Reporting on Progress towards Equality of Opportunity between Disabled Persons and Other Persons made by Public Authorities in Scotland: the Scottish Ministers' Duties

Finance and Sustainable Growth

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SCOTTISH GOVERNMENT

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FINANCE AND SUSTAINABLE GROWTH

1. INTRODUCTION

1.1   The Scottish Ministers' Duty forms part of the duty on public bodies to promote equality of opportunity for disabled people contained in the Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005. The Scottish Ministers are required to publish reports which give an overview of progress towards equality of opportunity between disabled people and other people made by public authorities; and to set out their proposals for the coordination of action by public authorities so as to bring about further progress towards equality of opportunity.

1.2   This report was commissioned by Scottish Ministers to enable reporting on the progress which is being made towards equality of opportunity between disabled people and non-disabled people across the Finance and Sustainable Growth ministerial portfolio. The research was undertaken by Rowena Arshad, Will Bee, Judith MacKinlay, Alan Bell and Luke Padfield from the University Of Edinburgh. It is one of 7 reports published in response to the 'Scottish Ministers' Duty'. Collectively the 7 reports constitute the Scottish Ministers' response to the duty.

1.3   This report contains seven thematic sections corresponding to areas in the Finance and Sustainable Growth ministerial portfolio:

- Transport
- Tourism
- Enterprise
- The Third Sector
- Planning and Built Environment
- Local Government
- Valuation Boards

1.4   Each of these sections contains:

- an introduction to the relevant policy context;

- research and statistical evidence on position of disabled people and progress towards greater equality;

- findings from examination of the Disability Equality Schemes;

- a note on the use of categories of disabilities in these Schemes;

- a note on the evidence they contain of consultation and involvement of people with disabilities and their families in the development of the Schemes; and

- a summary and conclusion.

1.5   The material in this report is based on a review of publicly available material. In particular, reporting on progress is based on consideration of the disability equality schemes and annual reports of relevant public authorities. No interviews with public authorities were undertaken in the preparation of the report.

2   TRANSPORT

Introduction

2.1   This section examines the provision of public transport services in Scotland to the extent that they are controlled or influenced by public bodies. The services covered include train, bus, taxi, ferry and air services. It also includes demand responsive transport services. This section also examines as far as possible the management of parking for disabled people, and the maintenance of pavements and road crossings.

Background: Wider Policy Context and Evidence

Wider policy context

2.2   Transport policy is set out in the Scottish Government's Transport Strategy published in 2006 (Scottish Executive, 2006b). The strategy identifies three key issues:

- Improved journey times and connections - making it quicker, easier and more reliable for passengers to travel between our towns and cities and across our global markets.
- Reduced emissions - making sure that Scotland takes a lead in the future of sustainable transport.
- Improved quality, accessibility and affordability - ensuring everyone across Scotland has high quality public transport choices.

The third of these issues impacts directly on disabled people although it embraces a much wider agenda.

2.3   The transport strategy is delivered by a range of partners who are subject to the disability equality duty.

- Scotland-wide issues relating to rail and road services are the responsibility of Transport Scotland which also has responsibility for rolling out the concessionary fares scheme.
- The seven newly created regional transport partnerships are now subject to the disability equality duty and were required to produce a disability equality scheme by December 2007. All of these partnerships have responsibility for developing transport strategies within their regions and supporting the implementation of them with a capital investment programme. Some of the partnerships are also responsible (or shortly will be responsible) for the management of service contracts for bus, ferry and air services and some of the infrastructure for these services.
- The thirty-two local authorities in Scotland also have responsibility for transport strategy within their area. For many, this includes awarding service contracts

for subsidised bus routes and the provision of demand responsive systems such Dial-a-Bus. They are also responsible for licensing taxi services and have the discretion to run taxicard schemes. Local authorities are responsible for issuing blue badges to disabled people and parking policy at the car parks which they manage. Finally, local authorities are responsible for maintaining pavements and road crossing which also impact on mobility of disabled people.

Research and statistical evidence

2.4   A recent study entitled *Improved Public Transport for Disabled People* (Scottish Executive, 2006c) found that a disabled adult is 50% less likely to make any kind of trip on a day than is a non-disabled adult.   The report goes on to say that the chief reason for this is difficulty travelling: 'almost three-quarters of disabled people or those with long-term limiting illness experience at least occasional difficulty travelling'.

2.5   These findings corroborate earlier research in England and Wales commissioned by the Disabled Persons Transport Advisory Committee (DPTAC), entitled *Attitudes of Disabled People to Public Transport* (DPTAC, 2002) which identified the same gap in travel frequency between disabled and non-disabled people. The Scottish Parliament Equal Opportunities Committee Inquiry into Disability (Scottish Parliament, 2008a) also found that much of the evidence they received endorsed the finding of these research projects.

2.6   The most common mode of transport used by disabled people is a private car (Scottish Executive, 2006a). However disabled people generally have poorer access to motor cars. The 2001 Census found that 60% of households with a disabled member had no access to a car while only 27% of households with no disabled member were without access to a car. Moreover statistics published in 2006 (Scottish Executive, 2006b) show that significantly fewer disabled people hold driving licences (44% compared to 72% of non-disabled people). The report goes on to say that possession of a driving licence has climbed consistently among non-disabled people since 1999, while the position for disabled people has remained broadly static.

2.7   There is also a variation in car use among those people who hold a driving licence. Fifty percent of disabled people who hold a driving licence drive every day, while 66% of non-disabled licence holders do so (Scottish Executive, 2006b).   Fourteen percent of disabled licence holders never drive at all (5% of non-disabled people).

2.8   The Disabled Persons Transport Advisory Committee study (DPTAC, 2002) also found that the most frequently used method of transport by disabled people was the private motor car. However they found that 85% of disabled people used the car as a passenger, while only 20% drove their own vehicle. This compared

to figures of 66% and 85% for non-disabled people. The Scottish Executive research into transport among disabled people (Scottish Executive, 2006a) found that only 10% of journeys by disabled people were made as a passenger in a car.

2.9   Table 1 shows that bus use among disabled people is higher than by non-disabled people. The High Level Equality Statistics Report (Scottish Executive, 2006b) records that the Scottish Household Survey 2005 estimates that adults with a disability or long term illness are most likely to use a bus service twice or three times a week (15%) or every day/almost every day (13%). The comparatives figure for non-disabled people are 11% and 11%. Fifty-six per cent of adults with a disability or long-term illness have used a bus service in the previous month, compared to 42% of non-disabled adults. Since 2002, the most marked difference in frequency of local bus use is that the proportion of adults with a disability or long-term illness using the bus every day or almost every day has increased from 9% to 13%.

Table 1

Frequency of Using a Local Bus Service in the Past Month, People with a Disability/ Long-Term Illness (D) & People with No Disability/ Long-Term Illness (ND) Scotland, 2006
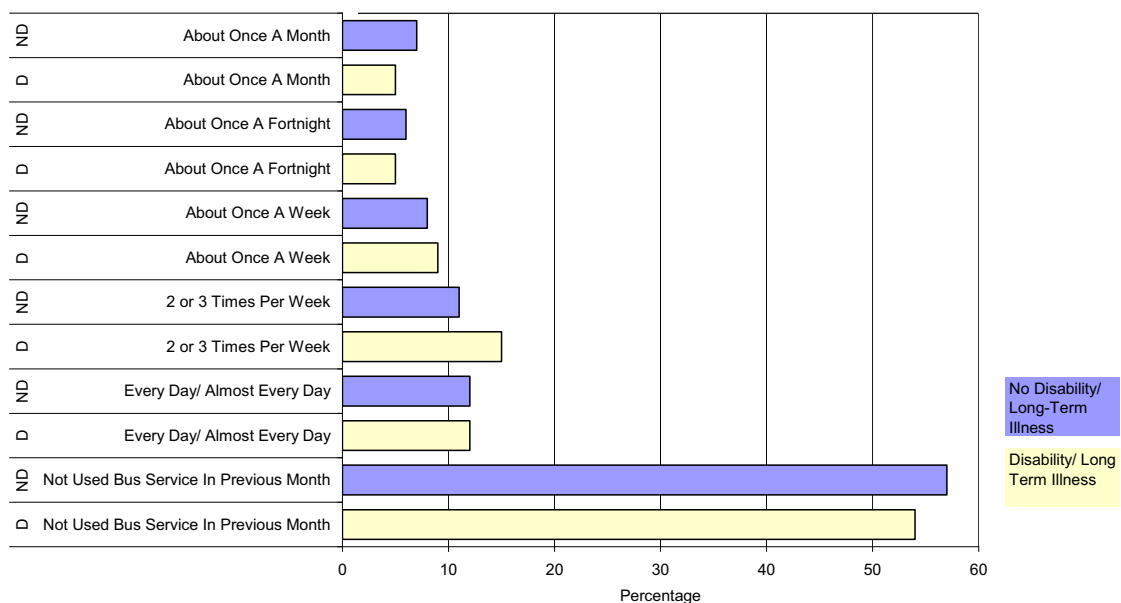
Source: Scottish Household Survey, 2006

2.10   However disabled adults are less likely to use the train service than non-disabled adults (Scottish Executive, 2006b), as illustrated in Table 2. Disabled adults are most likely to use a train service about once a month (5%), while 10% of those who are non-disabled do so once a month. Eight per cent of disabled have used a train service in the previous month compared to 22% of non-disabled adults. There has been little change since a previous survey in 2002.

Table 2

Frequency of Using a Train Service in the Past 6 Months, Adults with a Disability/ Long-Term Illness
& Adults with No Disability/ Long-Term Illness, Scotland, 2006
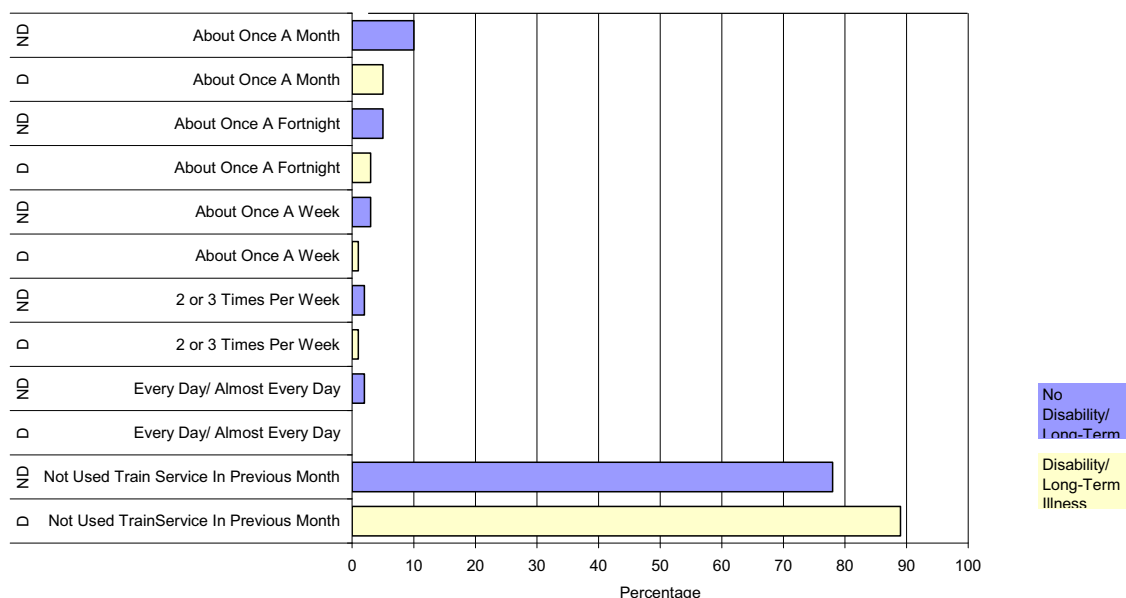
Source: Scottish Household Survey –2006

2.11   Although there are no Scottish figures available for taxi use the DPTAC study (DPTAC, 2002) found that taxis and private hire vehicles were the second most common mode of transport used by disabled people in England and Wales. Forty per cent of disabled people used this mode of transport at least monthly compared to 36% of non-disabled people.

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2.12   The study, entitled *Improved Public Transport for Disabled People* (Scottish Executive, 2006c), concludes that making public transport more accessible to disabled people is a complex task, 'requiring a range of co-ordinated schemes and initiatives tailored to both the local physical environment, the needs of specific people in any local area and dovetailing with existing transport opportunities.'

2.13 Ultimate success might be measured by surveys which assess the frequency with which disabled people travel and which demonstrate a closing of the gap between the journeys they make compared to non-disabled people. Such measurement is not within the scope of any of the organisations considered in this report. However it is possible for organisations to record in their disability equality

schemes measures they have taken to increase or improve travel options for disabled people and in many instances measure the impact of the steps taken. Disability equality schemes and annual reports reviewed for this report show some signs of improvement, and examples of good practice.

Areas where progress is evident

2.14 Progress is discussed for the two key providers of transport:

- Strategic transport bodies
- Local authorities

Strategic transport bodies

2.15 With the exception of two strategic transport bodies (Strathclyde Transport Partnership and ZetTrans); the regional transport partnerships have drawn up pan-equality schemes. These all identify transport barriers affecting disabled people. In general they draw on recent consultation responses to their draft regional transport strategies to inform their equality scheme. They acknowledge that more can be done and propose to establish a formal consultation network for disabled people.

2.16 Examples of good practice which can be highlighted include the following:

- Strathclyde Transport Partnership is considering researching the trip patterns of disabled people to gain a better understanding of their needs
- ZetTrans (through Shetland Isles Council from whom they inherited the work) has funded Disability Shetland to carry out an access survey of the ferry services which serve the islands
- Strathclyde Transport Partnership is investigating the need for a buddy system to help introduce disabled people to using the bus and subway systems in their area

2.17 Transport Scotland, in its contribution to the Scottish Government's scheme, notes the establishment of two advisory groups, the Scottish Rail Accessibility Forum and the Roads for All Forum. The former advises Transport Scotland on "new standards and requirements being proposed by the Department for Transport; ways that the rail sector in Scotland is able to support disabled people to use its services and how Transport Scotland can promote this; and the continuing roll-out of the GB-wide Access for All funding stream including the selection of stations for future development." Improving accessibility to Scotland's rail network remains a matter reserved to Westminster and funds to improve disabled access at train stations come from the UK government's Access for All programme. Transport Scotland is responsible for managing and delivering this programme in Scotland on behalf of the Department for Transport.

2.18   The Roads for All Forum has an overseeing role for the implementation of the Trunk Road Disability Equality Scheme and Action Plan.   In Transport Scotland's contribution to the Scottish Government's Annual Report it is noted that both these fora meet regularly and provide helpful advice. The Scottish Rail Accessibility Forum has been particularly helpful in helping to revise the Code of Practice on Access to Stations.   Transport Scotland report that they have revised the Scottish Transport Appraisal Guidance to integrate Equality Impact Assessment processes into the appraisal process for assessing all major rail and road projects. Other policy and project approval mechanisms are currently being reviewed to ensure that equality issues are adequately addressed, considered and recorded.

2.19   In its annual report, the Scottish Government noted its decision to include information about the accessibility of buses in the context of applications for the Bus Route Development Grant Scheme. This should help to increase the numbers of Disability Discrimination Act compliant buses in service.

2.20   Transport Scotland have also identified a range of statistics which they collect which could track progress in increasing travel opportunities for disabled people.   These include:

- Eight stations have been allocated Access for All funds, although it is rather more important to record the number of stations where the work has been successfully completed.
- It would also be possible to record the number of stations benefiting from expenditure from the First ScotRail Minor Works Fund.
- Performance monitoring of First ScotRail includes some indicators of accessibility such as whether trains carry the portable ramp required by some disabled customers. Publication of this data would also be helpful.

2.21   Transport Scotland states in its contribution to the Scottish Government's annual report that it is undertaking an evaluation of concessionary travel in Scotland including the uptake and usage by disabled passengers. Data collection is underway and the final report is due in summer 2008.   This data has the potential to assist local authorities in monitoring take up and use of the scheme in their areas and perhaps target investment in ways which will improve its effectiveness

Local authorities

2.22   Twenty-five local authorities identify transport as an issue of concern to disabled people in their disability equality scheme.

2.23   The schemes and annual reports include a limited amount of statistical data. However, with few authorities recording the same data it is not possible to

draw comparisons, or establish trends. Examples of the statistics which have been recorded are:

- four authorities record data relating to taxis including details of the number of taxicards issued, the number of wheelchair accessible taxis licensed and the number of taxi drivers trained
- one authority records an increased number of routes operated by buses compliant with the requirements of the Disability Discrimination Act (DDA)
- another authority gives detailed information about the number of trips taken on demand responsive transport services
- two authorities give information on the number of crossings improved to make them more accessible, and
- two authorities record expenditure on improvements to increase accessibility of pavements and crossings

2.24 A number of authorities record considerable efforts to involve disabled people in identifying the priorities for their scheme. In addition to consulting local organisations of disabled people they have organised focus groups, carefully structured public meetings and carried out surveys. They have also drawn on the results of previous survey work. This commonly leads to transport being identified as a key concern. Some of these concerns are reflected in actions recorded in the action plan which should help remove barriers facing disabled people who wish to travel. These are listed below by mode of transport:

Buses

- Angus Council proposes to amend the contracts for the bus services they fund to require the use of Disability Discrimination Act compliant buses subject to resources being available. No information on the implementation of this action was included in their first annual report.
- Highland Council records that additional points are awarded in the tender assessment process to companies who propose to use Disability Discrimination Act compliant buses on contracted services. Their annual report proposes to establish mechanisms to measure the proportion of low floor buses which operate in their area.
- Glasgow proposes to trial audible announcements at bus stops to assist people with visual impairments.
- Travel Dundee became the first municipal operator in Scotland to become 100% low floor in October 2004 (other companies operate in the city which do not run low floor buses so it cannot be said that all the buses in the city are accessible).

Taxis

- South Ayrshire notes that during its involvement meetings with disabled people they received complaints about some taxi drivers refusing to carry electric

wheelchairs. They propose to bring this to the attention of Ayr College which delivers training for taxi drivers. Their annual report records that disability awareness is now a mandatory part of the training.

Pavements and crossings

- In response to comments from disabled people while preparing the plan, North Ayrshire has committed £0.3M to fund a programme of pavement and crossing improvements. The routes to benefit are to be chosen in consultation with disabled people.

- Also to be noted in this section is the Road Safety Scotland Publication *a2b safely* (Road Safety Scotland 2007), an interactive website designed to educate pupils and students with additional learning needs on the dangers faced by traffic on Scotland's roads

2.25 In summing up, it is difficult to assess the achievement of measurable *progress* because no numerical targets are set in the first round of actions plans. Most of the local authority schemes do not present enough detail about transport to allow a full assessment of progress towards equality of opportunity. This is not necessarily a criticism: the disability equality scheme is a summary document covering all aspects of council services. Nevertheless, there is evidence of *positive activity*, particularly in relation to:

- The frequent identification of transport as a key issue of concern to disabled people.
- The recognition of the importance of encouraging the use of Disability Discrimination Act compliant buses.
- The number of authorities which recognise the importance of the street environment as a significant part of the transport experience of disabled people.

Areas where progress is less evident

2.26 Areas where progress is less evident are discussed in relation to the two key providers of transport:

- Strategic transport bodies
- Local authorities

Strategic transport bodies

2.28 Regional transport partnerships are new bodies and a number of them have very few staff. They became subject to the disability equality duty requirement to publish disability equality schemes in December 2007. Given this

early stage, the schemes they have developed do not present enough detail to allow a full assessment of progress towards equality of opportunity.

2.29   In their strategic role the regional transport partnerships would be ideally placed to encourage links between demand responsive transport services and mainstream public transport as suggested in the *Improved Public Transport for Disabled People* report (Scottish Executive, 2006c), but this is not highlighted in their schemes.

Local authorities

2.31   Local authority disability equality schemes do not always clearly demonstrate how equality of opportunity for disabled people in transport issues is being approached. In such complex organisations with a wide range of functions, it is perhaps understandable that schemes may lack detail in some of the issues they address.

2.32   An intention to tackle the transport needs of disabled people may be clear, however, it may not be clear what measures have been identified to take forward the issues.

2.27   The statistics used in disability equality schemes and annual reports do not demonstrable progress in overcoming barriers to disabled people using transport services.   There are occasions when statistics which show real progress are omitted from schemes. For example, as noted above, Dundee recorded that all the buses operated by Travel Dundee are low floor, but omit the information that of 980 bus stops in the city, only two are not considered accessible. In addition, a further programme of work is underway to prevent cars parking in bus stops which makes it impossible for some disabled people to board the bus.   This latter information was provided by National Express when asked to comment on the report of the Equal Opportunities Committee Inquiry into Disability (Scottish Parliament, 2008b).   The two pieces of evidence together demonstrate a high level of accessibility of bus services in the City.

2.34   In summary, it is difficult in a number of areas to make an assessment of progress because the data are not being collected, or if they are, they are not been included in the schemes and annual reports.

Categories of impairment

2.35   The vast majority of local authorities include a statement of the definition drawn from the Disability Discrimination Act, often followed by a statement of support for the social model of disability.

2.36   As is often the case when discussing transport accessibility, the examples of the problems to be addressed generally focus on the needs of people with

mobility impairments. The most commonly mentioned issue (in fourteen schemes) is parking, which affects people with mobility impairments who have access to a car. In general the debate about improving the pedestrian environment appears to focus on the needs of wheelchair users; for example one local authority specifically asked its access panel to consult wheelchair users. This overlooks the very important impact of the street environment on people with visual impairments.

2.37   Two local authorities make specific mention of the needs of people with learning disabilities when using public transport, but do not include actions in their action plan which might address these concerns.

2.38   The five regional transport partnerships which have produced pan-equality schemes do not include a definition of disability. They refer to promoting access to public transport for equalities groups but there is no reference to what this might mean in terms of specific actions to address the barriers faced by disabled people with particular access needs. For example, none refer to the important impact that driver behavior can have on people with learning disabilities and propose measures related to driver training. Strathclyde Transport Partnership on the other hand includes a number of initiatives to assist people with visual impairments, such as providing descriptions of some of the stations on the underground system on 'describe online'. Transport Scotland's monitoring of the First ScotRail franchise includes the provision of an induction loop and ensuring that visual and audible information systems are operational.

Consultation and involvement

2.39   A number of authorities record considerable efforts to involve disabled people in identifying the priorities for their scheme. In addition to consulting local organisations of disabled people, they have organised focus groups, carefully structured public meetings and carried out surveys. They have also sensibly drawn on the results of previous survey work. This commonly leads to transport being identified as a key concern.

2.41   The transport partnerships rely heavily on the outcome of consultation on their draft regional strategies to inform the development of their equality schemes. Only Strathclyde Transport Partnership reports any additional involvement activity. It should be noted that the Community Transport Association gave the following evidence to the Equal Opportunities Committee Inquiry into Disability:

> *I am hugely concerned about the consultation meetings on the regional transport strategies, because equal opportunities issues have not come up in any of the meetings that I have attended. (Scottish Parliament, 2006b)*

As noted at paragraph 2.15, the transport partnerships have acknowledged that they need to do more to consult and involve disabled people and propose to establish a formal consultation network for disabled people.

Summary and conclusions

2.42   Local authorities and the regional transport partnerships have recognised from their various consultation and involvement activities that transport is a key concern for disabled people.   A number of these organisations have included actions in their schemes and action plans which are intended to respond to these concerns.

2.43   At this stage, the first round of disability equality schemes and annual reports examined for this report do not clearly show how the proposed measures will remove the barriers which result in disabled people travelling so much less than non-disabled people are being addressed

2.45   It isn't always clear how disability equality schemes are developing the strategic actions necessary to implement the solutions identified by in the report on *Improved Public Transport for Disabled People* (Scottish Executive, 2006c). Greater coordination of action areas across organisations might be needed, along with a clearer presentation of activity.

2.46   The purpose of the Disability Equality Duty was to stimulate a concerted approach by the public sector to overcome the barriers which exclude disabled people from society. It still represents an opportunity to take forward the report's recommendation that:

> *"a coherent and comprehensive strategy for achieving equality of mobility should be an integral part of National, Regional and Local Transport Strategies rather than being separate or add-on".*

2.47   To do so, more effort is needed to link barriers identified by disabled people to actions which will assist in overcoming them. As a first step statistics which can measure real improvements in accessible transport systems for disabled people could be developed and used.

3   TOURISM

Introduction

3.1   This section examines how the tourism industry has responded to the disability equality duty. While a range of organisations contribute to the tourism industry, the section draws largely from the scheme and action plan of the lead agency, VisitScotland.

Background: Wider Policy Context and Evidence

Wider Policy context

3.2   The economic value of tourism to the Scottish economy has long been recognised (MacLellan and Smith 1998; Dewar 2007). The Tourist Boards (Scotland) Act 2006 saw the renaming of the Scottish Tourist Board to VisitScotland. A range of organisations support the Scottish tourism industry such as Scottish Enterprise, Highlands and Islands Enterprise, Historic Scotland, Scottish Natural Heritage, the Forestry Commission to organisations like the Association of Scottish Self-Caterers, Association of Scottish Visitor Attractions, British Hospitality Association, WildScotland, Sustainable Tourism Unit, the Scottish Tourist Forum to name a few. Other key partners are clearly national and local government.

3.3   VisitScotland is the lead tourism agency in Scotland. Its core activities are to market Scotland, provide information about Scotland, to quality assure tourism services and provide advice to industry partners such as enterprise companies, arts, culture and leisure bodies, national park bodies, local authorities in order to meet visitor expectations. VisitScotland also has a key role in promoting partnerships with appropriate agencies to ensure a collective effort for economic benefits in the area of tourism.

3.4   *The Next Decade, A Framework for Change* (Scottish Executive, 2006d) sets out the vision for the tourism industry and its supporting agencies with the ambitious target of 50% growth by 2015. The industry identified five main levers for achieving growth, namely investment, increased marketing, quality, improved selling and a 24/7 year round industry. Disabled visitors are clearly an important market if visitor volume is to be met.

Research and statistical context

3.5   'Tourism is not recognised as a separate sector in the Standard Industrial Classification of economic activity as it is defined by the source of the demand (tourists) rather by the nature of the activity.' (Dewar, 2007:5) As a consequence, statistics relating to tourism in general are not readily available and there is a paucity of data on disability in the tourism field. Where national and regional

statistics are available, published by a range of organisations such as the enterprise companies, VisitScotland, Tourism Knowledge Scotland and Tourism Intelligence Scotland, these data are generally not disaggregated according to equality areas.

3.6   The Scottish Tourism Forum (2008) records that there are 20,000 tourism businesses in Scotland with over 215,000 people employed in the industry, 8% of the total workforce.

3.7   VisitScotland compiles data on:

- the number of trips and visitor nights spent in Scotland
- the country of origin of visitors
- the level of spend by visitors
- the number of jobs in sectors heavily dependent on spending by visitors

VisitScotland's most recent report *Scottish Tourism: Current Position Summary 2007* (VisitScotland, 2007) summarises the key volume and value results from 2007 and provides an interpretation of what has influenced Scottish tourism trends in recent years. Factors identified as being significant influences of tourism include the strength of the sterling currency, increased choice of destinations, varying levels of disposable income, weather and climate conditions, key events (e.g. international sporting event) and perceived levels of security of a nation. None of the data include references to social issues or equality related statistics, including disability.

3.8   The Government's Higher Level Summary of Equality Statistics (HLSES) (Scottish Executive, 2006b) provides 2006 figures indicating that of the 1,112 visitor attractions in Visit Scotland's Quality Assurance Scheme, 42% are also members of the Disability Access Scheme; of these 21% offer assisted wheelchair access, 8% provide unassisted wheelchair access and 13% have access for visitors with mobility difficulties. Visits to Scotland were categorised in 2006 by age and gender, but not by disability.

3.9   VisitScotland segments its activities according to age, gender, income and lifestyle of potential visitors but does not target particular messages at disabled people. However, steps are being taken to ensure marketing messages are available to a range of visitors.

3.10   VisitScotland does not currently provide information on the numbers of disabled people who are engaged in the tourism industry, since their main focus has been to ensure that the tourism industry is accessible to all, though gender statistics are available.

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3.11   Tourism is a key economic generator for Scotland both as a service provider and as an employer. The vision for the tourism industry into the next decade is 50% growth by 2015. It is therefore critically important that disabled people, whether as employees or prospective visitors, are target groups for consideration by the tourism industry in Scotland.

3.12   As VisitScotland is the lead tourism agency, much of the information from this section draws on the disability equality scheme and action plan of VisitScotland.   At the point of writing, an annual report was not available electronically.

Areas where progress is evident

3.13   Progress was found to be evident in relation to:

- Involving disabled people
- Accessibility and Marketing and
- Training

Involving disabled people

3.14   Progress is most evident in the encouragement of disabled people working within the tourism industry to participate and contribute to tourism consultation and planning. For example, VisitScotland's fourteen area network teams have a role in facilitating area tourism partnerships. In one area tourism partnership, a sign interpreter has been provided to enable a disabled business person to participate as a member of the partnership.

Accessibility and marketing

3.15   Another area of progress has been the provision of information and guidance on the requirements of the Disability Discrimination Act via the VisitScotland website. In particular:

- Specific guidance has been drawn up by experts with experience of working with disabled people and a downloadable checklist has been produced which can be used by VisitScotland partners and service providers to assess how accessible an establishment is and where any reasonable adjustments and improvements need to be made.   Case studies were also provided to demonstrate to businesses how to use the checklist.

- A CD-Rom has been produced for use by VisitScotland staff to review Disability Discrimination Act compliance in relation to VisitScotland premises and tourism business premises.

- 5000 copies of the Disability Rights Commission's guide for serviced and self-catering tourism have been distributed to a range of businesses from small and medium-sized enterprises (SMEs) to larger businesses. Electronic bulletins provide updates of this guidance as relevant.

3.16   A range of accessibility strategies accompany marketing messages. Guidance is provided outlining how VisitScotland publications should be produced to ensure they are accessible to people with disabilities such as:

- VisitScotland's main guide to Scotland is accessible in CD-Audio format for the visually impaired.

- A free brochure *Accessible Scotland Guide* which lists almost 1,000 accessible accommodation establishments and visitor attractions are included. These establishments are members of the Disability Access Scheme.

- E-marketing activities are largely accessible e.g. access to registration forms, booking terms and conditions.

- Website accessibility has been improved such as the use of a text-replacement technique when images are used as titles, as on the home page. And improvements to site navigation.

3.17   A full review of all VisitScotland premises was to be carried out by the end of 2007 to assess progress in securing full Disability Discrimination Act compliance. In particular, the review would look at the availability of ramps, assistance bells, hearing loops and designated toilets. In the absence of an electronic disability scheme annual report, it is not known if this review has been conducted or is still in progress.

3.18   A comprehensive quality assurance scheme for those with mobility impairment has been in place for the past two decades. This scheme awards gradings to establishments on their suitability for different levels of mobility impairments. There are three categories of accessibility for accommodation:

- Category 3: access for residents with mobility difficulties
- Category 2: assisted wheelchair access for residents
- Category 1: unassisted wheelchair access for residents.

There are additional categories for caravan and camping parks as well as for visitor attractions.

3.19   The above scheme is being extended to cover non-accommodation businesses and support is now being provided to assist businesses in preparing self-assessed access statements covering the full range of measures that they have put in place to enable access to disabled customers. This information will be published on the VisitScotland website and be fully searchable.

Training

3.20   There is recognition of the importance of raising awareness of staff and service providers. A planned approach to disability awareness training has been adopted and an equalities impact assessment programme was developed and rolled out in 2007. Staff from the one hundred and twenty-three tourist information centres across Scotland will be trained in disability awareness.

3.21   To sum up, in addition to improvements in areas of web, marketing and premises accessibility, the tourism industry on a programme of continuous improvement are exploring ways they can:

- attract more disabled visitors to Scotland
- extend the range and quality of information on accessibility to accommodation and tourism facilities
- gain better information about the experience of disabled visitors
- record the numbers of employed disabled people and ensure they are equitably treated

Areas where progress is less evident

3.22   The following are areas where progress has been less evident:

- Availability of employee profile
- Improving standards of provision for disabled visitors

Availability of employee profile

3.23   An area which has been recognised as requiring work has been to develop a profile of VisitScotland employees. A full audit of staff was due to have been conducted during 2007. The lack of comprehensive information was due to the existence of different data collation systems when the Scottish Tourist Board merged with the former area tourist boards as a result of the Tourist Boards (Scotland) Act 2006. Consolidating the different systems has therefore required time.

Improving standards of provision for disabled visitors.

3.24   Though annual accommodation inspections do check for accessibility using the quality assurance category gradings for provision to disabled people, it is not known what incentives or steps are in place to assist establishments move to achieve higher category gradings as part of their continuous improvement. The promotion of better accessibility standards for accommodation is an area that the Scottish Government's Disability Equality Scheme 2008-2011 (page 62) has identified as an area they will be working with VisitScotland to improve.

3.25   Furthermore, the absence of an electronically available annual report at the point of writing this has meant outcomes for aspirational strategies within the scheme and action targets within the action plan are not known.

3.26   In summing up, there is a need to consider how to mainstream equality issues (including disability quality) into the main data gathering frameworks currently available to the tourism industry. The inclusion of equality datasets would enable baseline information to be available which will assist future reporting on progress.

Categories of impairment

3.27   There is recognition of mobility, hearing and visual impairments, mainly in relation to the accessibility of premises and information. It is less clear as to how other disability issues are being considered or catered for.

Consultation and Involvement

3.28   Consultation and involvement initiatives largely concentrate on improving the disability equality scheme and providing more structured feedback than was previously available. The action plan suggests that encouraging disabled people to participate in area tourism partnerships would be one clear way of enabling greater involvement.

3.29   Consultation and involvement of disabled people are also mentioned in relation to extending the range and quality of information on accessibility to accommodation and tourism facilities on the national tourism web portal as well as enhancing disabled visitor experiences.

3.30   While the involvement of disabled people is recognised as being critically important in helping inform future action, other than the establishment of a standing focus group, no other methods of involvement are mentioned. As mentioned earlier, the absence of an electronically available annual has meant the outcomes of consultation and involvement action areas within the plan are not known.

Summary and conclusion

3.31   The Scottish Parliament's Equal Opportunities Committee Report *Removing Barriers and Creating Opportunities* (Scottish Parliament 2006a) makes four recommendations related to tourism (Recommendations 72-25). These relate to:

- increasing service provision to disabled visitors;
- reviewing the Disability Access Scheme operated by VisitScotland;
- mainstreaming disability issues into the tourism review in order to promote Scotland as an accessible destination for potential disabled visitors; and
- introducing equality training for staff working within tourist attraction premises as well as those offering accommodation.

3.32   The emphasis at present is outward facing in terms of enabling the industry's services to become more accessible and available to disabled people. To enable this to happen, the lead agency, VisitScotland, works with industry partners to deliver for the improvement of services to disabled people. The lack of baseline data on equalities does not provide an easy starting point for a planned developmental process.

3.33   While the industry demonstrates an awareness of the Disability Discrimination Act legislative requirements, there is a need to show more clearly how disabled people are to be consulted and involved within the industry so that future action planning can be developed on an even more informed basis.

3.34   There is also a need to further consider internal changes, particularly in relation to the recording of the number of disabled employees within the industry. Given that the industry as a whole represents some 13% of the workforce, it is important that disabled people are fairly represented as employees within this workforce.

3.35   The range of organisations providing input to make up the Scottish tourism industry is wide and complex. There is a need to consider how all the partners work together in the same direction in relation to continuous improvement as an employer of and service provider for disabled people.

4   ENTERPRISE

Introduction

4.1   This section of the report focuses on the aspects of the portfolio which aims to support enterprise.   In particular it focuses on Scottish Enterprise and Highlands and Islands Enterprise and the work of local authorities.

Background: wider policy context and evidence

Wider policy context

4.2   Both Scottish Enterprise and Highlands and Islands Enterprise play a key role in delivering aspects of the Scottish Government's Economic Strategy (The Scottish Government, 2007a). It is a wide-ranging strategy that recognises that all the arms of Government need to play a role in strengthening the Scottish economy. The strategy has five strategic priorities:
- Learning Skills and Wellbeing
- Supportive Business Environment
- Infrastructure Development and Place
- Effective Government
- Equity

4.3   The following elements of the strategy have significant implications for disabled people:
- Enabling disabled people to start up and develop their own businesses through business support services.
- Ensuring business developments sites are accessible through the investment funds.

4.4   In addition, the strategy aims to reduce economic inactivity by addressing the problems of unemployment among disabled people and the high number of disabled people claiming Incapacity Benefit. Employability is dealt with in the Education and Lifelong Learning Report. However, it is evident that both the enterprise agencies have an important role in promoting equality for disabled people by increasing employment opportunities and encouraging good employment practice by Scottish businesses.

Research and statistical evidence

4.5   The *Annual Survey of Small Businesses in Scotland* in 2005 (Scottish Executive, 2006e) found that 8% of all businesses had a partner with a disability or long-standing illness. This was more commonly the case with businesses with no employees (9%) compared to those which employ staff (6%). Of those, micro and small businesses were more likely to have a disabled partner (6%) than medium sized businesses (4%).

4.6   The *High Level Equality Statistics Report 2006* (Scottish Executive, 2006b) includes data on entrepreneurship among disabled people. This shows that slightly more disabled people are thinking about running their own business or becoming self-employed than non-disabled people (11% compared to 9%), but fewer are actually doing so (only 7% compared to 11% of non-disabled people). For the reasons noted in the section focussing on planning and the built environment (see 6), there are no statistics available about the accessibility of business developments.

4.7   Changes in economic participation by disabled people are always likely to be slow, and many factors influence entrepreneurship by disabled people such as the benefits system or discrimination by banks in their willingness to provide capital investment. These particular issues cannot be addressed by the bodies covered in this review. Nevertheless, there are some positive signs of progress in the work of Scottish Enterprise and Highlands and Islands Enterprise. Local authorities in their disability equality schemes give very little attention to their role in encouraging enterprise in their area and how this might benefit disabled people.

Areas where progress is evident

4.8   Progress was found to be evident in relation to:
- Support to business start-ups
- Training programmes for employers

Support to business start-ups

4.9   The Scottish Enterprise Disability Equality Scheme annual report shows that over the three year period from 2004 - 2007, two hundred and seventy-five disabled people have been supported to start up a business (see Table 3) within the Scottish Enterprise area. It is not clear whether the business was eventually launched, or whether it is still trading, but this is likely to represent a significant step forward for the disabled people involved.

Table 3: Business start-ups by disabled people (percentage of all start-ups supported)

	2004-05		2005-06		2006-07	
	Total	%	Total	%	Total	%
Business Start-ups	59	0.6	130	1.4	86	0.6

(Scottish Enterprise, 2007)

4.10   The percentage figure refers to the proportion of all start-ups supported by the organisation in the period. (Scottish Enterprise, 2007). Clearly this represents a small proportion of all business start-ups in lowland Scotland, but without additional data on disabled-led businesses it is not possible to assess how

successful Scottish Enterprise had been in reaching disabled people who wish to start up in business. Highlands and Islands Enterprise does not provide comparable data.

4.11 Scottish Enterprise supports Business Able, an initiative to support disabled people setting up in business. Since it started it has supported two hundred and twenty businesses and it was recommended that it be rolled out across Scotland from April 2008.

Training programmes for employers

4.12 Both Scottish Enterprise and Highlands and Islands Enterprise have supported the Equality Matters in Business Project, a pioneering Scotland wide project that aims to enhance the advice and support given to small and medium sized enterprises (SMEs) on the business benefits of good practice in equality and diversity. It is a 2 year scheme running to March 2009 which covers all strands of equality, focuses on the demand for diversity and addresses the barriers that prevent the supply of a diverse workforce..

4.13 Statistics are not available on the outcome of this project however, monitoring procedures are being put in place to record the number of businesses advised and an evaluation is currently being carried out.

Areas where progress is less evident

4.14 Examination of disability equality schemes did not show clearly how disabled people were being assisted to start-up their own business.

Disabled people into business

4.15 A number of local authorities acknowledge their role in promoting prosperous and sustainable economic growth in their disability schemes, often in the context of their Community Planning Partnership. The actions which follow relate to increasing the employability of disabled people. But it was not obvious how local authorities were encouraging disabled people to go into business. Although the issue of employment was raised by disabled people in the course of the development of a number of disability equality schemes, it was not clear how this was linked to the encouragement of enterprise and economic development.

Categories of impairment

4.16 Scottish Enterprise and Highlands and Islands Enterprise use the general term 'disabled people' throughout and do not include reference to the needs of people with particular impairments. The statistics they provide do not break down the disabled population by impairment. Given that people with different impairments can have quite different needs and different experiences of services,

information about the range if impairments of disabled clients could help the development of services.

Consultation and involvement

4.17   Scottish Enterprise has established an Equality Forum which is likely to be an appropriate way to involve disabled people provided that it is used correctly to question and challenge the work of the organisation.   Highlands and Islands Enterprise part funds the Scottish Enterprise Equality Forum.

Summary and conclusions

4.18   The data from the *High Level Equality Statistics Report 2006* (National Statistics Scotland, 2006) indicate that there is considerable interest from disabled people in setting up their own business.   However the fall off between that expression of interest and the numbers actually running their own business requires investigation.

4.19   Despite some positive initiatives by the enterprise agencies, the relatively small numbers involved would seem to indicate that many disabled people interested in starting a business are not accessing the Business Gateway or Highlands and Islands Enterprise start-up services.   In the Scottish Enterprise area the Business Gateway has been transferred to local authorities, and local authorities in the in the Highlands and Islands are developing a Business Gateway for their area which is expected to be in place during 2009.   A greater understanding of what barriers disabled people face in setting up their own business could help inform delivery of these services in ways better suited to disabled people.

4.20   The initial absence of statistical data is starting to be addressed in the material included in annual reports and this is to be welcomed. Nevertheless the absence of clear targets in the disability equality schemes means that the work of the enterprise agencies to promote disability equality may be difficult to measure.

5   THE THIRD SECTOR

Introduction

5.1   This section addresses the role of the third sector in working with public bodies to meet the disability equality duty. This section does not cover the general benefits of volunteering, nor does it comment on the range of bodies across Scotland that contribute to activities of volunteering or which work with the third sector.

5.2   This section will relate primarily to the third sector and its partnership with local authorities with reference to local authority disability equality schemes. It should be noted that while the generic term 'third sector' is used in this section, this covers a range of organisations ranging from large non-governmental organisations to very small local support groups. There are also organisations which are disability focussed organisations and those that are third sector organisations that are non-disability specific but may provide or engage significantly for disabled individuals or communities.

Background: wider policy context and evidence

Wider policy context

5.3   The general and specific duties of the disability equality duty apply to any public authority. However private companies and third sector organisations are also subject to the general duty where they perform a public function. Public bodies that procure services from third sector organisations can expect third sector organisations to comply with the disability equality duty for the services provided to those public bodies.

5.4   The third sector is a key employer and service provider in Scotland. The Local Government (Scotland) Act 2003, which set up community planning processes, provided the third sector and voluntary groups with a key partnership role to work with statutory and other community groups to develop frameworks for making public services more responsive to community needs. The Convention of Scottish Local Authorities (COSLA) provided guidance in 2003 setting out a mainstreaming agenda for community planning. This was a useful guide to assist partnerships develop community plans and other forms of partnership activity such as Regeneration Outcome Agreements or Community Health Plans with equalities in mind. This document was welcomed by the Disability Rights Commission and together with the Commission for Racial Equality and the Equal Opportunities Commission issued further guidance on community planning and the public sector duties (CRE, DRC, EOC 2007).

5.5   The Scottish Parliament Inquiry report *Removing Barriers and Creating Opportunities* (Scottish Executive, 2006a) recognised the importance of third sector organisations in providing services and information for disabled people. The Scottish Government's response to the Scottish Parliament's Inquiry on Disability acknowledged that partnership with a range of bodies including the third sector were important and in particular mentioned the following areas:

- the development of a national framework for supported employment for disabled people

- ensuring the needs of young disabled people are fully taken into account through the implementation of the 'More Choices, More Chances' initiative.

- provision of translation and interpreting services

The Scottish Parliament Inquiry report also recommended that the Government's Volunteering Strategy (Scottish Executive, 2004d) be reviewed to promote and encourage the participation of disabled people in volunteering.

5.6   Local authorities have significant links with the third sector, as purchasers of services and as partners such as in the provision of day care services or services for pupils with additional support needs (Scottish Council Foundation, 2004). For example, in the provision of day care services, local authorities run 65% of the centres, providing 74% of the places while the third sector runs 22% of the centres and provides 22% of the places. The private sector runs 9% of the centres, providing 4% of the places. (Scottish Council Foundation, 2004:82).

5.7   Local authorities as well as other public bodies rely on the third sector to provide advice and support in order to ensure its services are relevant to the public. For this reason it is particularly import that third sector organisations are given a role in the design of service. In this context, the third sector have an important role in assisting public bodies with consultation and involvement of disabled people.

Research and statistical evidence

5.8 The Scottish Household Survey Analytical Topic Report (Scottish Government, 2008b) restated the finding in the Scottish Executive's Volunteering Strategy (Scottish Executive, 2004d) that disabled people are less likely to volunteer than non-disabled people

5.9 A study between 2004-2005 undertaken by Volunteer Development Scotland with support from LEAD Scotland (Volunteer Development Scotland and LEAD Scotland 2005) also found that disabled people were under-represented in volunteering. They found that the majority of respondents had become involved in volunteering through word of mouth. Disabled people were more likely to take on

committee, support and service provision volunteering roles and some saw volunteering as a way of gaining skills and improving their employability.

5.10   Barriers to volunteering ranged from practical barriers to attitudinal barriers. There were also individual barriers such as an individual's fluctuating levels of health or confusion about how volunteering might affect welfare benefit arrangements.   Overall, organizations with a disability focus provided more conducive organizational experiences for disabled volunteers that those that were generic volunteering organizations.

5.11   The Scottish Council of Voluntary Organisations conducted research in 2002 on behalf of the Government to review access panels in Scotland. (SCVO, 2002). The key function of access panels is to improve disabled people's access to the built environment. Membership of the access panels consisted of disabled people mainly as individuals or from voluntary organisations and local authority officers with responsibility for the planning of local buildings. The purpose of the review was to assess how much the work of the access panels was valued by disabled people, their organisations and other key stakeholders such as architects, building control inspectors and others who use their services.

5.12   The review made several recommendations for further strengthening and supporting the panels. These included; funding of a national umbrella organisation; increased funding of local panels to support and develop the involvement of disabled people; action to ensure the role of local authority access officer is given more formal recognition and support; and further work to promote to disabled people the rights provided to them by the Disability Discrimination Act.

5.13   An umbrella organisation for access panels, the Scottish Disability Equality Forum, has been established. The Scottish Disability Equality Forum is a membership organisation open to all disability organisations and individuals with any type of impairment. The organisation is user-led and has commissioned a range of research looking at the experiences of disabled people of services. Some of these include documenting the experiences of wheelchair users of health service provision (Council on Disability, 2005), examining the extent of good practice in volunteer management (Volunteer Development Scotland and LEAD Scotland, 2005), detailing the learning needs of access panels (Scottish Disability Equality Forum, 2007) and the involvement of access panels in community planning (MacDonald et al, 2008).

5.14   A key issue to emerge from recent research relating to access panels is the need to support and enhance existing training for access panel members. In particular, there is a need to develop the capacity of panel members to influence service provision.   There is room for further development of communities of practice to address issues, identity strategies and solutions. In addition, there continue to be barriers to participation in access panels by disabled people, linked

to geographical location and support needs (Scottish Disability Equality Forum, 2007).

5.15   As shown in Table 4, MacDonald et al (2008) found that of the twenty-three local authorities responding to their online survey, twenty reported having access panels, with fifteen of these panels being involved in community planning.

Table 4: Responses from local authorities relating to access panels

Local authority contact response	Yes (% of 23)	No	DK
Is there an access panel in your area?	20 (87%)	1	2
Is access panel involved in community planning?	15 (65%)	4	4

Source: MacDonald et al (2008) *The Involvement of Access Panels in Community Planning,* p6

5.16   The level of influence of panels varied from those that were seen by local authorities as highly valuable and participative to those which were up and running and 'available for consultation'. Transport and the built environment were the most commonly reported areas for involvement and discussion for the fifteen panels. Other areas that panels indicated they had involvement with were around issues of countryside access, website development, sport and leisure and health and well-being.

5.17   MacDonald et al. (2008) identified three categories of distinct panel groupings:

- panels who see themselves as partners in community planning and are recognised as such by the local authority

- panels who are aware of community planning and involved to some extent, with acknowledgement by the local authority

- panels who are not involved in community planning at all, though they may be aware of it

5.18   The Scottish Government has also commissioned a mapping exercise of how disability groups in Scotland engage with public authorities. This research is ongoing and is being carried out by the Quarriers and Lucy Johnston Research. The research concentrates upon identifying groups and organisations within Scotland that (a) are set up to represent and/or work for and with disabled people and (b) which provide services and support primarily for disabled people. This research may provide further insight into how the third sector currently supports and benefits from a partnership with public authorities.

5.19   It is estimated that at the end of 2006, around 32% of adults in Scotland engage in some form of formal volunteering and 74% of adults in Scotland have volunteered informally between 2005-2006 (Volunteer Development Scotland, 2007). While the Volunteer Development Scotland report breaks down the profile of volunteers by age, gender, geography and socio-economic groups, there are no statistics related to disability. Similarly, the Scottish Household Survey provides statistics relating to age and gender and volunteering but there are no statistics relating to disability. The Scottish Government High Level Summary of Equality Statistics does not record data relating to voluntary organisations or volunteering.

Reporting on progress towards equality of opportunity

Introduction

5.20   The third sector are key partners of local authorities but disabled people remain less likely to volunteer and to play an active role within the third sector that those without a disability. Barriers to activism are not just those of physical access but include those resulting from attitudinal issues. More needs to be done not just to encourage disabled people to volunteer but also how the generic third sector can mainstream disability issues far more robustly into their policies and practices.

5.21   This section drawing primarily from local authority disability equality schemes and action plans looks at areas where progress is evident.

Areas where progress is evident

5.22   Progress is evident in the following areas:

- Partnership and involvement
- Sharing of expertise and resources

Partnership and involvement

5.23   Many local authorities have developed partnerships with third organisations particularly in the area of community planning and safety partnerships, via service user/carers forums, through access panels and as members of the authority's Disability Equality Steering Groups.

5.24   One area where the third sector has been a key partner has been in helping public bodies such as local authorities improve their consultation and involvement with disabled people. A review of all local authority disability equality schemes show that about half of these are, or are beginning to, involve disabled people in their impact assessment and Community Planning processes. The duty would

appear to have established disabled people as an important community of interest in public services.

5.25 There are a range of examples from local authority schemes that demonstrate the variety of partnerships with voluntary organisations and the following are not an exhaustive list but provide a flavour of those diverse partnerships:

- Aberdeen Council works with Aberdeen Action on Disability and the Disability Advisory Group on Neighbourhood Community Planning.

- Argyll and Bute Council works with People and Agencies Coming Together (PACT), Wheels of Change, access panels and community care fora to ensure that citizen panels include disabled people as well as encouraging disabled people to have active roles in civic life. The work aims to help disabled people engage in local authority policy development.

- East Lothian Council in conjunction with East Lothian Community Care Forum holds bi-monthly meetings to foster a two-way dialogue about service provision and improvement. There have been discussions on accessible housing, improved transportation and advocacy services.

- Edinburgh Council organises a series of employment fairs for disabled communities to encourage enterprise, employability and volunteering.

- Fife Council works with Fife Independent Disability Network and Fife Employability Network to identify and remove the main barriers to accessing Fife Council Services.

- Inverclyde Council works with the Inverclyde Community Care Forum, Inverclyde Council on Disability and Inverclyde Carers to increase uptake and promotion of council services.

- Glasgow Council collaborates with Deaf Connections to support disabled people to gain sporting qualifications. It also worked with the Royal National Institute of Blind People (RNIB) to develop the first radio station in Europe run by and for blind and partially sighted people.

- With Voluntary Action Orkney, Orkney Council organised a meeting with disabled communities to discuss gaps in provision. The consultation identified a need for more opportunities for leisure activities for disabled young people. This concern is now a part of the Orkney Council disability equality scheme.

- Renfrewshire Council collaborates with Renfrewshire Council for Voluntary Services (RCVS) to encourage more disabled people to become involved in volunteering.

Sharing of expertise and resources

5.25 The sharing of knowledge and expertise has been another area where there are clear developments. The following, again while not an exhaustive list, provides examples of how public authorities and the third sector share expertise and resources to better meet the requirements of the disability equality duty:

- West Dunbartonshire Council utilises its research capacity to map a disability profile of the area to broaden understanding of disability issues, as well as assisting the knowledge base of local agencies to plan more effectively and appropriately for disabled people and communities.

- Care services for people who are disabled or who have a long-term illness are organised in partnership with McMillan Cancer Support through the Money Matters initiative.

- Dumfries and Galloway Council provides an interpretation service for community languages including British Sign Language which is open for third sector organisations to utilise.

- Edinburgh Council provides training to third organisations, including those serving disabled people, on developing a multi-equalities scheme and conducting equality impact assessments.

- West Lothian Council works in partnership with Disability West Lothian, Ace Advocacy and the Mental Health Advocacy Project to involve disabled people in locality planning. As part of this, the council offers capacity building opportunities to voluntary organisations which are disability-led or which work with disabled communities to develop skills, knowledge, infrastructure and resources about locality planning.

5.26 In summary, it is difficult to identify with certainty what has changed as a result of the implementation of the disability equality duty. There has always been a strong relationship between local authorities and third sector organisations whether as purchasers or partners. However, what is noticeable has been the increased involvement of disabled people as advisors, helping local authorities shape policy and provision.

Areas where progress is less evident

5.27 The following are areas where progress has been less evident:

- Encouraging disabled people into public life
- Better integration of access panels into community planning
- Procurement as an influencer for change

Encouraging disabled people into public life

5.28 Data about how public authorities are working with the range of third sector organisations to encourage disabled people either into volunteering opportunities or into other forms of participation in public life is less well documented. While some local authorities provide information within their schemes and action plans about encouraging disabled people into volunteering, these are in the minority rather than the majority.

Better integration of access panels into community planning

5.29 MacDonald et al's report (2008) *The Involvement of Access Panels in Community Planning* indicates that community planning may be a useful mechanism for involving disabled people in setting agendas.   However, as discussed by the Scottish Council Foundation (2004) this potential has not been fully realized.   Only about 50% of disability equality schemes refer to access panels.

Procurement as an influencer for change

5.30 Whilst two thirds of local authorities recognise the importance of setting terms and conditions for procurement which will lead to service improvements for disabled people, only a minority report the existence of monitoring procedures to ensure these are met.   The issue of procurement is described in greater detail under the section on local authorities in 2f.

5.31 There is no information on how public authorities might have used procurement as a mechanism for seeking advice or innovative suggestions from the third sector contractors on how the public authority might better meet its disability equality duty in arranging for the provision of works, goods and services.

5.32 To summarise, procurement is a framework that could be used to greater effect to ensure that third sector agencies, particularly those which do not provide specifically for disabled people, are assisted through a condition of grant to pay greater regard to the key tenets of the Disability Discrimination Act. This would enable any future report to better assess what progress has been made as a result of the disability equality duty.

Categories of impairment

5.33 The most common disabilities mentioned in relation to access panels are related to issues of mobility. Actions to address the needs of people with physical impairments were most widespread with some mentioning learning difficulties and sensory impairment. Other forms of disability were less frequently mentioned.

Consultation and involvement

5.34   In addition to involvement in the production of disability equality schemes, there are many other ways in which individuals can be involved in local communities, for example, through involvement in community-based or voluntary organisations; informal connections with and through families, friends and neighbours; public appointments and elected positions (Scottish Council Foundation 2004). Thirty per cent of all adults, and 41% of disabled adults, say that they do not feel involved in their local community (Scottish Executive, 2004a). Significant differences in levels of volunteering are also reported. Disabled adults were significantly less likely to work as a volunteer, with only 17 % providing help to clubs, charities, campaigns or organisations in an unpaid capacity over the previous twelve months, compared with 28% of non-disabled adults.

5.35 The majority of local authorities have made progress towards engaging with disabled employees and service users, disability groups, disability fora and access panels. Citizens' panels and trade unions have been consulted by around one third of local authorities. Several local authorities are using *National Standards for Community Engagement* (Scottish Executive 2006f) as a guide to their work.

5.36 However, only around half of disability equality schemes mention the involvement of access panels, supporting MacDonald et al. (2008)'s argument that local authorities need to engage more proactively with access panels and disability groups and individuals as equal partners.

5.37 The nature of involvement also requires consideration. For example, members of access panels need to be treated as active partners rather than passive respondents and action is required at local level.

Summary and conclusions

5.38 There is recognition by local authorities of the importance of the third sector in assisting them to meet their obligations under the disability equality duty. The majority of local authorities have tried to put in place a range of methods to consult and involve disabled people, for example, organising equality fora, access panels, citizen panels and focus groups. Many have gone beyond consultation to active involvement.

5.39   However, there is still room for improvement particularly for authorities where access panels or equivalents are under utilised or not utilised. There are areas where disabled people's views and suggestions could be better represented such as within community planning partnerships.

5.40   There is a need for local authorities to consider how the procurement process could be made more key to the effective implementation of the disability equality duty in order to optimise the public authority's own ability to meet their obligations under the disability equality duty. Equally, the procurement process could b
e a mechanism to formally seek advice from third sector contractors for advice and innovative suggestions on how the authority might improve its own delivery of services to better meet the disability equality duty. The Third Sector Task Group which involves COSLA, SOLACE, SCVO and the Scottish Government is progressing a number of highly relevant work streams in relation to partnership working and funding, including procurement issues, within the context of Community Planning Partnerships and Single Outcome Agreements. This will also provide a useful forum for making further progress around the implementation of the DED.

6   PLANNING AND THE BUILT ENVIRONMENT

Introduction

6.1   This focus area covers the built environment in so far as it is influenced by local authorities. This includes the management of their own building stock, and the regulation of new buildings through their planning and building control functions. It excludes the accessibility of historic buildings.

Background: wider policy context and evidence

Wider policy context

6.2   Under Part 3 of the Disability Discrimination Act 1995 all organisations which provide a service to the public (including public, private and third sector organisations) have been required to make reasonable adjustments to physical features which prevent disabled people gaining access to their services since October 2004.

6.3   The UK Government gave notice of its intention to implement the 'physical features' provisions of the Disability Discrimination Act in 1997, giving service providers seven years in which to make the necessary changes.

6.4   In addition to the requirements of the Disability Discrimination Act the Building Regulations require new buildings to address a range of issues intended to ensure that buildings are inclusive and accessible to disabled people. These regulations were most recently updated in May 2007 and include provisions for housing.

6.5   In addition to the Building Regulations the then Scottish Executive published Planning Advice Note 78 (PAN78) on Inclusive Design (Scottish Executive 2006g) which is intended to help planners and designers give wider consideration to the access needs of disabled people.

6.6   The Planning etc. (Scotland) Act 2006 provides Ministers with enabling powers to require either or both design and access statements to accompany specified planning applications. The Scottish Government launched a consultation on the introduction of these powers in January 2008. In addition, the Planning etc (Scotland) Act 2006 introduced a requirement that in undertaking their functions under the Act, planning authorities and Ministers must perform their functions in a manner which encourages equal opportunities and in particular the observance of the equal opportunities requirements.

Research and statistical evidence

6.7   Due to the fact that disabled people are not a heterogeneous group, it has never been possible to develop a simple concept of accessibility against which to measure the quality of a building.   Most commonly, accessibility is defined in terms of the needs of wheelchair users, focusing on ramped entrances, wide doors and accessible toilets. However, to make a building accessible to visually impaired people, attention need to be paid to issues such as lighting, colour contrast, and the marking of glass doors and panels. Someone who is deaf will at least expect an induction loop in reception areas and in meeting rooms, and users of British Sign Language also benefit from good lighting. People with learning disabilities require clear and easy to understand signage. Some, but not all, of these issues are addressed under building regulations, which focus on physical aspects of buildings and new building work.

6.8   When altering or adapting older buildings the level of accessibility possible may need to be a compromise between what can reasonably be achieved within the limitations of the built form and any conflicting requirements (e.g. maintaining character). The result may be a building which cannot truly be described as accessible, though further improvements are usually possible through the management and operation of such buildings.

6.9   In spite of the difficulty in defining an accessible building, a key performance indicator for local authorities in Scotland is the percentage of accessible buildings from which a service is provided. All buildings have undergone an access audit, but Audit Scotland acknowledges that there will be some variation in the quality of the audit. This is because there is no requirement for external verification of the audit and for the reasons described in two preceding paragraphs there may be differing interpretation as to whether a building is 'accessible'.   The latest information on the performance of local authorities in achieving this performance indicator is set out in Table 5 below.

Table 5: % of public buildings that are accessible to disabled people

Corporate Management	Percentage of public service buildings that are suitable and accessible to disabled people		
	2004/2005	2005/2006	**2006/2007**
Aberdeen City	25.4%	42.8%	**62.0%**
Aberdeenshire	28.3%	40.8%	**48.0%**
Angus	72.9%	76.2%	**79.0%**
Argyll & Bute	60.2%	72.3%	**76.5%**
Clackmannanshire	70.3%	70.3%	**70.3%**
Dumfries & Galloway	1.5%	9.3%	**34.1%**
Dundee City	74.7%	81.1%	**82.7%**
East Ayrshire	26.6%	40.6%	**45.9%**
East Dunbartonshire	38.2%	13.8%	**14.9%**
East Lothian	54.2%	63.5%	**64.9%**
East Renfrewshire	56.0%	64.5%	**73.9%**
Edinburgh, City of	71.7%	71.7%	**72.0%**
Eilean Siar	5.0%	5.0%	**34.0%**
Falkirk	48.1%	52.3%	**56.0%**
Fife	7.4%	7.4%	**18.2%**
Glasgow City	13.9%	23.0%	**26.9%**
Highland	3.4%	24.9%	**61.3%**
Inverclyde	7.6%	25.0%	**35.4%**
Midlothian	44.7%	60.2%	**61.8%**
Moray	11.1%	67.2%	**80.3%**
North Ayrshire	27.0%	36.0%	**55.0%**
North Lanarkshire	4.7%	12.9%	**17.3%**
Orkney Islands	34.9%	41.9%	**48.1%**
Perth & Kinross	51.1%	55.2%	**56.7%**
Renfrewshire	64.9%	66.8%	**73.7%**
Scottish Borders	75.2%	85.4%	**82.9%**
Shetland Islands	53.9%	60.6%	**63.6%**
South Ayrshire	47.6%	49.0%	**49.0%**

South L narkshire	79.2%	74.3%	**78.5%**	
Stirling	71.3%	70.2%	**72.3%**	
West Dunbartonshire	20.8%	28.6%	**33.7%**	
West Lothian	21.7%	30.4%	**35.8%**	
Scotland	**37.4%**	**43.4%**	**51.9%**	

Source: Audit Scotland 2007b

6.10   These figures show a steady improvement in the proportion of accessible local authority buildings.   However there are some wide variations between authorities, and even from one year to another within the same authority. These may relate to difficulty in defining what is considered accessible discussed in paragraph 6.7.   Further discussion about access to local authority premises, including an expansion of Table 5, can be found later in this report in paragraphs 7.17-7.19 and in Table 6.

Reporting on progress towards equality of opportunity

6.11   While acknowledging the difficulties of auditing accessibility of the built environment discussed above, there is some evidence of an improving trend in general accessibility. It could be argued that even some of the complaints about access to buildings made by disabled people during the process of developing a disability equality scheme reflect rising expectations that buildings should be accessible to them in a way that would not have been the case ten years ago. A good example of these complaints can be found in the South Ayrshire scheme, which records complaints about problems accessing the new Ayr shopping centre development.   Nevertheless, there is little evidence from schemes and annual reports that local authorities are using their powers to influence the design of new developments to ensure that this progress continues.

Areas where progress is evident

6.12   Progress was found to be evident in relation to:

- Access to local authority buildings
- Information about access to other buildings
- Improving disabled stakeholder involvement

Access to local authority buildings

6.13   Without exception, local authorities list access to their own buildings as a concern raised by disabled people that they propose to address in their disability equality scheme. These concerns are nearly always reflected in a statement of

intent, or a formal target in the action plan to improve the accessibility of the local authority's building stock.

6.14 Only fourteen authorities include details of their performance against the Audit Commission key indicator in their disability equality scheme. A small number of authorities acknowledge the difficulty of accurately auditing their premises as discussed in paragraph 2.151 above. Local authorities which 'perform' well, such as Edinburgh, and those which appear to be 'less successful', acknowledge that there is scope for differing interpretations which can affect the overall outcome. West Dunbartonshire, which has the 28th best performance, states that robust criteria are used to carry out the audit and this is reflected in their standing near the bottom of the performance table.

Information about access to other buildings

6.15 Some authorities recognise the importance to disabled people of knowing in advance whether premises will be accessible to them. Six authorities report that they have provided funds so that information about their area appears on the DisabledGo website (www.disabledgo.info). DisabledGo is a website providing access information for disabled people. In total, seven Scottish local authority areas are covered on the site. In addition, two authorities, South Ayrshire and Moray, have contributed to the funding for the publication of their own Access Guide.

Improving disabled stakeholder involvement

6.16 The 2008 -2011 Scottish Government Scheme refers to the development of consultation mechanisms between the Directorate for the Built Environment and organisations representing disabled people. The Directorate is attempting to extend its contacts '*to ensure better, continuous, low-level stakeholder involvement in matters relating to the development of the built environment'*. It also reports the involvement of a number of disability-led organisations in the British Standards Institution (BSI) committees which focus on producing advisory documents and codes of practice with regard to access to the built environment.

Areas where progress is less evident

6.17 Progress is less evident in relation to:

- Planning
- Building Control

Planning

6.18 Only Glasgow City Council stated clearly in its scheme that local authorities have an important role in promoting equality for disabled people by making buildings accessible. Some other authorities (notably, South Ayrshire, Stirling and

South Lanarkshire) make more general statements about an intention to influence accessibility of new developments. The majority of local authorities make no mention of planning in their disability equality scheme. However, given the size and complexity of local authority schemes, there is not always scope to include sufficient detail to allow a full assessment of progress towards equality of opportunity in planning and building control.

Building control

6.19   Glasgow City Council is the only local authority which states its intention of ensuring that its building control team enforces the Building Regulations. No other authority mentions this function in their scheme, although that does not mean that no other authority intends to do it.

Categories of impairment

6.20   The vast majority of local authorities include a statement on the definition of disability drawn from the Disability Discrimination Act, often followed by a statement of support for the social model of disability. However it is not always clear how this has influenced their thinking on matters relating to planning and the built environment.

6.21   Only two authorities (Aberdeen and West Dunbartonshire) illustrate their discussion of the issue of accessibility by mentioning issues such as induction loops and lighting. Although some other authorities appear to have a wider understanding of access, it would be fair to say that the majority give the impression that they are focusing on ramps, door widths and accessible toilet provision.

Consultation and involvement

6.22   It would appear that in all cases where an access panel has been established, it is working with the local authority and its contribution is acknowledged. In some cases where there is no access panel, it would appear that another disability organisation covers some or all of these functions. However, only one authority, East Lothian, records the amount of funding it provides for its access panel (£5,000). North Ayrshire and North Lanarkshire state their intention to support the establishment of an access panel, and record in their annual report that these are now operating.

6.23   The Scottish Parliament Equal Opportunities Committee Report *Removing Barriers and Creating Opportunities* (Scottish Parliament, 2006c), noted the variation in work of access panels and the pressures under which they operate. Recommendations 144 to 147 called for better support and resourcing for panels.

Summary and conclusions

6.24   Overall, local authority disability equality schemes recognise the impact of barriers in the built environment on the lives of disabled people.   Clearly the majority of local authorities are making efforts to improve access to their own premises.   However there is little indication that they are giving consideration to how their planning and building control functions can be used to remove other barriers which face disabled people.   This may reflect the size and complexity of local authority schemes, and does not necessarily mean that no consideration is being given to these issues.

7   LOCAL AUTHORITIES

Introduction

7.1   This section addresses the work of the thirty-two local authorities in Scotland to promote equality between disabled and non-disabled people.   It considers specifically work to implement disability equality in the following areas: access; elections and polling; employers' duties; environmental services; harassment; information gathering/analysis; leadership and communication; leisure; poverty; procurement; regeneration and economic development; strategic planning; and training.   Work undertaken by local authorities in the fields of education, transport, housing, sport, health and social care are considered in detail in the relevant Ministerial Portfolio reports.

7.2   Recent policy and legislation, informed by the modernisation agenda, has impacted on the delivery of public services in Scotland. For example, the Local Government (Scotland) Act 2003 placed a statutory duty on local government to facilitate community planning.   The principles of best value and efficient government impact on many aspects of service delivery, including procurement.

7.3   Of great importance has been the development of new working arrangements between the Scottish Government and local government. This new relationship, based on mutual respect and partnership, is generally referred to as the Concordat (The Scottish Government, 2007d).   The Concordat between the Scottish Government and the Convention of Scottish Local Authorities (COSLA) reflects the Scottish Government's recognition of the unique position held by local government in the governance of Scotland as well as the key role of local government in working in partnership with national government to deliver strategic government objectives.

7.4 Several relevant components of the Concordat include the establishment of Single Outcome Agreements (SOA) with every local authority. These SOAs outline steps that each local authority will take to assist the Scottish Government in delivering agreed national outcomes. Both national and local government have agreed to adopt an outcomes based approach to enable more transparent monitoring and reporting.   The Scottish Government has also undertaken to improve efficiency by reducing the bureaucratic burden on local authorities, for example, by streamlining inspection requirements.   There will also be a reduction of a number of separate funding streams, as well as enabling local government to retain efficiency savings.   There are forty-five national outcomes and targets, many of which afford local authorities the opportunity to mainstream disability issues within those areas, such as improving the quality of public services, increasing the proportion of school leavers in positive and sustained destinations (further and higher education, employment or training), decreasing the proportion of individuals living in poverty and improving people's perceptions, attitudes and awareness of Scotland's reputation to name a few.

Wider policy context

7.5   Local authority approaches to equality for disabled people have been shaped by a range of policies and legal changes relating to equalities, social justice and inclusion.   These include the establishment and development of access panels, the Scottish Executive's Equality Strategy, the requirements of the race, disability and gender public sector duties, the promotion of social inclusion and the statutory duty of best value and community planning introduced by the Local Government (Scotland) Act 2003.

7.6   The Scottish Executive's *Equality Strategy* (2000) outlined plans to ensure the prevention and elimination of discrimination. One of its key elements is mainstreaming, a process whereby equality considerations are integrated into all the functions and policies of Scottish Government. The six equality strands, age, disability, gender, race, religion and belief, and sexual orientation, are being addressed at national and local government level.

7.7   The focus and emphasis of this mainstreaming work has been enhanced as a result of the public sector duties on race, disability and gender which require the impact assessment of all policies to ensure that they do not create negative impacts for equality groups. Local authority impact assessment processes have been established in relation to race equality and additional or amended processes have now been developed to address other equality strands, particularly gender and disability.

7.8   Interlinked with policies on equality have been those relating to social justice. The Scottish Executive's *Community Regeneration Statement* 2002 (Scottish Executive, 2002b) makes a commitment to hold agencies, including local government, 'increasingly responsible for the quality of their services to disadvantaged areas and to excluded groups, for example, black people and those from ethnic minorities, vulnerable, elderly people and those with disabilities'. This increasing responsibility can be seen in the duty on local government to ensure best value, which requires 'continuous improvement in local authority services, having regard to value for money and taking account of equalities and sustainability' (Audit Scotland, 2007a).

7.9   The Scottish Executive's *Community Regeneration Statement* also suggests that community planning partnerships may be used to promote disability equality. However, although the community planning process is intended to promote equal opportunities (Scottish Council Foundation, 2004), there are no specific provisions covering planning for disabled people, and MacDonald et al. (2008) suggest that further work needs to be done to ensure that community planning is indeed promoting equality. Access panels have also been commented upon in the third sector focus area of this report (see 2d).

7.10 In preparation for the implementation of the disability equality duty, the Office for Public Management developed, on behalf of the Disability Rights Commission, a document entitled *Beyond Good Intentions*: *A resource for local authorities implementing the Disability Equality Duty* (Office for Public Management, 2006). This document was written to assist local authorities in producing their own disability equality schemes and action plans in December 2006. It offers practical guidance and pointers for decision makers at elected member and director/senior management level, and senior managers responsible for corporate policy, social inclusion and equalities. Emphasising the need to understand personal, organisational and societal blocks to achieving equality, the document urges every local authority not just to produce another 'strategy', since good intentions that sit on the shelf and are never implemented. Rather, it stresses the importance of schemes and action plans that are realistic and manageable.

7.11 A key policy area that has impacted on many public bodies within this portfolio, not least, local authorities has been the government's over-aching programme of public services reform, with the aim of driving up quality, encouraging innovation and ensuring services are user focussed and personalised. Such an approach chimes very well with the key tenets of the disability equality duty. The move to reform and simplify public services is built on three key programme delivery routes and these are:

- Best Value

- Efficient Government

- Community Planning

7.12 Best value aims to provide for continuous improvement in the performance of public service organizations, including local government. Equal opportunities is one of the ten key principles guiding the best value framework.

7.13 The document *Building a Better Scotland* (Scottish Executive, 2004a) aimed to develop an efficiency programme to help tackle waste, bureaucracy and duplication in Scotland's public sector as well as improving productivity (The Scottish Government, 2008a). As part of this, there has been an independent review (Crerar Review) of regulation, audit, inspection and complaints handling of public services in Scotland (The Scottish Government, 2007c); the development of a new performance framework (the Concordat) between national government and local government (The Scottish Government, 2007d) as well as efficiencies in other areas such as the review of public procurement (the McLelland Report) which explores areas like collaborative purchasing of services (Scottish Executive, 2006j). As part of improving public procurement services, the Scottish Government Procurement Directorate issued a policy note (SPPN 6/2007) to purchasers on social issues in public procurement which includes consideration of

all equalities issues, including disability equality (The Scottish Government 2007e). As part of the Government's commitment to disability equality, work is ongoing with industry representative bodies to maximise opportunities for participation in competitive tendering exercises to companies which fulfil the definition of a supported business. The definition of a supported business is one where more than 50% of the workers are disabled persons who by reason of the nature or severity of their disability are unable to take up work in the open labour market.

7.14 Community planning was a given a statutory basis by the Local Government (Scotland) Act 2003, which placed a duty on local authorities to initiate, facilitate and maintain community planning. Core partners for local authorities included the enterprise networks, the National Health Service, police and fire services and regional transport partnerships. Community planning is a process which helps public agencies to work together with the community to plan and deliver for better service in order to make a real difference in people's lives. The Scottish Government has produced guidance as well as a series of advice notes providing good practice examples in a range of areas such as partnership models, involving the private sector, effective community engagement, performance monitoring and so forth. In all ten advice notes have been produced.[1]

Research and statistical evidence

7.15 This section covers a wide range of research topics. For ease of reading, there are four areas covered:

- Access to local authority premises and services
- Access to public life
- Best Value

Access to local authority premises and services

7.16 The single Audit Scotland performance indicator related to disability is public access, that is, the percentage of public service buildings that are suitable and accessible to disabled people. The data collected (see Table 6 below) shows a positive trend with more local authority buildings becoming accessible to disabled service users over the period 2004-2007. Audit Scotland's Statutory Performance Indicator (SPI)193, shows that in 2005/06, local authorities assessed just over 43% of their service buildings as meeting the requirements of the Disability Discrimination Act 1995, compared to 37% in the previous year. (Audit Scotland, 2007). It does not, however, measure accessibility of services which may be provided by alternative means such as through the internet or via other

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[1] Community Planning Advice Notes
http://www.scotland.gov.uk/Publications/2004/04/19167/35255

electronic means.   Neither does it measure accessibility of buildings for employees.

Table 6: Public access - percentage of public service buildings that are suitable and accessible to disabled people

adapted from Audit Scotland figures and trends 2004-2007, p20

Council	Rank in 06/07		PI measurement			Better or worse x since 04/05		
	1-32	41-8 825-32	04/05	05/06	06/07	5-9%	10-14%	>15%
Aberdeen City	12		25.4	42.8	62.0			
Aberdeenshire	20		28.3	40.8	48.0			
Angus	3	4	72.9	76.2	79.0			
Argyll & Bute	5	4	60.2	72.3	76.5			
Dumfries & Galloway	24		1.5	9.3	34.1			
Dundee City	1	4	74.7	81.1	82.7			
East Ayrshire	21		26.6	40.6	45.9			
East Dunbartonshire	29	7	<u>38.2</u>	13.8	14.9			
East Lothian	10		54.2	63.5	64.9			
East Renfrewshire	6	4	56.0	64.5	73.9			
City of Edinburgh	9		71.7	<u>71.7</u>	72.0			
Falkirk	16		48.1	52.3	56.0			
Fife	27	7	7.4	7.4	18.2			
Glasgow City	26	7	13.9	23.0	26.9			
Highland	14		3.4	24.9	61.3			
Inverclyde	23		7.6	25.0	35.4			
Midlothian	13		44.7	60.2	61.8			
Moray	2	4	11.1	67.2	80.3			
North Ayrshire	17		27.0	36.0	55.0			
North Lanarkshire	28	7	4.7	12.9	17.3			
Orkney Islands	19		34.9	41.9	48.1			
Perth & Kinross.	1		15 51	55.2	56.7			
Renfrewshire	7	4	64.9	66.8	73.7			
Shetland Islands	11		53.9	60.6	63.6			
South Ayrshire	18		47.6	49.0	49.0			
South Lanarkshire	4		79.2	74.3	78.5			
Stirling	8		71.3	70.2	72.3			
West Dunbartonshire	25		20.8	28.6	33.7			
West Lothian	22		21.7	30.4	35.8			
Scotland								
			37.4	43.4	51.9			

http://www.audit-scotland.gov.uk/performance/docs/2007/service/profCorpM07.pdf

7.17   Audit Scotland (Audit Scotland 2007b) makes a number of points in relation to Table 6. Firstly, local authorities are expected to continuously assess service

accessibility in their buildings and make appropriate adaptations or alternative service delivery arrangements. Some local authorities may have a higher proportion of buildings that are subject to planning or physical restrictions as to what adaptations are possible. Therefore, local authorities may also have in place other strategies, including the use of electronic service delivery (e-services), to provide access to services for those who require them in their home or at other locations. There may also be some variation in the way local authorities assess the accessibility of their buildings, but they need to be able to demonstrate that their practices comply with the requirements of the Act.

7.18   Secondly, some data are classed as unreliable as it is unclear whether consistent criteria were being used in the assessment of buildings and there may be difficulties in making comparisons. This has already been discussed in paragraphs 6.7 – 6.9. In some cases, data are unreliable as not all properties were included in the initial assessment. An underlined performance indicator measurement indicates unreliable data.

7.19   What can be said is that at least 20 local authorities have shown a greater than 15% improvement in accessibility, 3 local authorities a 10-14% improvement and one council a 5-9% improvement in their premises.

7.20   Local authority schemes and action plans contain a variety of initiatives to increase access to services and information through websites, however the effect of such initiatives is not known. Data from the Scottish Household Survey 2005 discussed in the *Digital Inclusion Strategy* (Scottish Executive, 2006h) show younger disabled people and those with a higher income are more likely to access the internet. However for all age and income groups disabled people are significantly less likely to use the internet than their non-disabled counterparts. The *Digital Inclusion Strategy* 2006 outlines government intentions to "highlight the need for service providers to do more to support specific needs groups who require assistive technology and support to become digitally included, utilising the expertise of SUfI [Scottish University for Industry] and other key partners, in this area to deliver a guide to available products and services".

7.21   The Scottish Consumer Council in their report *Freedom of Access* (Scottish Consumer Council, 2005:13) reported that only nine authorities were able to report disabled access in all locations at which they provided public Internet access. A further five offered access at two-thirds of locations, four between one and two-thirds and two authorities had disabled access in less than one in three locations. This report however did report on several examples of good practice where authorities had provided specialist equipment to enable access such as screen reader facilities, specialist trackball/mouse, large keyboards, magnification software, Cicero (text reader package) and so forth. However, the report remained concerned that despite the availability of new technology, full access was still limited.

7.22   The report *Disability Equality and Scottish Local Authorities: Access to Services* (Ennis, 2005) examines how local authorities were taking steps towards providing access to services for the disabled community. Overall the research concluded that Scottish local authorities had been slow in developing policy and procedures to meet their obligations as specified in the Disability Discrimination Act 1995. The following reasons were identified:

- Corporate policies intended to advance the cause of disability had in many cases not been set up until after 2000.
- The identification of training needs at a service level in many cases was inadequate. Though a number of local authorities had addressed the issue at corporate level, most lacked a training framework that would identify needs at a service level. The absence of training for departmental managers meant that local authorities lacked a key component of an effective training framework. The lack of an inter-departmental working-group to reinforce corporate-service links was a contributing factor.
- Access to premises involved carrying out access audits and making necessary adjustments to buildings. While the majority of local authorities had carried out some or all of these audits, the lack of a secure financial commitment meant that the necessary work was not secured in an orderly, structured fashion

7.23   There is limited performance information from local authorities to assess progress on equality matters. Audit Scotland (2007a) suggests most local authorities need to do more to ensure that they can clearly measure achievements against equal opportunity objectives. Best value audits indicate that local authorities are making policy commitments to equalities but there is limited evidence of these translating into improved outcomes for service users. Where there is activity, this often involves isolated events rather than systematic implementation in the day-to-day running of the local authority and its services.

Access to public life

7.24   Capability Scotland has carried out a series of studies for the Electoral Commission. Significant improvements to physical access and developments to address wider access were reported in 2003. Key findings from their most recent report (Capability Scotland 2007) were:

- a general improvement in the accessibility of the voting process for disabled people, although this trend is not consistent across all areas;

- a significant minority (24%) of respondents found voting in 2007 to be harder than it was in 2005, highlighting problems with the design of the ballot paper and the single transferable vote process; and

- people with learning disabilities are significantly less likely to find polling station staff to be friendly and helpful than disabled voters generally. This

raises questions about how people with learning disabilities are being received and treated as they turn up to vote.

7.25 Disabled people hold fewer public appointments than others in the community or wider society. Between June 2002 and June 2005, the proportion of people in public appointments who were disabled rose from 1.8 per cent to 2.5 per cent, (Scottish Council Foundation, 2004)

7.26 The Scottish Government *National Survey of Local Government Candidates* (Scottish Government, 2007b) reported that around 25% of unsuccessful candidates and 18% of councilors have a disability or long-term health issue. These figures are considerably lower than the 41.5% of the population who are affected by long-term illness, health problem or disability. The proportions of unsuccessful candidates, councilors and the general population suffering from non-limiting long-term illness, health problem or disability are broadly similar (11%, 12% and 15% respectively). The key differences are in the proportions suffering limiting illnesses or disabilities (14%, 6% and 27% respectively). Researchers note that a more detailed exploration of issues around and potential barriers to participation in local government for those with long term illness and/or disability was not possible within the scope of this survey but would be beneficial.

Best value

7.31   Best value employs ten major criteria, one of which is equal opportunities arrangements. Local authorities are expected to self-assess their performance against all ten criteria. Since the onset of the Disability Equality Duty on 4th December 2006, Audit Scotland has published fifteen local authority audits on best value and community planning. Some examples of progress in relation to disabled people include:

- transforming a traditional service into an inclusive personalized service for people with learning disabilities (Perth and Kinross Council)

- Improving partnership working with key partners such as the NHS to ensure improvement in services for people with learning disabilities (Orkney Islands Council, Borders Council)

- improving the local authority community engagement and communications strategy to ensure greater inclusion of a diversity disabled people (Midlothian Council, Falkirk Council)

- ensuring disabled people's views are represented on citizen's panels (Midlothian Council)

- production of guides to assist local authority employees understand different kinds of disability and also provision of disability equality awareness

training (Aberdeen Council, East Lothian Council)

- maximizing consultation and involvement with access panels (North Lanarkshire Council)

- ensuring local authority websites are continuously improved to ensure the site is inclusive and disability friendly (Falkirk Council)

7.32   However, three audits did not record anything related to disability or equality issues and some audits which made reference to disability issues did so in relation to having a disability equality scheme in place.

Reporting on progress towards equality of opportunity

7.33   Local authorities have been in the process of modernising and improvement in the past few years. The onset of the disability equality duty in December 2006 signalled another standard to add to the overall public services reform framework.   This section draws from local authorities' disability equality schemes, action plans and annual reports of local authorities and signposts some areas of progress as well as areas where progress is less evident. While it would be difficult to say with absolute certainty that all improvements on disability grounds was as a result of the disability equality duty, there is no doubt that in the process of change, local authorities have utilised the duty as a positive driver for further change.

Areas where progress is evident

7.34   Progress was found to be evident in relation to:

- Communication, Mainstreaming and Impact Assessments
- Employment
- Training
- Access
- Environmental services
- Best Value
- Procurement
- Community Planning
- Elections and polling

Communication, mainstreaming and impact assessments

7.35   The majority of local authorities recognised implementation of the disability equality duty as a positive driver for change. Almost all reported actions to communicate and promote the most significant developments arising from the disability equality duty to employees, service users and other organisations, for example, through developing and improving equalities and diversity web pages and

local access guides and by influencing the agendas of community planning partnerships.

7.36   The majority of schemes emphasised the local authority's policy making, monitoring and reporting functions as key to effecting progress towards disability equality. Some local authorities have a long history of promoting disability equality. Many local authorities had previously taken some action to promote disability equality in some aspects of their work (for example Aberdeen, Dundee, Glasgow and South Lanarkshire,). This has predominantly been in areas of direct service delivery and to a lesser extent the employment of disabled people. It is clear that clearer policy making, monitoring and reporting on disability issues have developed as a result of the new duties. Local authorities are doing more work to promote disability equality throughout their functions, particularly in the area of shaping and accessing services. As major employers and service providers, local authorities are also contributing to public awareness of disability and the rights of disabled people, initially through disability awareness training of in-house staff but also in providing support to external agencies that work in partnership with them.

7.37   Equality impact assessment processes are the means by which local authorities intend to mainstream disability equality throughout policy and practice. Most local authorities were fairly near the beginning of such mainstreaming and as a result assessment processes were at an early stage. Twenty five local authorities were implementing multi-equality impact assessment processes while seven (Clackmannanshire, Glasgow, Highland, Midlothian, Moray, Perth and Kinross and Stirling) were using an impact assessment tool specific to disability. One local authority (Glasgow) is in the process of evaluating the comparative benefits of single and multi-strand approaches. Two thirds of the local authorities were fairly near the beginning of their impact assessment process, either prioritising policies and functions for review, or beginning to impact assess new/high priority functions and policies. Around one third of local authorities had made further progress, with their process established and a large number of assessments underway or complete. Few local authority reports indicate long-established systems. Two local authorities are at the point of refining and revising their impact assessment processes (Dundee, Glasgow) but do not provide further details of what areas are being refined and revised.

7.38   While progress is evident in the development of impact assessment processes it is also apparent that these are resource intensive. Several local authorities (including, East Ayrshire, East Lothian, Comhairle, Highland and South Ayrshire) report delays in implementation because of the time and resources that are required to train staff. One local authority reported the involvement of a consultant to help ensure quality within its impact assessment processes (North Ayrshire).

Employment

7.39 Almost all schemes recognise the local authority's duties as employers and potential employers of disabled people. Many local authorities report actions to ensure disabled people are supported in their working environment through practical measures relating to aids and adaptations, priority IT support, systems for home working and the promotion of mental health. A few schemes include specific actions relating to staff development and one (South Lanarkshire) includes "promotion of equality of opportunity" as one of its core competencies for all employees; using its review and development systems and an excellence award scheme to reinforce this positive approach. Another (Dundee) carried out a confidential survey of local authority employees, to collect a wider range of views on positive and negative experiences of the local authority as an employer. Almost 7% of respondents to the survey declared they had a disability, and differences in satisfaction levels were found to be insignificant amongst disabled and non-disabled employees. The survey also indicated a high level of awareness of equality issues with 86.2% of all employees agreeing or strongly agreeing with the statement "I am aware of the Council's approach to disability equality and our Disability Equality Scheme".

7.40 Two thirds of local authorities detail their continued double tick accreditation by Jobcentre Plus as indication of their continued commitment to increasing applications for local authority vacancies from disabled people. Several local authorities take further measures to increase their recruitment and retention of disabled people. One local authority (Dundee) is raising awareness of 'flexible working' arrangements for employees, and monitoring uptake of flexible working by disabled employees to assess its impact on employment opportunities for disabled people within local authority departments. Another (Stirling) has increased its applications from disabled applicants by 22% in one year. This local authority works with a partner agency to seek and interview disabled applicants who meet the essential criteria for posts for G1 and basic manual worker posts prior to open advertising.

Training

7.41 Almost all local authorities report actions to improve and increase training of employees. The majority of training reported fell into five broad categories;

- diversity/equality awareness, in two thirds of plans
- disability awareness, in two thirds of plans
- employment duties imposed by the Disability Discrimination Act, in around half of plans;
- service provision duties imposed by the Disability Discrimination Act, in around half of plans;
- impact assessment training, in one third of plans;

Other specific training was also reported. This addressed a wide variety of issues for example; mental health, learning disability, British Sign Language, plain English, deaf awareness and the use of IT.

7.42   Most training appears to be through one off events. Several local authorities are also using e-learning modules to deliver disability awareness training to a large number of staff. Half the local authorities place some emphasis on training frontline staff and integrating disability awareness into induction schemes.

7.43   Half the local authorities also report training elected representatives. A few (Aberdeen, Dundee, Edinburgh, Glasgow and Shetland) train volunteers and partner organisations. A few reports indicate that training has been delivered by or with contributions from disabled people themselves. One notable example (South Ayrshire) involved members of the access board in the training of local taxi drivers.

7.44   Some local authorities (for example East Lothian and Glasgow) report numbers attending courses or completing online modules. Many however, do not report this. Very few tangible outcomes of training such as changes in procedures or policies are reported. From the review of schemes and annual reports local authorities did not report systematically on participant or service evaluations of training. However, a few have, or plan to, revise/update their training though no further details are provided as to what such revision or update would be covering.

Access

7.45   Actions to improve access were reported by every local authority. These reports indicate that progress has been made. However in the majority of cases lack of clear targets/ measured outcomes makes it difficult to quantify this progress.

7.46   Almost every local authority planned to improve the physical accessibility of its buildings. Annual reports contained a range of evidence for progress in this area. The broadest indicators were statistics relating to percentages of buildings approved as accessible, a statutory performance indicator required by Government. From Table 9 (page XX), it is clear local authorities have this information but not all include these figures in their annual report. The most specific gave details of door, lift, ramp installations and the provision of appropriate toilets and changing facilities. Accessibility to buildings and premises is an area that would appear to be a key area of improvement from the outset of disability equality duty.

7.47   Increased public provision, for example in libraries, of other aids for access such as loop systems, adapted signage, easy to use CD players or Browsealoud software were reported by almost all local authorities.

7.48   Almost all local authorities also report actions to increase availability of information in accessible formats. In most schemes this went as far as offering to

provide on request some or most of the local authorities information in another format. While these developments might have been expected under the 1995 Disability Act, it would appear that the public sector duty has driven forward the necessary improvements.

7.49   Many local authorities are in the process of standardising their written information to conform to the latest accessibility guidance on type size, font and layout. Around half the schemes also aimed to promote the use of Plain English and a few were also developing Easy English versions of key documents.

7.50   Two thirds of local authorities report work to improve the accessibility of their web pages. Many are aiming for and achieving standards set by W3C, the Web Accessibility Initiative[2]. A few local authorities were in the process of developing wider online access guides in partnership with DisabledGo[3]

7.51   One third of schemes also planned to increase access to their services through targeted publicity actions such as; the development of online and paper guides; the distribution of publicity through disability groups; features articles in local newsletters magazines and papers and annual reports of these schemes indicate that progress has been made with these actions. However, to date annual reports do not indicate how successful these actions were at reaching disabled people.

7.52   A few schemes were aiming to improve accessibility of services through the development of a single point of contact for disabled people.

Environmental Services

7.53   The majority of local authorities have taken some action to improve environmental services for disabled people. More than half of local authorities report improvements to curbs, pavements and crossings. Some local authorities (for example, West Dunbartonshire) have introduced a system of 'walking audits' which involve disabled people accompanying Local authority staff in the inspection of key pedestrian routes. Funding has been allocated to carry out the improvements recommended by the walking audits.

7.54   Around one third of local authorities provide assisted waste collection for older and disabled people. A few report dealing with obstructions and litter, with one environmental service department (Clackmannanshire) giving priority to disabled residents' requests for action.

7.55   Half the local authorities report improved and/or increased parking facilities for disabled people.

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[2] http://www.w3.org/WAI/
[3] http://www.disabledgo.info/

7.56   Almost half of all local authorities report developing planning procedures to improve the built and outdoor environment (see section 2e for Planning and the Built Environment)

Best value

7.57   Some local authorities (for example, Dumfries and Galloway, East Renfrewshire, Falkirk, North Ayrshire) have refined the authority's best value framework to better incorporate disability considerations. Examples of this include:

- taking equality requirements into all the authority's procurement strategy and operations

- ensuring that equality performance information and targets in relation to the local authority's services are identified and measured through public performance reporting

- briefing managers on equalities issues

- ensuring the mainstreaming of equality issues as part of the authority's drive for continuous improvement and scrutiny structures

- at least one authority has an elected member with corporate responsibility for equality which has enabled a regular system of reporting on equalities to have happened at corporate level

- developing closer working arrangements between the authority's Corporate Equality Unit with other key units such as the Authority's Corporate Policy Team

Procurement

7.58   A significant number of local authorities (for example, East Lothian, Edinburgh, Argyll and Bute, Aberdeenshire, Fife) have considered how equality issues impact on the procurement framework, particularly those who have incorporated equality into the framework when they prepared for the Race Relations (Amendment) Act 2000. Some local authorities are aware of their position as a purchaser and commissioner of goods and services. Some have noted the intention to review the authority's procurement strategy to incorporate disability considerations and to ensure compliance with disability legislation.   These authorities outline certain steps they have taken or intend to take such as:

- checking suppliers' internal equality policies are adequate and in line with the authority's own practice.

- monitoring compliance by suppliers and contractors and followed up with timely reporting through the use of spot checks via an equalities questionnaire
- providing an 'Equality Certificate' to suppliers that meet the authority's equality standards
- ensuring staff engaged in procurement are properly trained and aware of equality issues
- including appropriate terms and conditions in tender documents and subsequent contracts and/or service level agreements
- review the weighting system for assessment of revenue projects and programmes to ensure equality issues are factored in

7.59   Some authorities note that current suppliers and organisations have been given a designated time to address and rectify any non-compliance and failure to satisfy local authority requirements and standards in relation to equality may result in a 'mind to comply' letter and eventually the termination of those contracts and agreements if improvements are not forthcoming.

7.60   One local authority (Falkirk) has a Procurement Toolkit in place which is shared with organisations they work with or contract services forms.

Community Planning

7.61   A significant number of authorities refer to community planning as part of their disability equality schemes. This is often in relation to how partners can provide for equality of opportunity and embed equality issues into the work of the partnership.   Authorities recognise they have a coordination role providing synchrony across public agencies in terms of their responsibilities and actions under the disability equality duty. Some authorities (such as Aberdeenshire) have developed a partnership questionnaire to include consideration of compliance with statutory equality duties, including the disability duty and others share their equality impact assessment toolkit with members of planning partnerships (for example, Argyll and Bute).

7.62   Many others have included access panels or citizen panels within community planning partnerships, viewing the panels as partners within the process. Panels have provided advice on the development of schemes but also on programmes of work. The involvement of disabled people have also assisted some authorities to prioritise certain areas for action, such as addressing the issue of abuse of disabled parking spaces and improving services provided by taxis and private hire cars for disabled people.

7.63   A notable development has been the Equalities Hub which draws from four equality networks in Glasgow, of which the Glasgow Disability Alliance is such network. The Hub set up by the Glasgow Community Planning Partnership provides advice and act as a consulting body to all community planning partners

within the Glasgow area and has assisted community planning partners agree on measures, indicators and data collection methods for equalities in community engagement. A recent contribution has been the contribution of disabled people to the design of the Riverside Museum, particularly in creating the 'Rethinking Disability Representation' initiative which aims to tell the stories of disabled people including their history in history. There are also efforts to encourage representation of disabled people in community planning management structures so that disabled people are strategically placed to influence change.

7.64   Some other local authorities have engaged external expertise to develop strategies to engage hard-to-reach groups such as people with learning disabilities. There is recognition by a number of local authorities of the need to ensure that a diversity of disabled people is enabled to participate, in particular, the participation of young disabled people. Others, through collaboration with third sector agencies working with, for example, people with sensory impairments or black and minority ethnic groups are now more able to include a range of issues and perspectives into their partnership programme (such as care needs of black and minority ethnic people within East Lothian).

7.65   Others (such as Renfrewshire) have found the networks within community planning partnerships a useful resource to assist the authority advertise and recruit for more disabled people to join the workforce of the authority.   In particular, community planning partnerships are seen as being able to provide routes back to work for those who may still be out of work and were previously on Incapacity Benefit.

7.66   Some authorities (such as Highland Council) are now working on improving their monitoring and reporting of how equalities are embedded into community planning partnerships. This is being achieved by ensuring that the partnership's performance management framework addresses issues of equalities, including disability equality.

7.67   However, as noted above, there is further scope for disabled people to engage in community planning. MacDonald et al. (2008) suggest that a starting point might be the recognition of access panels as key partners within community planning structures and processes. There is a need to review the funding of access panels, help them to develop capacity and extend membership to ensure representation of the range of disabled.

Elections and polling

7.78   A quarter of local authorities have taken or plan to take some action to encourage disabled people to take part in the electoral process.   Measures include: ensuring polling stations are physically accessible; training polling station staff to support access for people with sensory and mobility impairments; ensuring information about elections and voting is in plain English. One council (Perth and

Kinross) organised an event for people with learning disabilities and autistic spectrum disorder prior to the recent Scottish elections to raise awareness of the voting process. Another (Falkirk) reported providing tactile voting devices with Braille markings at each polling station to assist voters with visual impairment to read ballot papers. In addition, guidance to voters was also produced in pictorial format.   Some increase in physical accessibility of polling stations is reported, although at this stage, no evidence has been presented to indicate increased levels of participation or voter satisfaction with facilities.

7.68   To sum up, local authorities in Scotland have utilised the disability equality duty as a positive driver for change both as a service provider and also as an employer. Most have worked very hard to strengthen existing mechanisms or to develop new ways of consulting and involving disabled people. The partnership with disability organisations, groups and individuals has enabled local authorities to seek advice and expertise from disabled people in shaping local authority disability equality schemes as well as key policy areas such as in community planning. Local authorities have invested in staff development to raise awareness of disability issues but also in specific areas such as in mainstreaming and impact assessment. Another significant area of progress has been an improvement in access, both to the physical accessibility of local authority buildings but also to council services through better signage, accessible websites and better use of technology e.g. Browsealoud.

7.69   A significant number of local authorities have begun to embed equalities issues into their best value and procurement frameworks, however it is too early to gauge the full impact of such mainstreaming of equality issues. As not all authorities have fully engaged in this process, these are areas that warrant a more systematic approach across the country and this is discussed in the next section

Areas where progress is less evident

7.70 The following are areas either there has been limited evidence of progress or where there is scope for improvement:

- Harassment
- Information gathering and analysis
- Elections and polling
- Leisure
- Procurement
- Best Value

Harassment

7.73   Although almost every scheme outlined the general duty to reduce harassment of disabled people, only a few included specific actions to do so. One of these (Aberdeenshire) reported actions to reduce harassment which included; an

initiative to promote positive attitudes through the use of positive images and publicity; the provision of disability awareness training; through publicising existing harassment policies and procedures; and increasing involvement in the local community safety partnership. No reports contained quantitative evidence of progress towards reducing incidents of harassment though several expressed intention to start collecting data in order to be able to establish more accurate baseline data.

Information gathering and analysis

7.74   Around half of all local authorities quoted some local statistical data relating to disability in their disability equality scheme. Most of the remaining local authorities quoted Scotland wide data produced by the former Disability Rights Commission. Almost all local authorities are taking or planning to take some action to gather more useful data. Some (Dundee, Falkirk, Fife, Glasgow, Highland, Shetland and South Ayrshire) have thoroughly assessed national and local data. A few have gone further; acting as partners in local research (Midlothian). The Midlothian experience has produced data and ideas for the council on areas that require greater attention, such as addressing issues of workplace bullying and harassment. Through their employee survey, Talkback, the council has been able to gather more information from disabled employees about areas that require improvement for them as authority employees. However, most authorities are at the very beginning of the process of establishing systems, baselines and the nature of the data they plan to gather.

7.75   Very few local authorities present significant qualitative or quantitative data organised to demonstrate progress relating to the duty. If baselines, systems and measures of success are successfully established then progress in all areas may be evident in subsequent annual reports.

7.76   About half the schemes indicate local authorities plan to use customer and employee satisfaction surveys as a qualitative indicator, however these have not yet been conducted at the point of writing this report.

7.77   At least one third of local authorities noted that the data they had on employees and disability were unlikely to be accurate. Most were seeking ways to encourage more accurate disclosure. This under reporting was attributed in part to the reluctance of employees to be labelled, and possibly treated less favourably. Lack of understanding of the need for such statistics and of the DDA definition of disability were other factors that local authorities believe may be at the root of under reporting. A few local authorities (for example Aberdeenshire, Midlothian, South Ayrshire) report upward trends in disclosure of disability by employees. Some of the reasons for these upward trends could be due to the fact that these authorities had made efforts to communicate their reasons for gathering such statistics; provided definitions of disability and actively promoted to staff the

council's willingness to support, value and continue to employ people with disabilities.

Leisure

7.79   Two thirds of local authorities make some reference to an aspect of leisure services within their action plans. Sport, the arts, and libraries are each mentioned by around one third of councils. The area of sports is further elaborated on in the Ministerial Portfolio for Health and Well-being. However most of these actions refer to improvements in physical accessibility. The most wide reaching seem to be the promotion of leisure access cards which entitles disabled people to reductions in entrance fees and the use of Browsealoud, and other aids to accessibility, in some libraries. Museums, parks and outdoor spaces appear in very few action plans. One local authority (East Renfrewshire) reports the development of its 'Portal to the Past 'project which makes local history and heritage available online. A few local authorities report the development of guidelines to promote standards of accessibility for council organised events. However no report has been made of the effect of these guidelines on events organisation in practice or on attendance levels or customer satisfaction.

Procurement

7.80   Two thirds of local authorities acknowledge their duty to promote disability equality through their procurement processes. Most outline clauses and specifications within contracts, or plan to do so. Only a minority describe robust systems for ensuring or promoting compliance. Edinburgh, for example, has agreed a new contractual clause on equalities, diversity and non discrimination. This new clause describes new legal duties and the potential of spot checks on funded organisations. It has also put in place a procedure to monitor and report on the number of companies checked in this way, the proportion that receive certificates of good practice and the proportion with whom follow up action is taken together with a description of that action. In addition to this action to ensure compliance, the local authority is also promoting the development of equality training, multi-equality action plans and impact assessment within organisations and companies with which it works.

7.81   There are authorities that have developed an approach of systematic mainstreaming of equalities into the procurement framework. These authorities are often able to list what they are doing in relation to equalities within procurement while others remain at aspirational levels or do not even mention procurement within their disability equality scheme.

Best value

7.82   There is scope for greater consideration of the disability equality duty and equalities in general in relation to best value. While a significant number of local

authority schemes mention the importance of taking forward equality of opportunity within best value, few authorities provide concrete examples of how they intend to do this as part of their action plan. There is a sizeable gap between those local authorities that have thought more systematically about mainstreaming equalities into best value and those who have yet to do so.

7.83   Greater attention is required to ensure that the equality criteria of best value can be better evidenced as part of overall improvement and efficient government. Equalities is a cross-cutting issue for local authorities and there is a need to improve the awareness of the range of departments within the authority of their respective roles and contributions in facilitating for equality.

7.84   The independent review of the best value audit process (Grace et al., 2007) found that audits at present focus primarily on managerial issues and give relatively little attention to community planning, equalities or sustainability.   Some local authorities have noted this lack of a consistent coverage by best value audit teams and would welcome a greater emphasis on equalities within reviews.   However Grace et al.'s finding coupled with the review of schemes indicate that there is a need for a more systematic inclusion of equalities issues into the majority of local authority best value strategies.

7.85   To sum up, it is important to stress that local authorities have made improvements in many areas both as employers and service providers in relation to disability issues.   What is now required is a narrowing of the gap between authorities that have done quite a lot and those that may be near the beginning of the learning curve. One of the ways of achieving this might be to enable better sharing of practice and with time and resource constraints to avoid re-inventing the wheel.

Categories of impairment

7.86   More than two thirds of local authority schemes acknowledged that understanding disability can be complex.   Most of these referred with varying degrees of detail to the Disability Rights Commission's guidance on defining disability. The majority include a statement of the definition drawn from the Disability Discrimination Act, often followed by a statement of support for the social model of disability.

7.87   Less than half the action plans included actions specific to the range of disabilities to be addressed. Actions to address the needs of people with sensory and physical impairments as well as learning disabilities were fairly wide spread. Mental health, mental illness and long term limiting illness were rarely addressed.

Consultation with and involvement of disabled people

7.88   The specific duty to consult and involve disabled people in the work of local authorities has been progressed by almost every local authority. While a small minority had only managed what would be termed consultation during the development of their schemes, almost all had made significant efforts to involve disabled people in meaningful and effective ways. Overall, disabled employees, service users and groups have been involved in the development of schemes and action plans. Most local authorities are successfully moving beyond consultation to more active engagement of disabled people. Many are working to mainstream that involvement throughout their services and functions.

7.89   There was some evidence in a few annual reports to indicate that data gathered is influencing some aspects of future plans. Both Dundee and Aberdeen provide detailed feedback relating to specific concerns raised by disabled users. This feedback indicates that information provided by disabled people is influencing the quality of future actions. Dundee Council's "you said we did" section of its annual report is a noteworthy example which records how qualitative data has influenced council actions and future plans. For example, complaints were made about the lack of appropriate access and toilet facilities in Broughty Ferry. Dundee Council responded by facilitating discussions through the Licensing committee that have resulted in an agreement by a licensee to install disabled toilet facilities. The local authority has also become part of the *Changing Places* campaign[4] which has succeeded in gaining an enhanced facility in Broughty Ferry. Complaints were also received by the local authority regarding specific roads with lack of dropped kerbs for mobility access and as a result additional expenditure on dropped kerbs was approved in 2007.

7.90   Almost all local authorities have made use of one-off events and/or time-limited processes to involve disabled people in the development of their schemes and action plans. How these events were organised and structured was not described. Many also used questionnaires and surveys to identify areas where improvements were needed.

7.91   The majority of local authorities have made progress toward involving disabled employees and service users, disability groups, disability forum and access panels. Citizens panels and trade unions have been used by around one third of councils. Several councils are using the *Community Planning Advice Note 5: Effective Community Engagement* (Scottish Executive, 2004b) as a guide to their work.

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[4] Changing Places is a national campaign on behalf of the thousands of people with profound and multiple learning disabilities and their carers, and the many other disabled people who cannot use standard accessible toilets. http://www.changing-places.org/index.asp.

7.92   More than half of all local authorities are reporting good progress in their efforts to involve disabled people in their ongoing work; users and employees forum are being developed and strengthened. Complaint and comments are being treated as a potential source of information and prompts for action. One local authority (Aberdeen) reported its responses to all such communication through an online forum. Service and employee surveys are being planned and adapted to allow councils to measure and compare satisfaction levels of disabled and non-disabled people. Some local authorities have made targeted efforts to engage hard to reach groups and individuals have been involved through using email, telephone and written communication where geography or the nature of their impairment has prevented other forms of engagement. About half of local authorities are, or are beginning to, involve a diverse range of disabled people in their impact assessment and Community Planning processes. Just under a quarter report the engagement of disabled people in the local community safety forum.

7.93   While many local authorities have had challenges and setbacks in their attempts to better involve a wider range of disabled people, they appreciate the contributions made by disabled people to date to their work. At least half recognise in their scheme that involvement must be supported through positive actions for example by funding and giving practical support to disability groups; offering expenses for voluntary involvement; ensuring expenses can be claimed simply and paid quickly; taking care to consult about suitable venues, times and access requirements for events; using criticism and suggestions to make immediate improvements when possible; inviting further engagement from individuals who make complaints or comments; giving high quality narrative feedback to disabled people about the results of their involvement; and taking steps, such as co-ordinating involvement with partner organisations, to avoid participation fatigue.

7.94   Increased involvement is generally being reported by most local authorities. This is most often in terms of higher numbers of meetings held and of people participating. Steps have also been made to widen participation.   Two local authorities have, with its community planning partners commissioned a consultant to develop strategies to engage hard-to-reach groups (North Ayrshire, Orkney). Almost half of all councils have sought or plan to seek involvement of disabled people who experience multiple disadvantage. This has usually been through making contact with other equality groups. Suggestions and concerns raised by consultation and involvement are reported by the majority of local authorities. However only a minority indicate clearly how such involvement has effected change. A few councils report active engagement of disabled people in the process of service improvement for example as consultants, trainers, and mystery shoppers.

7.95   Several councils can demonstrate the significant involvement of disabled people in the development and delivery of their policies priorities functions and services. (Aberdeen, South Lanarkshire, Dumfries and Galloway, Dundee). One

council (South Lanarkshire) has adopted an "appreciative inquiry method"[5] to draw out disabled people's aspirations for their local council as well as their solutions to existing problems.

Summary and conclusions

7.96   Almost all schemes emphasised policymaking, monitoring and reporting functions as key to effecting progress towards disability equality. Annual reports and action plan updates indicate that councils have been working to meet the specific requirements of the disability equality duty; to produce schemes plans and reports, to conduct impact assessments and to involve disabled people in their work.

7.97   Almost all schemes recognise the local authority's duties as employers and potential employers of disabled people. Annual reports and action plan updates indicate that there is some increase in the support offered to disabled employees and that efforts are being made to recruit more disabled people.

7.98   Almost all local authorities include actions within their plans to improve and increase training of employees. Around half of these also aim to train elected officials. Annual reports and action plan updates indicate that training is being delivered.

7.99   Access to buildings, services and information is addressed by every action plan and increases in accessibility are reported. The majority of councils have taken some action to improve environmental services for disabled people; most commonly such actions relate to the alteration of kerbs, crossings, paths and pavements. Annual reports and action plan updates indicate that improvements are being made.

7.100   Annual reports and action plan updates indicate that almost all local authorities have taken action, some significantly so, to engage and involve disabled people in their work. At least half also report action to support and maintain such involvement.

7.101   Progress is less evident in some areas such as information gathering/analysis; leisure; procurement and best value.

- While almost all local authorities plan to improve their data collection and to use this data to improve their schemes the majority have yet to establish and report base lines. The majority of annual reports and action plan updates do not yet contain significant qualitative or quantitative data

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[5] Appreciate Inquiry is an approach which works with individuals within or associated with an organisation to harness their ideas on how to problem solve and to refocus, reenergise and renew the direction of the organisation.

against which progress might be measured. If baselines, systems and measures of success are successfully established then progress in all areas may be evident in subsequent annual reports.

- Only one third of local authorities include some aspect of leisure services within their scheme. It may be that work by community, leisure, sports and arts centres, libraries and museums is going unreported.

- While the majority of authorities recognise the potential for influence in setting terms and conditions for procurement very few report a monitoring procedure to ensure these are met. There is very little evidence of procurement processes having led to improvements in either the services provided or the working conditions of employees working indirectly for the council.

- Greater attention could be paid as to how the best value framework could be made to work harder to deliver for equalities, including disability equality. Concrete targets which can be monitored would assist.

7.102   Local authority schemes, actions plans and annual reports vary widely in size, content and structure. The effort and resources given to producing these is clearly evident. Almost every authority has planned, taken and reported on action to reduce inequality between disabled and non-disabled people.   Although the majority of schemes did demonstrate a good understanding of the complexity and breadth of disability this was not consistently translated into detailed action.

8 VALUATION JOINT BOARDS

Introduction

8.1   The Valuation Joint Boards (Scotland) Order 1995 established ten Valuation Joint Boards responsible for compiling and maintaining domestic and non-domestic council tax valuation lists and electoral registers in Scotland.

Wider policy context, research and statistical evidence

8.2   The role of valuation joint boards is often linked with that of their associated local authorities.   Policy and research related specifically to the work of the valuation joint boards and equalities is either non-existent or not readily available. Therefore research which discusses improving practice for consulting and involving disabled people, making services more accessible and developing an ethos more welcoming of disabled people all apply for the work of the valuation joint boards.

Reporting on progress towards equality of opportunity

Areas where progress is evident

8.3   A review of schemes, action plans and annual reports identified progress in four areas:

- Policy and function review
- Recruitment procedures
- Staff awareness and access to training
- Physical amendments to property

Policy and function review

8.4   All boards recognised the requirement to review policy and functions in response to the disability equality duty. Surveys and interviews have been conducted with the purpose of identifying disability equality issues arising in the delivery of services. For example, Ayrshire Valuation Joint Board identified the need to review practices and procedures in the exercising of their valuation role, council tax and electoral registration functions as well as how it communicates with disabled users.

8.5   Valuation joint boards have recognised the need to improve involvement of disabled people in the development of policy and functions. Renfrewshire Valuation Joint Board now requires all new policies to be screened for adverse impact on equality groups and a full equality impact assessment (EQIA) to be completed where appropriate.

Recruitment procedures

8.6   Where schemes propose amendments to existing procedures (e.g. introduction of monitoring the number of disabled applicants to posts and the use of forms that allow individual applicants to "self identify" or "self declare" disabilities) these have been implemented.

8.7   Some boards have begun to hold regular meetings with their associated local authority diversity liaison officer or equalities officer to discuss disability equality in relation to recruitment procedures. Central Scotland Valuation Joint Board published their intention to guarantee interviews to disabled applicants who meet essential criteria for employment.

8.8   Some boards are also monitoring in relation to employment. For example, Ayrshire, Central Scotland and Orkney and Shetland Boards have published statistics for recruitment and selection. Argyll and Bute and Dunbartonshire Valuation Joint Boards have expanded the categories of information monitored by including salaries of employees with and without a disability as well as post-recruitment data such as progression and exit interviews.

Staff awareness and access to training

8.9   Valuation joint boards have identified staff training and awareness on disability equality issues as a necessity. Lanarkshire Valuation Joint Board published a list of courses offered to employees including Deaf Awareness, Disability Awareness, British Sign Language Level One, British Sign Language Level Two, British Sign Refresher Training and Visual Awareness. Some boards have chosen to merge training on disability equality issues into broader training on equality issues generally. Some boards have incorporated training into the continued professional development of staff in conjunction with the lead authority. Orkney and Shetland stated their intention to liaise with constituent authorities with regards the provision of training. While all Valuation Joint Boards have recognised the importance of training in developing awareness, it is not always clear which staff are attending such training.

Physical amendments to property

8.10   All Valuation Joint Boards have identified a number of physical barriers that may be inhibiting disabled access to premises, use of equipment in the workplace and access to services. The Central Scotland Valuation Joint Board highlights the importance of involving disabled people in consideration for physical amendment to buildings and equipment. Such amendments included the provision of disabled car parks, appropriate signage, and adaptations to premises, access to disabled toilets, adaptation of IT equipment and workstations and the purchase of portable hearing loop systems.

8.11   Generally, where such barriers were highlighted, most annual reports were able to report progress in removing these barriers. Dunbartonshire has a programme of works covering 2006 to 2008 which include improvement in signage, installation of an induction loop, ramps and disabled toilet provision, production of forms in Braille and ongoing discussion with lead authorities regarding accessibility of the website.

8.12   Highland and Western Isles Board proposes an audit for access to premises and their annual report identified the need to provide a wheelchair emergency stair escape device for one of their premises. They suggest that their self-audit has revealed that many of the department's forms could be improved and work will be carried out in the "period ahead".

8.13   Central Scotland disability equality scheme has produced forms in Braille. "Register to vote" and "Vote by post" are now available and other forms are available in Braille on request.

8.14   In summary, valuation joint boards have considered the disability equality duty largely in three areas. Firstly, in raising staff and organisational awareness of disability issues via training as well as embedding disability issues within human resource policy and practice; secondly, in developing consultation and involvement processes with disabled people and thirdly in improving accessibility to premises as well as services offered by the valuation board such as ensuring communication materials are produced in a range of accessible formats.

Areas where Progress is Less Evident

8.15   There are five areas in which progress would appear to be less evident:

- Publication of information
- Monitoring
- Retention of staff
- Harassment

Publication of information

8.16   The majority of joint valuation board schemes emphasise the importance of making stakeholders and staff aware of disability equality and publish information on both their own website and that of the Scottish Assessors Association. In addition, some distribute information through training and staff networks. A number of schemes also promote the use of a Disability Forum for these purposes.

8.17   Some boards also advertise their willingness to publish information in alternative formats on request (e.g. alternative languages, easy to read, large print, Braille and audio tape.) However, it is not clear what percentage of literature produced by boards is available in this format.

8.18   While some boards provide limited statistics with regards numbers of disabled employees, in the interest of confidentiality due to small numbers of staff, few publish details of data collected in relation to grievance/disciplinary procedures, promotions and exit interviews of disabled people.

Monitoring

8.19   While some valuation joint boards have highlighted the importance of designing and implementing monitoring disability equality, only one has explicitly highlighted their commitment to both quantitative and qualitative approaches. For the most part, those boards that have collected quantitative data have done so simply on a disabled/non-disabled basis.

8.20   There is no statistical information relating to grievance or disciplinary procedures although many boards have adapted existing complaints procedures to include disability equality issues.

Retention of staff

8.21   Joint valuation board schemes suggest that data collected in relation to grievance/disciplinary procedures, promotions and exit interviews of disabled people will inform future training and the formation of policies and procedures. However, there is little evidence of data collected in this area within annual reports reviewed that would have informed future training, policy or procedures.

Harassment

8.25   Most schemes include the general duty to eliminate harassment, but very few demonstrate how they intend to do this. Some schemes include a review of harassment policy, however the outcome of these reviews is less evident.

8.26   To summarise, valuation joint boards have begun to consider how the disability equality duty impacts on the various aspects of their work. As small organisations they have prioritised the areas to start work on and these are discussed in the progress section above. Many boards have work in progress, particularly in areas such as impact assessment, monitoring and adapting the work environment to be more disability friendly. The one area that has been identified as needing further consideration is in the area of dignity at work and anti-harassment policies.

Categories of impairment

8.27   Some schemes have included the definition of disability according to the Disability Rights Commission. A minority of schemes (e.g. Lanarkshire, Highland and Western Isles) have also demonstrated their understanding of the advantages of a 'social model' in identifying "disability barriers" and provided examples of

impairments that are excluded from the disability category (e.g. tendency to start fires or steal). Some schemes do not explicitly distinguish between physical or mental impairments. As a consequence, consideration of the implications for specific groups of people is not evident in those schemes and annual reports.

Consultation with and involvement of disabled people

8.28   The majority of schemes recognise that contact with disabled groups is essential to building sustainable relationships with disabled people and can help identify possible barriers. However, the distinction between involvement and consultation is not always clear. In a number of schemes and annual report, the terms are used interchangeably. As such the character of interaction with disabled groups appears to range from one-off contact to more systematic involvement.

8.29   Some schemes have provided lists of organisations contacted reflecting a variety of disabilities that corresponding to the category distinctions made above. Others have chosen to emphasise the importance of avoiding duplication of consultation and have relied on information provided from lead authorities to produce both schemes and annual reports.

8.30   Some boards expressed the opinion that direct consultation or involvement with disability groups would duplicate efforts already made by lead authorities and would be an unnecessary strain on resources.

Summary and conclusions

8.31   Valuation joint boards understand their role in relation to the disability equality duty both as an employer and a service provider. With the exception of those which have consulted with disabled people through lead authorities, some boards have taken steps to involve disabled people both in the production of their schemes and annual reports, the day-to-day activities of the board and the services that they provide.

8.32   In the main, the majority of valuation joint boards have taken steps towards amending the physical environment to improve access for disabled people and have advertised their willingness to provide information in alternative formats on request.

8.33   Valuation joint boards tend to develop their understanding of disability equality in concert with their associated local authorities. This is particularly so in relation to the collection of information and the training of staff towards the development of policy and practice. In most cases, the sharing of information between valuation joint boards and local authorities with regard to the design and implementation of monitoring processes and towards staff awareness and access to training has ensured that all aspects of disability equality have been adequately addressed.

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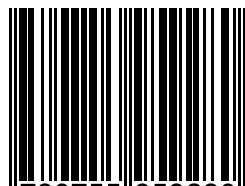
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