

Briefing Note No. 3:

The Disability Equality Duty for the Public Sector

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The following paper has been submitted by Anne Armstrong, AccessAbility, to raise awareness of the forthcoming amendments to the Disability Discrimination Act (DDA). The proposed Duty to Promote Disability Equality is currently at the consultation stage.

What is it?

From December 2006 The Disability Discrimination Act (DDA) 1995 will be amended to place a duty on all public bodies to promote disability equality. This will affect all public bodies - from local councils to government departments, from universities to hospitals.

The Disability Equality Duty will require the public sector to actively promote disability equality, and is similar to the duty to promote race equality under the Race Relations (Amendment) Act.

This is a positive duty which builds in disability equality at the beginning of the process, rather than make adjustments at the end. It will bring about a shift from a legal framework which relies on individual disabled people complaining about discrimination to one in which the public sector becomes a proactive agent of change.

How will it operate?

The Act sets out what is known as the General Duty. This means they will all have to have due regard to the need to eliminate unlawful discrimination and promote equal opportunities for disabled people. They will also need to consider the elimination of harassment of disabled people, promotion of positive attitudes and the need to encourage the participation of disabled people in public life.

The Regulations will give key public bodies a Specific Duty which will define for them a framework to use to meet the General Duty. The main element of this will be the requirement to produce a **Disability Equality Scheme**. There will be a full list of bodies who will have the specific duty and will be required to produce a Disability Equality Scheme. This list will be produced by Government but a draft version is in the DRC consultation document and it includes Government Departments, many Local Authorities, Universities, Colleges, Regional Development Agencies, and many Health and Regulatory Bodies.

In the process of producing this **Disability Equality Scheme** these key bodies must:

- Involve disabled people in producing the scheme and developing the action plan.
- Identify how they will gather and analyse evidence to inform their actions and track progress.
- Set out how they will assess the impact of their existing and proposed activities on disabled people.
- Produce an action plan for the next three years.

- Report on their progress every year and review and make appropriate revisions to this scheme at least every three years.

These key bodies must demonstrate that they have taken the actions they have committed themselves to, and achieved appropriate outcomes.

How we it be enforced?

In relation to the Specific Duty and those bodies who will have to produce a Disability Equality Scheme, the DRC will have the power to issue compliance notices where it is satisfied that a public authority has failed to comply with its specific duties under the regulations, and can enforce the notices in the county or sheriff court.

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