

**NORTH STRATHCLYDE COMMUNITY JUSTICE
AUTHORITY**

DISABILITY DISCRIMINATION ACT 1995

**THE DISABILITY DISCRIMINATION) (PUBLIC AUTHORITIES)
(STATUTORY DUTIES) (SCOTLAND) REGULATIONS 2005**

DISABILITY EQUALITY SCHEME 2007-2010

Index		
		Page
1	Introduction	3
2	The Authority's functions	4
3	Disability Equality	5
4	The Disability Equality Scheme	6
5	Involving disabled people in the development of the Scheme	7
6	Assessing the impact of the Authority's policies and practices, or the likely impact of its proposed policies and practices on equality for disabled persons	7
7	Steps proposed to be taken towards fulfilment of the Authority's duty as set out in the Scheme and action plan	8
8	Arrangements for gathering information on the effect of the Authority's policies and practices on disabled persons, for reviewing it on a regular basis the effectiveness of the Scheme and revising It	8
9	Arrangements for making an annual report	8
10	Action plan and implementation	9
	List of Consultees	10
	Your views on the Scheme	10
	Dealing with the Public	11
	APPENDIX 1 – Action Plan	

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DISABILITY EQUALITY SCHEME

1 Introduction

- 1.1 The North Strathclyde Community Justice Authority ('the Authority') is the Authority constituted for the local government areas served by Argyll & Bute, East Dunbartonshire, East Renfrewshire, Inverclyde, Renfrewshire and West Dunbartonshire Councils in terms of the Management of Offenders etc (Scotland) Act 2005 and the Community Justice Authorities (Establishment, Constitution and Proceedings) (Scotland) Order 2006. The Authority is one of eight new statutory bodies created to be strategic planning and monitoring authorities for the provision of community justice services in Scotland.
- 1.2 In terms of the legislation the Authority will plan, co-ordinate, monitor and report on the delivery of offender services across Argyll & Bute, East Dunbartonshire, East Renfrewshire, Inverclyde, Renfrewshire and West Dunbartonshire Councils. The Authority works in partnership with the 6 constituent local authorities and, as set down in The Management of Offenders etc. (Scotland) Act 2005 (Designation of Partner Bodies) Order 2006, with representatives from Strathclyde Police, NHS, Scottish Prison Service, Procurator Fiscal, Victim Support Scotland, APEX Scotland, NCH and Turning Point Scotland. The Authority sits 4 times per year at Paisley.
- 1.3 The Chief Officer of the Authority is aware of initiatives being undertaken by the constituent authorities and partner bodies with regard to the mainstreaming of equalities issues. This affords the Authority the opportunity to benefit directly from the actions already proposed by these organisations to ensure compliance with its disability equality obligations. This is reflected in the Disability Equality Scheme set out in the following pages.

- 1.4 This Scheme will endure for three years, following which a review will take place.

2 The Authority's Functions

- 2.1 The Authority's functions derive mainly from statute and are set out in the Management of Offenders etc. (Scotland) Act 2005 as follows:

- 2.2 (a) at such intervals as the Scottish Ministers may determine -

- (i) to prepare in consultation with the partner bodies, Scottish Ministers, the appropriate local authorities and such other bodies as the Scottish Ministers may specify, a plan for reducing re-offending by relevant persons; and
- (ii) to submit that plan to the Scottish Ministers ;

- (b) to monitor the performance of -

- (i) appropriate local authorities; and
- (ii) the Scottish Ministers,

in complying with, and in co-operating with each other, the community justice authority and others to facilitate compliance with, the area plan;

- (c) in so far as it considers such performance by -

- (i) a local authority to be unsatisfactory, to issue such directions to that authority; or
- (ii) the Scottish Ministers to be unsatisfactory, to make such recommendations to the Scottish Ministers, as it sees fit;

- (d) to promote good practice in the management of the behaviour of relevant persons ("management" being management with a view to reducing re-offending by those persons);

- (e) to allocate to the appropriate local authorities any amount paid to it under -

- (i) section 72A(1) of the Social Work (Scotland) Act 1968 (c.49) (grants in respect of community service facilities); or
- (ii) section 72B(1) of that Act (grants in respect of hostel accommodation for persons under supervision);

- (f) to arrange with the partner bodies that, so far as practicable, any information -
- (i) relating to relevant persons; and
 - (ii) in the possession of any of those party to the arrangements, is furnished or made available to the others party to them;
- (g) as soon as practicable after the end of each financial year, to report to the Scottish Ministers on -
- (i) its activities and performance during that year in discharging its functions under this section; and
 - (ii) the activities and performance during that year of appropriate local authorities, partner bodies and the Scottish Ministers in complying with, or facilitating compliance with, the area plan; and
- (h) any function which it has by virtue of section 8 of this Act. (Section 8 deals with the transfer of functions to community justice authorities).

3 Disability Equality

3.1 In terms of the Disability Discrimination Act 1995 (the Act) as amended by the Disability Discrimination Act 2005 the Authority has been placed under a general duty when carrying out its functions to have due regard to the need to:-

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

These six elements will be referred to throughout this scheme as the general duty.

- 3.2 In addition to this general duty the Authority is subject to specific duties, which are laid down in the Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005. The Regulations set out the specific steps which must be taken to assist public authorities to fulfil the General Duty. These specific duties are:
- publish a Disability Equality Scheme;
 - involve disabled people in the development of the Scheme;
 - carry out impact assessments;
 - make arrangements for gathering relevant information;
 - develop an action plan and implement the steps set out in the action; plan within three years; and
 - report on progress on an annual basis.
- 3.3 The functions and policies of the Authority require to be monitored and assessed to ensure that the Authority is complying with the general duty.
- 3.4 The general duty provides the Authority with a challenge to review its functions and policies and an opportunity to attack prejudice and discrimination through its statutory duties.
- 3.5 In supporting the general principles of disability equality the Authority will also seek where appropriate to build the general duty into its structures and future activities.

4 The Disability Equality Scheme

- 4.1 The Disability Equality Scheme (the Scheme) is the Authority's plan stating how it intends to meet its general duty.
- 4.2 In its Scheme, the Authority is required to identify those of its functions and policies, or proposed policies, which it considers relevant to issues of disability equality. The Scheme should include a statement of:
- 4.2.1** the ways in which disabled people have been involved in its development;
 - 4.2.2** the methods for assessing the impact of its policies and practices, or the likely impact of its proposed policies and practices, on equality for disabled persons;
 - 4.2.3** the steps proposed to be taken towards fulfilment of its duty, set out in the Scheme and action plan;
 - 4.2.4** the arrangements for gathering information on the effect of its policies and practices on disabled persons, for reviewing on a regular basis the effectiveness of the Scheme and for revising it; and
 - 4.2.5** the arrangements for making an annual report.

- 4.3 The initial duration of the Scheme is three years. A review of the scheme is required every three years but as a matter of practice the Authority will continually monitor the implementation of the Scheme.

5 Involving disabled people in the development of the Scheme

- 5.1 The Authority will consult with representative organisations in the development and implementation of the Scheme. In terms of consultation, the Authority will work closely with Renfrewshire Council, the lead authority, to avoid duplication of effort and to maximise the use of scarce resources. It is anticipated that the Scheme will continue to evolve and develop and that the views of disabled people will play an integral role in this development.

- 5.2 Representative organisations, including Enable Scotland, Deafblind Scotland, Capability Scotland and Inclusion Scotland have been consulted on the format and content of the Scheme.

6 Assessing the impact of the Authority's policies and practices, or the likely impact of its proposed policies and practices on equality for disabled persons

- 6.1 An audit will be conducted of all existing Authority policies to ensure compliance with this Scheme.
- 6.2 All reports submitted to meetings of the Authority which propose policies that may have any relevance to disability equality will include details of:
- any assessment of the impact of the proposed policy on disability equality;
 - any consultation carried out in conjunction with that assessment; and
 - any action, including monitoring where appropriate, proposed as a consequence of that assessment and monitoring.

The Authority will consider these matters in reaching its decision on any proposed policy.

- 6.3 An appropriate means of consulting on policies potentially impacting on disability will be identified.
- 6.4 The effects of the policies will be subject to regular scrutiny as part of the annual review process.
- 6.5 The Authority recognises that the steps required in respect of each policy will vary depending on the nature of the policy and the surrounding circumstances.

7 Steps proposed to be taken towards fulfilment of the Authority's duty as set out in the Scheme and action plan

- 7.1 All of the Authority's key documents, including the Area Plan, agendas, reports, minutes and background papers will be made available in appropriate formats if requested.
- 7.2 All of the Authority's offices and meeting venues will be wheelchair accessible and an operational loop system will be available at all meetings.
- 7.3 As part of the annual review process, consideration will be given to whether further publicity is required in relation to the Scheme.
- 7.4 The Scheme will be published and circulated to all members, partners and employees of the Authority.
- 7.5 Copies of the Scheme will be made available from the offices of the Clerk, Corporate Services Department, Cotton Street, Paisley, PA1 1TR, all public libraries in the Authority's area and will be published on the lead authority's web site and on the Authority's web site once established.
- 7.6 Equalities awareness training will be made available to the Authority's employees.

8 Arrangements for gathering information on the effect of the Authorities policies and practices on disabled persons, for reviewing it on a regular basis the effectiveness of the Scheme and revising it

- 8.1 The assistance of Renfrewshire Council's Chief Executive's Department will be sought in relation to the implementation of a disability monitoring scheme and also in relation to the monitoring of data gathered. Data will be collected by reference to age, disability, ethnicity and gender. Consideration will be given to extending this monitoring to complaints processed by the Authority.

9 Arrangements for making an annual report

- 9.1 The Scheme will be reviewed annually and reported to the Authority's members.
- 9.2 The Scheme is intended to cover the period from September, 2007 to September, 2010 will be subject to a full review at the end of that period. This will allow the Authority to take account of any comments received from individuals or organisations in relation to the Scheme, as well as the Authority's own experience of participation in consultation with such representative bodies as the Authority considers appropriate.

10 Action Plan and Implementation

- 10.1 The Authority's Disability Equality Scheme action plan, (the action plan) is attached as Appendix I. This details the actions the Authority will implement in order to promote disability equality.
- 10.2 The Authority will, within three years of the publication of this Scheme, take the steps which it has set out in the Action Plan unless in all the circumstances it would be unreasonable or impractical to do so. In that event the Authority will consider other and alternative measures if appropriate.

LIST OF CONSULTEES

- 1 All members of the Authority, its partners and its employees.
- 2 Renfrewshire Council's Chief Executive's and Corporate Services Department
- 3 Enable Scotland
- 4 Deafblind Scotland
- 5 Capability Scotland
- 6 Inclusion Scotland

Responses must be submitted by 27th August, 2007 at the latest. **Because the Scheme will be monitored on an ongoing basis there will be adequate opportunity to comment further as the Action Plan is implemented.**

Your Views on the Scheme

The Disability Equality Scheme is an evolving Plan. Your views will help to shape it and would be appreciated.

Every effort will be made to encourage and support people with disabilities and those organisations which provide services to people with disabilities to give their views.

Section 1(1) of the Disability Discrimination Act 1995 defines discrimination:- "..... a person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities".

Dealing with the Public

The North Strathclyde Community Justice Authority (the Authority) will ensure that it is in a position to deliver what it promises in terms of its Disability Equality Scheme. Documents should be quickly available in alternative formats should they be requested; disabled service users should be able to physically access the premises used by the Authority and its staff and they should be enabled to understand the happenings of the Authority.

The Policy will be presented to the Authority at its meeting to be held on 7th September, 2007.

Please address your comments to:

Paul Gannon
Clerk to the North Strathclyde Community Justice Authority
Corporate Services Department
Renfrewshire Council
Cotton Street
PAISLEY
PA1 1TR

Email – david.low@renfrewshire.gov.uk

Tel No: 0141- 840 3399

Fax No: 0141- 840 3335

**NORTH STRATHCLYDE COMMUNITY JUSTICE AUTHORITY
DISABILITY EQUALITY SCHEME
ACTION PLAN**

What we will do	How we will do it	How we will know we have done it	By when	Who will carry out the action	What we hope to achieve
1. Involve disabled people in developing and implementing the Scheme	Arrange consultation exercise to include representative organisations including: Enable Scotland; Deafblind Scotland; Capability Scotland; and Inclusion Scotland. Arrange integration with Renfrewshire Council's consultation process.	Ongoing revisions to Scheme and action plan	September, 2007 and ongoing	Clerk	A Scheme and action plan which meets the needs of disabled people and the requirements of the disability equality duties.
2. Assess the impact of the Authority's policies and practices, or the likely impact of its proposed policies and practices, on equality for disabled persons	<ul style="list-style-type: none"> • Conduct an audit of all existing Authority policies to ensure compliance with the Authority's Scheme. 	List of existing policies with assessment	December, 2007 and ongoing	Chief Officer/ Clerk	The Authority's policies and practices will be informed and influenced by the people who are most likely to be affected by them.

<p>2. Assess the impact of the Authority's policies and practices, or the likely impact of its proposed policies and practices, on equality for disabled persons cont.</p>	<ul style="list-style-type: none"> Require all reports presented to the Authority proposing policies that have any significant relevance to disability equality to include details of: <ul style="list-style-type: none"> any assessment of the impact of the proposed policy on disability equality; any consultation carried out in conjunction with that assessment; and any action, including monitoring where appropriate, proposed as a consequence, of that assessment and monitoring. 	<p>Section included in reports detailing impact of proposed policy, consultation carried out and any action arising from this process</p>	<p>December, 2007 and ongoing</p>	<p>Chief Officer/ Clerk/ Treasurer/ SPS Liaison Officer</p>	<p>The Authority's policies and practices will be informed and influenced by the people who are most likely to be affected by them.</p>
	<ul style="list-style-type: none"> Consider an appropriate means of consulting on policies potentially impacting on disability equality. 	<p>Database of consultees</p>	<p>December, 2007 and ongoing</p>	<p>Chief Officer/ Clerk</p>	<p>As above</p>
	<ul style="list-style-type: none"> The effects of the policies to be subject to regular scrutiny as part of the annual review process. 	<p>List of policies and details of analysis undertaken</p>	<p>July - September, 2008 and ongoing on an annual basis</p>	<p>Chief Officer</p>	<p>As above</p>

3. Actions proposed to take towards fulfilment of its duty as set out in the Scheme and Action Plan	<ul style="list-style-type: none"> Ensure that the Authority's documents including the Area Plan, agendas, reports, minutes and background papers can be made available in appropriate formats if requested. 	Database of all relevant documents. Database of available transcription service providers etc	December, 2007 and ongoing	Chief Officer/ Clerk	The Authority's documents will be available to all members of the community in an acceptable format
	<ul style="list-style-type: none"> Ensure that the Authority's offices and meeting venues are wheelchair accessible, that an operational loop system is available at all meetings and that facilities are available for guide dogs and hearing dogs for deaf people. 	List of offices and venues used	September, 2007 and ongoing	Chief Officer/ Clerk	All offices and meeting venues are fully accessible
	<ul style="list-style-type: none"> As part of the annual review process, consider whether further publicity in relation to the Scheme is required. 	Section included in annual report	July, 2008 and ongoing on an annual basis	Chief Officer/Clerk	All key stakeholders and all sections of the community will be aware of the Scheme
	<ul style="list-style-type: none"> Publish the Scheme and circulate to all members, partners and employees of the Authority. 	Database of members' partners and employees	September, 2007	Clerk	Key stakeholders are kept informed

	<ul style="list-style-type: none"> • Make copies of the Scheme available at the Authority's offices, all public libraries in the Authority's area and publish the Scheme on the lead authority's web page. 	Database of offices and libraries.	September/ October, 2007	Clerk	Copies of the Scheme are made widely available to all members of the community
	<ul style="list-style-type: none"> • Translations and other formats e.g. Large print, Braille, audio to be made available on request. All documents will be written in plain English. 	Database of available transcription service providers etc	September, 2007 and ongoing	Chief Officer/ Clerk	The Scheme is accessible to all members of the community in an acceptable format
	<ul style="list-style-type: none"> • Equalities awareness to be included in training given to the Authority's employees. 	In-house diversity training course	January, 2008 and ongoing	Chief Officer	A positive change in attitudes towards disabled people
4. Arrangements for gathering information on the effect of the Authority's policies and practices on disabled persons, for reviewing on a regular basis the effectiveness of the Scheme and for revising it	<ul style="list-style-type: none"> • Implement a disability monitoring scheme. 	Written scheme	January - March, 2008	Chief Officer	The Authority's policies and practices will not have a detrimental effect on the wellbeing of disabled people. The Scheme will continue to meet the needs of disabled people.
	<ul style="list-style-type: none"> • Extend this monitoring to complaints processed by the Authority. 	Written scheme	January - March, 2008	Chief Officer	Any particular complaints raised by disabled people can be highlighted and addressed.

5. Arrangements for making an annual report	<ul style="list-style-type: none"> Review the scheme annually and report progress on the action plan to Authority members. 	Report	July - September, 2007 and thereafter on an annual basis	Chief Officer/ Clerk	The Authority will meet the specific disability equality duties within an identifiable timescale
	<ul style="list-style-type: none"> Review the Scheme three-yearly. 	Report with feedback from consultees	July - September, 2010	Chief Officer/ Clerk	Any weaknesses or failings in the Scheme will be identified and addressed. New actions and timescales will be developed.