CAB1468 FOR DECISION WARD(S): GENERAL

CABINET

30 May 2007

EQUALITY POLICY AND ACTION PLAN AND DISABILITY EQUALITY SCHEME AND ACTION PLAN

REPORT OF HEAD OF ORGANISATIONAL DEVELOPMENT

Contact Officer: Alison Gavin Tel No: 01962 848223

RECENT REFERENCES

CAB1392 - Equality and Diversity Report - 17/1/07

CAB1457 - Inclusion, Cohesion and Equality Report – 11/4/07

EXECUTIVE SUMMARY:

In 2006 the Council identified a need to improve its performance on equality issues and in order to do this a review has been undertaken of the Equality Policy and the Action Plan. The attached Equality Policy and accompanying Action Plan (Appendix A) sets out the Council's overall approach to equality as both an employer and a provider of services. This covers all of the key strands of equality, namely, Race, Disability, Gender, Age, Sexual Orientation and Religion and Belief. The revised Action Plan identifies the key corporate issues and actions that the Council will take over the next 3 years to meet its equality objectives and its legal duties.

Following the requirements under the Disability Discrimination Act 1995 the Disability Equality Scheme has been developed along with an Action Plan (Appendix B) for the Council. This has been developed with help from our partners and with the involvement of disabled people and the local organisations that support and represent them. It sets out the actions that the Council will take to eliminate discrimination against disabled people and help achieve equality of opportunity for everyone who uses the Council's services and its employees.

RECOMMENDATIONS:

- 1. That the revised Equality Policy and the Action Plan be approved.
- 2. That the Disability Equality Scheme and the Action Plan be approved.

2 CAB1468

CABINET

30 May 2007

EQUALITY POLICY AND ACTION PLAN AND DISABILITY EQUALITY SCHEME AND ACTION PLAN

Report of Head of Organisational Development

DETAIL:

1. <u>Introduction</u>

- 1.1 A review has been undertaken of the current position on equality issues and the context within which the Council is operating by the appointed consultant Dr Ian Barrett, Cloud 9 Consulting (CAB 1392 refers). It is apparent that there is an opportunity to improve the performance of the Council in this area.
- 1.2 The Equality Policy and Action Plan have been reviewed as part of this process and are attached (Appendix A). It sets out the Council's overall approach to equality as both an employer and provider of services across all of the key strands of equality:
 - Race
 - Disability
 - Gender
 - Age
 - Sexual Orientation
 - Religion and Belief
- 1.3 The Council is committed to ensuring that its services meets all the need of its customers and that they are delivered in a fair, flexible and efficient and accessible way. The Council will take positive steps to promote equality in employment to ensure that staff are culturally competent and able to provide quality services to its customers and develop a workforce that reflects the population its serves.
- 1.4 The Council takes its duties to eliminate unlawful discrimination and promote equality seriously. The newly developed Disability Equality Scheme (Appendix B) sets out the active steps the Council will take to:
 - Identify and eliminate any discrimination against disabled people,
 - Eliminate disability related harassment,
 - Promote fair and equal access to employment and Council services for disabled people.
 - Promote positive attitudes towards disabled people,
 - Encourage disabled people to participate in public life.
- 1.5 This Scheme and the accompanying Action Plan have been developed with help from the Council's partners and with the involvement of disabled people and the local organisations that support and represent them.

1.6 The accompanying Action Plan identifies the key actions that the Council will take over the next 3 years to meet its disability equality objectives and legal duties. Work continues to explore how we might pool resources with the Council's Partners. Some of the actions identified will be reviewed to identify responsibilities and firmer targets once further discussion and other work with Partners has been undertaken.

OTHER CONSIDERATIONS:

2 CORPORATE STRATEGY (RELEVANCE TO):

2.1 The Statement of Community Involvement is in keeping with, and helps to carry forward, those Corporate Strategies for the Council to encourage and participate in open debate with our residents, to be a learning organisation, sharing best practice and to ensure that everyone can play a full part in the life of their community.

3 RESOURCE IMPLICATIONS:

3.1 It is anticipated that the actions identified in the action plans can be undertaken within currently approved capital and revenue budgets. Staff who are responsible for undertaking these actions have been identified where possible at this stage. The time involved in undertaking these activities will need to be incorporated into the relevant business plans. Some responsibilities have not been allocated and are subject to further discussion and activities being undertaken with partners.

4 BACKGROUND DOCUMENTS:

4.1 Project Plan, Action Plans, workshop papers, files and correspondence held in Human Resources.

5 <u>APPENDIX:</u>

Appendix A Equality Policy and Action Plan

Appendix B Disability Equality Scheme and Action Plan

(attached for Cabinet, Group Leaders and Chairman of Principal Scrutiny Committee and of Personnel Committee only, with a copy available in the Members' Library and on the Council's Website: www.winchester.gov.uk)



Appendix A

Equality Policy & Action Plan May 2007



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1. Introduction

- 1.1 Winchester City Council is committed to equality of opportunity for all people regardless of race, disability, gender, age, sexual orientation, religion or other differences. We recognise and value the diversity of the local community and believe that equality is central to the provision of modern quality services.
- 1.2 This document sets out the Council's overall approach to equality as both an employer and a provider of services. The policies set out here apply across all of the key "strands" of equality:
 - Race
 - Disability
 - Gender
 - Age
 - Sexual Orientation
 - · Religion & Belief

They will inform and guide the development of the specific "Equality Schemes" required by current legislation in relation to Race, Disability, Gender and Age. Additional Equality Schemes will be developed if required.

1.3 The attached Action Plan identifies the key **corporate** issues and actions that the Council will take over the next 3 years to meet its equality objectives and its legal duties. These actions will apply across all the equality strands and our aim is to develop an integrated approach that will ensure that equality is firmly embedded in the way in which we develop policy, run services and employ people.

2. Background

2.1 The Council is legally required to ensure its employees and those who use its services are treated fairly and equally under the following legislation:

Equal Pay Act 1970. This seeks to ensure that all employees are paid the same for work of equal value.

Sex Discrimination Act 1975. This prohibits job discrimination on the basis of gender.

Race Relations Act 1976. This prohibits discrimination in delivery of services & employment on the basis of ethnicity. The Race Relations (Amendment) Act 2000. This gives a general duty to take a positive and systematic approach to eliminate racial discrimination, promote equality of opportunity and promote good race relations. It requires local authorities to draw up Race Equality Schemes for policy, service delivery & employment. Producing a Race Equality Scheme became a specific duty for local authorities in 2002.)

Disability Discrimination Act 1995. This prohibits discrimination in delivery of services & employment on the basis of disability and requires positive action on, for example, making public buildings accessible. It also imposes duties to:

- Amend policies, procedures and practices which prevent disabled people using a service
- Remove or alter physical barriers
- Remove or alter communication barriers
- Provide auxiliary aids (such as audio tapes, sign language, interpreters and induction loops) where reasonable and readily achievable.

Human Rights Act 1998. This confers a range of rights including, for example, the right to family life, which have implications for the way local authorities deliver services and manage their workforce.

Employment Equality (religion or belief and sexual orientation) Regulations 2003. These prohibit discrimination in recruitment and employment practices on the basis of religious or other beliefs – such as atheism – or sexual orientation.

In addition the **Local Government Act 2000** requires Local Authorities (and other public bodies) to provide community leadership and to promote equality. In 2002 local authorities (and other public bodies) were given a new general duty requiring them to give due regard to the need to:

- Eliminate unlawful racial discrimination,
- Promote equal opportunities; and
- Promote race equality.

The same act also created a specific duty to produce a Race Equality Scheme in which the Council must set out in detail what action will be taken in relation to policies and services¹ and employment.

Disability Discrimination Act 2006 - required local authorities (and other public bodies) to promote disability equality in employment and service provision. Each authority is required to have a Disability Equality Scheme, developed in consultation with disabled people, by December 2006. This Act imposes additional duties to those in the 1995 Act, namely to:

- eliminate unlawful disability discrimination,
- eliminate disability related harassment,
- promote equality of opportunity,
- promote positive attitudes towards disabled people, and
- encourage disabled people to participate in public life

Equality Act 2006 amends the Sex Discrimination Act 1975 to place a statutory duty on all public authorities, when carrying out their functions, to have due regard to the need to:

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¹ Please note. The terms 'service' and 'services' should be understood to also cover the practices and procedures involved in delivering the service and the terms 'policy' and 'policies' should be understood to also cover strategies.

- Eliminate unlawful discrimination and harassment
- To promote equality of opportunity between men and women

The Act requires public authorities to develop a Gender Equality Scheme to ensure that their policies, employment practices – particularly in relation to pay - and services meet the different needs of women and men.

Employment Equality (Age) Regulations 2006 come into force in October 2007 and will require the development of an Age Equality Scheme

2.2 Lastly, it is widely anticipated that the creation of the Commission for Equality & Human Rights (CEHR) will lead to the development of a Single Equality Act that will bring together and align all the equality strands within a common legislative framework.

3. Winchester's Policy Statement on Equality

- 3.1 Winchester City Council is committed to **equality of opportunity** for all people regardless of race, disability, gender, age, sexual orientation, religion or other differences. We recognise and value the diversity of the local community and believe that equality is central to the provision of modern quality services. We will:
- A. Ensure our **services** meet the needs of all our customers and are delivered in a fair, flexible, efficient and accessible way. We will achieve this by:
 - i. Assessing all services in order to identify any discrimination, un-met needs and opportunities to improve the delivery of services to specific groups of customers. This "equality impact assessment" process will cover all the equality strands, but will meet the legislative requirements to identify and report on impacts specifically related to Race, Disability, Gender and Age.
 - ii. Ensuring that, where appropriate, all voluntary sector organisations with which the Council has Service Level Agreements or which are in receipt of significant grant aid actively promote their project/service to all sections of the community and can demonstrate that they do so.
 - iii. Developing a revised Procurement Strategy that incorporates an equality statement that explains the Council's policies and contractual requirements² with regard to anti-discriminatory practice. Accessibility will be taken into account in procurement and, where necessary, selected contractors will be encouraged to develop more accessible products and services.
 - iv. Ensuring that service users or potential service users from socially excluded groups are consulted and involved in Best Value and other service reviews.
 - v. Using a range of media to communicate with our customers and providing information in different languages and formats on request.

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² These might include, for example, contractors and sub-contractors being required to comply with an equality checklist, producing an equal opportunity statement or policy, undertaking any necessary monitoring and evaluation to ensure they are complying with the Council's requirements, and providing the Council with proof of compliance.

- vi. Making our services accessible to all by improving physical access to buildings, where possible providing services near to where people live, using home visits, and developing electronic channels including the Internet and telephone. Auxiliary aids (for example hearing loops) will be provided wherever a need is identified or anticipated.
- vii. Carrying out periodic access audits of its service provision and, where work is being carried out or where future capital work is being planned, taking the opportunity to involve service users in designing improvements to all aspects of provision (for example, improving signage by reducing visual clutter, simplifying language and using graphics where appropriate).
- viii. Establishing appropriate policies, structures, procedures, monitoring systems, and reporting requirements to deal promptly and effectively with any complaints of discrimination, harassment, victimisation or bullying by customers or employees.
- B. Take positive steps to promote **equality in employment**, ensure staff are culturally competent and able to provide quality services to all our customers, and develop a workforce that reflects the population we serve. We will achieve these aims by:
 - i. Ensuring that recruitment and selection methods are fair, systematic, unbiased and based solely on merit using only rational, objective and job-related criteria.
 - ii. Providing appropriate equality training and support for managers with responsibility for recruitment, induction and training.
 - iii. Providing appropriate equality training for all employees in respect of their conduct and behaviour to other employees and customers.
- iv. Ensuring that all employees have equal opportunity to access training and development activities, regardless of their working hours or any special needs or circumstances.
- v. Applying national and local conditions of service fairly.
- vi. Undertaking Equal Pay Audits on a regular basis and acting to address any pay inequalities these discover.
- vii. Adopting and implementing appropriate policies and procedures in respect to harassment/bullying/discrimination that are consistent with all relevant national Codes of Practice.
- viii. Taking appropriate disciplinary action where a deliberate act of harassment, bullying or discrimination has been proven to occur.
- ix. Undertaking workforce profiling [and, in consultation with neighbouring authorities, an equality assessment of the local labour market.]
- x. Supporting employees from minority or disadvantaged groups by raising awareness of local support groups and through the development of appropriate internal support mechanisms.

- xi. Liaising with the recognised Trade Unions as part of its monitoring processes for achieving equal opportunity in employment.
- xii. Working with our partners to encourage job applications from excluded and disadvantaged groups.
- C. The Council already **consults** with the local community, local voluntary groups, partner agencies and businesses as part of the process of developing its Strategies and Policies. Examples of this are the extensive consultations we are undertaking on the Local Development Framework and Community Strategy. We will improve and develop our consultation process and seek to **involve** all sections of the community, but particularly disadvantaged and excluded groups, in the development of our strategies and the services we provide. We will achieve these aims by:
 - Working with our partners to obtain and share information in order to improve our collective knowledge and understanding of the composition of the local population and the needs of local communities of place and communities of interest.
 - ii. Developing a variety of ways to consult and involve people in making decisions that affect them.
- D. The Council is committed to monitoring the progress of equality actions and setting and revising targets as needed. It will monitor, analyse and report on the effects of its policies and services on:
 - Different ethnic groups.
 - Men and Women.
 - People with Disabilities.
 - People in different age groups.

Monitoring on sexual orientation and religion may be undertaken where necessary and appropriate. In addition, it will monitor and regularly report on its workforce as well as on relevant Best Value Performance indicators (See Box).

The following Best Value Performance indicators are relevant. Notes in *italics* show the Council's current performance.

BVPI 11 – Percentage of the top 5% of earners who are female. *Of WCC's top 5% of earners 26.7% are female.*

BVPI 16 - Percentage of employees declaring they are affected by some disability compared to the percentage of the economically active disabled people in the District. 1.75% of WCC's employees have a disability, compared to 9.6% of the economically active disabled people in the District.

BVPI 17 - Percentage of employees from minority ethnic communities compared to the percentage of the economically active minority ethnic community in the District. 1.75% of WCC's employees are from a minority ethnic community, compared to 2.2% of the economically active ethnic minority people in the District.

All performance relating to equality will be reported regularly to the CMT and the Cabinet. The Council will carry out an annual self-assessment on progress using appropriate nationally and locally developed performance indicators to benchmark progress against other Councils nationally and the Equality Standard for Local Government. The results of equality impact assessments and any associate consultations will be published in one or more of the following:

- Annual Chief Executive's Talk
- Team Briefings
- Staff Newsletter (City Voice)
- Winchester Newspaper (Insight)
- Website
- E. **Complaints**. Winchester City Council is committed to providing a high standard of service to all its customers, but we realise that mistakes may be made and we need customer feedback in order to correct and learn from them. Every effort will be made to deal with complaints promptly and put matters right quickly if a mistake has occurred.

The Council has a comprehensive complaints procedure that will cover complaints about discrimination in service delivery and in employment. Two officers have been nominated to investigate and deal with complaints relating to discrimination amongst or by Council employees: the Monitoring Officer and the Head of Organisational Development. The Standards Board will consider any complaints against Members of the Council.

4. Who is Responsible for Equality?

- 4.1 Elected members have a strategic responsibility to ensure that equality is built into policies and procedures. They also have an important role of using their links within the community to develop relationships with community groups and individuals and to encourage dialogue with the Council. We have identified a "Member Champion", currently the Portfolio Holder for Housing & Communities, to provide leadership on this issue.
- 4.2 All employees and others doing work on behalf of the Council are responsible for working together to promote equality and fairness both in the way that they treat customers and fellow members of staff and through the services they provide to the public. We have identified a "Lead Officer", currently the Head of Organisational Development, to lead and co-ordinate corporate working on this issue, with support from the Inclusion, Cohesion & Equality Working Group.

5. Integrating Equality

5.1 We will integrate equality into everything we do starting from the highest level – the Corporate Strategy and working through the organisation into service plans. We will review our corporate aims to ensure that our commitment to equalities is adequately reflected. We will also develop a set of core values that clearly establish equality as a key priority of the Council.

- 5.2 We will develop and implement a corporate Equality Impact Assessment process that will ensure equality is "mainstreamed" into the service and business planning processes and integrated with the performance management system.
- 5.3 Making this policy work is ultimately dependent on developing an organisational culture where difference and diversity are respected and valued and everyone feels that they are being treated fairly and equally. Achieving this will require commitment and involvement from members, managers and all other employees. Appropriate information, training and support will be developed to ensure that members and employees have the awareness, knowledge and skills to fulfil their responsibilities in this field.

6. Working with Partners

- 6.1 We will work with our partners on the Winchester District Strategic Partnership to promote equality by:
- Sharing existing information and good practice.
- Gathering new information.
- Developing joint consultation and involvement methods and structures where appropriate.
- Developing joint working and co-delivery of services where practicable.
- Pooling budgets and resources where practicable.
- 6.2 Partnership working on equality will be undertaken within the wider frameworks of the Community Strategy and the Inclusion, Equality & Cohesion (ICE) Strategy that are/will be developed jointly with the Winchester District Strategic Partnership.
- 6.3 We will also work with our partners in developing, monitoring and reviewing the individual equality schemes and any future single equality scheme.

7. The Action Plan.

- 7.1 The attached Action Plan is a living document that will be revised and developed over the next 3 years. It identifies a desired Outcome, the **corporate-level** Actions that will be undertaken to achieve it, **who** is responsible and **when** the action should be completed. More detailed actions relating to the individual equality strands can be found in the specific Equality Schemes.
- 7.2 The Policy and Plan will be reviewed annually and revised every 3 years.

Outcome	ion	Responsibility	Target
The Council fully complies with its duties under equality legislation.	To develop or update, approve, implement, monitor and Schemes for Race, Disability, Gender, Age and any other by subsequent legislation.		Dec 2007 or as required.
The Council can demonstrate that its services and policies do not discriminate against any customer groups.	To develop or update, approve, monitor and report on update, approve, monitor and report on update, disability, gender and age and, where orientation and faith.		March 2008 then annually
groups.	To implement the equality monitoring system.	Heads of Service	From April 2008
	To develop an Equality Impact Assessment (EIA) process will (a) identify if any unlawful discrimination is occurrin existing services or policies and, if it is, rectify the situat that new policies and services (or significant changes to not result in unlawful discrimination.	g as a result of Organisational Development	Sept 2007
	To undertake an initial review of existing services and develop a prioritised programme of impact assessments need to be impact assessed.		Sept 2007
	To provide training and appropriate support for manage impact assessments.	ers undertaking ditto	From Sept 2007
	To implement, monitor and report annually on the EIA μ	programme. ditto	June 2008 then yearly
Members, Managers and Staff are aware of the Council's	Produce appropriate briefing materials on the key aspec	cts of equality. Both Head of Organisational	From April 2007
responsibility to promote equality and eliminate discrimination.	Design and deliver an appropriate programme of "equal training.	lity awareness" Development	From May 2007
Members and employees have the necessary knowledge and skills to enable them to communicate with and meet the needs of all those who use Council services or are	Design and deliver appropriate and specific training to e deal with all customer groups.	enable employees to Head of Organisational Development	From May 2007
affected by Council policies.			

Outcome	ction	Responsibility	Target
Organisations receiving funding from the Council do not discriminate against any section of the local community and, where appropriate, promote equal opportunities.	Review and if necessary amend the criteria for awarding grants and grant aid terms and conditions.	<u> </u>	March 2008
Organisations that provide public services on behalf of the Council do not discriminate unlawfully against any section of the local community and, where appropriate, promote equal opportunities.	Review and if necessary amend the criteria for procuring goods and services and, where appropriate, contract terms and conditions. Review and if necessary amend the monitoring arrangements for contractors providing public services to ensure they are meeting the dutie to eliminate discrimination and, where appropriate, promote equality.	Head of Legal Services Head of Legal Services	March 2008 March 2008
The Council takes into account the views of those using services or affected by policies when	Develop a range of ways and means of consulting and involving individua groups in monitoring, reviewing and developing services and policies.	Heads of Service	Ongoing
changing or developing them.	Develop ways and means for service users to assist the Council to undertake Equality Impact Assessments.	Head of Organisational Development	From Oct 2007
	Continue to develop community contacts and a co-ordinated and corporate approach to consultation and involvement.	Head of Performance & Scrutiny	From April 2007

Outcome	Act	tion	Responsibility	Target
The Council is able to communicate effectively and efficiently with local people in	17.	Continue to develop a range of "customer access channels" that can meet the needs of all customers.	Customer Services Manager	Ongoing
ways that meet their needs.	18.	Ensure that information can be provided in a variety of formats and via a range of media.	Head of Policy & Communications	Ongoing
	19.	Publicise and promote this range of communication options.	ditto	Ongoing
	20.	Review and if necessary revise corporate standards to ensure that all communications with customers are clear, readable and understandable by all customers.	ditto	March 2008
All sections of community are able to access Council services in ways	21.	Continue to improve physical access to public buildings.	Head of Building Control	Ongoing
that met their needs.	22.	Where possible providing services near to where people live. (2010)*	Heads of Divisions	March 2009
	23.	Continue visiting customers at home where necessary.	ditto	Ongoing
	24.	Continue developing e-service channels including the Internet and telephone.	Head of IMT	March 2009
		Provide local "surgeries" across the District. (2010)*	Both Head of	March 2009
	26.	Provide public internet access points across the district and appropriate support to enable customers to use them. (2010)*	Organisational Development	March 2009

^{* 2010} Project to be completed across District by March 2009

Outcome	Action	Responsibility	Target
Customers and employees know that complaints about discrimination, harassment, victimisation or bullying by customers or employees are taken	 Review and where necessary amend relevant policies, structures, procedures, monitoring systems, and reporting requirements. 	Customer Services Manager & Head of Organisational Development	July 2007
seriously, properly recorded, and deal with promptly and effectively.	 Identify and train a group of manages to investigate complaints about discrimination, harassment, victimisation or bullying. 	Head of Organisational Development	March 2008
	 Publicise the Council's commitment to and policies on the elimination of discrimination, harassment, victimisation or bullying. 	Head of Performance & Scrutiny	March 2008
The Council is recognised as an Equal Opportunities employer.	30. Review and if necessary amend recruitment and selection methods to ensure they are fair, systematic, unbiased and based solely on merit using only rational, objective and job-related criteria.		Ongoing
	 Provide appropriate equality training and support for managers with responsibility for recruitment, induction and training. 		Ongoing
	32. Provide appropriate equality training for all employees in respect of their conduct and behaviour to other employees.	All Head of Organisational Development	Ongoing
	33. Undertake regular Equal Pay Audits and act to address any pay inequalities these discover.		March 2010
	34. Liaise with the recognised Trade Unions as part of its monitoring processes for achieving equal opportunity in employment.		Ongoing
The Council's workforce broadly reflects the community it serves.	35. Continue to undertake workforce profiling in relation to the official local 'travel-to-work' area ad report annually.		July 2007
	36. Support employees from minority or disadvantaged groups by raising awareness of local support groups and through the development of appropriate internal support mechanisms.	All Head of Organisational Development	Ongoing
	 Work with partners to encourage job applications from excluded and disadvantaged groups. 		Ongoing

Outcome	Action	Responsibility	Target
The Council works with its partners to promote the	38. The Winchester Social Inclusion Partnership includes Equality within its remit.	Chair of WSIP	From Sept 2007
development of joint policies and joint working to promote equality in Winchester District.	39. Ensure opportunities to work with partners to promote equality are explored.	Chief Executive	From April 2007
	40. Ensure opportunities for pooling of resources and/or budgets with partners are explored.	Chief Executive	From April 2007
	41. Ensure opportunities for joint consultation/involvement activities with partners are explored.	Chief Executive	From April 2007



Appendix B

DISABILITY EQUALITY SCHEME May 2007



Ian Barrett, Equality & Inclusion Consultant

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Foreword

Welcome to our first Disability Equality Scheme that covers the 3 years to May 2010. Along with our Equality Policy & Plan, this is an important statement of our determination to achieve equality of opportunity for everyone who uses our services and our employees.

The Council takes its duties to eliminate unlawful discrimination and promote equality seriously. This document sets out the active steps it will take to:

- Identify and eliminate any discrimination against disabled people,
- Eliminate disability related harassment,
- Promote fair and equal access to employment and Council services for disabled people,
- Promote positive attitudes towards disabled people,
- Encourage disabled people to participate in public life.

This Scheme and the accompanying Action Plan has been developed with help from our partners and with the involvement of disabled people and the local organisations that support and represent them. We look forward to reporting back on progress at regular intervals and to involving disabled people in reviewing and updating the Scheme in future.

Cllr. George Beckett Leader, Winchester City Council

1. What does the term "Disabled People" mean?

1.1 Defining Disability

The Disability Discrimination Act (DDA) 1995 defines a disabled person as:

"Someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities."

For the purposes of the Act:

- substantial means neither minor nor trivial.
- long term means that the effect of the impairment has lasted or is likely to last for at least 12 months (there are special rules covering recurring or fluctuating conditions).
- normal day-to-day activities include everyday things like eating, washing, walking and going shopping.
- a normal day-to-day activity must affect one of the 'capacities' listed in the Act which include mobility, manual dexterity, speech, hearing, seeing and memory.
- Some conditions such as a tendency to set fires, voyeurism, exhibitionism and hay fever - are specifically excluded.
- Provisions allow for people with a past disability to be covered by the scope of the Act. There are also additional provisions relating to people with progressive conditions.



"Did you know that 1 in 5 of the adult population is covered by the definition of disability in the DDA?"

"Nothing for us, without us."

The DDA 2005 amends the definition of disability, removing the requirement that a mental illness should be 'clinically well-recognised'.

People with HIV, cancer and multiple sclerosis will be deemed to be covered by the DDA effectively from the point of diagnosis, rather than from the point when the condition has some adverse effect on their ability to carry out normal day-to-day activities.

1.2 What is 'disability'?

It is often the case that disabled people generally have fewer opportunities and are more likely to be discriminated against or disadvantaged than non-disabled people.

How organisations and individuals deal with the discrimination experienced by disabled people depends on what they believe to be causing it. There are two ways or "models" of explaining the idea of "disability":

- the medical (or individual) model of disability, and
- the social model of disability

The difference between them is that the medical model of disability encourages explanations in terms of the features of an individual's body or mind, while the social model encourages explanations in terms of the characteristics of society and social organisation.

For the purposes of this Scheme, discrimination is defined as:

"Different AND less favourable treatment of a person on grounds of disability."

Disabled people are 'disadvantaged' - by the circum-stances they find themselves in – when they find it:

"Difficult to obtain services or goods on the same basis as other groups or individuals." The medical model is widely disliked by disabled people themselves, because it tends to lead professionals to focus on **treatments**, rather than on individual's needs. In some cases, such as mental illness, this can lead to a situation where professionals are simply prescribing drugs to treat symptoms, rather than tackling causes, and where disabled people are being disempowered through lack of meaningful choice.

In contrast, the social model asserts that it is society that "disables" people who have physical, sensory or mental **impairments**. This is because the way society generally works prevents disabled people from taking part in many or most of the activities in which people without impairments can participate. It follows that if disabled people are to be able to join in mainstream society, the way society is organised must be changed. Removing the barriers that exclude – disable - people who have impairments can bring about this change. There are 3 key concepts here:

- Disability is the disadvantage or restriction of activity caused by a society that takes little or no account of people who have impairments and thus excludes them from mainstream activity.
- Impairment (See Box below) is a characteristic, feature or attribute of an individual that is long term and may or may not be the result of disease, injury or an inherited condition.
- Disabled people are those people with impairments who are disabled by society.

Achievement:

Our customer Service Centre is fully accessible.

Achievement:

Got a Housing or Benefits query and can't get to Winchester? We now run monthly "surgeries" in Bishops Waltham, Alresford, Denmead and Wickham.

Impairments include:

<u>Physical impairments</u> - such as the loss of or damage to a limb, difficulty walking, limited dexterity, etc.

<u>Visual impairments</u> - such as actual blindness or, more commonly, limited vision.

Hearing impairments – which includes being "hard of hearing" and conditions such as tinnitus, as well as actual <u>Deafness</u> – which may be present at birth or develop later through injury, disease or ageing.

<u>Speech impairments</u> – which may have genetic causes or result from injury or disease, or be related to deafness and lead to an inability to speak at all or limited speech.

<u>Learning disabilities</u> – which may be innate or acquired through injury or disease.

<u>Mental illnesses</u> – which range from depression, through behavioural conditions such as Asperger's Syndrome, to personality disorders.

1.3 Barriers to Equality

Barriers commonly faced by disabled people include:

- Prejudice
- Stereotypes
- Inflexible organisational procedures and practices
- Inaccessible information
- Inaccessible buildings
- Inaccessible transport

Some physical illnesses such as Alzheimer's Disease, Cancer and AIDS are also regarded as impairments under the Disability Discrimination Act.

According to the 2006/07 British Social Attitudes Survey, 75% of people believe disabled people experience "a little" prejudice, but only 25% think they face "a lot". For many charities and campaign groups, this is far from the reality of everyday life for disabled people.

Source: Centre for Social Research. <u>natcen.ac.uk</u> These barriers have nothing to do with individual's impairments. They are created by people and organisations - often unwittingly through a lack of knowledge and understanding of disabled people's needs - which means it is possible to remove them.

Organisations can take a social approach to disability by identifying and getting rid of those disabling barriers that are within their control - such as changing employment practices, the way work is organised, or buildings designed and operated.

Winchester City Council is using the social model of disability to shape its response to the challenge of achieving disability equality. Our approach is not to split disabled people into separate groups (e.g. wheelchair users or people with visual impairments) but to look at the *common barriers* that exclude disabled people from activities and services. These can generally be grouped under three main headings:

Physical - like steps, inadequate signs, narrow doorways, etc.

Organisational - the systems and processes that exclude disabled people, policies, procedures and practices.

Attitudinal - for example, the traditional view of disabled people as passive, dependant, needing care, tragic, to be pitied or felt sorry for.

Usually, improving things for disabled people also improves things for other customers.

Did you know that:

5% of disabled people are wheelchair users?

22% have visual impairments?

30% have hearing impairments?

43% have a hidden disability including mental or physical illnesses?

For instance, automatic doors are useful for wheelchair users and parents with buggies, young children, elderly people, and anyone with heavy shopping.

2. What is a Disability Equality Scheme?

The Disability Discrimination Act, which became law in 1995, was designed to improve opportunities for disabled people. It made it illegal to discriminate against a person because they are disabled and required that both public and private organisations make "reasonable adjustments" to ensure that disabled people can use services and take up employment. However, whilst the Act has resulted in some improvements, disabled people still face many barriers and discrimination - whether deliberate or unwitting - still occurs.

Recognising that positive steps were needed to promote disability equality, the Government amended the Disability Discrimination Act in 2005. The new Act requires public bodies to examine their activities to discover whether discrimination against disabled people is happening and, if it is, to take action to stop it. It also places a "general duty" on all public bodies, including local authorities, to:

- Eliminate unlawful disability discrimination,
- Eliminate disability related harassment,
- Promote equality of opportunity,
- Promote positive attitudes towards disabled people, and
- Encourage disabled people to participate in public life.

Lastly, the Act requires public bodies to produce and publish a "Disability Equality Scheme" that sets out what actions they will take to achieve these goals.

Winchester Council is developing its Disability Equality Scheme within the wider context of its Community Strategy, its Inclusion, Cohesion & Equality Strategy and its Equality Policy & Plan.

We will be also be developing Equality Schemes for Gender and Age and revising our Race Equality Scheme later in 2007.

The Scheme and the associated Action Plan are working documents that will be regularly re-visited, reviewed and updated to reflect current needs and circumstances. There will therefore be an annual review of the Disability Equality Action Plan – which will involve local disabled people. Every three years the main Disability Equality Scheme will be reviewed to identify any significant changes required – again in consultation with local disabled people.

For up-to-date information please visit our website: www.winchester.gov.uk/CouncilAndDemocracy/EqualityAndDiversity

3. The Council's Approach

Leadership

We are determined to lead by example on disability equality. We have identified a "Member Champion" and a "Lead Officer" (currently the Head of Organisational Development) to ensure actions set out in the action plan are achieved. The corporate Inclusion Cohesion & Equality (ICE) Working Group is responsible for co-ordinating action across the council.

Resources

We are committed to providing the resources needed to improve disability equality practice throughout the Council. We are currently exploring how we might "pool" resources with our partners.

Performance Management

This scheme and its action plan will help to shape the business plans that all our services produce each year. Officers running services or developing policies will be required to show how they are helping the Council to achieve its disability equality objectives. The ICE Working Group involves officers from all council departments and helps us identify issues, develop solutions and share good practice.

Consultation & Involvement

The Council worked in partnership with Hampshire County Council to organise two 'involvement events' as part of the process of producing this Scheme. We also drew on the work done by our other partners in producing their disability equality schemes. Lastly, we consulted our staff via our corporate Equality Working group.

We will seek to develop effective ways and means of consulting and engaging with the local disabled people and organisations – and involving them in monitoring and reviewing the implementation of this Scheme.

Monitoring & Reporting

We will monitor our progress in achieving the actions identified here - setting and revising targets as needed. We will assess the effects of our policies and services using a range of methods including monitoring, surveys and specific consultations.

Progress in implementing this Scheme will be regularly reported to the Central Management Team and the Cabinet. We will carry out an annual self-assessment* on progress using appropriate nationally and locally developed indicators to compare our progress against other councils nationally and the Equality Standard for Local Government.

The Council will also publish the results of equality impact assessments (See Appendix 1) that deal with disability equality and of any consultations with disabled people it carries out.

We have set up a **Disability Equality** Scheme Reference Group that will involve both staff and local disabled people. The group will help monitor the implementation of the Scheme and its future development. We hope members will also act as "advisers" to the council and help officers to "impact assess" specific services, policies or strategies. If you would like to be involved please contact Alison Gavin, e-mail: agavin@winchester .gov.uk tel. 01962 848233

*The results of this assessment will be published on the Council's website and in other appropriate media.

Customer Feedback

Winchester City Council aims to provide a high standard of customer service, but we realise that mistakes may be made and need customer feedback in order to correct and learn from them. Every effort will be made to put any complaints right as quickly as possible.

The Council has a comprehensive complaints procedure that will cover complaints about disability incidents in service delivery and in employment. The Head of Organisational Development has been nominated to investigate and deal with complaints relating to disability amongst officers. Following an initial investigation by the Monitoring Officer, the Standards Board will – if required - investigate any complaints against Members of the Council.

If you have any concerns or comments about the way the Council is meeting its duties under the Disability Discrimination Act 1995 or the Disability Discrimination (Amendment) Act 2005 or any aspect of disability equality, please let us know. Contact details are given at the end of this document.

A Strategic Approach

The development of this scheme is just part of a wider initiative designed to enable us to take comprehensive and strategic approach to the different, but interlinked issues of "social inclusion", "social cohesion" and equality. We will work with our partners to develop a joint Inclusion, Cohesion & Equality (ICE) Strategy. For up to date information please visit our website.

www.winchester.gov.uk/CouncilAndDemocracy/EqualityAndDiversity

Communicating with customers is at the heart of what we do. Please ask if you need information in a different format (e.g. on disk or large print) or another language. Staff will always provide assistance to help customers understand and complete paperwork.

We'd also like to hear from you about things we do well!

4. Services & Customer Care

The Council is committed to providing its services fairly to all its customers and to delivering and developing services that meet their needs in a flexible, efficient and accessible way. The Equality Policy & Plan sets out how this will be done in relation to all Equalities issues, including disability.

All Council services – whether provided directly or with or via other agencies, companies or voluntary-sector groups – will be assessed in order to identify any discrimination, un-met needs and opportunities to improve the delivery of services to disabled people. (See Appendix 1 for more details.) In addition, all services will be subject to appropriate monitoring in order to ensure they are being delivered fairly to all customer groups.

The Council will consult and involve local disabled people when undertaking reviews of its policies, procedures or services - and in respect to the ways in which it communicates information about those policies, procedures or services and their future development.

We will provide information using a range of media and in different languages and formats on request. Translation facilities and practical assistance with form-filling, etc. will also be provided on request. 'Equality' does not mean that all customers must receive an identical service – there may be good reasons why different groups need to be treated differently - but that they must not be treated unfairly or less favourably.

Where you see this icon please ask if you need help or information in another format or medium.



5. Employment & Training

The Council is committed to equality of opportunity in its recruitment, training and promotion of staff. In its role as an employer, the Council will promote disability equality and prevent discrimination by regularly monitoring: recruitment, training, pay, grievances, disciplinary matters, employment status, and terms and conditions.

The Council is also committed to developing a workforce that reflects the diversity of the economically active population of the area. This will be achieved through an approach based on workforce profiling and equality assessment of the local labour market developed in partnership with neighbouring authorities.

One of our key corporate aims is to: "Develop working practices and a working environment which will make us an employer of choice."

Employment

Our recruitment processes do not allow any assumptions, preferences or judgments based on people's disability that do not relate to the potential abilities of individuals to do a job. The recruitment process and ongoing supervision will also identify any "reasonable adjustments" that may be required to **enable** a candidate – or an employee who develops an impairment – to do a job.

We can provide help and support to any job applicants or employees who have – or develop – an impairment.

Training

Effective training is vital to enable the council to comply with both the general and specific disability equality duties. We will therefore include disability awareness within our overall equality training programme.

Specific disability awareness training will be provided where needed to ensure all employees and members:

- Understand what equal opportunities means, why disability equality is important, and its impact on individual rights and responsibilities at work.
- Are aware of the Council's duties to ensure equality of opportunity for employees and customers from all sections of the community.
- Are clear about the meaning of disability discrimination and how it can have a direct impact on working relationships, the workplace environment and ensuring all customers have fair access to services.
- Know about the Council's policies and plans to promote disability equality for members, employees and customers.
- Have the necessary skills and knowledge to enable Council services to meet the needs of customers with different impairments.

6. Partnerships

The Council works in partnership with a variety of public, private and voluntary sector organisations to plan and deliver services to residents and businesses. Some of these (For example: Hampshire County Council, Hampshire Fire & Rescue, Hampshire Constabulary, the Colleges and the University, and the Primary Care Trust.) will have their own Disability Equality Schemes in place. Others, such as the Citizens Advice Bureau, may deal with the issue of disability as part of comprehensive Equality & Diversity Policies.

All organisations that provide services on behalf of the council are subject to the same requirements as the council itself - and thus to this scheme. And all organisations that employ people are also subject to the employment and training elements of **Disability** Discrimination legislation.



The Council will work closely with its partners to promote and co-ordinate action on disability equality and, where appropriate, encourage and assist them to develop policies and action plans of their own. It envisages that Winchester Social Inclusion Partnership will have a key role to play in this area of work.

8. Over to You

We would welcome any comments and suggestions you may have about this Scheme or the following Action Plan. Please contact Alison Gavin, Head of Organisational Development.

To get in touch:

Call: (01962) 848 233 Textphone: (01962) 878 982

e-mail: agavin@winchester.gov.uk

Write: Winchester City Council, City Offices, Colebrook Street

Winchester SO23 9LJ

Website: www.winchester.gov.uk/CouncilAndDemocracy/EqualityAndDiversity

Please ask if you would like this document in another format or language.

Repeat in other languages.

Appendix 1: Equality Impact Assessments

Equality impact assessments are a way of systematically assessing the effects that a proposed policy, strategy or service (PSS) is likely to have on people from different customer groups including people with different impairments.

An assessment may also include monitoring the actual *effects* of the PSS when it is put into practice and being alert to any concerns about the way it is (or is not) working. It will also require gathering data about the Council's customers – using appropriate monitoring of services and the 'channels' via which customers access services and information about services, policies and plans - and on the make-up of the local population.

The main purpose of doing an equality impact assessment is to preempt the possibility that a proposed new or changed PSS could affect some customer groups unfavourably. In relation to disability equality, the process works as follows:

Firstly, existing policies, strategies and services are "screened" to see if they are relevant to disability equality. (Subsequently, any new ones that are proposed will be automatically screened, as will any significant changes to existing ones.)

Secondly, where actual or potential discrimination or adverse impacts have been identified a detailed assessment will be undertaken to discover why and find ways to improve things.

N.B. This will be done as part of the wider Equality Impact Assessment methodology that the Council is putting in place as part of its overall performance management system to implement its Equality Policy and improve its performance against the Equality Standard for Local Government. However, issues with a specific disability dimension will be identified and reported on separately as part of the monitoring and reporting requirements of this Disability Equality Scheme.

TBA = To Be Agreed

Issue	Outcome	Action	Responsibility	Target
The Equality Scheme	A. The Council fully complies with its duties under the DDA.	Inform existing employees and Members about the Council's Disability Equality Scheme.	HEAD OF ORGANISATIONAL DEVELOPMENT	April 2007
	B. The Council can demonstrate that its services and policies do not discriminate	2. Monitor and review (involving disabled people and groups) the Disability Equality Scheme annually and revise every 3 years.	HEAD OF ORGANISATIONAL DEVELOPMENT	May 2008 & May 2010
	against disabled people.	3. Publish regular progress reports on this action plan.	HEAD OF ORGANISATIONAL DEVELOPMENT	June 2008
		4. Establish Disability equality monitoring of all relevant council activities	HEAD OF PERFORMANCE & SCRUTINY & HEADS OF SERVICE	March 2008
Partnership	C. The Council works	5. Explore opportunities to work with partners on		
Working	with its partners to promote the	disability equality to find ways to:		Ongoing
	development of joint	6. Promote disability equality.	ALL CHIEF EXECUTIVE	(Already
	policies and joint	7. Pool resources and/or budgets.		underway via
	working to promote disability equality in	8. Jointly consult/involve disabled people.		LSP)
	Winchester District.	9. Encourage job applications from disabled people.		
		10. Share information.		
Involvement & Consultation	D. The Council takes into account the views of disabled	11. Establish a disability Equality Working Group that includes both employees and external members.	HEAD OF ORGANISATIONAL DEVELOPMENT	May 2007
	people using services or affected by policies	12. Revive the Winchester Access Group.	TBA (with HCC)	Sept 2007
	when changing or developing them.	13. Explore the possibility of developing a Winchester Disability Forum, including options of online forum.	ТВА	ТВА

Cloud 9 Consulting 2007

Issue	Outcome	Action	Responsibility	Target
Promoting Disability	E. Members, Managers and Staff are aware of the	14. Publicise the Council's commitment to and policies on the elimination of discrimination.	HEAD OF ORGANISATIONAL DEVELOPMENT	Ongoing from April 2007
Equality	Council's responsibility to promote disability equality and	15. Improve "signposting" to other sources of help and support.	ТВА	ТВА
	eliminate discrimination.	16. Promote positive images of disability.	HEAD OF POLICY & COMMUNICATIONS	Ongoing from April
	F. Organisations receiving funding from the Council do	17. Include stories about and information for Disabled people in 'Perspectives'.	HEAD OF POLICY & COMMUNICATIONS	2007 Sept 2007
	not discriminate against disabled people and, where appropriate, promote	18. Develop opportunities to offer work experience placements to disabled people.	HEAD OF ORGANISATIONAL DEVELOPMENT	March 2008
	equal opportunities for disabled people.	19. Ensure that the council's contractors and suppliers are aware of the council's commitment to disability equality and what they can do to help.	HEAD OF LEGAL SERVICES	ТВА

Issue	Outcome	Action	Responsibility	Target
Information & Communication	G. The Council is able to communicate effectively and efficiently with	20. Ensure that information can be provided in a variety of formats and via a range of media to meet the needs of disabled customers.	HEAD OF POLICY & COMMUNICATIONS	Ongoing
	disabled people in ways that meet their needs.	21. Develop a range of ways in which people can communicate with the council.	CUSTOMER SERVICES MANAGER	Ongoing
		22. Publicise and promote the range of communication options.	HEAD OF POLICY & COMMUNICATIONS	Ongoing
		23. Develop corporate standard re. use of 'plain English' in letters and other communications.	HEAD OF POLICY & COMMUNICATIONS	March 2008
		24. Include information for disabled people in 'Welcome packs' or other regular communications to residents.	ТВА	ТВА
		25. Develop, with partners, information packs for professionals and other workers who provide support and care to disabled people.	ТВА	ТВА
		26. Include disability/access information in the 'What's On Guide'.	HEAD OF POLICY & COMMUNICATIONS	From June 2007

Issue	Outcome	Action	Responsibility	Target
Services	H. Disabled people are able to access Council services in ways that met their needs.	27. Monitor and report on incidences of discrimination, harassment (sexual harassment), victimisation or bullying of customers on the basis of disability.	CUSTOMER SERVICES MANAGER/HEAD OF PERFORMANCE & SCRUTINY	Annually in March
	I. Organisations that provide public services on behalf of the Council do not discriminate	28. Review and if necessary amend the complaints procedure to ensure that complaints about discrimination, harassment, victimisation or bullying are being properly handled.	HEAD OF PERFORMANCE & SCRUTINY	July 2007
	unlawfully against disabled people and, where appropriate,	29. Undertake disability Equality Impact Assessments (EIAs) where necessary.	HEAD OF ORGANISATIONAL DEVELOPMENT	From Oct 2007
	promote equal opportunities. J. Customers know that complaints about	30. Publish the results of EIAs and any associated consultation/involvement processes relevant to disability.	HEAD OF POLICY & COMMUNICATIONS	From Oct 2007
	discrimination, harassment, victimisation or bullying by disabled	31. Review and if necessary amend criteria for awarding grants and grant-aid terms & conditions to eliminate discrimination & promote disability equality.	HEAD OF PARTNERSHIPS & COMMUNITY	March 2008
	customers are taken seriously, properly recorded, and deal with promptly and effectively.	32. Review and if necessary amend criteria for procuring goods and services and, where appropriate, contract terms & conditions to eliminate discrimination and promote disability equality.	HEAD OF LEGAL SERVICES	March 2008
		33. Provide an up-to-date directory of services for disabled people.	ТВА	TBA
Services – Specific Actions	K. Services meet the needs of disabled people.	34. Develop local "surgeries" to enable disabled people to access services near to where they live.	HEAD OF ORGANISATIONAL DEVELOPMENT	Completed by 2010
		35. Ensure Council buildings are accessible.	ACCESS OFFICER	Ongoing

Issue	Outcome	Action	Responsibility	Target
		36. Develop local public internet access points that are useable by disabled people, providing help and assistance where needed.	HEAD OF ORGANISATIONAL DEVELOPMENT	Completed by 2010
		37. Use neighbourhood wardens to inform people and feedback views.	ТВА	TBA
		38. Increase take up of benefits by disabled people as outlined in the Housing and Council Tax Benefit Strategy Action Plan.	DEPUTY HEAD OF REVENUE	April 2010 – March 2011
		39. Develop a checklist of possible adaptations of homes.	ТВА	ТВА
		40. Housing allocation criteria include addressing the needs of carers.	ТВА	ТВА
		41. Review and where necessary improve the wording of forms.	ALL SERVICE MANAGERS	Ongoing
		42. Research the needs of and facilities for disabled tourists.	ТВА	ТВА
		43. Undertake Community Street Audits in conjunction with HCC and relevant stakeholders to identify barriers to access on roads and pavements in central Winchester Area including the railway station.	HEAD OF ACCESS & INFRASTRUCTURE	Completed Jan 2008
		44. Raise awareness of the availability of the Disabled Facilities Grant amongst relevant groups and organisations.	HEAD OF STRATEGIC HOUSING	Ongoing

Issue	Outcome	Action	Responsibility	Target
Knowledge & Training	L. Members and employees have the necessary knowledge and skills to enable them to communicate with and meet the needs of all those who use Council services or are affected by Council policies.	 45. Include disability equality in induction training. 46. Include disability awareness training in training programmes to enable employees to meet the needs of disabled customers. 47. Ensure that officers dealing with disability-related complaints receive appropriate training. 	ALL HEAD OF ORGANISATIONAL DEVELOPMENT	From May 2007 From May 2007 March 2008
Employment	M. The Council is recognised as an Equal Opportunities employer. N. The Council's workforce broadly reflects the community it serves. O. Employees know that complaints about discrimination, harassment, victimisation or bullying by disabled employees are taken seriously, properly recorded, and deal with promptly and effectively.	 48. Support disabled employees by raising awareness of local support groups and through the development of appropriate internal support mechanisms. 49. Use the "two ticks" logo on all recruiting material. 50. Interview all disabled job applicants. 51. Include disability awareness training in training programmes to enable employees to meet the needs of disabled employees. 52. Monitor and report on incidences of discrimination, harassment (sexual harassment), victimisation or bullying of employees on the basis of disability. 	All HEAD OF ORGANISATIONAL DEVELOPMENT	All ongoing