

DISABILITY EQUALITY SCHEME

7 December 2009

1 PURPOSE OF REPORT

1.1 The purpose of the report is to ask the Board to approve the revised Disability Equality Scheme.

2 SUMMARY

2.1 An early revision of the Disability Equality Scheme was undertaken to bring the Joint Board in to line with other local authority organisations in Scotland.

3 MAIN REPORT

3.1 The scheme has been reviewed and updated particularly to take account of changes in the objectives and actions section in the light of experiences gained since the introduction of this policy.

4 FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications arising from this report.

5 ENVIRONMENTAL IMPACT

5.1 There are no adverse environmental impacts arising from this report.

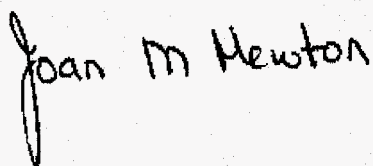
6 RECOMMENDATIONS

6.1 Lothian Valuation Joint Board is recommended to:

- a) note the contents of this report;
- b) approve the Revised Disability Equality Scheme.

Appendix

1. Draft Disability Equality Scheme

A handwritten signature in black ink that reads "Joan M Hewton". The signature is written in a cursive style with a large initial 'J'.

Joan M Hewton
ASSESSOR

7 December 2009

APPENDIX



DISABILITY EQUALITY SCHEME

Personnel & Office Services
UPDATED OCTOBER 2009



DISABILITY EQUALITY SCHEME

FOREWORD

The Disability Discrimination Act 1995 as amended provides an opportunity for Lothian Valuation Joint Board (the Board) to reaffirm its commitment to disability equality.

This Disability Equality Scheme, together with its associated action plan, represents part of a positive equal opportunities agenda which includes the promotion of disability equality by the Lothian Valuation Joint Board.

The promotion of equal opportunities generally, and disability equality in particular, are matters to which I am personally committed. This Scheme forms part of that commitment and part of Lothian Valuation Joint Board's wider equal opportunities policy.

Our performance in relation to the proposals contained in this Scheme will be monitored and audited, and progress reported to elected members of the Board and to the citizens of Lothian.

**Joan M Hewton, Assessor & Electoral Registration Officer
Lothian Valuation Joint Board**

October 2009

DISABILITY EQUALITY SCHEME

(covering all employees)

1 INTRODUCTION

- 1.1 This document outlines the Joint Board's Disability Equality Scheme which forms one element of our general commitment to equal opportunities. Equality is important for everyone.
- 1.2 The Disability Discrimination Act 1995 as amended has placed for the first time a positive duty on public bodies to promote disability equality. The principle of equality is crucial to the Government's agenda to modernise Local Government.
- 1.3 The Board strives to put diversity and inclusion at the heart of its work. Our challenge is to ensure that equality considerations are central to all that we do.
- 1.4 In accordance with the General Duty imposed by the Disability Discrimination Act, we will have due regard to the need to:-

Eliminate unlawful disability discrimination

Eliminate disability related harassment

Promote equality of opportunities by:

- **Promoting positive attitudes towards disabled persons**
- **Encouraging the participation of disabled people in public life**

The Joint Board will take positive and proactive measures to promote equality of disabled persons.

- 1.5 The Board aims to make disability equality a central part of the way it works by putting it at the centre of policymaking, service delivery, regulation and enforcement and employment practice.
- 1.6 As an employer, the Board will make arrangements to monitor areas of its employment policies.
- 1.7 The Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations also place Specific Duties on public authorities to enable them to meet the general duty. In accordance with these duties, the Board has prepared this Disability Equality Scheme which specifies:-

How disabled persons have been involved in the development of the Scheme

The methods to be used for assessing the impact, or likely impact, of its policies and practices

The action we propose to ensure compliance with the Act

Our arrangements for monitoring the effect of our actions in promoting equality of opportunity.

The steps we will take to review our performance.

The procedure for reviewing and publishing a revised scheme.

The procedure for reporting and publishing the effects of our actions.

- 1.8 /...

1.8 Discrimination Defined

Case law has shown that discrimination can take various forms, including direct and indirect discrimination.

1.8.1 Direct Discrimination

This is where you openly treat any sector of the community less favourably than you may to others. For example, you may state in a job advertisement that men are only welcome to apply for a particular job vacancy, or you may refrain from interviewing people who are black. Both of these examples are an open indication of direct discrimination.

1.8.2 Indirect Discrimination

Indirect discrimination is where a company might place an unnecessary condition or requirement on a particular job to prevent certain members of the community from applying. For example, placing height restrictions on a job which doesn't require height to perform; stipulating that only people who can speak clear fluent English where the job does not require verbal communication, can be seen as indirectly placing prejudicial conditions on a particular job.

1.8.3 Victimisation

It should be emphasised that victimisation is unlawful in terms of the legislation. For example, it is unlawful to treat someone less favourably because they have brought a complaint of discrimination, have supported such a complaint or are believed to have done so.

1.8.4 Harassment

Harassment is a very broad concept and will include actions which are specifically prohibited by the Disability Discrimination Act 1995 and the Protection from Harassment Act 1977. It can take many forms from direct verbal abuse to comments which make an individual feel uncomfortable, humiliated, intimidated, or degraded.

The Lothian Valuation Joint Board will not accept discrimination against or harassment of disabled persons and will deal with any reported instance through Disciplinary and Grievance Procedures.

Staff are encouraged to report any instance of discrimination or harassment through the existing Grievance and/or Confidential Reporting ("Whistle Blowing") Procedures.

2 INVOLVEMENT

2.1 The Joint Board primarily carries out statutory functions over a very large and diverse stakeholder base, we met and consulted with staff, Unison and the City of Edinburgh Disability Equality Forum. Reference has been made to material published by representative groups, research and consultation by partner organisations and our own practical experience both of delivering services to disabled persons and as an employer of disabled persons.

2.2 The Joint Board is committed to developing means of involving disabled persons to take the Scheme forward will:-

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- Consult with disabled persons as the experts as they have to deal with inaccessible buildings and transport, inadequate support or a hostile environment.
- Work with its partners to avoid duplication of consultation.
- Build relationships involving disabled people.
- Recognise that it takes time – a quick fix is not a long-lasting solution.
- Make equalities training part of the mainstream activity.

3 IMPACT ASSESSMENT

- 3.1 The Management Team of the Joint Board will use its established Risk Management approach to identify the effects of changes of policy and legislation on disabled persons. Negative effects for disabled persons will either be avoided, mitigated or accepted as appropriate and, where the risk is deemed to be high, a full Impact Assessment will be carried out.
- 3.2 The details of the approach to full Impact Assessments will vary depending upon the nature of the change and its likely effect for disabled persons but each will include the following general steps:-
- a) Consider all available data and research findings
 - b) Assess the effect on disabled persons (as above)
 - c) Consider mitigation action
 - d) Consider alternative approaches and opportunities to promote equalities
 - e) Decide on the most appropriate actions
 - f) Establish arrangements for monitoring outcomes
 - g) Publish the Impact Assessment

4 ACTION PLANS

- 4.1 **Making sure the Disability Equality Scheme works** to ensure compliance with our duty to promote equality of opportunity for all.

Objective	Action	Desired Outcome	Timescale
Raise the standard of disability equality across the Joint Board	Review every three years	Revised scheme	Annual assessment with full review in 2012
Raise public awareness of the scheme	Make Scheme available via the Joint Board's website and in all required formats	Increased awareness of the Joint Board's commitment to eliminate discrimination	Ongoing
To monitor the implementation of the scheme	Annual monitoring and reporting	Satisfaction that progress is made under the scheme. Revise the scheme as necessary	Annual reporting to the Management Team To Elected Members

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4.2 **Identifying the relevant functions and policies** to give appropriate priority to the promotion of disability equality when carrying out functions and policies

Objective	Action	Desired Outcome	Timescale
To meet the requirements of the Disability Discrimination Act 2005	To review all functions and policies according to our duty to promote disability equality	All functions and policies will be reviewed as per the Scheme. Application of the Scheme across the functions and policies.	Ongoing and due for review 2012

4.3 **Assessing and consulting on the likely impact of policies** to determine how functions and policies affect disabled people and whether they are having an adverse impact on some individuals or groups.

Objective	Action	Desired Outcome	Timescale
Management to be aware that monitoring information required	Monitoring form produced and adopted	Data monitored in a consistent manner	Continual monitoring
To ensure consistent use of monitoring procedure	Use forms to monitor all as at 5.1 below	Improved service delivery	Continual monitoring

4.4 **Communicating the results of assessment and monitoring** to make sure that the results are clear

Objective	Action	Desired Outcome	Timescale
Identification of information required	Management team provided with details of information required and in what format	Information made available	By July 2010
Development of staff guidance on how to produce accessible information	Management team given guidance on production of accessible information	Information made more easily available to the Lothian Valuation Joint Board's partners	By July 2010
User satisfaction monitoring	Encourage representations to be made	Allows for actions/Scheme to be reviewed	Annual

4.5 **Ensuring access to buildings, functions and services** by removing barriers

Objective	Action	Desired Outcome	Timescale
To identify needs of disabled people and barriers to accessing services	Use monitoring and consultation information to identify need	Increased satisfaction levels	Ongoing
To provide information in an accessible format	Increase staff knowledge on what is available to accommodate people with different needs. Provide tape and Braille versions of documents on request.	Improved service delivery and satisfaction	Ongoing

4.6 /...

4.6 **Employment** requirements to create a workforce that better represents the profile of the community

Objective	Action	Desired Outcome	Timescale
Employment monitoring	Report annually	Production of annual trends and action plan amendments	Annual
To eliminate possible discrimination in the workforce	Ensure continued monitoring of: Training applications, Grievance (harassment) complaints, Disciplinary proceedings, Exit interviews, Promotions	Publication of statistics	Annual
To eliminate possible discrimination in the recruitment process	Improve monitoring practices. Interview all candidates satisfying the minimum requirements who identify themselves as having a disability	Equality of opportunity in the recruitment process	Ongoing basis

4.7 **Training Staff** to ensure that staff has the information required to promote disability equality

Objective	Action	Desired Outcome	Timescale
To train staff on the requirements of the Disability Equality Scheme	Carry out appropriate training	A balanced staff Annual statistics on training	Ongoing
To ensure appropriate staff know their responsibilities	Managers to pass on information	Raising awareness of the Disability Discrimination legislation	Ongoing
To ensure ongoing training as appropriate	Keep up to date with changes in legislation	A workforce kept up to date with legislative requirements	Ongoing

5 MONITORING

5.1 The Board is required to have in place arrangements for monitoring the number of applicants for employment training and promotion and the number of staff. Monitoring is already carried through the Joint Board's Reporting Framework on the following basis for staff:-

- a) in post,
- b) received training,
- c) benefiting or suffering detriment as a result of performance assessment,
- d) involved in grievance procedures,
- e) subject to disciplinary procedures, and
- f) ceasing employment with the Joint Board.

5.2 /....

- 5.2 The results of the monitoring detailed in 5.1 will be published annually.
- 5.3 Although the Board may consider appeals made by employees against the actions of the Assessor on questions of discipline and grievance. Procedures for dealing with appeals are drafted and applied in a way that avoids unlawful discrimination and they will be reviewed accordingly. The Board will monitor and analyse grievances, disciplinary matters and appeals.
- 5.4 The Board recognises that it is important to analyse the information obtained from the monitoring in order to identify any differences between groups. The Assessor will investigate the processes that have resulted in any differences and take the necessary action to address barriers or failings.

6 REPORTING

- 6.1 The Lothian Valuation Joint Board's Reporting Framework forms the basis for this, with statistics being drawn from the monitoring procedures, and the results being presented both to the Management Team, the Board and the public as appropriate.

7 THE BOARD'S FUNCTIONS

- 7.1 The principal function of the Board is to provide electoral registration, council tax valuation and non-domestic rating valuation services to its constituent authorities and the public.
- 7.2 Appointment and Conduct of Senior Officers – The Board, in conjunction with the Scottish Ministers, is responsible for the appointment of the Assessor and for his/her conduct. It is also responsible for the appointment of the Depute Assessor and the Assessor is responsible for the operational management of the Board's employees.
- 7.3 In its scrutiny role, the Board is required to keep itself informed as to the manner in which the Assessor deals with operational matters and to this end it receives periodic reports from the Assessor on matters relating to the policies and operation of the organisation and its performance, including any complaints received.
- 7.3 The Board has considered which of its functions are relevant to the general duty to promote disability equality and how relevant they are to it. These functions, along with the action intended to take, are detailed below.

7.4 Functions & Actions

7.4.1 Appointments

The Board is subject to Scottish Executive guidance governing the recruitment and selection of senior officers. The Board will consult with its personnel advisers in an effort to identify any measures it can take with a view to further promoting of opportunity in its recruitment and selection process.

7.4.2 Employment of Staff

The Board is committed to the development of positive action to promote equal opportunities. Through the implementation of this policy the Board will seek to eradicate discrimination, whether direct or indirect, in its own structures, employment practices and the provision of services. The Board will establish a monitoring regime as set out in Part 4 above.

7.4.3 /....

7.4.3 Complaints

The Assessor has developed a Complaints Procedure which will draw on the expertise of its constituent authorities on this matter and will consider any steps to be taken to address the issues.

The Assessor will collate and report information relating to ability in his analysis of complaints made under this procedure.

7.4.4 Customer Consultation

Customer care questionnaires will have been developed to allow analysis of customer satisfaction.

8 THE BOARD'S POLICIES

- 8.1 The Board will review its Policies and Procedures to include consideration of the way they might be amended to promote equality of opportunity.

9 TRAINING

- 9.1 The Board will train staff in relation to its duties to promote disability equality. The Board is satisfied that the Assessor has made the necessary training arrangements and will monitor their implementation in accordance with 5.3 above.
- 9.2 A statement of commitment to Disability Equality will be included in staff induction.

10 PUBLICITY

- 10.1 The Board is required to identify the arrangements it will make to publish the results of any assessments, consultations and monitoring it carries out to establish whether its policies have any impact on disability equality. The Board is bound by and complies with the requirements of the Local Government etc (Scotland) Act 1994 in respect of access to information.
- 10.2 The Board is required to identify the arrangements it will make for ensuring public access to the information and services it provides. The Board will draw on the expertise of its constituent authorities and related government bodies in this matter and consider what action it requires to take to develop public awareness.
- 10.3 This Scheme will be published and circulated to all members, officers and employees of the Board. Copies will be available from the Assessor at 17A South Gyle Crescent, Edinburgh. The Scheme will also be placed on the Board's website at www.lothian-vjb.gov.uk. Translations will be made available on request using the services of locally identified translators or through services accessed outwith the area. CDROM and Braille copies will be made available on request.

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11 DURATION AND REVIEW

- 11.1 This scheme is intended to cover the period from 1 January 2010 to 31 December 2012 and will be subject to review at the end of that period. However the Board may, if considered appropriate, review the Scheme or any part of it at an earlier date in response to comments made from individuals or organisations or consultations with other bodies.

**This policy can be made available in large print and various community languages.
Please contact our office – details are noted below.**

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