

Meeting of the Cabinet – 1st November 2006

Report of the Director of Law and Property

Draft Disability Equality Scheme

Purpose of Report

1. To consider the draft Disability Equality Scheme (a full copy of which is available in the Member's Room and electronically on the Council's Committee Management Information System (CMIS)) and to update Members on the preparation of an overall Equality Scheme for the Council.

Background

2. New duties under the Disability Discrimination Act 2005 come into force on 4th December 2006. These go beyond the existing duties of previous disability discrimination legislation by introducing a positive duty on public authorities to promote disability equality. Specific duties under Act require public authorities to publish a Disability Equality Scheme by 4th December 2006.
3. The duties have a number of similarities with those of the Race Relations (Amendment) Act 2000, in response to which the Council has had a Race Equality Scheme in place since May 2002. Specific duties under the Equality Act 2006, which introduces a new positive duty to promote gender equality from 7th April 2007, will also require the publication of a Gender Equality Scheme by this date.
4. The Cabinet has previously agreed to the production of a combined Equality Scheme along the timescales for the requirements relating to the Disability Equality Scheme. It is now proposed to publish the disability equality elements by the required deadline while continuing to draft the revised race equality and the new gender equality elements. This will enable the overall Equality Scheme to be published in time to meet the gender equality duty deadline, to take on board the guidance in the gender duty statutory code of practice which is still awaited, and for the scheme to fall in line with the wider planning cycles of the Council.
5. The draft Equality Scheme is set out so that there is an introduction to the document describing the Council's overall approach to promoting equality. This is followed by specific sections relating to race, disability and gender equality. The drafts of the general elements and the section relating to disability are available in the Member's Room and electronically on the Council's Committee Management Information System (CMIS).
6. The full Equality Scheme document will be submitted to a future meeting of the Cabinet for approval.
7. The document also encloses at Appendix A an updated Equality and Diversity Policy, revised primarily to take on board the recent changes to equality legislation.

Finance

8. The draft scheme identifies a range of actions that can be met from within existing budgets. Any further financial implications, which might arise from implementing the scheme will need to be identified and reported in due course.

Law

9. The Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005 require public authorities to produce and publish a Disability Equality Scheme by 4th December 2006.
10. The Race Relations Act 1976 (Statutory Duties) Order 2001 placed specific duties on public authorities to prepare and publish a Race Equality Scheme by 31st May 2002.
11. Specific duties under the Equality Act 2006 will require the preparation and publication of a Gender Equality Scheme by 7th April 2007.

Equality Impact

12. The Equality Scheme will set out the Council's approach to promoting equality and diversity which will incorporate the approach to assessing the equality impact of its functions and policies, including those relating to children and young people.

Recommendation

13. It is recommended that Members:
 - Comment on the draft Disability Equality Scheme and authorise the Director of Law and Property, in consultation with Councillor Shakespeare, to approve the final version for publication by 4th December 2006.
 - Note the progress towards preparation of the overall Equality Scheme.
 - Approve the updated Equality and Diversity Policy at Appendix A to the draft Scheme (a copy is available in the Member's Room and electronically on the Council's Committee Management Information System (CMIS)).

John Polychronakis

John Polychronakis
Director of Law and Property

Contact Officer: Simon Manson
Telephone: 01384 814713
Email: simon.manson@dudley.gov.uk

List of Background papers

Equality and Diversity Advisory Group reports 2006
Minutes of ADC meetings 2005/07