

REPORT TO: Policy and Performance Board

DATE: 3rd June 2008

REPORTING OFFICER: Strategic Directorate Corporate & Policy

SUBJECT: The Disability Discrimination Act – The Next Steps

WARDS: Borough Wide

1.0 PURPOSE OF THE REPORT

1.1 The topic was chosen to consider whether the Council is adequately fulfilling its responsibilities under the requirements of the Disability Discrimination legislation.

2.0 RECOMMENDATION: That

The report be noted.

3.0 SUPPORTING INFORMATION

3.1 Introduction

3.1.1 On 2nd December 1996 the Disability Discrimination Act 1995 brought in measures to prevent discrimination against disabled people. The duties on service providers were introduced in three stages: -

- Since 2nd December 1996 it has been unlawful for service providers to treat disabled people less favourably for a reason related to their disability;
- From 1st October 1999 service providers have to make 'reasonable adjustments' for disabled people, such as providing extra help or making changes to the way they provide their services; and
- From 2004 service providers have to make 'reasonable adjustments' to the physical features of their premises to overcome physical barriers to access.

3.1.2 The Equality and Human Rights Commission states:

'An employer, education provider or service provider has a duty to make reasonable adjustments where a provision, criterion or practice, or any physical feature of premises occupied by them, places a disabled person at a substantial disadvantage compared with people who are not disabled. They must take reasonable steps to prevent that disadvantage. It isn't possible for them to justify not making adjustments that are reasonable.'

3.1.3 If the Council fails to undertake reasonable adjustments and an individual feels that they have experienced discrimination, then they

can use both the Human Rights Act and Disability Discrimination Act to bring a case before the courts.

3.2 Progress on DDA compliance

3.2.1 In 2002 the Council undertook access audits of all its buildings to establish the extent of their compliance with the Act. A range of remedial works were identified which were costed, programmed for completion according to their relative priority, and over £1.5 million in total was provided to finance the programme of works between 2004/05 and 2009/10.

Table 1 – Programme of DDA compliance works.

Note - The figures relate to actual construction costs and excluded associated professional fees.

Year	£
2004 - 05	£ 332,888
2005 - 06	£ 235,105
2006 - 07	£ 291,371
2007 - 08	£ 286,472
2008 - 09	£ 169,674*
2009 - 10	£ 234,510*
<u>TOTAL</u>	£1,550,020

* *Works currently being undertaken or scheduled for completion.*

2.2.1 The 2007/08 Halton Borough Council - Best Value Performance Indicator 156 set a target of 63% of buildings to be fully DDA compliant by 31st March 2008 and this figure was exceeded.

3.3 Major refurbishment or repair works

3.3.1 These invariably require Building Regulation approval which in turn require that such works are fully DDA compliant. Major schemes like the refurbishment of Runcorn Town Hall for example have thus involved significant modifications to the lifts, the provision of disabled toilet and washing facilities as well as ramped access to the building.

3.4 Findings of Site Visits and Interviews

3.4.1 Site visits were undertaken to review progress with DDA remedial works to buildings as well as to assess the effectiveness of local management of accommodation from a DDA viewpoint.

A number of management issues were identified, particularly concerning the safety of disabled persons during emergency situations. A full summary of the findings of these site visits can be found within Appendix 1,

3.4.2 Building modifications

From the properties inspected it was evident that investment had been made to remove physical obstacles. The refurbishment of Widnes Library was considered to be a good example of how an existing building can be adapted to allow access for disabled persons.

It was noted that a number of lower priority works had not yet been completed, an example of such works include the replacement of wall and floor coverings in order to create contrasting surface finishes.

In order to ensure value for money and to ensure that limited available resources are used in a cost effective manner, these works will be completed when the existing materials are deemed to have reached the end of their natural life span.

3.4.3 Emergency Evacuation Procedures

The safe evacuation of disabled persons during emergency situations needs to be improved and developed following approval on 7 June 2005 of The Regulatory Reform (Fire Safety) Order 2005 (RRFSO). Concerns were identified during inspections and interviews concerning the ease by which disabled persons could safely and speedily evacuate some buildings.

As a result a meeting was organised with a representative from Cheshire Fire Authority and a number of key measures were identified for implementation:

- The installation of a final method of evacuating persons of limited mobility must be considered by the Council. This would ideally be in the form of evacuation chairs which should only be deployed by appointed fire marshals and operated by trained members of staff.
- The development of a 'buddy' system for persons requiring physical assistance. The 'buddy' must stay with the person requiring assistance until either, the emergency services arrive or specialist equipment is deployed. Any appointed person should be fully trained in the deployment and operation of any equipment to be used in an emergency situation i.e. evacuation chair.
- Consideration should be given for the use of two-way radios or mobile phones during any evacuation procedure. These should be on constant charge and again issued by appointed fire marshals in the event of any emergency procedure.

- The development of Personal Evacuation Plans for all disabled Council employees or regular disabled users of Council facilities.
- A methods should be in place to sweep any Council building in order to ensure that all persons are accounted for. During the sweep of the building all fire marshals must be reminded to undertake a final check of the refuge areas in order to establish if any persons require assistance.
- Appropriate signage should be erected to communicate to building users the location of safe refuge areas. These areas must be inspected during the final sweep of the building during emergency situations.
- A system of monitoring of people who may require assistance in public buildings such as libraries, community centres etc should be developed and implemented. The clear identification of refuge areas together with a search of the premises by appointed fire marshals will ensure that all persons are accounted for and appropriate assistance offered.

3.4.4 Disabled Toilet Facilities

The site inspections and discussions revealed that many of the Council's toilet facilities were not adequately monitored. Alarm systems were operated on a local sounder arrangement. This relies on appointed helpers being within close proximity of the facilities in order to identify a person requiring attention.

A system of remote monitoring needs to be developed in order that assistance can be made available at the earliest opportunity. We envisage that this will require all alarms being raised at a main reception or security office.

The maintenance of the alarm system also needs to be undertaken on a regular basis. In addition frequent inspections need to be completed to ensure that cords have not been tied up, sounders are fully functional etc.

3.4.5 Secondary Use of Council Owned Buildings

A typical example of a secondary use of a building would be its occasional use as a polling station during either local or national elections. All polling stations need to be reviewed for DDA compliance if this was not done in 2002.

It should be noted however that before the May 2008 local elections a total of 70 drop counter voting booths were purchased and installed at polling stations throughout the borough.

3.5 Recommendations

- 3.5.1 The £1.14 million investment made by the Council to 31st March 2008 has improved access and secured reasonable standards of health and safety for persons in or about 63% of the Councils buildings. The

Councils ongoing commitment will ensure programme completion by 31st March 2010.

- 3.5.2 All major refurbishment or maintenance works are automatically DDA compliant as they meet all Building Regulation requirements.
- 3.5.3 The development of appropriate emergency evacuation procedures are currently being developed and implemented for each council building.
- 3.5.4 The emergency alarms in disabled toilet facilities need to be checked to ensure that they will produce an immediate response when activated and that a regime of regular inspections and maintenance of equipment is implemented.
- 3.5.5 If not already undertaken in 2002, polling stations need to be surveyed for DDA compliance in order that any essential remedial works are prioritised and undertaken during the remaining two years of the programme.

3.6 Conclusions

- 3.6.1 As required by the Disability Discrimination Act, the Council is taking reasonable steps and investing substantial sums to ensure that no people with disabilities have substantially disadvantaged access to Council owned buildings. Furthermore, by 31st March 2010, all Council buildings are expected to be fully DDA compliant.
- 3.6.2 Local management of buildings however, particularly from the viewpoint of emergencies arising involving people with mobility difficulties, requires constant review, training of staff and general reinforcement.

4.0 POLICY IMPLICATIONS

- 4.1 Failure to make reasonable adjustments and improving accessibility to our building stock would be in breach of the Council's Equality and Diversity policies.

5.0 OTHER IMPLICATIONS

- 5.1 Failure to undertake reasonable adjustments to our building stock could lead to an individual bringing a case before the courts under the Human Rights and/or Disability Discrimination Act.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

- 6.1 **Children and Young People in Halton** - Providing access to facilities to enable children and young people to achieve their maximum potential.
- 6.2 **Corporate Effectiveness and Efficient Service Delivery** - Delivery of services in a fair, equal, accessible way to all residents.

- 6.3 **Employment, Learning and Skills in Halton** - In providing access to employment opportunity.
- 6.4 **A Healthy Halton** - Removing the barriers for disabled people ensuring ready access to a wide range of social, community and housing services and cultural and sporting activities that enhance their quality of life.
- 6.5 **A Safer Halton** - Creating and sustaining better neighbourhoods that are well designed, built and maintained and valued by the people who use them.
- 6.6 **Halton's Urban Renewal** - To ensure that Halton designs and maintains high levels of accessibility to places and spaces.

7.0 EQUALITY AND DIVERSITY ISSUES

- 7.1 Halton Council is committed to ensuring equality of opportunity in everything that it does and to eliminating inequality and discrimination wherever it can.
- 7.2 By ensuring that Halton's buildings are fully accessible will ensure that services can be delivered in a fair, equal and accessible way to all residents of the borough.

