

SOCIAL AND HEALTH OVERVIEW & SCRUTINY COMMITTEE

Date of Meeting	Thursday, 1 st July 2021
Report Subject	Disability and Discrimination
Cabinet Member	Cabinet Member for Corporate Management and Assets
Report Author	Chief Executive
Type of Report	Operational

EXECUTIVE SUMMARY

Disability discrimination is included within the Equality Act 2010 as one of the nine protected characteristics. As a local authority we have a duty as set out in the Public Sector Equality duty to eliminate discrimination and promote equality for disabled people. Our Strategic Equality Plan 2020/24 sets out our equality objectives and the steps we will be taking to achieve them.

The purpose of this report is to provide an overview of disability discrimination and following particular disability-related equality issues raised by this committee to outline activity underway to promote equality for disabled people. The committee raised issues regarding:

- reassurance that no discrimination takes place for the housing, job and education aspects of life, both for seen and unseen disabilities;
- reluctance to help older disabled people;
- transport;
- Disabled Facilities Grants

The detail of the queries and a response to each is attached in Appendix 1.

RECOMMENDATIONS

1	Scrutiny note actions being taken to eliminate discrimination and promote equality for disabled people.
2	Scrutiny receive the Strategic Equality Plan annual report 2020/21 prior to approval by Cabinet.

REPORT DETAILS

1.00	EXPLAINING DISABILITY DISCRIMINATION
1.01	<p>This committee has highlighted some of the inequalities experienced by disabled people in services such as housing, transport and employment. These concerns reflect a report produced by the Equality and Human Rights Commission (EHRC) in 2018 “Is Wales Fairer?”. This report identified known inequalities experienced by disabled people, such as facing a shortage of accessible and adapted housing. The current health pandemic has further exposed some of these inequalities.</p> <p>The specific issues raised by this committee are attached as Appendix 1, along with an Executive response.</p>
1.02	<p>Disability is one of the nine characteristics protected from discrimination by the Equality Act 2010. The nine protected characteristics are: age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.</p>
1.03	<p>The Equality Act 2010 means that disabled people are protected from discrimination in employment, provision of goods and services, including health and other public services, schools and education, renting and buying property, and transport services like buses, trains and taxis. Reasonable adjustments should be put in place by employers and service providers to ensure disabled people are not discriminated against. Examples include making alterations to buildings or working patterns, providing information in different formats such as Braille or British Sign Language.</p>
1.04	<p>The Equality Act also requires public bodies to comply with the Public Sector Equality Duty (PSED). This is in addition to our duty not to discriminate. The duty aims to make sure we think about the needs of people with people with protected characteristics when we make decisions about how we provide our services and develop and implement policies.</p>
1.05	<p>When we carry out our functions, the PSED says we must have due regard (actively think about the need) to:</p> <ul style="list-style-type: none"> • eliminate unlawful discrimination • advance equality of opportunity between people who share a protected characteristic and those who do not • foster or encourage good relations between people who share a protected characteristic and those who do not.
1.06	<p>Every service is responsible for meeting the duty, ensuring that disabled people are not discriminated against and opportunities are being taken to reduce unequal outcomes.</p>

	<p>The Council has a number of procedures in place to assist with this. The completion of Integrated Impact Assessments (IIAs) included within strategic committee reports ensure that decision makers understand any positive or negative implications of their decisions.</p>
1.07	<p>The Council's Strategic Equality Plan (SEP) is published which identifies objectives to reduce inequalities experienced by people with protected characteristics.</p> <p>The Equality objectives set out in the adopted SEP 2020/24 are:</p> <p>Objective 1: Improve health, well-being and social care outcomes including outcomes for older people and disabled people</p> <p>Objective 2: Reduce gaps in educational attainment between protected groups and implement strategies to improve well-being</p> <p>Objective 3: Ensure equal pay within the workplace by having in place fair, open and transparent grading and salary strategies in place</p> <p>Objective 4: Improve personal safety for all protected groups</p> <p>Objective 5: Increase access to participation to services and decision making for all protected groups</p> <p>Objective 6: Improve living standards of people with different protected characteristics</p> <p>Objective 7: Develop our knowledge of the socio-economic duty to protect people from poverty</p>
1.08	<p>We publish a report each year to set out our progress to achieve our equality objectives. The next annual report for 2020/21 will be published later this year and will include information about employment as well as actions being taken by services.</p>
1.09	<p>Actions within our SEP to promote equality for disabled people and reduce unequal outcome include:</p> <p>Employment</p> <ul style="list-style-type: none"> • Working towards Department of Work and Pensions scheme "Disability Confident Leader level 3" demonstrating our commitment to recruiting and retaining disabled employees, and our commitment to mental health and well-being of employees. We have already achieved level 2. • Completing an annual equal pay audit to identify the pay gap between employees with protected characteristics, this includes the pay gap between disabled employees and non-disabled employees. As approximately 36% of the workforce have not declared whether they are disabled, the data on the pay gap is not robust. We are

	<p>putting in place initiatives to increase the number of employees who provide this information.</p> <ul style="list-style-type: none"> Monitoring the number of our apprentices who are disabled to ensure the profile reflects the local community. The Equality and Human Rights Commission has highlighted research that shows disabled people experience unequal outcomes in employment and are under-represented in apprenticeships. <p>Services</p> <ul style="list-style-type: none"> Supporting people with learning disabilities to gain paid employment through Project Search Ensuring equality monitoring and analysis is undertaken in key services: Education, Housing, Social Services. This is to identify any barriers experienced by people with protected characteristics and ensure our services are accessible. Completing a strategic review of housing needs to inform the infrastructure for our programme of new build. Comparing waiting times for access to adapted housing with other housing types to ensure disabled people are not disadvantaged. Reviewing opportunities to improve the accessibility of public transport for disabled people and older people. Completing a review of our website to ensure it meets accessibility standards. Implementing a system to report and monitor identity based bullying in schools to ensure all children and young people feel safe. <p>In addition, the Education service has a separate Accessibility Strategy which ensures there is a programme of works to make schools accessible for disabled learners, teachers, parents and visitors. All disabled learners should be able to participate fully in the school curriculum and the physical building not be a barrier.</p>
1.10	<p>The SEP will contribute to addressing the issues raised by members of this committee, who have highlighted the difficulties disabled people face. The Integrated Impact Assessments completed by services are critical to ensure that decisions made do not compound inequalities but actively address unequal outcomes experienced by people with protected characteristics.</p>

2.00	RESOURCE IMPLICATIONS
2.01	<p>Revenue/Capital: there are no implications for the approved revenue and capital budgets for either the current financial year or for future financial years.</p> <p>Human Resources: there are no implications for additional capacity or for any change to current workforce structures or roles.</p>

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT																								
3.01	<p>An Integrated Impact Assessment is not required as this report provides an overview of legislation requirements and actions we are taking to comply.</p> <p>Ways of Working (Sustainable Development) Principles Impact</p> <table border="1"> <tr> <td>Long-term</td> <td>No change.</td> </tr> <tr> <td>Prevention</td> <td>Positive. Actions within our aim to ensure inequalities are reduced</td> </tr> <tr> <td>Integration</td> <td>No change</td> </tr> <tr> <td>Collaboration</td> <td>No change</td> </tr> <tr> <td>Involvement</td> <td>No change.</td> </tr> </table> <p>Well-being Goals Impact</p> <table border="1"> <tr> <td>Prosperous Wales</td> <td>Positive. The purpose of the Equality Act is to reduce inequalities and support people achieve their potential. .</td> </tr> <tr> <td>Resilient Wales</td> <td>No change</td> </tr> <tr> <td>Healthier Wales</td> <td>Positive. The purpose of the PSED is to reduce inequalities, including health inequalities.</td> </tr> <tr> <td>More equal Wales</td> <td>Positive. The purpose of the Equality Act and the Strategic Equality Plan is to reduce inequalities of outcome experienced by people with protected characteristics.</td> </tr> <tr> <td>Cohesive Wales</td> <td>No change</td> </tr> <tr> <td>Vibrant Wales</td> <td>No change</td> </tr> <tr> <td>Globally responsible Wales</td> <td>No change</td> </tr> </table>	Long-term	No change.	Prevention	Positive. Actions within our aim to ensure inequalities are reduced	Integration	No change	Collaboration	No change	Involvement	No change.	Prosperous Wales	Positive. The purpose of the Equality Act is to reduce inequalities and support people achieve their potential. .	Resilient Wales	No change	Healthier Wales	Positive. The purpose of the PSED is to reduce inequalities, including health inequalities.	More equal Wales	Positive. The purpose of the Equality Act and the Strategic Equality Plan is to reduce inequalities of outcome experienced by people with protected characteristics.	Cohesive Wales	No change	Vibrant Wales	No change	Globally responsible Wales	No change
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4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	No consultation required as this report outlines our responsibilities to eliminate discrimination and promote equality.

5.00	APPENDICES
5.01	Appendix 1 List of concerns raised by Social and Health Overview and Scrutiny Committee and response

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Strategic Equality Plan 2020/24 Flintshire County Council Equal Pay Audit 2020 Is Wales Fairer 2018? Equality and Human Rights Commission

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Fiona Mocko, Strategic Policy Advisor Telephone: 01352 702122 E-mail: fiona.mocko@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
	<p>Disability Confident Leader: a Department of Work and Pensions scheme encouraging employers to think differently about disability and take action to improve how they recruit, retain and develop disabled people. It involves making specific commitments and providing evidence to demonstrate how those commitments have been met. There are three levels to the scheme, level three being the highest level.</p> <p>Equal Pay Audit: compares the pay of different groups, such as men and women, in an organisation to identify any differences in pay, investigating the causes and putting in initiatives to reduce any identified gaps.</p> <p>Integrated Impact Assessments: An Integrated Impact Assessment (IIA) is a way to look at how a proposal could affect communities and if different groups within the community will be affected differently. It takes into consideration impacts on the environment, equality (people with protected characteristics), health, poverty and Welsh language.</p> <p>Protected characteristics: these are the groups protected under the Equality Act 2010. The characteristics are: Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex and Sexual Orientation.</p> <p>PSED: Public Sector Equality Duty, places a General Duty and Specific Duty on public bodies. The General Duty requires public bodies to show due regard to the need to: eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and foster good relations. The Specific Duty in Wales requires public bodies to develop equality objectives and publish Strategic Equality Plans. It also includes the requirement to train employees, assess the impact of decisions and undertake equality monitoring.</p>