

New Disability Discrimination Act 2005

- Disability Equality Duty for the Public Sector
- Becoming law – December 2006
- Codes of practice published December 2005

Duty to promote Disability Equality

When carrying out their functions public authorities must have due regard to the need to:

- eliminate unlawful discrimination;
- promote equal opportunities;
- eliminate disability related harassment;
- promote positive attitudes towards disabled persons;
- encourage participation by disabled persons in public life.

Disability Equality Duty for the Public Sector

- Builds on DDA, but at the same time is a new approach
- Not about new entitlements
- About public authorities doing what they currently do BETTER!
- Focuses on organisational change not individual adjustments
- Tool for tackling 'institutionalised discrimination'

Institutionalised Discrimination

- In 2003, 24% of disabled people aged 16-24 had no qualifications at all, compared to 13% of non-disabled people of the same age.
- Disabled people die younger than non-disabled people, partly because of unequal access to health screening, assessment and treatment. One study found people with learning disabilities were 58 times more likely to die before 50 than other citizens.
- Research carried out by the Greater London Authority in 2003 found that 50% of disabled respondents had experienced abuse or bullying because of their disability.

Overall goal

Closing the gaps in disabled and non disabled people's experiences and opportunities.

Disability Equality Scheme

Those bodies who are listed and therefore have the specific duty must:

- Publish a Disability Equality Scheme.
- Demonstrate they have taken actions in the scheme and achieved appropriate outcomes.
- Report on progress every year.
- Review and revise scheme.

The Disability Equality scheme must show:

How disabled people have been involved in producing the scheme and action plan.

This involvement must be influential and the DRC will be producing guidance on the most effective ways of involving disabled people.

How the impact of existing and proposed activities on disabled people will be assessed.

Impact assessments of new initiatives are the opportunity to get it from the start.

For existing activities the public body will have to produce a timetable for assessing these over the period of the scheme.

Plan for actions over next 3 years to fulfil the general duty which will reflect:

- The priorities of disabled people
- The strategic priorities of the body
- The key milestones or external pressures faced by the body

How progress on disability equality will be measured and arrangements for analysing evidence and updating action plans.

Evidence must be:

- sufficient to inform bodies whether their action plan is delivering greater equality
- whether the priorities underlying the action plan are the right ones.

Measuring progress

As a minimum, measurement of progress must consider:

- the recruitment, retention and career development of staff;
- the accessibility of services to disabled people, and the suitability of those services to disabled people; and
- admissions and educational attainment of disabled students in educational establishments.

How does the new duty build on the DDA?

Requires public bodies to analyse potential patterns of disadvantage and take proportionate action to change them.

Provides an opportunity for public sector bodies to have an early alert system for potential major issues in relation to disability.