

THE HIGHLAND AND ISLANDS FIRE BOARD

22 NOVEMBER 2006

Agenda Item	14
Report No	FIRE 52/06

**Highlands & Islands Fire & Rescue Service
Disability Equality Duty**

Report by the Chief Fire Officer

Summary

The Disability Discrimination Act 2005 requires that from 5 December 2006 all public bodies will have a duty to promote disability equality (similar to the duty to promote race equality under the Race Relations (Amendment) Act 2000). This will require the Highland & Islands Fire Board and Highlands & Islands Fire & Rescue Service to have developed a Disability Equality Scheme by this date.

1. Background

1.1 General Duty

One of the principal provisions of the new Disability Discrimination Act 2005 will introduce a duty on the public sector to promote equality for disabled people. It has been designed to mirror the duty to promote race equality, but takes account of the differences between race relations law, and disability discrimination law.

The Act sets out a general duty which will require every public authority in carrying out its functions to have due regard to:

- a) the need to eliminate discrimination that is unlawful under the Act;
- b) the need to eliminate harassment of disabled persons that is related to their disability;
- c) the need to promote equality of opportunity between disabled persons and other persons;
- d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled people more favourably than other persons;
- e) the need to promote positive attitudes towards disabled persons; and
- f) the need to encourage participation by disabled persons in public life.

Note: 'Due regard' means that authorities should give due weight to the need to promote disability equality in proportion to its relevance.

1.2 Specific Duties

The Disability Discrimination Act 2005 follows the Race Relations (Amendment) Act in providing that specific duties applying to certain public bodies can be prescribed in regulations. The purpose of imposing specific duties is to assist public bodies to comply with the general duty to promote equality. In meeting the requirements of the specific duties authorities must publish a Disability Equality Scheme and monitor various indicators, particularly in relation to employment and report annually on implementation.

2. Disability Equality Scheme

2.1 A Disability Equality Scheme should set out how the authority will fulfil its duties to eliminate unlawful discrimination against, and harassment of, disabled people, and promote equality of opportunity in relation to disabled employees, disabled service users, and disabled people generally. The scheme should:

- set out the methodology the authority will use to assess the impact of its existing and proposed activities on disabled people;
- demonstrate that disabled people have been involved in producing the scheme and developing the action plan;
- set out a plan for the actions the authority will take over the following three years to fulfil the general duty;
- set out the arrangements the authority will put in place to gather the evidence necessary to track its progress in fulfilling its general duties; and
- set out the arrangements for analysing such evidence and updating action plans in the light of the analysis

2.2 At the heart of the Disability Equality Duty is the requirement to involve disabled people in producing the Disability Equality Scheme and action plan. This will be achieved through a partnership collaborative approach, involving key personnel from each of the Highland Well Being Alliance agencies and other strategic partners, working together under the title “Highland Wellbeing Alliance Equality and Diversity Strategy Group”.

2.3 Work has already been progressed to involve disabled people in developing our Disability Equality Scheme. This has involved questionnaires and attendance at focus groups. Whilst this work has been developed through the community planning partnership within Highland, we recognise that it is important that we extend this work to cover all areas that we have a responsibility for, and have extended this work to capture data from all our constituent authorities.

2.4 This exercise is not yet completed. When the relevant information becomes available it will be fed into the Service’s Equality & Diversity Forum, which includes Fireboard representation. In developing this first Disability Equality Scheme, the Service has worked closely with our counterparts in Northern Constabulary to align the reporting mechanisms; and in conducting the research for their respective schemes. These schemes will be presented on the day at the respective Boards for adoption.

2.5 This Disability Equality Scheme will form a living document which will be regularly reviewed and updated as additional information becomes available.

Recommendation

Members are asked to note the contents of this paper and to adopt the first Disability Equality Scheme to be developed by the Highland and Islands Fire Board and Highlands & Islands Fire & Rescue Service.



BRIAN A MURRAY
CHIEF FIRE OFFICER

Date: 7 November 2006

