

Ending discrimination against disabled people



disability – on the agenda



Ending discrimination against disabled people

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Foreword

The Government has an unparalleled record in helping disabled people to live with dignity and independence, through the measures it has taken over the past 15 years. These improvements have gone hand in hand with a growing awareness in our society that disabled people have a great deal to contribute. But more needs to be done to unlock their potential. Too often, the ways in which the environment and society are organised have the effect of discriminating against disabled people, by excluding them from full participation in the life of the community around them.

The Government has therefore set itself one central objective – the elimination of discrimination against disabled people. This aim cannot be realised overnight, as disabled people themselves recognise. We must therefore move forward, within a realistic timetable, with practical measures to tackle discrimination which also take account of the potential impact on employers and service providers.

This document sets out a comprehensive package of anti-discrimination legislative proposals and measures. They represent a historic advance for disabled people.

As Minister for Disabled People, I look forward to introducing these new measures and reminding the people I meet of the part each and every one of us has to play in working towards the eventual elimination of the unjustifiable discrimination which many disabled people still face in society today.



William Hague
Minister for Disabled People

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Introduction

1.1 Over the last 15 years, the Government has continued to demonstrate its commitment to tackling discrimination against disabled people through the many and various initiatives it has introduced to provide and improve services, facilities and benefits to enable disabled people to live more independently. These include a more comprehensive system of disability benefits; the introduction of new Community Care arrangements; a new, more flexible Access to Work programme aimed at enabling more disabled people to take up employment; and the introduction of building regulation requirements to provide reasonable access to new and most extended public buildings and places of work.

1.2 The Government has also trebled the amount spent on benefits for long-term sick and disabled people and has introduced new benefits such as Disability Working Allowance (DWA) which provides practical assistance to disabled people who wish to work. Further improvements to DWA, including automatic access for most recipients to free prescriptions and dental treatment and the introduction of a Disabled Child's Allowance, which are due to take effect from April 1995, are clear evidence of the Government's commitment to provide real practical help to disabled people.

1.3 These initiatives, combined with the efforts of local government, the voluntary sector, the private sector and, most importantly of all, disabled people themselves, have led to major advances in the opportunities open to, and the attitudes of the rest of society towards, disabled people.

1.4 These individual policies play an important role, but the Government recognises that disabled people themselves want to be able to lead fully independent lives and to play an active part in the community. This is the clear message which has emerged from the Government's recent consultation exercise on measures to tackle discrimination against disabled people. It is equally apparent that greater independence can only be achieved by the removal of the physical and social barriers which prevent many disabled people from achieving their goals.

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Consultation document on measures to tackle discrimination

1.5 In July 1994, the Government issued a consultation document on Government measures to tackle discrimination against disabled people which outlined details of a number of new proposals. They included measures to outlaw discrimination in employment and access to goods and services and to create a new advisory body on disability.

1.6 The document was issued widely to all those with an interest in disability issues including employers, businesses, the private, public and financial sectors, organisations of, and for, disabled people, the general public and disabled people themselves.

1.7 The Government welcomed the responses to the consultation process, particularly those from disabled people. The responses have in general been constructive, recognising that changes must be practical and implemented over a realistic timetable.

1.8 The Government accepts that measures to end discrimination must be comprehensive. The lives of disabled people cannot be compartmentalised into a series of separate activities. Like everyone else, disabled people want to be allowed to live life to the full. Improved access to goods and services is of little use to someone who cannot get on the bus to the shops. Access to a good education is essential when competing in the jobs market. For these reasons, government action must affect all areas of life, including work, travel, study and leisure. In some areas, such as getting work or going shopping, legislation is needed to secure equal status for disabled people. In other areas, such as education, it is better to build on existing provision with practical measures which improve access.



Proposals

1.9 The Government is introducing wide-ranging anti-discrimination legislation and measures which will provide for:

- a statutory right of non-discrimination against disabled people in the field of employment, including a duty on employers to make a “reasonable adjustment” to working conditions or to the working environment to overcome the practical effects of a disability;
- a statutory right of access to goods and services, including the removal of barriers and provision of aids, where reasonable and readily achievable;
- the elimination of any potential discrimination in financial services;

- the creation of a National Disability Council to advise the Government on issues and measures relating to the elimination of discrimination;
- the strengthening of policy and programme guidance for local authorities by the Department of Transport; ensuring that new buses will be of low-floor construction; and extending the new right of access to cover the transport infrastructure, such as railways and bus stations; and
- new guidance on access standards for new schools and consultation on imaginative ways to encourage schools to make themselves more accessible to disabled pupils; and thereafter, to bring forward proposals for a scheme to identify cost-effective solutions to increase accessibility.

1.10 The policy in Northern Ireland – both in terms of content and timing – will be consistent with the rest of the United Kingdom.

1.11 This document also sets out details of other initiatives, including a consultation exercise on provisions within the Building Regulations for disabled people in new dwellings, a new system of direct payments for community care and on the positive action being taken within the Civil Service itself.

1.12 The Government recognises that success in taking forward these measures will rely heavily on a continuing process of consultation and partnership with those people and organisations who have an interest in the issues affecting disabled people, including disabled people, their organisations, employers and businesses. The Government intends, therefore, to consult further

on a range of issues such as, for example, phasing-in periods for specific measures, financial limits for adjustments and the timetables for compliance with the new rights.

Timetable

1.13 The Disability Discrimination Bill – which provides for a statutory right of non-discrimination in employment and access to goods and services, and the creation of a National Disability Council – is being introduced in Parliament with the intention of having it on the statute book by Autumn 1995.

1.14 Subject to Parliamentary approval, consultation on the detailed implementation of the new rights for disabled people will begin by Autumn 1995. The first provisions are expected to come into operation within the following 12 months. Some, such as the removal of barriers and provision of aids, may take effect at a later date to allow businesses sufficient preparation time. Consultation will begin earlier on the proposed code of practice to support the new employment right.

Definition of disability



Introduction

2.1 The new legislative provisions in employment and access to goods and services will use a common definition of disability. This definition has been constructed to strike a proper balance between the need to include all *substantial* disabilities and the need to provide the maximum clarity for disabled people, employers and service providers.



Definition of disability

2.2 The definition will apply to a person with a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities.

- A *long-term* impairment will be defined as one that has lasted, or can reasonably be expected to last, at least 12 months. Where an impairment ceases to have a substantial adverse effect on a person's ability to carry out normal day-to-day activities, it will be treated as continuing to have that effect if that effect is likely to recur;
- an impairment will be taken to affect normal day-to-day activities only if it affects mobility; manual dexterity; physical co-ordination; continence; ability to lift, carry or move everyday objects; speech, hearing or eyesight; memory or ability to learn or understand; or perception of the risk of physical danger;

- a mental impairment will include a mental illness or disorder if it is a clinically well-recognised condition;
- people with severe disfigurement will not be required to satisfy the “substantial effect” provision but the condition will be required to be “long-term”;
- the definition will also apply to those people whose disability is regulated by medication or by the use of a special aid;
- people with progressive conditions (for example, cancer, multiple sclerosis or muscular dystrophy) will be covered by the definition where the condition would be expected in the future to have a substantial effect on the person’s ability to carry out normal day-to-day activities.

2.3 There will be a power to make regulations to exclude or include specific conditions or day-to-day activities not specified in primary legislation.

2.4 Practical guidance will be issued to employers and service providers on interpreting the definition of disability.

Employment



Introduction

3.1 Ensuring full and fair access to employment opportunities is a key element in the Government's policy of enabling disabled people to be fully active and independent members of society. The Government will continue to develop its strategy in this area on three broad fronts:

- first, seeking increased employer commitment to a positive approach to employing disabled people;
- second, through an effective legal framework to underpin individuals' rights to be treated fairly; and
- third, practical support, through employment and training services and programmes, to help disabled people find and keep suitable jobs.



Seeking increased employer commitment

3.2 The success of efforts to enhance employment opportunities for disabled people ultimately depends on the readiness of employers to treat individuals fairly (including readiness, where appropriate, to make adjustments needed to accommodate the practical constraints of a disability). There are encouraging signs of progress in this area. An increasing number of companies are developing action programmes to monitor and improve opportunities for people with disabilities to realise their full potential in employment. Over 950 employers – twice as many as last year

– are using the “Positive about Disabled People” disability symbol with its five specific commitments to positive action. The Government welcomes the strong and imaginative contribution being made by organisations such as the Employers’ Forum on Disability in promoting and sharing good employment practice. The Forum has been active in encouraging the establishment of local employer networks.



Legal framework: an individual right of non-discrimination

3.3 The response to the consultation document has confirmed the Government’s view that the voluntary efforts of many employers need to be underpinned by a fair legal framework, including an individual right of redress against unfair discrimination. It is clear that the current legislative framework – comprising the quota and the more limited designated employment scheme – is inadequate and unworkable in a modern employment context, not only because many people are unwilling to register, but also because, by definition, it focuses on the problems which people may still associate with disability, rather than the abilities and qualities that disabled people bring to jobs. The Government therefore proposes to replace these schemes with a new right of non-discrimination in employment.

3.4 The right will apply in all areas of employment, including recruitment, dismissal, training, career progression, terms of employment and general treatment at work. It will make it unlawful for an employer to treat a disabled person less favourably because of their disability, without justifiable reason. An employer might be

justified, for example, if the effect of the person's disability meant that they were unable to do the job or that other legal requirements, for example on health and safety, could not be met. And, importantly, employers would continue to be able to recruit and promote the best person for the job.

Reasonable adjustments

3.5 The majority of disabled people who want to work need no, or only very modest, help. But the Government recognises that some disabled people need practical help to enable them to get a job. In combination with the right of non-discrimination, the legislation will require employers to make a reasonable adjustment to working conditions or the workplace where that would help overcome the practical effects of a disability.

3.6 In deciding whether an adjustment was reasonable in a particular case, employers would take account of the costs of the adjustment and its effectiveness in overcoming the practical effects of the disability. Guidance would be given in a code of practice (see paragraph 3.11 below). There will be a power to make regulations to specify or amend criteria for assessing what is meant by a reasonable adjustment, for example, by introducing a financial limit.

3.7 The requirement to provide a reasonable adjustment would not oblige the employer to make the best adjustment possible, to reallocate key functions of the job or to provide items that an individual could reasonably be expected to have already for personal use. Nor would employers be required to adapt workplaces to make them accessible in anticipation of possibly having a disabled applicant or employee at some point in the

future. Where employers undertake work in certain listed buildings, we will be considering whether exemptions would be appropriate to the requirement to make a reasonable adjustment so as to ensure that no alteration is required which would damage the building's essential character.

Indirect discrimination

3.8 The right has been formulated to leave few, if any, of the ways in which disability can indirectly disadvantage a person outside the scope of the right. The intention is that any situation where an employer imposes a condition or requirement which might exclude a disabled person will be covered by the basic right and the duty on employers to make a reasonable adjustment. For example, the adjustment might be for the employer to waive the condition or requirement, unless there is a justifiable reason for imposing it.

Employment covered by the new right

3.9 The Government proposes that the right will apply to employees, job applicants, apprentices and people who contract personally to provide services. It will cover the public and private sectors, although the Government is considering certain narrowly-defined exceptions for positions with unusually demanding all-round requirements for fitness and stamina.

3.10 The right will be confined to employers with 20 or more employees. This reflects the Government's recognition that it may be more difficult and burdensome for smaller firms without specialist personnel to get to grips with the new right and obtain the advice they need in particular cases. There will, however, be provision for the threshold of 20 employees to be changed by regulation, and the Government will keep the level under review

as experience is gained of the new right. Meanwhile, organisations representing smaller employers will be among those consulted on the proposed code of practice, and small firms will be encouraged to follow it voluntarily.

Code of practice and other help, advice and guidance for employers

3.11 The Government will draw up a code of practice giving guidance on the new requirements and practical advice to help employers comply with the new right. The code will draw on the extensive experience of the Employment Service's Placing, Assessment and Counselling Teams (PACTs) in helping disabled people and their employers overcome any practical effects of their disabilities in a job. In preparing the code, the Government will consult organisations representing disabled people and employers. In addition, the Government will ensure that employers have access to a range of good quality advice and guidance. The PACTs will be able to advise firms of all sizes on good employment practices while the Advisory, Conciliation and Arbitration Service's (ACAS) network of public enquiry points will be able to provide information on the new employment right.

Seeking a remedy

3.12 Disabled people who feel that they have been discriminated against unlawfully in employment will be able to complain to an industrial tribunal. The remedies will be the same as under other discrimination legislation.

3.13 Notwithstanding the right, it will clearly be in the interest of disabled people and their employers if such disputes do not arise in the first place. The code of practice and advice on the new right

will help. Should recourse to formal complaint be necessary, ACAS will be able to offer the services of their conciliation officers, as they do with other employment complaints. Around two-thirds of complaints under existing employment rights are either settled or withdrawn without the need for a tribunal hearing.



Government help to individuals in finding and keeping suitable jobs

3.14 Alongside the development of the new legal framework, the Employment Department will continue to provide a range of services and programmes to assist disabled people's efforts to find and keep suitable jobs. The range of help available has been considerably strengthened in recent years. Unemployed disabled people have priority for a place on all the main employment and training programmes for which they are suitable. The majority of disabled people helped by the Employment Department use the "mainstream" services. This reflects the wishes of disabled people to work and train alongside non-disabled people. Over 53,000 disabled people were helped to find work in 1993–94 by Employment Service's (ES) specialist advisers. It is expected that this figure will be exceeded this year.

3.15 The Access to Work programme, introduced in June 1994, increased the range and flexibility of practical help available to individual disabled people and their employers, to meet specific practical needs. Help available ranges, for example, from help with transport, through the costs of physical adaptations, to providing communicators for deaf people and support workers for people with learning difficulties.

3.16 The existence of Government help under Access to Work will not, however, replace or reduce an employer's responsibility, under the new statutory right, to make a reasonable adjustment. Access to Work is due to be reviewed in June 1995, when the implications of the new right for the scheme and present funding arrangements will need to be carefully considered.

3.17 Training and Enterprise Councils (TECs) and, in Scotland, Local Enterprise Companies (LECs) provide considerable help to disabled people to enable them to gain the skills they need to get back to work. For the most part, disabled people train alongside non-disabled people on the Training for Work and Youth Training programmes.

Supported employment

3.18 Around 21,000 severely disabled people were helped in supported employment in 1993–94 at a cost of around £140 million. The programme includes the placement schemes which help individuals with severe disabilities to work in open employment. At the end of March 1994, over 8,600 people were in supported placements.

3.19 The Government is committed to supported employment and will continue to provide this help, while seeking to improve its impact in helping severely disabled people through improved flexibility and cost-effectiveness. New funding arrangements recently introduced for supported employment give providers greater flexibility to tailor provisions to meet the local employment needs of the most severely disabled people. In addition, the Government proposes to extend the powers to fund supported employment by allowing direct funding of places

in dividend-distributing bodies. This power will be used only after consultation with relevant organisations; the objective is to open up supported employment across a wider range of occupations and locations.

3.20 The abolition of the quota scheme and the ending of statutory registration will require new arrangements for identifying severely disabled people who should be eligible for supported employment. The Government will consult the major groups representing supported employment providers on what these arrangements should be.

National and local advisory arrangements

3.21 Under the 1944 Act, the Secretary of State for Employment is provided with advice and assistance on the employment of disabled people nationally by the National Advisory Council on Employment of People with Disabilities (NACEPD), and locally by Committees for the Employment of People with Disabilities (CEPDs). The Government proposes to replace these provisions of the 1944 Act with a more flexible power to appoint bodies (nationally, regionally or locally) to advise on relevant matters. NACEPD will have an important role to play in advising on the code of practice needed for the new employment right; its longer-term future will be reviewed sometime after the new right has been introduced. The Government intends to review shortly, in consultation with interested organisations, the future needs and arrangements for local advice. The review will take account of the ending of CEPD statutory functions relating to the quota scheme. It will also need to consider the increasing importance, following introduction of the new right, of effective exchanges of experience and good practice between employers and the need for good feedback to the ES on how the legislation is working.

Access to goods and services



Introduction

4.1 In addition to the measures to prevent unjustifiable discrimination in the workplace described in the last chapter, as part of its comprehensive anti-discrimination measures, the new legislation will also apply to discrimination in the provision of goods and services.

4.2 The Building Regulations require all newly-built and most extended public buildings and places of employment to be accessible to disabled people. Over time, as existing shops, offices and places of entertainment are replaced or extended, we shall move towards an environment that is more and more accessible to disabled people. Against this background, the Government's consultation document offered disabled people a new right of access to ensure that ignorance or prejudice did not debar them from an increasingly accessible public environment. The right proposed would have made it illegal to deny a disabled person access to goods and services except where there were physical barriers or genuine safety issues.

4.3 In the light of the responses to the consultation document, it is clear that disabled people and others would like to see faster progress towards an accessible environment than would be possible through the operation of the Building Regulations alone. The Government supports these aspirations and will take action in a practical way that takes into account the legitimate interests of business both large and small.



New right of access

4.4 The Government therefore proposes to introduce a right of access to goods and services which will not only prohibit discriminatory behaviour but also require positive action which is reasonable and readily achievable to overcome the physical and communication barriers that impede disabled people's access. The main features of the new right will be as follows:

- **Refusing to serve** disabled customers will be illegal unless it is essential for the provision of the goods and services concerned. For example, it would not be possible to bar disabled people from places of entertainment but a coach training champion athletes would still be able to exclude the majority of the population from his classes.
- **Policies, practices and procedures** that directly discriminate against disabled people will be prohibited except where they are fundamental to the nature of the business. It would not be legal to bar disabled people, as a matter of course, from a night club, but the owner should not have to raise lighting levels for visually-impaired people.
- **Auxiliary aids and services** will have to be provided where this is reasonable and readily achievable given the size, resources and nature of the business. Examples of such aids would be information on tape for blind customers and induction loops for people with hearing aids. The Government will take a power to set a limit on the cost of providing these facilities.

- **Physical barriers** will have to be removed where this is reasonable and readily achievable. The Government will take a power to set a limit on the cost of any structural alterations required. There will also be a phasing-in period for compliance with this requirement as for others (see paragraph 4.10).
- As an alternative to removing barriers, goods or services may be provided by **alternative means**. Instead of removing the steps leading into a showroom, for example, the business might provide an illustrated catalogue and order form.
- **Insurance services** will be subject to a special rule which recognises the need to distinguish between individuals on the basis of the risks against which they seek to insure. Insurers will be allowed to charge higher premiums only to the extent that the extra charge is based on actuarial data or other good reasons.

● **Indirect discrimination**

4.5 Indirect discrimination typically occurs where a practice or condition of access has a disproportionately adverse effect, often unintended, on a particular section of society. Because disabled people constitute a very diverse group, a general prohibition of indirect discrimination against them could have unforeseen consequences which were unfairly burdensome for businesses. Nonetheless, the Government accepts that there may be particular practices, indirectly denying disabled people access to goods and services, which should be prevented. Banning animals, for example, has a disproportionate effect on those blind people who

rely on guide dogs. The Government will therefore require practical modifications to such practices so that disabled people are not unjustifiably denied access.



Exceptions

4.6 The new right will not apply to transport vehicles (but will apply to stations) or educational establishments, which are covered in Chapters 5 and 6. There are already a number of initiatives to increase access to these services. The right will also not apply where the supply of goods or services in question would pose a threat to the health and safety of the disabled person or others.



Advice and conciliation

4.7 The successful introduction and smooth operation of the new right will require comprehensive guidance for businesses on their duties and clear information for disabled people on their rights. The Government will consult interested parties on the content and format of leaflets and guides that would best suit these aims.

4.8 The Government will also set up a service to provide free advice to help disabled people and businesses to resolve individual disputes arising from the right of access. This will help both parties to understand the rights and requirements of the new law, and assist them in finding a solution without recourse to legal action.

● **Legal remedies**

4.9 Where access is wrongly denied, a disabled person will be able to take civil proceedings to recover damages for any financial loss suffered as well as damages for injuries to feelings. In the latter case, damages will be subject to an upper limit.

● **Consultation**

4.10 Before bringing the new right into effect, the Government is committed to consulting fully with disabled people, their organisations and those providing goods and services, on matters such as the phasing-in period for these arrangements and detailed requirements for complying with the right. This will ensure that the detailed provisions are in line with disabled people's wishes and within what business can afford to deliver according to a sensible timetable. Consultation will focus on draft proposals for regulations and will address such questions as:

- the type of auxiliary aids and services to be provided and the circumstances in which they would be required;
- the structural barriers which would have to be removed and when this would be appropriate;
- the alternatives to removing barriers;
- the need for financial ceilings on the cost of providing aids and removing barriers and the way in which these limits might be calculated bearing in mind such factors as the size and nature of the business;

- possible exemptions to the new right, for example certain listed buildings might not be required to remove physical barriers where the alterations would damage the essential character for which the building is protected;
- the timetable for compliance with the new right and whether this should allow the various elements to be phased in, for example by starting with the prohibition on discriminatory conditions of access, policies, procedures and practices, followed by the provision of auxiliary aids and then the removal of structural barriers.

4.11 Subject to Parliamentary approval of the legislation, consultation on the first of these areas will commence around Autumn 1995.

Transport



Introduction

5.1 Since the early '80s there has been enormous progress in the transport field in the development of vehicles, systems and facilities to meet the needs of disabled people. The Government has played a major role in this process and remains firmly committed to achieving fully accessible transport systems.

5.2 The improvements which have been made have been the result of a combination of research, education and, where appropriate, targeted legislation. We believe that this is the best approach for achieving sustainable and effective transport provision for all passengers. For example, the Disabled Persons Transport Advisory Committee (DPTAC) drew on research commissioned by the Department of Transport in compiling its specification for buses. At least some elements of that specification have now been incorporated in over 90 per cent of new buses. Government funded research also provided essential ergonomic data which has been used by taxi manufacturers in designing purpose-built wheelchair accessible taxis. This development has also led to targeted regulations requiring that all new designs of purpose-built taxi can accommodate a passenger travelling in a wheelchair.

5.3 Improved access can be achieved in many ways, but in the case of some existing transport systems, such as the London Underground, the cost of achieving full accessibility retrospectively would be prohibitively expensive. It is quite possible, however, to provide full access in new build or as part of major refurbishment.

The Government believes that this is the most effective way to improve accessibility.

5.4 The Docklands Light Railway, Manchester Metrolink and Sheffield Supertram are all examples of systems where access requirements were considered at the outset allowing the needs of people with disabilities to be incorporated at the design stage. On the other hand, access to the heavy rail system has been achieved both through improvements to the existing infrastructure, for example, by the provision of lifts and ramps at stations, as well as by specifying new rolling stock which can meet the travel needs of wheelchair users.

5.5 These are only a few examples of the improvements which have been possible over recent years and from which we can build in the future.



New initiatives

5.6 Since the publication of the consultation document we have identified a number of proposals to encourage the introduction of more accessible transport systems.

5.7 The Department of Transport is currently monitoring trials of new low-floor buses in London and North Tyneside. These vehicles open up bus travel to wheelchair users, and are much easier to use for all people who have difficulty climbing steps.

5.8 The results of the trials will be widely disseminated to transport operators, disability organisations, local authorities and

other interested bodies. But in advance of that, the Government has now confirmed its commitment to ensuring that all new buses will be of low-floor construction, as far as that is technically feasible. The effect will be that, within an agreed timeframe to be discussed with industry, an increasing proportion of buses will be fully accessible to wheelchair users, as well as more readily accessible to all other passengers with mobility problems.

5.9 A draft proposal for a Directive on bus and coach construction which is already under discussion will, once adopted, form one of a number of separate Directives for the Type Approval of new buses. These measures are designed to harmonise construction standards within the EU for the functioning of the internal market. Within the constraints of EU law Member States are obliged to permit the registration, sale and use of vehicles that comply with the separate Directives. We are committed to ensuring that this provides a satisfactory starting point from which we can work on a national basis to achieve our aim of having fully accessible buses.

Taxis

5.10 The door-to-door service which taxis provide makes them ideally suited for use by disabled people. It is not acceptable for disabled people to be restricted to arranging hirings in advance, which many have to do at the moment because they cannot be sure that a taxi they hail on the street or at a rank will be able to accommodate a wheelchair. This issue has been central to the Secretary of State for Transport's recent review of licensing of taxis and hire cars in England and Wales, and the key role of accessible taxis in the independent mobility of disabled people will be fundamental to his policy objectives in this area.



Guidance to local authorities

5.11 It is also proposed that the guidance issued by the Department of Transport to local authorities on preparing their annual Transport Policies and Programmes submissions should be strengthened to give greater weight to the needs of people with disabilities. The Scottish and Welsh Offices will also give positive consideration to what similar advice should be offered to local authorities in Scotland and Wales.



Northern Ireland

5.12 In Northern Ireland, legislation requiring all public hire taxis in Belfast to be wheelchair accessible by the year 2000 became operative in December 1994. The Department of Environment for Northern Ireland which has responsibility for public transport policy is working closely with public transport providers and groups representing disabled people to make public transport more accessible. One result of this partnership has been the introduction in October 1994 of the first accessible scheduled bus service in Belfast.

5.13 These new measures, as well as the progress which has been, and continues to be, made across other transport services, will take us forward to meeting the Government's stated aim of achieving accessible and sustainable transport systems which meet the transport needs of disabled people.

Education



Introduction

6.1 The Education Act of 1993 and the new code of practice have been a major advance in meeting the special educational needs of disabled schoolchildren. These measures have gained widespread national and all-party support and approval. The Act requires Local Education Authorities (LEAs) to find a suitable place for every child with a disability and they have a duty to place the child in a mainstream school where appropriate. It also reinforces parents' rights of school preference and establishes a new independent appeals procedure. It is widely acknowledged that the more we educate disabled children with their able-bodied peers, the less we are likely to see adults avoiding, ignoring or feeling embarrassed by contact with disabled people.

6.2 Indeed, the overwhelming majority of the estimated 20 per cent of schoolchildren who have some special educational needs (SEN) are already in mainstream schools. Only a small minority of pupils – something like one in every hundred of the total pupil population – receive their educational provision within a special school. Over the last decade, the proportion of pupils with statements of SEN – those with the most severe difficulties – educated in special schools has decreased, and the majority are now educated in mainstream schools. The Government welcomes this trend, but has noted a clear consensus of opinion – that there is a continuing desire for a strong and vibrant special school sector.



New initiatives

6.3 The Government considers it important to ensure that the aims of the new legislation are not impeded by the inaccessibility of mainstream schools. All schools must now cover disabled access arrangements and resource allocation in their published SEN policies, keeping parents better informed. As of May next year the Department for Education will be conducting a biennial national survey of the accessibility of schools in England. From the results of this survey, LEAs and the Funding Agency for Schools will have an up to date picture of facilities, helping to inform their work on the supply of suitable places for disabled pupils.

6.4 Grant-maintained schools are encouraged to apply for funds to improve access and LEA schools can benefit from initiatives from their home authorities.

6.5 In tandem with this programme of improvement, the Department for Education is also considering innovative ways of encouraging schools to make themselves more accessible to pupils with disabilities. The Department will be bringing forward proposals to encourage providers of education to devise imaginative and cost-effective projects aimed at increasing accessibility as resources become available. We envisage that the new scheme will also facilitate voluntary involvement by the local community. Details of the new scheme, its scope and how it might be administered will be set out in a consultation document from the Department for Education early in 1995.

6.6 Steady improvements to the accessibility of schools will be secured by the action the Government intends to take on new school buildings. Building work at schools is currently covered by the Department for Education's constructional standards. To make new schools fully accessible to disabled people, the Government intends to bring these standards into line with the national requirements set out in Part M of the Building Regulations which apply to the great majority of other new construction. Consultation on the necessary changes will follow shortly. This initiative responds positively to representations made during the recent consultation exercise on disability generally.

6.7 These proposals will firmly consolidate the improvements for children with special educational needs set out in the 1993 Act and the Code of Practice on the Identification and Assessment of Special Educational Needs. The code came into effect from September 1994 and the Government will now be monitoring its impact carefully. Taken together, these measures represent the Government's firm commitment to improving access in schools in a strategic and effective way.

Further and Higher Education

6.8 The Government has also introduced legislation covering disabled students in Further and Higher Education. The 1992 Further and Higher Education Act imposes a duty on the Further Education Funding Council (FEFC) to secure the provision of sufficient facilities for students with learning difficulties and disabilities. Universities, higher education colleges and further

education colleges are already subject to the Building Regulations. Taking as its starting point the proposed new legislation, the Government now intends to set in hand a programme to review the effectiveness of the current legislation in meeting the needs of students with learning difficulties and disabilities.

6.9 The review programme will focus on evaluating the support available to individuals in order that they may overcome any barriers to access to further and higher education. In doing so, it will look particularly at the availability of advice and information to disabled people and at the extent to which the Charters for Further and Higher Education take full account of the interests of disabled students. The Government will invite the FEFC to ask the Tomlinson Committee, which was established to look at the needs of Students with Learning Difficulties and Disabilities (SLDD), to take account of the Government's new policies in this area. It will also ask the FEFC to look afresh at funding and quality assurance mechanisms in the same context.



Wales

6.10 The measures for meeting the special educational needs of disabled schoolchildren introduced by the 1993 Education Act and the new code of practice also apply in Wales and are a major advance. An audit of accessibility of schools in Wales will be undertaken early next year to inform the work of the Welsh Office and local education authorities on the provision of school places. The Welsh Office will be consulting on upgrading constructional standards for new school buildings to those specified in the

Building Regulations to ensure fully accessible accommodation. Further ways of encouraging schools to improve accessibility for disabled pupils will also be considered.



Scotland

6.11 The Education (Scotland) Act 1980 already includes extensive provisions for pupils with special educational needs. The Scottish Office Education Department will be considering further the scope for authorities and schools to improve accessibility for disabled pupils. In Scotland, schools are already subject to the requirements of the Building Regulations.

6.12 The Further and Higher Education (Scotland) Act 1992 provides that in exercising his duty for securing adequate and efficient provision for further education the Secretary of State for Scotland must have regard to the position of persons with learning difficulties, including disabled people.

6.13 The Scottish Higher Education Funding Council provided a grant of £125,000 for the year from August 1993 to July 1994, to establish an information database of available services and facilities and to identify areas for improvement. The Council has agreed to fund a second phase, including the appointment of a Development Officer to oversee a national network of Disabled Students Advisers appointed at each higher education institution and the maintenance of a central database.



Northern Ireland

6.14 In Northern Ireland, new legislation will be introduced in 1995 which will parallel the special educational provisions of the 1993 Act in England and Wales, including the introduction of a code of practice. The Department for Education for Northern Ireland will be considering the scope for providers of education to improve accessibility to buildings as resources become available. As in Scotland, schools in Northern Ireland are already subject to the requirements of the Building Regulations.

The National Disability Council



Introduction

7.1 The establishment of a statutory, independent national body to advise the Government on the progress being made to tackle discrimination against disabled people was one of the key proposals made in the consultation document published in July 1994.

7.2 Taking into account the views of those who responded to the consultation document, and having regard to the role of existing advisory bodies, the Government proposes to set up a National Disability Council (NDC) whose principal role will be to inform and advise the Government on general issues relating to discrimination against disabled people.

7.3 The Council will constitute a powerful voice for disabled people in the decision-making process. This body will work closely with existing bodies such as the Disabled Persons Transport Advisory Committee, drawing on their expertise in particular areas. A separate NDC will be established for Northern Ireland.



Duties

7.4 The primary duties of the NDC will be to:

- advise the Government on general issues relating to the elimination of all types of discrimination against disabled people;

- advise the Government on measures to reduce or eliminate discrimination against disabled people; and
- advise on matters pertaining particularly to the right of access to goods and services under the Act.

7.5 In particular, the NDC will:

- draw up codes of practice, when requested by the Government; and
- report annually to the Government who will be required to lay the report before Parliament.

7.6 When making any recommendations in connection with its duties, the NDC will have regard both to the likely costs and benefits of its proposals.



Membership of the Council

7.7 Before appointing members to the Council, the Secretary of State for Social Security will consult with individuals and organisations to identify people who will command respect and who will be the most suitable to represent disabled people, their parents or guardians and business on the Council. The Secretary of State will also consider appointing people who have a knowledge, experience or interests relevant to the duties of the Council.

7.8 The Chairman, deputy Chairman and members of the Council will be appointed by the Secretary of State who will aim to ensure that half the members are individuals with disabilities, or parents or guardians of individuals with disabilities.



Procedures for drawing up codes of practice

7.9 Codes of practice will be drawn up after consultation with those bodies determined by the Secretary of State and any other bodies the Council considers appropriate.

Other areas



Building Regulations

8.1 The Government aims shortly to consult widely on proposals to extend the Building Regulations to include new measures to help disabled people gain access to and within new domestic dwellings. The proposals will be aimed at making better provision for disabled people to visit friends and relatives and for elderly people to remain longer in their own homes.



Community Care

8.2 The overall objective of the policies mentioned in this document is to give disabled people more power over their own lives. It is important, therefore, that policies on community care support this objective wherever possible. The Department of Health has recently announced its intention to introduce a new power to enable social services authorities to make cash payments to disabled people in lieu of providing community care services. This will give disabled people greater independence and choice and involve them and their carers more fully in their own care.

8.3 The power the Government intends to enact will be a permissive one. It will be for local authorities themselves to decide whether to take advantage of it, based on a judgement of whether they believe it will help them make better use of resources. Direct payments will be an alternative to community care services where an authority assesses a need for them.

8.4 Whilst there are still many complex issues to be resolved surrounding the operation of the new scheme, the Government will be looking to introduce the necessary legislation as soon as Parliamentary time allows.

8.5 The Secretary of State for Scotland intends to seek a similar power for social work departments in Scotland. The Department of Health and Social Services in Northern Ireland is also examining the implications of the proposal for its application there.



The Civil Service

8.6 The Government recognises the important role it has to play as the largest employer in the country. It is therefore in a position to take a strong lead in establishing the importance of equality of opportunity for disabled people – it already employs, in proportionate terms, around twice as many disabled people as the private sector.

8.7 In July 1994, the Government launched a Programme for Action to Achieve Equality of Opportunity in the Civil Service for Disabled People. The Programme provides a strategic framework within which departments and agencies can develop their own action plans on areas such as recruitment, accommodation and equipment, training, career development, retention and monitoring. It is supported by a comprehensive Practical Guide to Good Practice in the Employment of Disabled People.

8.8 A separate Disability Branch in the Cabinet Office's Equal Opportunities Division provides information, advice and support

to departments and agencies and is actively promoting the new Programme's implementation. Its current plans include regional seminars for Civil Service managers on how to implement the Programme effectively, and encouraging departments and agencies to undertake accessibility audits of their buildings and to adopt the Employment Service's disability symbol.

8.9 Other Cabinet Office initiatives include the Citizen's Charter Unit's Disability Checklist, designed to help public service organisations check that they take account of the needs of disabled people when making decisions about services and how to make them available, and the Central Office of Information's Informability Guide, which provides detailed information on best practices in communication.

8.10 The Disability Unit within the Department of Social Security provides support to the Minister for Disabled People on cross-Government issues and policies which impact upon disabled people. The Unit also plays an active role in liaising with outside bodies in order to advise the Minister of the current issues affecting, or relating to, disabled people.

Northern Ireland

8.11 In the Northern Ireland Civil Service (NICS) the Code of Practice on the Employment of People with Disabilities, issued in 1992, provides comprehensive guidance on NICS policy in this key area and on the practical steps which can be taken to enable disabled people to participate fully. The code of practice is kept under review to ensure that it reflects best practice and remains relevant to the needs of disabled people.

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