

A1 - Disability Equality Scheme – The Legal Background

The General Duties; The Disability Discrimination Act (DDA) 1995 was set up to address the rights of people with disabilities and provides the right for disabled people not to be discriminated against in employment and services.

The Act also covered the implementation of Disability Equality and the promoting of positive attitudes towards disabled people, encouragement of participation by disabled people in public life and the taking of steps to meet disabled people's needs, even if this requires more favourable treatment. The Act covers the expectations and responsibilities around broad areas from employment, goods and services to facilities and other provisions. It also identifies the environment as a key consideration and area of responsibility and this is one of the areas that distinguish Disability Equality from other Diversity issues.

The Act provided that Public Authorities like the British Library must have due regard to the need to promote equality of opportunity between disabled people and other people. This includes eliminating unlawful discrimination or harassment that is related to a person's disability.

The Specific Duties; It was through concerns regarding the organisations being proactive in the implementation of Equality of Opportunity for disabled people that the Government took extra steps to both actively encourage and enforce this - The Disability Rights Act 1999 established the Disability Rights Commission (DRC) to work with the Government in ensuring codes of practice and implementation of disability equality. The Commission (DRC) also advise, educate and have the power to enforce civil rights for disabled people.

The DRC has taken the lead on the new Disability Equality Scheme Duty (DES), which brings enhanced statutory duties applicable to public authorities and affects and impacts workforce employment policies and expectations for service accessibility and inclusiveness.

Under this Scheme Public Authorities will be moving towards having all their policies and services designed from the start with the needs of disabled people in mind and also with a view to valuing the experiences of and enabling the contributions disabled people bring to society e.g.

- Services are designed with full recognition of the diversity of disabled and non disabled people who might wish to make use of them and the need for flexibility to ensure satisfactory access and outcomes for all groups.
- Estates strategy is driven by accessibility and inclusive design principles as well as cost.
- Employment policies recognise and incorporate the diverse needs of the disabled population recognising the variety of different impairments that exist.

The DRC have been instrumental in setting standards for specific duties through the **Disability Equality Scheme Duty (DESD)** and the British Library welcomes the opportunities that these standards will afford. From December 4, 2006, like every public authority listed in the regulations, the British Library has been working on these standards and duty which require that:

- ***A Disability Equality Scheme is published showing how the organisation intends to fulfil its general duty and its specific duties***
- ***We properly and proactively involve disabled people in the development of this scheme***
- ***We review the scheme at least every 3 years***

1.1 Disability Equality Scheme – The Purpose

For the British Library and other public authorities, this has meant going beyond existing disability rights legislation to challenge any institutional discrimination and be active in promoting disability equality. This duty means that public authorities must, in carrying out their functions, have due regard to the need to:

- *eliminate discrimination that is unlawful under the Act*
- *eliminate harassment that is unlawful under the Act*
- *promote equality of opportunity between disabled persons and other persons;*
- *take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons.*
(DRC 2005)

The disability equality duty is underpinned by the social approach to disability, which places the focus on the social exclusions and disadvantages experienced by people with impairments, including challenging barriers, stigmas and other forms of discrimination that prevent disabled people from participating fully within society, whilst not denying the daily experiences of living with an impairment/s. Consequently consideration must be given to attitudinal, structural and environmental barriers within the implementation of this duty.

The Disability Equality Scheme should also include;

- **Facilitation of the involvement of disabled people** in developing the scheme and how this was managed. There must be proven and valid involvement of disabled people in planning the Scheme or it will be deemed irrelevant and the Public Authority would be in breach of a specific duty.
- **The Mapping and Planning** steps taken to implement the general duties and an **Action plan**
- **Gathering evidence** - How information was gathered on the organisation's performance on disability equality
- **Impact Assessments** – How assessments on the impact of the activities of the authority on disability equality are or will be carried out and the improving of these where necessary.
- **Monitoring and Reviewing** – How the information was gathered in relation to monitoring and reviewing the effectiveness of the action plan and how subsequent schemes will be prepared for.

The Library have explained how these areas have and will be included within their scheme in their statement of intention in section 1.4, which also directs you to links within the main document.