

Discrimination Law Review: A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain

Response to the Consultation, submitted 30 August 2007

Contact Details

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Q(i) In what capacity are you responding?

On behalf of an organisation

Q(ii) Your organisation

Other – disability charity

Q8 Do you have any comments on our proposal to establish a single threshold for the point at which the duty to make adjustments is triggered?

We support the proposal to adopt a lower threshold, based on “substantial disadvantage”. This will increase the obligation on providers of goods, facilities and services to address barriers experienced by disabled people. Too often services are provided in an alternative location, or in a significantly different way which provides physical access to a service, but does not provide equality in the way the service is received, and leads to a feeling of discrimination by the disabled person.

Q24 Do you agree that it would be helpful for organisations seeking to make progress towards their goals of tackling under-representation and disadvantage to be able to use a wider range of voluntary balancing measures?

Yes - Balancing measures are important in helping address historic disadvantage and under-representation by disabled people in terms of employment and public life. Research (including in the Equalities Review 2007) shows that low employment rates for disabled people will never be reached with the current rate of change. Balancing measures provide a way to address these issues.

Q28 Do you agree that we should widen the scope of voluntary positive measures for political parties to target the selection of candidates beyond gender?

Yes – This should be extended to include disabled people – who are significantly under-represented in politics and on public bodies. Increasing the representation of disabled people in public and political life is an important way of changing the public perception of disabled people, as well as ensuring that disability issues are considered in democratic processes and future legislation.

Q29 Do you agree that the race, disability and gender duties should be replaced by a single duty on public authorities to promote race, disability and gender equality?

Yes – this will help provide an integrated approach for public bodies, and ensure that disability issues are considered as a ‘mainstream’ issue alongside race and gender equality.

Q30 Do you agree that it would be helpful to provide a clear statement of the purpose of a single public sector duty which public authorities should use as a foundation for taking action to promote equality and good relations?

Yes – A statement of purpose would be helpful to set the context for the equality duty to encourage public bodies to consider organisational culture and issues which cut across public bodies.

Q31 Do you agree with the four areas set out in the proposed statement of purpose?

Yes – Although we believe that the statement should include reference to tackling discrimination.

Q33 Do you agree that a single public sector equality duty should require public authorities to identify priority race, disability and gender equality objectives and take proportionate action towards their achievement?

Yes – We support the requirement to set equality objectives, but not if it removes existing obligations as set out in the disability equality duty to generally pay “due regard” to the need to promote equality as part of their mainstream activities.

We also believe it is essential to retain the need to produce an equality scheme (including disability issues) and for there to remain a requirement for public bodies to consult disabled people (and other disadvantaged groups) on these schemes.

In our experience, the need to produce a disability equality scheme has been an effective catalyst for local authorities to consult with groups and individual disabled people on key issues and priorities, and has helped develop consultative processes and forums for disabled people to have a voice on a range of public policy issues.

Q34 Do you agree that public authorities should be required to review their priority equality objectives at least every 3 years?

Yes

Q46 Do you think that an “Equality Standard” would be beneficial to businesses, employees and customers?

Yes

Papworth works with a large number of employers as a provider of New Deal for Disabled People and other employment programmes. We support employers to become ‘disability friendly’ and have produced a toolkit for employers to encourage them to review aspects of their recruitment and retention of staff, and service delivery. Setting clear ‘standards’ helps businesses change their processes and culture.

If yes, would you prefer an accredited or a non-accredited good practice and compliance tool?

An accredited scheme would be better, such as Investors in People. These introduce clearer standards and performance measures, and assessors who can advise and help businesses improve their equality practices.

Q47 We would welcome your suggestions for other ways in which good equality practice could be encouraged and embedded in the private sector

Public sector procurement is clearly a motivating factor for the private sector in terms of its customer base, and we would welcome clearer requirement for equality to be part of the public sector duty on procurement practices.

Q54 Do you have any comments on whether we should remove the list of ‘capacities’ from the definition of disability?

Yes

The current definition of disability within the DDA has proved problematic for a number of reasons (as identified in the Green Paper) but simply removing the list of ‘capacities’ will not address this issue.

The definition should not be based on a judgement of their ability to carry out day to day activities over a long term period which is, by its nature, based on a medical definition of disability. Instead it should focus on people who experience disadvantage or discrimination because of an impairment (as put forward by the Disability Rights Commission)

Q72 Do you agree with our proposal for requiring disability-related alterations to the common parts of let residential premises?

Yes

The Papworth Trust is a registered social landlord and also provides advice and guidance on the adaptation of private and rented properties to enable people to remain in their own homes (or return home after acquiring a disability).

There remains a significant under-supply of accessible accommodation in the UK (documented in our own research – Pathways to Accessible Housing, 2001) and yet housing has been shown to be key in enabling disabled people to live more independently and to take up employment or volunteering in their community. Any extension to the rights of disabled people in relation to accessible and appropriate housing will be a positive step.

Q85 Other comments about the consultation documents or the process exercise itself.

We welcome the prospect of a Single Equality Act to harmonise legislation in this area and to bring a common approach to disability discrimination alongside other equality issues.

However, there are a number of areas in which the proposed legislation could potentially weaken, rather than strengthen, the rights of disabled people and measures to improve equality for disabled people in society as a whole. In particular we would want to retain the obligation under a public sector duty to produce an equality scheme with specific actions on disability issues, and to retain the requirement to consult disabled people on these schemes.

We have reviewed the briefing on the Green paper by the Disability Rights Commission (http://www.drc-gb.org/the_law/equality_and_human_rights/single_equality_act_green_pape.aspx) and by RADAR (<http://www.radar.org.uk/radarwebsite/tabid/186/default.aspx>) and support the challenges and questions raised by them regarding the proposals.

Good progress has been made in terms of equality for disabled people over the last 10 years, but to continue this trend needs clear and challenging legislation for both the public and private sectors to tackle continuing disadvantage by disabled people in areas such as employment, housing, access to transport, and more importantly to tackle public attitudes to disabled people which are all too often based on 'charity' rather than equal citizenship.

About Papworth Trust

The Papworth trust is a disability charity whose aim is for disabled people to have equality, choice and independence. We provide a range of services for disabled people, research and develop good practice, and raise the profile of disability issues with employers, public bodies and service providers. In particular we provide services for 10,000 disabled people each year covering employment, training, rehabilitation, housing and support.