discrimination against disabled persons, to promote positive attitudes towards disabled

persons, to encourage participation by disabled persons in public life, and to promote equality of opportunity between disabled persons and other persons.

Risk Management:

Non compliance of the Disability Discrimination Act (1995) and its amendment of 2005, leading to legal enforcement.

Social Inclusion and Diversity:

The Race Relations (Amendment) Act 2000 places a requirement on local authorities to make an assessment of the impact of new and revised policies in terms of race equality. Existing policies have already been subjected to impact assessments. This Authority has adopted an approach of extending the impact to cover gender, disability, sexuality, faith, age and community cohesion.

A Policy Proofing process has been introduced to assess such impacts and the outcome insofar as this report is concerned is that there is no adverse impact on any groups in the community

Crime and Disorder:

There are no specific implications

Recommendation(s)

The Executive is asked to:

1) approve the adoption of the Social Model of Disability (SMD) by 3 December 2005 and the implementation of the social model change programme over a period of six years beginning 31 March 2006;

2) agree that the Council seek specialist advice and support to services via a local disabled people and their representative organisations

3) refer this decision to the Barking & Dagenham Partnership for further action in implementing the social model change programme as the basis of a shared approach to meeting the requirements of the DDAA 2005

Reason(s)

By adopting the social model of disability and implementing the social model change programme, the Council will:

- produce a strategy on accessibility for disabled people, ensure all public buildings are fully accessible and positively promote disability/equality rights;

- be fulfilling its obligation under the Disability Discrimination Act (1995) and the Amendment Act (2005);

- be responding positively to a clear message sent out by local disabled people concerning

the promotion of disability equality;

- Be able to demonstrate in practical terms its commitment to disability equality and the development of a disability rights agenda, by working with other local agencies;

- greatly enhance its community cohesion policies by improving access to goods and services for disabled people, as well as ensuring inclusion into mainstream community life.

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1. Introduction and Background: What is the Social Model of Disability (SMD)

1.1 The DDAA (2005) requires every local authority to produce a Disability Equality Scheme (DES) by Dec 2006. The attached social model change programme (see Appendix C) is in effect the Council's DES and the proposals within this report will not only allow the Council to proactively respond to the new DDAA (2005), but will also provide the basis for a shared Barking & Dagenham Partnership DES. Establishing a shared approach will maximise the positive impact for disabled within the borough as a whole, by ensuring all statutory and community & voluntary sector organisations are working to a common plan.

1.2 It is proposed that the Council negotiate an agreement to work with an organisation such as the Barking & Dagenham Centre for Independent, Integrated and Inclusive living (CIIIL) to provide specialist advice and support to services in implementing the social model change programme. CIIIL have submitted an application to the corporate grants programme to fund this work in advance of the potential negotiation of a future Partnership Agreement with the Council.

2. The Current Position

2.1 The Council is currently in a good position on disability equality. However, we would like to be proactive and move the Council into a position of excellence and this can be achieved by implementing the social model change programme.

2.2 Each Council department will be charged with the responsibility of implementing the SMD using the social model change programme (Appendix C) attached, assessing needs and making 'reasonable adjustments' (See definition in Appendix B). The majority of the resources and facilities to deliver the commitments in change programme are in place. Any additional resources to support the programme are likely to be minimal and can be easily assimilated by Council services over the six year of duration of the programme. The onus will be firmly placed on the departmental management teams to ensure that the necessary changes are carried out and this will be monitored by the departmental equality groups and the corporate equalities, diversity & community cohesion board.

3.   Report Detail (Work on disability equality)

3.1   The SMD recognises the only way that disabled people can achieve equality is by eradicating of the barriers that society imposes on them. This means that disabled people are not necessarily hindered by their impairments, but by a society, which takes little or no account of their needs. It is the failure to address disabled people's needs that prevents them from accessing employment and services on equal terms.

3.2   The barriers to disability equality can be summarised as:

- Attitudes – prejudice and stereotyping

- Social – segregating disabled people

- Language – terms used in relation to disability

- Environmental–physical obstructions, inaccessible buildings/services, etc

3.3   The Council can begin to implement the SMD by identifying and tackling the disabling barriers that are within our control such as: changing management practices, work organisation or building design so that they promote accessibility. We can also assist disabled service users and employees to overcome barriers which are outside the Council's direct control. For example, an employer can enable a disabled employee to start work later than her or his non-disabled colleagues because it takes her or him longer to get to work because of an inaccessible transport system.

3.4   To guide the departments in reviewing and assessing their services in accordance with the SMD, the attached social model change programme as been developed (Appendix C). The terms of reference of this work is to be established by the targets in the change programme. All commitments beyond that need to be considered within the context of the legal requirements and available resources.

3.5   It is highly likely that services will require a degree of support, guidance and assistance in implementing the social model. In order to assist them, it is vital that we work in partnership with local disability groups. As such it is proposed that the Council should negotiate an agreement with an organisation such as Barking & Dagenham CIIIL for the provision of appropriate advice and support services.

3.6   Adopting the social model will be instrumental in assisting the Council in meeting its responsibilities under the Disability Discrimination Act (DDA) 1995 and the (Amendment) Act 2005

3.7   The following draft statement on the social model of disability was drawn up in consultation with local disabled people,: 'The social model of disability recognises that all disabled people have the right to belong to and be valued in the local community. The social model of disability defines impairment and disability as two very different things, which challenge the way we view people and the way we view society. The definitions are as follows.

- Impairment –'the loss or limitation of physical, mental and or sensory functions.'

- Disability – 'the loss or limitation of opportunities that prevents people who have impairments from taking part in the mainstream life of the community on an equal level with others due to negative attitudes, physical and social barriers.'

3:8   The new equality for disabled people booklet was launched, as part of the last international day for disabled people. The booklet focuses on the eradication of four key barriers for disabled people. (i.e. social, attitude, language and environmental barriers).

3.9   In June this year the social model film was launched. The film supports the equality for disabled people booklet, aims to raise awareness and gives practical guidance on how to implement the SMD. It will be used as:

- A tool within the local community
- A training tool within the Council
- A practical aid for local Partnership organisations

3.10   The work will be carried out with the disability equality group acting as an advisory and consultative body. This report will be submitted to the Barking & Dagenham Partnership to seek to establish a shared approach to disability equality. Progress across the partnership will be monitored by the social cohesion sub-group and regularly reported to the Council's Equalities, Diversity and Cohesion board.

4.   **Implications: The advantages of adopting the social model of disability**

4.1   The work that the Council has undertaken to date on disability equality has put us in a far stronger position to anticipate the requirements of the new Amendment Act 2005. By adopting and implementing the social model of disability, the Council will ensure that a proactive approach is taken in response to the new legislation.

4.2   It is in keeping with the existing commitment in the Council's corporate equalities & diversity plan (cedp) 2005/08 to:

'Produce a strategy on accessibility for disabled people, ensure all designated public buildings (as defined by the Council's access programme) are fully accessible, and adopt the social model of disability and positively promote disability/equality rights.'

4.3   In practical terms it will mean, that each department review their policies, practices and titles, to ensure that they are compliant with the SMD. This will be done through the implementation of the social model 'change programme.' The implementation will be monitored by DMTs, CMT and the new equalities, diversity & cohesion board. The change programme will dovetail with the departmental equality, diversity & cohesion plans

        By adopting the social model of disability, the Council will be responding to a clear message sent out by local disabled people

concerning what the Council should be doing to promote disability equality. Along with other local agencies, the Council can demonstrate in practical terms its commitment to disability equality and the development of a disability rights agenda. The adoption of the SMD will also greatly enhance our community cohesion policies by improving the access of disabled people to goods and services and disabled people's inclusion within the mainstream of community life.

5. Consultees

Local disabled people and their representative organisations
Disability staff group
Councillor Cameron Geddes (Lead member: Community Safety & Social Cohesion)
Head of policy & performance
Director of corporate strategy
Corporate equalities & diversity adviser
The corporate management team
The social cohesion sub-group
Equalities & diversity officers
Corporate HR Adviser
Director of Finance

6. Background Papers Used in the Preparation of the Report:

Corporate equalities & diversity plan
Equalities & diversity policy framework (Policy on disability)
Disability Discrimination Act (1995)
Disability Discrimination Amendment Act (2005)
Disability etiquette booklet and the equality for disabled people booklet
Social model film
Social model seminar papers (February 19 2004)

Appendix A – Social model of disability (explained)

In line with the definition of the social model of disability, people have impairments, not disabilities as disabled people are discriminated against, disadvantaged, and treated in comparison with non disabled people

Language
We do not use the term 'able-bodied' as it refers to physical functions The appropriate term is 'a non-disabled person or people'.

Access to goods, services and facilities
We live in a society that has failed to make sure that the wide-ranging needs of people are fully taken into account.   Proof of this is seen in buildings with steps and not ramps, special schools which segregate children with impairments instead of including them with other children, and laws which do not give everyone equal rights.

Identifying individual needs
This does not mean that people's impairments should be treated less importantly or that medical treatment is not essential, but that a person's limitations or differences (of whatever kind) should not cause disadvantage or discrimination'.

Legal obligations
All organisations should now be working in line with the social model if they want to inclusive and be accessible to all members of the community as well as meet their responsibilities under the Disability Discrimination Act.

Appendix B

Reasonable Adjustments

Whenever it is necessary, possible and reasonable, employers must take into account a person's disability and make appropriate adjustments to the work environment to accommodate that person.

Discrimination is not unlawful if the required adjustment will result in 'unjustifiable hardship' to the employer. From a legal perspective, the area of 'unjustifiable hardship' does not have a strict definition. Each specific case is considered on the basis of the cost of the adjustment required, the organisation's financial situation, and the potential benefits of the adjustment to others who do not have a disability.

Reasonable adjustments may include changes to work practices, alterations to facilities, or staff training.

Examples

- Improving lighting to accommodate people with visual impairment.

- Removing physical barriers that may impede the mobility of a person with a disability.

- Changing a filing system to a colour coded system to accommodate a person with an intellectual disability.

There are many adjustments that can be made to the general environment to assist people with a disability. For example: ramps into buildings, disabled toilet facilities, special parking spaces close to entrances, transportation vehicles with adjustable ramps, etc. In a work environment, you may have noticed some other adjustment examples, like a reception area with a specialised telephone for the receptionist who has a hearing disability.

Many adjustments can create a better environment for all staff and customers.

Overall, an employer or service provider has a legal obligation to provide what is deemed a 'reasonable adjustment' to accommodate the needs of a person with a disability. Considering the costs involved resulting from discrimination complaints, it is evident that 'reasonable adjustment' is not an area to be ignored.

Example 1 **:** A shop with an annual turnover of £100,000 and a small net profit to the owner is asked to install a lift and make other modifications costing £250,000. This would be seen as an unjustifiable hardship.

Example 2 **:** A government department with an annual budget of £50 million is asked to make modifications costing £5,000 to improve access to the bathrooms and other workplace facilities. This is unlikely to be seen as unjustifiable hardship.

Appendix C

Social Model of Disability Change Programme (Incorporating Disability Equality Scheme) 2006- 2012

Strategic objectives drawn from the Corporate Equalities & Diversity Plan
To: Produce a strategy on accessibility, adopt the social model and positively promote disability equality/rights

Leadership and Commitment
Objective: Partnership working

Aim	Action	Lead Office/ Agency	Deadline	Outcome
To distribute the Equality for Disabled People Booklet and the Social Model film	Booklet and film distributed to all partner organisations	Corporate Equalities team/ CIIIL	31 March 2006	The booklet and the social model film integrated into induction and training programmes of 80% all partners
The Social model is promoted via the Barking & Dagenham Partnership	All Partners are taking the social model forward	Chief Officers of Partnership agencies	31 March 2008	At least 80% of organisations formally adopting the social model
Effective working with disability organisations to facilitate joined up services	Review and expand membership of the Disability Equality Group	CIIIL	31 March 2007	Statutory, voluntary and private sectors represented and a wider representation of impairment groups

Identify additional sources from private sector	Increased private sector sponsorship of International Day for Disabled People (IDDP) and other events promoting disability equality	CIIIL and partners	31 March 2008	Evidence of sponsorship secured via Chamber of Commerce or individual companies
All Partner organisations to publicise the availability of information in different formats	Formats more widely published	Customer Service Officers of all Partner organisations	31 March 2009	Details included and regularly updated in Customer Staff Handbook A-Z of services and websites
All partner organisations to publicise the adaptations to building and facilities	Adaptations to building and facilities more widely publicised	Customer service Officers of all partner organisations	31 March 2009	Details included and regularly updated in Customer Staff Handbook A-Z of services and websites
All Partner organisations to actively encourage feedback on formats and use it to target information and improvements	Service user surveys and mystery shopper exercises	Customer Services Officers	31 March 2010	Information/ data arising from exercise fed into service planning and regular review of formats
All Partner organisations to regularly review budget allocation to support disability equality work	To ensure that disability equality objectives and targets are included in all service and financial plans	Finance Officers	31 March 2010	Disability equality work and projects have a clear ongoing budget base

Aim	Action	Lead Office/Agency	Deadline	Outcome
All Partner organisations to mainstream disability equality into their performance management systems	All Partner organisations to link build into their BVPI's the ability to capture specific data on disability	Performance Management teams	31 March 2011	PIs to demonstrate improved service take-up outcomes and satisfaction rates for disabled people
The Council to review job titles and departmental titles and make them compliant with the social model of disability	All departments to undertake a review of titles and set a timetable for change	All Chief Officers	31 March 2007	All titles reviewed and made compliant with the social model of disability
All Partner Organisations to review titles and make them compliant with the social model of disability	All organisations to undertake a review of titles and set a timetable for change	All Chief Officers	31 March 2010	All titles reviewed and made compliant with the social model of disability

Consultation, Community Engagement and scrutiny

Objective: Community involvement

Aim	Action	Lead Office/Agency	Deadline	Outcome
All Council services to ensure that meetings are accessible and take into account individual needs when consulting with disabled people	When holding meetings ensure that ▪ venues are accessible ▪ aids and adaptations and	All Council Officers	31 September 2006	The Council has a corporate checklist to guide officers in conducting meetings All staff are applying corporate standards

	available • translation and interpreting is offered as standard			Services have consulted with local disabled people and the Access Officer on the suitability of venues or adaptations to buildings
All Partner organisations to ensure that meetings are accessible and take into account individual needs when consulting with disabled people	When holding meetings ensure that • venues are accessible • aids and adaptations and available translation and interpreting is offered as standard	All Partner organisations	31 March 2010	At least 80% of Partner organisations using the checklist and applying the same standards as the Council
Council to publish information on accessibility of venues	Publishing of Council's Access Programme Information to be updated on a regular basis	Corporate Equalities Team & Access Officer	2008-12	Information available in libraries and on Council website
Council to work proactively with disability groups	Disability Equality Group to formulate annual action plan with strategic objectives and targets	CIIIL & Partnership organisations	2006 -12	Strategic objectives and targets and action plans to inform Council service and policy planning

Service Delivery & Customer Care

Objective: Usage:

Aim	Action	Lead Office/ Agency	Deadline	Outcome
All Council services to ensure that Impact/ needs Assessments have been carried out from a disability equality perspective	Impact Assessment process clearly demonstrates that disability issues are being addressed	All Council Officers	31 March 2006	Adverse impact for disabled people identified and addressed
All Council services to ensure that the relevant data is available to facilitate the identification of adverse impact for disabled people	Monitoring and surveying is in place to allow us to evaluate: ▪ Who is using your service? ▪ Who is using which service? ▪ Is this representative of the local disabled people?	All services	31 March 2009	Generation of increased intelligence on service usage by disabled people
The results of Impact Assessment consultation with disabled people to be summarised in the Impact Assessment report	Mechanisms put in place to ensure that the necessary data is included in published reports	All services	2009 onwards	Clear evidence the way in which consultation with disabled people has influenced the outcomes of Impact Assessments on disability

All services & Partners to evaluate relevant data and feed into service and policy planning	Service and policy planning to address ▪ How to increase usage? ▪ Why are people not using the service? ▪ Whether there are particular impairment groups not using the service? ▪ Whether there is disproportionate adverse impact? ▪ Satisfaction rate for disabled people increases year on year	All services managers and Partners	2009-12	All services able to demonstrate changes to service delivery that increase usage by disabled people and improve satisfaction to achieve equity with the general population
All Council's monitoring forms available in accessible formats on request	All services offering monitoring forms in formats such as Braille, large print and audio	Service managers	31 September 2006	Evidence of monitoring forms offered Braille, large print and audio
Council has developed and maintained a comprehensive database of information on disabled service users	A database to be established and maintained centrally. The database should:	Customer First	2009 onwards	All services accessing database and greater efficiency in addressing individual customer need

To ensure that information from 'Every Child Matters' feeds into the database	▪ Identify and monitor users by their impairment ▪ Identify user's preferred communication format/method ▪ Collect information on new users ▪ Collect information on existing users	Children services		

Employment & Training

Objective: Working for the Council

Aim	Action	Lead Office/ Agency	Deadline	Outcome
All Council staff to receive training or briefing on the social model of disability	Social model integrated into the corporate training programmes and including corporate induction	Corporate Training & Development	31 March 2006	All staff applying the social model

Council to increase the total percentage of the workforce who identify as having an impairment	To undertake initiatives to encourage disabled people to work for the Council	Corporate HR	31 March 2008	increase to 4.5% of total workforce
All managers and staff briefed on the importance of 'reasonable adjustments'	The Council's legal obligation to undertake 'Reasonable adjustments explained in recruitment packs and articles published in People Matters	All services	31 March 2012	15% more increase in staff awareness of 'reasonable adjustments' and all Managers aware of 'reasonable adjustments'
Council has a budget in place to ensure that 'reasonable adjustments' are funded	Evidence of year on year allocation of funding within Corporate HR budget	Corporate HR	31 March 2006 onwards	Funds included in HR budget
All managers and staff aware of Access to Work	To ensure that disabled staff access the monies available under the Access to Work programme	Corporate HR	31 November 2006	Information on Access to Work included in all recruitment pack and an article placed in People Matters

15% more increase in awareness on 'Access to Work' |
| Raise greater awareness of the Council's disabled people's staff group | Details relating to the staff group be made available to every employee and the Intranet | Disabled people's staff group | 31 March 2009 | Regular updates published in People Matters and on the Intranet |

Council's disabled people's staff group involved in policy and decision making	All plans relating to disabled staff referred to the disabled people's staff group	All services	31 March 2009	disabled people's staff group to be invited to make comments on policy documents and should also be invited to sit on Equality, Diversity & Cohesion Board

Community Cohesion

Objective: Building Cohesion

Aim	Action	Lead Office/ Agency	Deadline	Outcome
All services to ensure that disabled people are included in the planning for events and activities	Project action plans and project groups to involve disabled people	All services	31 September 2006 onwards	All services to produce evidence of disabled people's involvement in the project planning
All services to request evaluation by disability groups of the accessibility and inclusivity of events organised	All services request evaluation of events from disabled people	All services	31 March 2007	Evidence of evaluation and action on feedback
Council to publicise an article on disability equality	The Citizen to run an annual feature in liaison with the Disability Equality Group	Corporate Communications/ Disability Equality Group	31 September 2006	Article published in the Citizen annually