

**DUDLEY MBC**

**SELECT COMMITTEE ON ECONOMIC REGENERATION – 3 November 2004**

**DISABILITY ACCESS STRATEGY**

**REPORT OF THE DIRECTOR OF LAW AND PROPERTY**

**1.0 PURPOSE**

1.1 To inform the Select Committee of the new strategy for improving access to Council buildings and services for people with disabilities.

**2.0 BACKGROUND**

2.1 A report defining the Council’s Disability Access Strategy was presented to the meeting of the Executive on 27 October 2004. A copy of that report is appended to this report for the Select Committee’s information.

2.2 The Disability Discrimination Act (DDA) 1995, introduced new requirements and measures aimed at ending the discrimination which many disabled people face. In particular, the Act gives disabled people new rights in the areas of “access to goods, facilities and services”, and makes it unlawful for service providers, landlords and other persons to discriminate against disabled people in certain circumstances.

**3.0 PROPOSALS**

3.1 That the Select Committee notes the contents of the report to the Executive.

**4.0 FINANCE**

4.1 The finance details are outlined in the report to the Executive.

**5.0 LAW**

5.1 The law relating to this strategy is outlined in the report to the Executive.

**6.0 EQUAL OPPORTUNITIES**

6.1 This report complies fully with the Council’s policies on equal opportunities and diversity.

**7.0 RECOMMENDATION**

7.1 That the proposals contained in section 3.0 are approved.

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J. POLYCHRONAKIS  
Director of Law and Property  
Contact Officer: Paul Bickerdike, Ext: 4107

## DUDLEY MBC

EXECUTIVE - 27<sup>TH</sup> OCTOBER 2004

### DISABILITY ACCESS STRATEGY

#### REPORT OF THE DIRECTOR OF LAW AND PROPERTY

#### **8.0 PURPOSE**

8.1 To define the Council's strategy for improving access to its buildings and services for people with disabilities.

#### **9.0 BACKGROUND**

9.1 The Council is determined to continue to improve access to its services for all its citizens, and is bringing this about in two distinct ways:

- **By changing the way the Council provides its services** – The Council has begun an ambitious project to provide its citizens with exceptional and unprecedented access to its services. Its aim:

*“Making one Council a reality by offering every customer at every access point across the Borough a single means of contact on all Council services – **One Contact, One Council**”*

Through its Customer Access To Services (CATS) project, the Council proposes to establish new, wholly dedicated, purpose made, Customer Service Centres in each of its five towns, together with a range of contact kiosks with video links, telephone banks and support desks. Modernising its service delivery in this manner will enable the Council to replace remote and substandard customer reception points that predominate many of its operational premises and which provide services in a disparate and dissimilar ways.

- **By changing the buildings from which the Council provides its services** – It will achieve this by implementing the Disability Access Strategy, which is intended to aid the practical implementation of the Disability Discrimination Act 1995.
- 2.2 The Disability Discrimination Act (DDA) 1995, introduced new requirements and measures aimed at ending the discrimination which many disabled people face. In particular, the Act gives disabled people new rights in the areas of “access to goods, facilities and services”, and makes it unlawful for service providers, landlords and other persons to discriminate against disabled people in certain circumstances.

- 2.3 A disability is defined as a physical or mental impairment that affects a person's ability to carry out normal day-to-day activities. That effect must be:
- Substantial; and
  - Adverse; and
  - Long-term
- 2.4 Discrimination is defined as:
- Treating a disabled person less favourably than other people and that treatment cannot be justified; and
  - Failing to make reasonable adjustments that will place a disabled person at substantial disadvantage in comparison with a person who is not disabled
- 2.5 The Disability Rights Commission Act 1999, led to the establishment of the Disability Rights Commission (DRC), and set out the DRC's statutory duties:
- To work to eliminate discrimination against disabled people
  - To promote equal opportunities for disabled people
  - To encourage good practice in the treatment of disabled people
  - To advise the Government on the working of disability legislation
- 2.6 The Code of Practice to the Disability Discrimination Act 1995: Rights of Access to Goods, Facilities, Services and Premises, deals with the duties placed by Part III of the Act on those providing goods, facilities and services to the public and those selling, letting, or managing premises. The duties on service providers are introduced in 3 stages:
- Since 2 December 1996, it has been unlawful for service providers to treat disabled people less favourably for a reason related to their disability
  - Since 1 October 1999, service providers have had to make "reasonable adjustments" for disabled people, such as providing extra help or making changes to the way they provide their services
  - From 1 October 2004, service providers will also have to make "reasonable adjustments" to the physical features of their premises to overcome physical barriers to access
- 2.7 From 1 October 2004, where a physical feature makes it impossible or unreasonably difficult for a disabled person to make use of services, a service provider will have to take reasonable steps to:
- Remove the feature; or
  - Alter it so that it no longer has that effect; or
  - Provide a reasonable means of avoiding it; or
  - Provide a reasonable alternative method of making the services available
- 2.8 The DDA places an anticipatory duty upon responsible bodies to make any reasonable adjustments that may be necessary to overcome physical barriers to access.

- 2.9 The Special Educational Needs and Disability Act (SENDA) 2001 has amended the DDA and expanded the duties relating to disabled pupils and students. The SENDA covers schools and other adult/youth/community educational premises, and also non-statutory services, such as clubs, and activities run by voluntary organisations, the Scouts or church youth clubs. This report is not intended to cover this aspect of disability legislation.
- 2.10 Clearly, the disability legislation is very challenging, and the Council has to be realistic about what it can achieve in the short term. However, much has already been done; the Council has made good progress in assessing its buildings & services in order to identify where and how obstacles need to be avoided or removed, and it has made significant investment over a number of years to make its buildings and services more accessible.
- 2.11 For the future, the new Disability Access Improvement Plan is designed to encourage solving disability access issues via the CATS project and to prioritise and target the Disability Access budget at those improvements that will provide greatest benefit.
- 2.12 This report is intended to demonstrate the Council's ongoing commitment to making its buildings and its services more accessible by:
- Defining its Disability Access Strategy (Appendix 1)
  - Establishing a Disability Access Improvement Action Plan (Appendix 2)

### **3.0 PROPOSALS**

3.1 It is proposed that:

3.1.1 This report be noted

3.1.2 The Disability Access Strategy be approved

3.1.3 The Disability Access Improvement Action Plan be implemented

### **4.0 FINANCE**

4.1 The Disability Access to Council Buildings Capital Programme for 2004/5 is £200k.

4.2 The annual Repairs & Maintenance budget includes an allocation of £100k for improving access to buildings for disabled people.

4.3 The Directorate of Education & Lifelong Learning's Schools Access Initiative budget for 2004/5 is £587k, and (provisionally) £591k for 2005/6.

- 4.4 The Directorate of Education & Lifelong Learning's Youth Service DDA budget for 2004/5 is £34k.
- 4.5 The cost of implementing the Building Regulations – Part M: Access and Facilities for Disabled People, in new construction work, will be met from individual project budgets.
- 4.6 Individual Directorates will need to determine and meet any other costs arising from the implementation of the Disability Access Strategy and the Disability Access Improvement Action Plan.

## **5.0 LAW**

- 5.1 The Disability Discrimination Act (DDA) 1995, aims to end the discrimination which many disabled people face. This Act gives disabled people rights in the areas of:
- Employment
  - Access to goods, facilities and services
  - Buying or renting land or property

The employment rights and first rights of access came into force on October 1999, and the final rights of access will come into force in October 2004.

- 5.2 The design and construction of new buildings and extensions is controlled by the Building Regulations, which are made under powers provided in the Building Act 1984.
- 5.3 The Health and Safety at Work etc Act 1974, imposes a duty upon the Council to ensure, so far as is reasonably practicable, the health, safety and welfare of its employees and non-employees affected by its undertakings.
- 5.4 The Council has various powers to acquire land and erect buildings. The repair and maintenance of them is incidental to these powers pursuant to Section 111 of the Local Government Act, 1972.
- 5.5 The Special Educational Needs and Disability Act (SENDA) 2001, amends the DDA to include schools and other adult, youth, and community educational premises.

## **6.0 EQUAL OPPORTUNITIES**

- 6.1. This report complies fully with the Council's policies on equal opportunities and diversity.

## **7.0 RECOMMENDATION**

7.1 That the proposals contained in section 3.0 are approved.

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J. POLYCHRONAKIS  
Director of Law and Property.

Contact Officer: Paul Bickerdike, Ext: 4107.

### **BACKGROUND PAPERS**

1. Disability Rights Commission: Code of Practice – Rights of Access Goods, Facilities, Services and Premises

#### **Useful links:**

**Disability Rights Commission (DRC) publish – Code of Practice to the Disability Discrimination Act 1995 – Rights of Access to Goods, Facilities, Services and Premises [www.drc-gb.org](http://www.drc-gb.org)**

**The British Council of Disabled People – The Social Model of Disability [www.bcodp.org.uk](http://www.bcodp.org.uk)**

**Nationwide Register of Disabled Access [www.directenquiries.com](http://www.directenquiries.com)**

**Blue Map [www.bluemap.co.uk](http://www.bluemap.co.uk)**

## **DISABILITY ACCESS OPTIONS:**

For a copy of this report in an alternative format please contact:

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**1. Taking Corporate Responsibility – *The Council will designate officers to implement its Disability Access Strategy and its Disability Access Improvement Action Plan***

- The Equality and Diversity Advisory Group will assume corporate responsibility for the implementation of the Disability Discrimination Act 1995.
- The Corporate Property Group will assume corporate responsibility for the implementation of the Council's Disability Access Strategy and the Council's Disability Access Improvement Action Plan. The Corporate Property Group is led by the Corporate Property Officer (John Polychronakis – Director of Law & Property) and comprises officers from each Directorate with senior responsibility for property.
- The Corporate Property Group will assign and identify people who will assume responsibility for implementing the Council's Disability Access Improvement Action Plan at directorate/service level.

**2. Maintaining Dialogue – *The Council will work with people in the disabled community to articulate their needs and to ensure the effectiveness of its Disability Access Strategy and its Disability Access Improvement Action Plan***

- The Corporate Property Group will seek advice from the Council's Community Representatives Panel on the strategic development and implementation of the Disability Access Strategy and the Disability Access Improvement Action Plan. The panel advises the Council on equality and diversity issues, and it consists of representatives of people with disabilities, black and minority ethnic communities, and women in the Borough.
- The Corporate Property Group will seek advice from the Action for Disabled People and Carers Group and the Disabled Employees Group on the operational development and implementation of the Disability Access Strategy and the Disability Access Improvement Action Plan.
- The Council will maintain its network of people and organisations involved with disability access. It is intended that this network will provide good communication channels and enable people with disabilities, carers, and other public/private sector agencies to be involved with the Disability Access Strategy and the Disability Access Improvement Action Plan. Representatives from these groups will be invited to serve on the Action for Disabled People and Carers Group, which will act as the umbrella group for the network and a first point of call for consultation and advice.

- The Council will make best use of the Disabled Community's specialist media routes.

**3. Promoting Awareness – *The Council will promote disability awareness to protect the dignity of disabled people and to accelerate the improvement of its services and buildings***

- The Council will adopt the Social Model of Disability that is advanced by the British Council of Disabled People.
- The Council will encourage people in the disabled community to provide advice on the Disability Access Improvement Action Plan and to assist with its implementation.
- The Council will provide adequate training and development to ensure the competency of the people responsible for implementing its Disability Access Improvement Action Plan.
- The Council will inform its people about disability discrimination legislation and disability access best practice.
- The Corporate Property Group will promote the Disability Access Strategy in each directorate.

**4. Advising, Informing, and Enforcing – *The Council will provide advice, information, and enforcement to support people in the disabled community***

- The Council will employ a Disability Access Officer to advise clients, developers and builders on the design and appropriateness of access facilities for new construction works through its Planning and Development Control role.
- The Disability Access Officer will publish the Council's free Disability Access Guides to help the disabled community and visitors from other disabled communities to determine which buildings and facilities are best suited to their individual needs.
- The Corporate Property Group will extend the Council's disability information base to its Intranet and Internet sites, and consider extending it to other web-based Disability Information sites, such as Direct Enquiries – The Nationwide Disabled Access Register, or Blue Map.
- The Council will use its Building Control powers to ensure that new construction work complies with the Building Regulations – Part M: Access and Facilities for Disabled People, and it will encourage disability access best practice amongst developers, designers and builders.
- The Council will use its Planning Control powers to ensure that disability access is made a material consideration in the planning process.

**5. Improving Disability Access to Services – *The Council will review its services to identify where disability access improvements need to be made***

- The Customer Access To Services (CATS) project will be the centrepiece of the Council's drive to make its services more accessible.
- The Council will make disability access a prime consideration at its service reviews and make any disability access improvements or include them on the Disability Access Improvement Action Plan.
- The Council will establish and implement a Disability Access Improvement Action Plan to improve access to its services.

**6. Improving Disability Access to Buildings – *The Council will assess its buildings to determine where disability access improvements can be made and it will make all reasonable adjustments***

- The Council will establish and implement a Disability Access Improvement Action Plan to improve access to its buildings.
- The Council will advance construction best practice for disability access in its design and building processes.
- The Council will take the opportunity to improve disability access during all major capital construction projects.

## DISABILITY ACCESS IMPROVEMENT ACTION PLAN: 2004 – 2009

## Appendix 2

Action	By whom	By when	Progress
1. The Director of Law & Property will identify an appropriate annual budget to deal with the implementation of the programme of works that derive from the Disability Access Improvement Action Plan	Director of Law & Property	Apr 04-09 Annually	2004/5 in place
2. Each directorate will establish and meet any other reasonable costs arising from the implementation of the Disability Access Strategy and the Disability Access Improvement Action Plan	Directorate Management Teams	Apr 05-09 Annually	TBA
3. The Corporate Property Group will consider how the Strategic Property Review affects the Disability Access Improvement Action Plan	Corporate Property Group	Oct 04-09	TBA
4. The Corporate Property Group, in consultation with the Head of Strategic Review (Access) will consider how the Customer Access To Services (CATS) project affects the Disability Access Improvement Action Plan	Corporate Property Group	Oct 04-09	TBA
5. The Corporate Property Group will lead and coordinate the Disability Access Strategy and the Disability Access Improvement Action Plan	Corporate Property Group	Sep 04	In place Ongoing
6. Each directorate will appoint a representative to lead and coordinate the Disability Access Strategy and the Disability Access Improvement Action Plan on its behalf	Corporate Property Group	Jan 04-09	TBA

7. Each directorate will liaise with the Head of Personnel to provide appropriate disability awareness training for relevant staff	Directorate Management Teams	Jan 05-09	TBA
8. Each directorate will review its services and its buildings to identify what it needs to do to improve disability access to them – by way of a self-audit form, or by a full Disability Access Audit if appropriate	Corporate Property Group	Oct 04-09 Quarterly	Some reviews started
9. The Corporate Property Group will establish a prioritised programme of improvements that stems from each directorate’s review of its services and buildings	Corporate Property Group	Oct 04-09 Quarterly	TBA
10. The Director of Law & Property will engage Dudley Property Consultancy to implement the programme of improvements	Director of Law & Property	Oct 04-09	TBA
11. The Council will employ a Disability Access Officer to advise clients, developers and builders on the design and appropriateness of access facilities for new construction works through its Planning and Development Control role	Director of the Urban Environment	In place	Ongoing
12. The Director of Law & Property will invite the Disability Access Officer to act as the Corporate Property Group’s advisor on specialist disability issues	Director of Law & Property	TBA	TBA
13. The Corporate Property Group will ensure, where practicable, that all Council funded construction projects will include appropriate improvements	Corporate Property Group	Apr 05-09	TBA

for disability access			
14. The Corporate Property Group will ensure that Disability Access Statements are made for every major capital project	Corporate Property Group	Apr 05-09	TBA
15. The Director of Law & Property will maintain the competency of his design staff to deal with disability access issues	Director of Law & Property	In place	Ongoing
16. The Director of the Urban Environment will ensure that new construction work complies with the Building Regulations – Part M: Access and Facilities for Disabled People, and it will encourage disability access best practice amongst developers, designers and builders	Director of the Urban Environment	In place	Ongoing
17. The Disability Access Officer will submit the Council’s ‘Accessibility’ KPIs to the Audit Commission as and when required and report the Council’s performance to the Corporate Property Group on an annual basis	Disability Access Officer	TBA	Ongoing
18. The Director of the Urban Environment will ensure that disability access is a material consideration of the planning process	Director of the Urban Environment	Annually TBA	TBA
19. The Assistant Corporate Property Officer will record disability access information on the Corporate Land & Property Management (IT) System	Assistant Corporate Property Officer	Apr 05-09	TBA
20. Each directorate will consider how to make best use of the disabled	Directorate	Apr 05-	TBA

community's specialist media routes	Management Teams	09	
21. Each directorate will extend its disability access information to its Intranet and Internet sites, and it will consider extending it to other web-based disability information sites	Directorate Management Teams	Apr 05-09	TBA
22. The Disability Access Officer will publish and review the Disability Access Guides	Disability Access Officer	In place	Ongoing
23. The Director of Law & Property will amend the Council's policy for the acquisition and disposal of property to meet the requirements of the DDA	Director of Law & Property	Oct 05	TBA
24. Each directorate will assess how 'Assistive Technology' can improve disability access to its services and buildings	Directorate Management Teams	Apr 05-09	TBA
25. Each directorate will adopt the Social Model of Disability	Directorate Management Teams	Apr 05-09	TBA
26. The Corporate Property Group will promote the Disability Access Strategy	Corporate Property Group	Oct 05-09	TBA
27. The Corporate Property Group, in consultation with the Equality & Diversity Advisory Group, the Community Representatives Panel, the Action for Disabled People and Carers Group and the Disabled Employees Group, will	Corporate Property Group	Apr 05-09	Ongoing

periodically review and amend the Disability Access Strategy and the Disability Access Improvement Action Plan			
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