

# Disability Equality Scheme

## Table of Contents

Foreword.....	3
Introduction .....	4
What is a Disability Equality Scheme? .....	5
Who is responsible for the Disability Equality Scheme? .....	6
Communicating the Disability Equality Scheme.....	6
Mapping .....	7
The National Context .....	7
The Local Context.....	8
Consultation .....	9
Our objectives .....	9
Implementation of the Disability Equality Scheme .....	10
Monitoring.....	11
Equality Impact Assessments (EIAs).....	11
Publishing Results of Assessment, Involvement & Monitoring .....	12
Appendix 1.....	13
The Disability Discrimination Act 2006 ~ Definition of Disability.....	13
Appendix 2.....	Error! Bookmark not defined.
<b>1. Making sure the Disability Equality Scheme is put into practice</b> Error! Bookmark not defined.	
<b>2. Identifying Relevant Functions and Policies</b> .....	Error! Bookmark not defined.
<b>3. Assessing and consulting on the likely impact of proposed policies</b> .....	Error! Bookmark not defined.
<b>4. Monitoring LPFT policies for adverse impact</b> .....	Error! Bookmark not defined.
<b>5. Communicating the results of assessment, consultation and monitoring.</b>	Error! Bookmark not defined.
<b>6. Making sure the public have access to LPFT buildings, information, services and functions</b> .....	Error! Bookmark not defined.
<b>7: Employment duties – monitoring employment and supporting employees</b> Error! Bookmark not defined.	
<b>8: Training staff</b> .....	Error! Bookmark not defined.
Appendix 3.....	Error! Bookmark not defined.
Mapping Current & Future Performance Areas.....	Error! Bookmark not defined.

## **Foreword**

Lincolnshire Partnership Foundation NHS Trust is a new Foundation Trust, formed on 1<sup>st</sup> October 2007. A part of the new Trust's remit is to ensuring that health services need to change and adapt to provide the best and most appropriate care and value for money, we have to look at involving patients and the public in improving the services provided and ensuring that the services provided achieve greater equality.

The Trust is committed to equality and will promote equal opportunities regardless of race, gender, disability, age, faith or sexual orientation, in the delivery of its services and employment of staff. This document therefore sets out how we intend to reinforce this commitment.

This policy is intended to show how we will enable disabled people to become full and active members of the communities in which they live. The talent and potential of many disabled people is not always valued or recognised. We will ensure that when we deliver services we think about how we can meet the diverse needs of disabled people. We will continue to acknowledge the skills and abilities of disabled people who apply for jobs and are employed by the Trust.

However, we cannot produce a Scheme without involving disabled people. We want disabled people to tell us what we do well and what we need to do better or differently.

This scheme has been developed to complement the Trusts Single Equality Scheme.

Chris Slavin  
Chief Executive

Alison Healey  
Chairman

## Introduction

On December 5th 2006 new legal protection came into force for people with serious health conditions. In addition to people with learning disabilities, mental health conditions and people who have mobility and/or sensory impairments, the definition of a disabled person used in the Disability Discrimination Act (DDA) 2006 now covers a wider range of people. For instance, under the latest amendments people with long term conditions or hidden disabilities, such as a heart condition or arthritis, are now covered.

The new amendment places a duty on all public bodies to promote disability equality. Disability equality means different things to different people. Disability occurs because barriers hinder disabled people from taking a full part in the community. This is the social model of disability and is defined as;

*“The recognition that primarily it is the loss or limitation of opportunities, due to environmental and social barriers, that prevents people who have impairments from participating in society on an equal level with others.”*

The Trust can achieve disability equality by producing a Disability Equality Scheme (DES), in consultation with disabled people. These amendments from the DDA 2006 assists public bodies in achieving this by giving them ‘general’ and ‘specific’ duties to help them build a proactive and successful Disability Equality Culture.

Our first positive step in achieving this Culture is to produce this ‘Disability Equality Scheme’. This Scheme will

- involve disabled people in producing the scheme and developing the action plan;
- identify how we will gather and analyse evidence to inform our actions and track progress;
- set out how we will assess the impact of existing and proposed activities on disabled people; and
- produce an action plan for the next three years, reporting on progress annually and review every three years thereafter.

The aim of the DES is to help remove barriers for all disabled people. This includes people who might not automatically identify themselves as disabled, but who nevertheless face discrimination in their everyday life because of society’s inability or unwillingness to include them.

The Trust’s DES forms part of the wider Single Equality Scheme. The Trust is committed to ensuring disability equality in its service provision and its responsibility as an employer. This Disability Equality Scheme sets out how we intend to reinforce this commitment. Each set of outcomes and objectives within the Plan will be delivered through a series of underpinning action plans.

## **What is a Disability Equality Scheme?**

The Disability Discrimination Act 2006 imposes a number of specific statutory duties on the Trust as a scheduled public authority listed in the Disability Discrimination (Public Authorities Statutory Duties) Regulations 2006. These duties are intended to assist public authorities in meeting the general duty, in particular by setting out what public authorities should do to plan, deliver and evaluate action to eliminate discrimination and promote equality. This scheme has been developed to complement the Trusts Single Equality Scheme. The Trust's core requirements are:

- Consult with the disability group and the wider disability community.
- Undertake an access audit and prioritise the action points.
- The preparation and publication of a Disability Equality Scheme
- Implementation of the Disability Equality Scheme (via an action plan in the scheme)
- Review and report annually

The Trust will meet these requirements and aims to achieve a proactive Disability Equality Culture which will ensure that we will meet the needs of our disabled service users and employees. This Scheme sets out our overall objectives for improving and addressing disability inequalities and the action plans for delivering improvements to access and services. It will therefore help us to achieve a number of outcomes:

- To meet the requirements of the Disability Discrimination Act 2006 and set out our plans to improve disability access to employment and services
- Make sure that we are taking the needs and view of disabled people into account when we design or deliver services, make access improvements or develop policies
- Continuously monitor and improve the ways in which we deliver services to disabled people
- Meeting the principles of the Social Model of Disability, adopted by the Trust

In addition to the Disability Discrimination Act 2006, this Scheme will support compliance with the Special Educational Needs and Disability Act 2001, the Building Regulations 2000 (including amendments 2003) and the Fire Precautions (workplace) regulations 1997 (as amended 1999). This Scheme also anticipates future disability legislation and recognises that, as a public body, the Trust should ensure that this is a live document and recognises that their duties in this area are likely to expand. Therefore, this document will need to be reviewed annually.

## **Who is responsible for the Disability Equality Scheme?**

- The Trust has overall responsibility for this Disability Equality Scheme.
- The Chief Executive and Board Members are responsible for ensuring that the Scheme is put into action across the Trust.
- Directors, managers, employees of the Trust and our colleagues in partner agencies all have a role to play in helping us to meet our duty to promote equality for disabled people.

The arrangements described below ensure that we plan and co-ordinate the work involved in putting the Scheme in to practice.

- There is an Associate Director who is responsible for Equality and Diversity.
- The Trust Equality & Diversity Committee are to ensure effective action is taken to promote equality and reduce disadvantage. The chair is accountable to the Trust.

## **Communicating the Disability Equality Scheme**

The Trust will set up a focus group, made up of disabled and able bodied people from staff, internal and external agencies. The Focus Group will bring a vast amount of knowledge to assist the Trust in making improvement.

This Disability Equality Scheme clarifies the Trust's approach to eliminating disability discrimination. It is important that all staff across the Trust implement the same approach and form a common understanding of the social model. This Scheme outlines the work that will be needed to develop this common understanding and our approach to customer care and service provision.

A detailed explanation of how the Disability Discrimination Act 2006 defines disability can be found in Appendix 1.

## Mapping

It is essential to have some idea of how we perform on disability equality in order to inform our Disability Equality Scheme. This is done by mapping our current performance areas and identifying further actions for improvement (see appendix 2).

The Trust has had previous fire safety and disabled inspections carried out on their premises. A detailed analysis of these inspections has been undertaken and an action plan put in place to enable us to improve our workplace. We have a regular focus group in place and have regular questionnaires for staff and visitors.

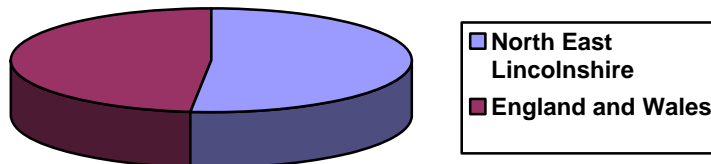
It is not only the material aspect that has to be addressed but also the culture and attitude. We have achieved this by looking at our current policies and assessing how we need to change to provide equality to everyone, able bodied and disabled and how to improve our recruitment, development and retention of disabled people.

## The National Context

There are an estimated 11 million disabled adults in the United Kingdom (1 in 5 of the total adult population) and 770,000 disabled children. Many of these disabled people often have less obvious or non-visible impairments.

Disabled people do less well than non-disabled people in many areas of life. For example, they are more likely to do less well in terms of employment, income and education. Disabled people are also more likely to face discrimination and negative attitudes ('Improving the Life Chances of Disabled People,' Government Strategy Unit 2005)

### People with limiting long-term illness, health problem or disability which limited their daily activities or the work they could do



Source: Department for Work and Pensions, 2000

## The Local Context

### Some facts about Lincolnshire area and its residents

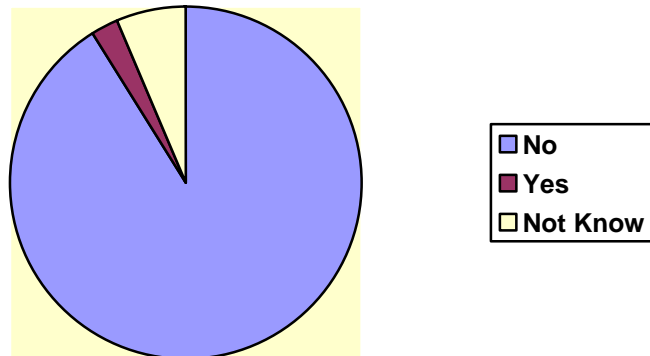
The resident population of North East Lincolnshire, as measured in the 2001 Census, was 157,979. There are two main benefits associated with health that are paid to people needing help with personal care. They are the 'Disability Living Allowance' and the 'Attendance Allowance'.

The Disability Living Allowance is a benefit paid to people under 65, who are disabled, and need help with personal care, and/or getting around. In August 2000, 5,490 people in North East Lincolnshire received this benefit.

The Attendance Allowance is paid to people over the age of 65, who are so severely disabled, physically or mentally, that they need supervision or a great deal of help with personal care. In May 2000, 3,515 people in North East Lincolnshire received this benefit.

Source: Department for Work and Pensions, 2000

### Staff employed by LPFT who considers themselves to have a disability in 2008



### What is important to disabled people living in Lincolnshire area?

One aim of this scheme is to find out what disabled people need and find out which of these needs are the most important to them. We will achieve this by involving disabled people and giving disabled people every opportunity to comment on how our services and employment practices are provided and developed. We recognise that it is important disabled people are represented in all ways in which we consult.

We will work in partnership with disabled people by:

- Finding out what barriers disabled people face and take steps to remove them.
- Asking if disabled people are happy with the services we provide e.g. through satisfaction surveys, focus groups etc.
- Working together to set priorities and plan things.
- Looking at the impact of existing and proposed policies.
- Monitoring and checking how well things are done.
- Reviewing and revising the scheme and providing feedback on how disabled people's views have influenced our decisions.

We recognised that the involvement of disabled people and staff is critical to the success of this Disability Equality Scheme and, therefore, this will be an ongoing activity.

### **Consultation**

The Trust will seek to develop consultation standards ensuring that consultation is accessible to all people who take part. This will include:

- Using accessible venues and equipment
- Ensuring all disabled people have access to adequate IT facilities, for example a magnifying screen for use on the PC, larger font size, speak and type programme for PC use.
- Arranging any events at reasonable times and dates to make it easier for people to attend
- Providing/arranging advocacy support for people who request it
- Ensuring the needs of people are met through, for example, language interpreters, induction loops, large print or guide communicators.

It is recognised that the involvement of disabled people and staff is critical to the success of this Disability Equality Scheme and, therefore, this will be an ongoing activity.

### **Our objectives**

This Scheme sets out the framework within which the Trust can promote equality for, and prevent discrimination against, disabled people as users of our services, as our employees and members of the community. The following objectives are intended to support and complement this framework:

**Objective 1 – We will promote equality for disabled people by:**

- Removing barriers to accessibility, particularly in relation to employment and access to services, information and buildings
- Encouraging good practice
- Upholding the Social Model and our guiding principles in our role in procurement and in our partnership duties

**Objective 2 – We will tackle discrimination against disabled people by:**

- Promoting positive images of disabled people
- Challenging patronising or discriminating attitudes
- Making the environment as safe as possible for disabled people
- Challenging anti-social behaviour against, or harassment of, disabled people

**Objective 3 – We will support disabled people to achieve their full potential by:**

- Providing necessary support, assistance and care to disabled people to enable them to lead independent lives
- Supporting the formation of groups, networks and services for disabled people as employees of the Trust and as residents
- Supporting disabled people according to their individual need

**Objective 4 – We will work in partnership with disabled people by:**

- Enabling disabled people's active participation
- Involving disabled people in the changes and improvements we make
- Consulting with disabled people on issues affecting them rather than with people acting on their behalf

**Implementation of the Disability Equality Scheme**

This Disability Equality Scheme is based on eight core areas which form the action planning framework (see Appendix 3) where we can build standards and focus on the actions that need to be taken. The eight areas are:

1. Making sure the Disability Equality Scheme is put into practice
2. Identifying relevant functions and policies
3. Assessing and consulting on the likely impact of proposed policies
4. Monitoring the Trust policies for adverse impact
5. Communicating the results of assessment, consultation, and monitoring
6. Making sure the public have access to the Trust buildings, information and services
7. Employment duties – monitoring employment and supporting employees

## 8. Training staff

### **Monitoring**

The Trust monitors its services and employment on disability issues. We will provide the results of monitoring information through service plans, the results of equality impact assessments and where appropriate within the annual report of the scheme.

### **Equality Impact Assessments (EIA's)**

The Trust must ensure that their activities do not disadvantage disabled people in any way (either intentionally or not), and to identify where they can best promote equality or opportunity. The purpose of impact assessment is to improve the way in which the NHS Boards develop their policies/procedures and functions by making sure there is no discrimination in the way that they are designed, developed or delivered and that, wherever possible, equality is promoted.

It provides a means to assess the potential or actual impact of our work on patients, carers, members of the public or members of staff who currently experience disadvantage in their dealings with NHS. It is a way to make sure that we think carefully about the likely impact of our work on the people of Lincolnshire and take action to improve the way we work and will be monitored by the Trust.

Staff undertaking assessments will be trained and supported.

A summary of results of the Equality Impact Assessments, Action Plans, and consultation exercises will be reported as part of the annual review of the Disability Equality Scheme.

## **Publishing Results of Assessment, Involvement & Monitoring**

Once we have collected the information we will publish the results.

The way we publish the results of involvement will vary. Some will be published within reports provided by services to relevant committees. The main consultation and involvement carried out will be summarised in our yearly report on the Disability Equality Scheme, as well as in the Trust's Annual Report.

The yearly report for this Scheme will include an update on the Action Plan. We will involve disabled people further both internally and externally and provide information on our disability equality plans and activities. We will also show what has changed as a result of involving disabled people.

We will inform the public and employees about this information through:

- Board Minutes
- Focus Groups
- LPFT Newsletter

We will also publish information about relevant involvement exercises on the Trust's website [www.lpft.nhs.uk](http://www.lpft.nhs.uk)

### **Action Plan**

As previously stated, this scheme has been developed to complement the Trusts Single Equality Scheme. The Disability Equality Scheme Action Plan is detailed within the Trust's Single Equality Scheme. ([Link](#))

### **Procurement**

The trust's procurement practices take account of its duties in relation to the Disability Discrimination Act. The trust's procurement team has a responsibility to ensure that all external contractors comply with their responsibilities under the Disability Discrimination Act.

The Trust must be able to evidence that any third party has been asked to demonstrate their compliance with the Disability Discrimination Act and arrangements for monitoring and review arrangement are in place.

### **Review**

The Trust will review its own Disability Equality Scheme every three years in accordance with the obligations under the Act. This document will be subject to continual development and improvement to ensure a more flexible and rapid response to eliminating adverse impact on race equality.

### **The Disability Discrimination Act 2006 ~ Definition of Disability.**

#### **What the Act means by disability?**

Disability is defined as

“A physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.”

Explanations of:

#### **Impairment**

The definition covers physical and mental impairments. These include:

- physical impairments affecting the senses, such as sight and hearing
- mental impairments including learning disabilities and mental illness (if it is recognised by a respected body of medical opinion)

#### **Substantial**

For an effect to be substantial, it must be more than minor.

The following are examples that are likely to be considered substantial:

- inability to see moving traffic clearly enough to cross a road safely
- inability to turn taps or knobs
- inability to remember and relay a simple message correctly.

#### **Long-term**

These are effects that

- have lasted at least 12 months
- or
- are likely to last at least 12 months
- or
- are likely to last for the rest of the life of the person affected

Long-term effects include those which are likely to recur. For example, an effect will be considered to be long-term if it is likely both to recur, and to do so at least once beyond the 12-month period following the first occurrence.

#### **Day-to-day activities**

Day-to-day activities are normal activities carried out by most people on a regular basis, and must involve one of the following broad categories

- mobility - moving from place to place
- manual dexterity - for example, use of the hands

- physical co-ordination
- continence
- the ability to lift, carry or move ordinary objects
- speech, hearing or eyesight
- memory, or ability to concentrate, learn or understand
- being able to recognise physical danger

The Government has issued guidance, under the Act, about whether an impairment has a substantial or long-term effect. This guidance does not in itself impose legal obligations on an employer or service provider, but a tribunal or court must when considering a complaint about discrimination take into account any of the guidance which appears to be relevant.

## **Particular cases or conditions:**

### **Severe disfigurements**

The Act's definition treats severe disfigurements as disabilities, although they have no effect on a person's ability to carry out normal day-to-day activities.

If, however, the disfigurement consists of a tattoo which has not been removed, non-medical body piercing, or an object attached through such a piercing, regulations have the effect of ensuring that this would not be treated as a disability.

### **Impairments helped by treatment or artificial aids**

Medication or equipment (such as an artificial limb) which helps impairment is not taken into account when considering whether impairment has a substantial effect.

For example, a person who wears a hearing aid to improve their hearing is considered to have the hearing loss that would exist without the use of the aid. An exception is when people wear glasses or contact lenses - it is the effect on the person's vision, while wearing their glasses or contact lenses, which is considered.

If, however, the treatment is likely to cure the impairment, this should be taken into account in assessing whether the impairment is long-term.

### **Progressive conditions**

The Act covers progressive conditions where impairments are likely to become substantial. Examples of progressive conditions include

- cancer
- HIV infection
- multiple sclerosis
- muscular dystrophy

The Act covers people with these conditions from the moment that there is a noticeable effect on normal day-to-day activities, however slight.

For example, a person with multiple sclerosis would be covered from the time they first developed symptoms that affect their ability to carry out normal day-to-day activities. They would not be covered just because the illness had been diagnosed.

## **Genetic predispositions**

The Act does not cover people with a gene that causes a disability unless they develop the disability. For example, people with the gene that causes Huntington's chorea are not covered if they do not have the condition. People are covered as soon as the first effects on normal day-to-day activities appear.

## **Past disabilities**

The definition covers people who have had a disability in the past. If a person once had a disability which is covered by the Act, they are still protected if they have recovered. This applies even if they recovered before the Act came into force.

## **Registered disabled people**

Any person registered as a disabled person under the Disabled Persons (Employment) Act 1944, or the Disabled Persons (Employment) Act (Northern Ireland) 1945, on both

- 12 January 1995 when the legislation was first introduced into Parliament
- and the date when the employment rights start is covered by the Act for three years

is to be treated as having a disability, for the purposes of the Act, for three years from the latter date. They do not have to prove they meet the new definition of disability for this three year period.

## **Impairments which are excluded**

The following conditions are not to be treated as impairments for the purposes of the Act

- Addiction to or dependency on alcohol, nicotine or any other substance (unless the addiction resulted from the substance being medically prescribed).
- Seasonal allergic rhinitis (e.g. hay fever) except where it aggravates the effect of another condition.
- A tendency to set fires.
- A tendency to steal.
- A tendency to physical or sexual abuse of others.
- Exhibitionism
- Voyeurism