

**CITY AND COUNTY OF CARDIFF  
DINAS A SIR CAERDYDD**

**Employment Conditions Committee: 16 October 2006**

**Report of the Assistant Chief Executive**

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**Disability Equality Duty 2007 - 10**

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**Background**

1. A new public sector Disability Equality Duty comes into effect on 4 December 2006. The Duty, required under the Disability Discrimination Act 2005, is similar in scope to the Race Equality Duty, with a number of subtle improvements.
2. The Duty which binds all public bodies, has implications for the Council both as a service provider and as an employer. A separate report will be prepared on the implications for service delivery whilst this report will concentrate on the implications for the Council as an employer.

**Issues**

3. The Duty contains a General Duty, to which the Council must show due regard, and a number of Specific Duties which the Council must perform.
4. The General Duty is to:
  - Promote equality of opportunity between disabled persons and other persons
  - Eliminate discrimination that is unlawful under the Act
  - Eliminate harassment of disabled persons that is related to their disabilities
  - Promote positive attitudes towards disabled persons
  - Encourage participation by disabled persons in public life
  - Take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons
5. The Specific Duties are to publish a disability Equality Scheme including:
  - A statement of the way in which disabled people have been involved in the development of the Scheme
  - A statement of the Council's methods for impact assessment
  - An action plan showing how the Council's will fulfil its General Duty
  - The Council's arrangements for gathering information in relation to employment, and its delivery of functions
  - The Council's arrangements for putting the information gathered to use, in particular in reviewing the effectiveness of its action plan and in preparing subsequent Disability Equality Schemes
  - Involve disabled people in producing the Scheme and Action Plan

- Demonstrate they have taken actions in the Scheme and achieved appropriate outcomes
- Report on progress
- Review and revise the Scheme.

## Proposals

6. The key actions required to comply with the employment duty are to:

- **Involve disabled employees in identifying priorities for improvements in our disability equality as an employer.** A Disabled Employees Group has recently formed and the Equalities Team will be working with it to:
  - Identify the key issues and problems experienced by Group members as Council employees, and seek their view on how best to reduce or remove these problems
  - Find out how to resolve the problems of other disabled employees who have not joined the Group. A likely outcome of this is some form of questionnaire or accessible involvement event later this year.
  - Build these priorities into the Scheme's Action Plan.
- **Involve Council customers in identifying the key barriers to seeking and gaining employment with the Council.** This is likely to be via accessible involvement events and questionnaires undertaken in partnership with the Cardiff and Vale Coalition of Disabled People. It is suggested that the Council set a target for improving the disabled composition of the workforce.
- **Benchmarking the Council's current performance on disability equality in employment.** This will involve comparing the current levels of representation of disabled people in Cardiff Council's workforce with other benchmark authorities, and finding out what good practice exists in this area.
- **Upgrading the current Equal Opportunities Monitoring Form** that people complete when seeking employment, to incorporate a new set of disability categories advised by the Disability Rights Commission.
- **Upgrading the existing employee monitoring scheme** to incorporate the new categories referred to above.
- **Reviewing Human Resources functions and policies for their impact on disabled people.** The Council's Putting Equalities into Practice (PEP) Group has indicated its willingness to undertake this piece of work during October. Service areas will then be invited to amend or accept the draft Review, which will influence the timescale and extent to which these functions and policies are equality impact assessed in the future.
- **Equality Impact Assessing Human Resources functions and policies for their impact on disabled people.** The Council is already committed to undertaking this work as part of its Race Equality Scheme, and training and implementation will take place during the remainder of this financial year, and in 2007/8.
- **Raise awareness amongst Council employees of the requirements and opportunities of the new Duty.** The Council's Learning and Development Advisor (Equalities) will create an action plan including:
  - Information briefings for senior managers, Members, HR Lead Advisors and equalities personnel
  - Written information and e-mails targeted at all employees and Members.
- **Train employees in Disability Awareness.** Current allocation of resources to deliver disability awareness training are limited, but this activity is central to building the

Member, management and employee capacity needed to drive forward standards and good practice.

- **Ensure that Council contractors show good practice in disability equality as part of their recruitment, employee relations and HR activity.** The Council's new Procurement Strategy can be good practice.

### **Investment for Reform/Benefit to Service User**

7. The Disability Equality Duty and underpinning legislation have been introduced to correct historical inequalities in employment and service provision. These are well evidenced in numerous research documents, most notably a Joint Review of Services for learning disabled people about to be published by the Disability Rights Commission. The aim of the Duty is clear, and Cardiff Council is bound both to take due regard of the General Duty, and to carry out the Specific Duties.

### **Council Policies Supported**

8. This report supports the Council's Corporate Plan and Equal Opportunities Policy Statement.

### **Advice**

9. This report has been prepared in consultation with relevant Corporate Directors and reflects their advice. It contains all the information necessary to allow Members to arrive at a reasonable view, taking into account the following advice.

### **Legal Implications**

10. These are set out in the body of the report.

### **Financial Implications**

11. The report outlines the implications of a new duty under the Disability Discrimination Act 2005, considering the implications for the Council in its role as an employer. A separate report will be prepared on the implications for service delivery. The majority of the recommendations in the report can be met from within existing resources, however additional resources will be required to manage disability awareness training for all appropriate Council employees and members. This requirement is reflected in the medium term financial plan for 2007/08 and will be considered as part of the budget process.

### **Human Resource Implications**

12. There are a range of HR implications to the development of this new scheme. The General Duties in themselves will necessitate a range of both HR and service delivery, related issues. The Specific Duties will necessitate an impact assessment, an action plan, information on monitoring arrangements, involvement of disabled people in producing the scheme and action plan and outline arrangements for reviewing and monitoring the scheme. Implications in relation to reviewing HR policies are likely to include tasks such as policy impact assessment, monitoring arrangements and awareness raising/training for employees

## **Trade Union Comments**

13. The Trade Unions welcomed the development of a Disability Equality Scheme and reiterated the need to involve disabled individuals and groups, employees, service users and other groups. UNISON suggested that their Disabled Members Officer could offer a useful source of information in the development of the new scheme.

## **RECOMMENDATION(S)**

14. It is recommended that:-

(i) The Council's Equalities Team works with and through the new Disabled Employees Group to identify disabled employees' priorities for the Council to improve its performance on disability equality as an employer.

(ii) The Council's Equalities Team works with Cardiff and Vale Coalition of Disabled People to identify the key barriers experienced by Council customers in seeking and gaining employment with the Council.

(iii) The Council's Equalities Team undertakes research to benchmark the Council's current performance on disability equality in employment.

(iv) The Council amends the current Equal Opportunities Monitoring Form to incorporate a new set of disability categories advised by the Disability Rights Commission.

(v) The Council upgrades the existing employee monitoring scheme to enable the capture of the new categories referred to in recommendation (iv) above.

(vi) The Putting Equalities into Practice (PEP) Group and Human Resources review employment and policies and procedures for their impact on disabled people.

(vii) The Council agrees a course of action, training and implementation to embed equality impact assessment of its employment policies for their impact on disabled people.

(viii) The Council cascades awareness of the requirements and opportunities of the new Duty to all appropriate employees and Members.

(ix) The Council considers the allocation of additional resources to manage disability awareness training for all appropriate Council employees and Members as part of 2007/08 budget process.

(x) The Council designs and implements guidelines to ensure that its contractors show good practice in disability equality .

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