EQUALITY ACCESS POLICY

Design by Tim Etchells for "Sheffield 08" who worked on "Wonders of Weston" project

Council documents can be made available in large print, audio, easy read and other formats. Documents on our website can also be emailed to you as plain text files.

Help is also available for people who require council information in languages other than English.

For more information contact: the Equality and Diversity Team on 01934 634989 or equality@n-somerset.gov.uk

Equality and Diversity Team 2013
Corporate Services Directorate
North Somerset Council

Contents

What's changed in the 2012 version?

The Equality Act 2010 has replaced the Disability Discrimination Act 1995, Race Relations Acts and all associated equality legislation. The revised Policy now embraces <u>nine characteristics</u>, addressing everyone's access needs. They are:

Age
Disability
Gender reassignment
Race
Religion or belief
Sex
Sexual Orientation
Marriage and civil partnership
Pregnancy and maternity

(See Appendix one for background to Equality Act 2010).

The section on Aims has been incorporated into the policy text to make it simpler and clearer to understand.

Equality Impact Assessment's (EIA) have been referred to in the policy and the need to consider them in relation to access improvements and wider construction works.

Design and Access Statements have also been referred to in the policy and a requirement introduced to provide them for council works.

The list of consultative groups in Appendix Four has been removed. You can find this information on the [North Somerset Community website](#) or by phoning the Equality and Diversity Team on 01934 634989

The design guidance has been renamed and rewritten as a separate document, entitled ["Designing for Diversity"](#) supported by a [web-based resource](#) listing a wider range of equality design guidance. It also now embraces all nine strands highlighted in the Equality Act 2010. More guidance is provided in a way that makes it easier to find.

The council's disability design standards that were approved in 2005 have not changed since they are still in step with national guidance.

Terms, Definitions and Expectations

There are number of terms which occur throughout this policy and its appendices that are defined below for the purposes of clarity.

Who does it cover?

The policy relates to the people who are covered by the Equality Act 2010. For the sake of brevity wherever the Policy refers to staff or customers or users of services it means the people listed as one of the nine strands who have protection under the Act. To recap they are:

Age	Sexual Orientation
Disability	Marriage and civil partnership
Gender reassignment	Sex
Race	Pregnancy and maternity
Religion or belief	

Importantly, some people, such as disabled people, have greater protection under the Act and also by reason of other legislation such as Planning, Building Regulations and Highways. They can expect more from people designing or adapting buildings to make them accessible to them as a group of people. Conversely, people identifying with the definitions of Religion and Belief or Sex under the Act do not have similar or the same legal benefits as a disabled person though building design is important to them.

The council wishes though to promote an inclusive standard of design and so will always seek to ensure the same high standards of service for everyone irrespective of any legislative expectations where ever it is able.

Accessible or access

In the context of a building, facility, service or equipment being accessible it means the physical provision that is made for someone to an acceptable standard

Environment

This is used to define any building or open space in an urban or rural setting. It does not have to be man-made. It includes:
- The internal and external areas of buildings;
- Equipment that may be installed to enable access to be provided to an activity or a facility, wherever it may be; (eg a security system or cash machine)
- Transportation, encompassing both vehicles and infrastructure; e.g. bus stations or lay-bys and footpaths.
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EXAMPLE
A rural path may contain a stile in a wall and simply follow a route over a field. The stile would be man-made but the path may simply be over grazing land and so is natural and only defined by regular use. Both need to be assessed in the context of this policy regardless of how they have been created.

Information

This is a key issue. It includes information traditionally relayed by way of written text, but now in a variety of formats from electronic files or e-mail to traditional audio tapes and alternative languages. It also includes signs and wayfinding.

Social Model of Disability

The council uses the social definition of disability for the development and implementation of any policy, procedure or practice related to the Equality Act 2010 The central message of this definition is that people are disabled by society and not defined by their impairments, protected characteristics and wider equality issues. But the principle applies to any of the other eight strands defined by the Act in that people should not be defined by how society sees them, but accepted for who they are. A full description is given in appendix three.

Definition of public

A definition is provided as to what is meant by a public building in appendix two.

Introduction

This document sets out North Somerset Council's policy for achieving accessible buildings, spaces and transport for everyone. It also addresses the related theme of accessible information. It provides a framework for the Council's decision-making and a basis for the:

⮕ Setting of targets in council Service or Team Plans
⮕ Advice that is given to private businesses and developers
⮕ Approach that should be taken in working with partners of the Council.

Delivery

This will be achieved by way of:

⮕ The council's performance management framework
⮕ Use of the council's access design guidance alongside national legislation and government guidance relating to the physical environment and transport
⮕ Other council policies, environmental regulatory guidance, eg Planning Guidance, and good practice guidance and advice

The Policy

Taking an Inclusive approach to design

To provide for everyone within the mainstream environment, avoiding buildings or spaces that are discriminatory due to their architectural layout or design that will require people to be seen as special or separate.

This inclusive approach ensures that the needs of anyone with a specific need arising from personal circumstances as defined in the Equality Act 2010 are met in full wherever it is reasonable and practicable to do so.

The policy seeks to achieve good service delivery that recognises some people have a specific need that must be met. Examples include physical spaces for opportunities for religious worship, facilities for children, nursing mothers or people with specific physical impairments. People have the right to use all the facilities in a building, or to use a particular service and to have the choice to participate in all the activities being undertaken.

Service providers should not rely on one sole method of accessing their service which may not be accessible to everyone. They should offer a range of methods.

> EXAMPLE
> A service offers access to its reception over a range of days and times over a seven day week. It also has an accessible website and staff who can be contacted by phone or in writing.

Using the best services and buildings

The council will seek to achieve an inclusive approach to meet its Public Sector Equality Duty and wider Equality Act duties, namely:

1. Eliminate unlawful discrimination harassment and victimisation and other conduct prohibited by the Act
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
3. Foster good relations between people who share a protected characteristic or do not

This will by way of:
- The provision of its services by itself and its partners and;
- The buildings its services are provided from by itself and its partners

The council will work to be an exemplar of good inclusive design and involvement of service users. It will seek to ensure that everyone receives an equal standard of service within the resources and powers available to the council.

To achieve this, the council will first monitor and gather evidence on how its buildings and places operate for the benefit of its customers and staff. We will then devise actions to overcome discriminatory design and to publicise the good practice that it achieves.

Regulatory powers

>The council will use its regulatory powers and other means of influence, e.g. land ownership, partnerships or contractual arrangements, to ensure that provision is made for access by all groups of people covered by the Equality Act 2010, whether they are visitors, customers or members of staff.

The Council has legal duties under a variety of legislation to consider access to the environment for disabled people; e.g. the Planning, Building Regulations or Highway Acts. Duties under the Equality Act 2010 set aims as to how the council should operate the services that deliver these regulatory powers.

Consultation and involvement

>The council will seek out the views of staff and customers on the way it delivers services, looking at the design of the transport network, buildings or equipment it uses and the policies that shape them. It will involve them in decision-making processes.

The council appreciates that it is the users of services or the staff delivering them who will be well placed to offer advice on how to deliver services. There are a variety of ways people can be involved from giving feedback as customers in libraries or users of Social and Planning services or more formally as a part of group working alongside the council. They can become volunteers and help deliver the service eg libraries home help service.

Methods of gathering information or feedback must be tailored to the project or task. The methods must first be effective as well as affordable and deliverable. Guidance on how to go about consulting and involving people in accessible ways can be found on the council's intranet

Design Guidance

The council will use the information in its access design guidance. Where this advice is not found to be sufficiently comprehensive, the basis for its physical design advice will be:

- ➲ Nationally approved or recognised codes of practice based on legislation
- ➲ Guidance developed by specialist organisations eg Sport England or Women's Design Service.
- ➲ Views of local equality groups, customers or staff.

Examples of appropriate national guidance would include:

- ➲ British Standard, BS8300:2009 on Access for Disabled People
- ➲ Approved Document Part M 2004 of the Building Regulations 1984 and other relevant Approved Documents
- ➲ Outcome of consultations with specialist advisers such as the council's Equality and Diversity Team, or nationally recognised organisations with knowledge of the specific issues
- ➲ The results of current validated research (dated within in the last 5 years)

Where there is a deviation from a quoted standard or advice, which may occur in refurbishment works for example, there must be a full explanation of the design solution. (See Design and Access Statements below). The aim must always be to avoid discrimination.

Design and Access Statements

A Design and Access Statement (DAS) must be prepared for works involving the development of new buildings or changes to any building where a service is delivered to the public. The style and format will depend on the scale and character of the works.

A DAS outlines how access will be provided for the public when alterations to buildings or new building work are proposed. The aim is to:

- ➲ Describe the provision to be made,
- ➲ The standards used and also;
- ➲ An explanation where there are deviations from a standard or recognised advice.

They should be submitted with any Planning or Building Regulation application and developed and amended as a project's design changes. Any management practices should be addressed if they are a part of the operation of the design of a building, eg the means of escape. Though not always required for all planning applications by Ministerial guidance, volunteering one when access for disabled people is affected may save time clarifying detailed points later. Detailed guidance on the required format and content is available on the Department of Communities and Local Government web page.

Whilst national guidance focuses on buildings or places, it's recommended an access statement accompanies major highways or transport network proposals. This could be an expanded Equality Impact Assessment (see below).

How the needs of members of the public will be met

>Under the Equality Act there is a requirement to identify and be responsive to the needs of all members of the public as they arise. This may require specific provision to be put in place to meet any identified need. It is important that where conflicts occur between the needs of different user groups or competing design requirements, the provision for the needs of anyone covered by one of the nine strands should be met in full wherever it is reasonable and practicable. They must not be marginalised, or reduced, as a means of resolving such conflicts.

Equality Impact Assessments (EIA)

>An EIA must be undertaken for changes to policies, procedures, new projects and improvement schemes as set out in the council's EIA guidance to meet its duties as out in the Equality Act 2010.

The aim is to fully assess the effect of delivering a service or implementing a design on anyone covered by any of the nine strands defined by the Equality Act.

Where any negative impact is identified in a policy or with a proposed design:
- ➲ It should be changed to remove the negative impact
- ➲ Justified as to why it cannot be avoided

Where a negative impact is discrimination the policy or proposed design must not be implemented without being changed.

Mitigation to avoid any negative impact must be described and monitored.

The location from which a service or policy is delivered must also be included in any assessment to address physical access barriers which may form a significant part of the service, etc.

Delivering council services

>The council and its partners must as a part of the Public Sector Equality Duty integrate consideration of equality and good relations into the day-to-day business of their service or the building design they are working on. It should apply to the product of any work but importantly the way of working too. Project or policy aims should include equality as a key objective.

Staff must seek to go beyond merely avoiding discrimination but to create a positive result through the delivery of their service or building design. General aims are not sufficient. Targets should be clearly defined and specific to the service and groups of people that information shows to be greatest in need in relation to the particular service. Where there are small numbers of effected people it should not mean that an issue is considered unworthy of any immediate action or given a lower priority.

To assist with the implementation of this policy and this aim it is recommended the DPTAC Inclusive Design Project Guide is used. It addresses how to incorporate inclusive design into a scheme, how to manage consultation processes and how to use design guidance and access advisers effectively.

Appendix one: Summary of Equality Act 2010

The law protects against discrimination in a variety of ways

- ⮑ Direct discrimination
- ⮑ Indirect discrimination
- ⮑ Treating a disabled person less favourably because of something connected with their disability
- ⮑ Failure to make reasonable adjustments for disabled people
- ⮑ Dual Discrimination
- ⮑ Perceived discrimination
- ⮑ Associated discrimination
- ⮑ Harassment: 'unwanted conduct that is… hostile, degrading, humiliating, offensive'
- ⮑ Victimisation

What are the council's responsibilities?

A public authority must, in the exercise of its functions, have due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;
1. Advance equality of opportunity between persons who share a protected characteristic and persons who do not share a protected characteristic;
1. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

A person who is not acting as a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned above.

Overview of the main changes from previous, rescinded legislation

1. Places a new integrated Equality Duty on public bodies
2. Uses public procurement to improve equality
3. Bans age discrimination outside the workplace
4. Extends the scope to use positive action
5. Protects carers from discrimination
6. Clarifies the protection for breastfeeding mothers
7. Bans discrimination in private members' clubs
8. Strengthens protection from discrimination for disabled people

Two duties have not been implemented by the Coalition Government.
- ⮑ Introduces a new public sector duty to consider reducing socio-economic inequalities (Not implemented by current government).
- ⮑ Protects people from dual discrimination - direct discrimination because of a combination of two protected characteristics

Positive Action

The term 'positive action' refers to legal measures that are designed to counteract the effects of past discrimination and to help abolish stereotyping. Positive action can be taken to encourage people of a particular religion or belief to take advantage of opportunities for training or work experience schemes, or encourage them to apply for particular employment. It can only be done when a particular group has been identified as under-represented in a certain area of employment.

Positive action may include things like introducing fair selection procedures, training programmes or targeting job advertisements at a particular group. Positive action is not the same as positive discrimination, and does not involve treating particular groups more favourably when recruiting. Employers must make sure that employees are hired or promoted on merit alone. At the point when a candidate is selected, their religion or belief must not be taken into account.

EXAMPLE

A local authority is concerned that, despite having a large local Muslim population, few Muslims apply for jobs that are advertised by the authority. When advertising for staff, the authority states that it encourages job applications from people with religious beliefs that are under-represented in their organisation. At the same time, the authority makes it clear that all job applications are treated strictly on merit. The authority also contacts local Muslim community representatives and organisations, asking them to encourage suitably qualified people to apply.

More Information

- Equality and Human Rights Commission
  http://www.equalityhumanrights.com/legal-and-policy/equality-act/
- Equality South West
  http://www.equalitysouthwest.org.uk/
- Government Equalities Office
  http://www.equalities.gov.uk/equality_bill.aspx
- Equality and Diversity Team
- http://www.n-somerset.gov.uk/Community/Equalities

Appendix two: Definition of members of the public or public access

Members of the public are defined as those people who are not the staff (including volunteers) of a business, or those who run a facility, i.e. are there for the purpose of the occupier. Members of the public therefore are likely to be those people who have the opportunity to freely access a building, e.g. a shop or use it by invitation, e.g. an office with a public reception area.

Members of the public are likely to be able to go to or use a building where a public service is offered. This will include many activities provided by a local authority, e.g. a library or a tourist information office. On the other hand a local authority run residential home for older people would not be included because members of the public would not be expected to have free access, unless there is a specific area for general access by the community, e.g. for a luncheon club open to anyone on the day. (It however may be defined as a public function by the Equality Act 2010).

Shops, restaurants, hospitals, places of worship, schools and colleges are all public buildings. They will though have some areas which to a greater or lesser degree may have restricted access for the members of that organisation. Equally, many commercial organisations will have a reception where visitors would arrive and be met without direct access to a general office or an industrial area. The reception would be described as having public access whilst the industrial area etc would be private.

Appendix three: Social Model of Disability

Impairment and disabling barriers.

The word 'impairment' is used to describe a characteristic or feature of someone's body that makes it different from other people's bodies. However, the effects of impairments on people have been misunderstood. For a very long time it has been said that people with visual impairments, or, hearing impairments, or, physical impairments or, mental impairments cannot take part in things because of their impairments. In fact, most people still have a habit of thinking in this way even today. However, during the last few years disabled people have begun to explain their exclusion from society in a different way.

There are a number of reasons why people with impairments are left out. Here are some examples of different impairments to illustrate the point.

> EXAMPLE ONE
> It is often said that blind people cannot do many of the things that sighted people can do because they cannot see. But it can also be said that blind people are prevented from joining in because information is not given to them in a way that they can use, for example, in Braille, or on tape or in large print.
>
> EXAMPLE TWO
> It can be said that deaf people cannot take part in meetings because they cannot hear. But deaf people say that they are stopped from taking part in meetings because there are no sign language interpreters.
>
> EXAMPLE THREE
> Some people will say that a person with a spinal injury cannot get into a building because she cannot walk, whereas she may say that she cannot get into the building because there is no ramp or lift for people who use wheelchairs.
>
> EXAMPLE FOUR
> It is said of people with learning difficulties that they cannot live in an ordinary house because there is something wrong with their brains which means they cannot look after themselves. But people with learning difficulties can say that they cannot live in an ordinary house because people will not help them to. Or, because some people do not want to have people with learning difficulties as neighbours.

The first way of describing disability in each example is known as the Medical Model of Disability because it blames any difficulties disabled people have solely on their impairments or medical conditions. The second way of describing disability in each example is known as the Social Model of Disability because it shows the social barriers that stop people with impairments from joining in.

The Social Model is a different way of thinking; it says that it is the way in which society is organised that deprives people with impairments of their abilities to participate: it is society which disables someone and not their impairments.

So what are Social Barriers?

Barriers are everywhere, they include:

1. Prejudice and stereotypes;
1. Inflexible organisational procedures and practices;
1. Inaccessible information;
1. Inaccessible buildings; and,
1. Inaccessible transport

Some of these barriers are easy to see or touch, for example steps into a building, whilst others, such as, prejudice and stereotypes are ideas in someone's head and therefore they are not so easy to get hold of.

Often people will have to deal with many barriers all at once. For example, a blind person going to a meeting may be faced with an inaccessible building; given no information on tape, and be patronised by the others attending the meeting.

Barriers from the Past

Disabled people not only have to deal with barriers which exist now, but they also have to deal with barriers that have stopped them doing things in the past. For example, barriers that prevented them from going to a mainstream school or college can result in them not having the same opportunities as non-disabled people to get qualifications and learn social skills. This may mean that they do not have an equal chance to get the sort of jobs that non-disabled people can get.

What happens if you don't use the Social Model?

When it is said that 'disability' is caused by impairments, it encourages everyone to think that people with impairments are by nature incapable of doing many things. It encourages the view that nothing can be changed so nothing needs to be changed. Whereas, if you use the Social Model of Disability it becomes clear that people with impairments are disabled because society has been organised in a way which prevents them from taking part in everyday life. It becomes clear that the barriers which prevent people who have impairments from joining in society are 'man-made', so they can be removed.

It might be easier and quicker to say that you cannot do something 'because of your impairment', rather than trying to describe all the social barriers which prevent you from doing that something. But its important disabled people identify the social barriers they face to assist in the development of ways of removing them.

Difference

The Social Model does not say that if all barriers are removed everyone will all be the same. Rather, it shows that different people can do things in different ways. It enables both disabled and non-disabled people to understand these differences; it describes people as being different but not inferior, and it helps everyone to work out how to take part in society on their own terms.