

Report to: **Cabinet**

Date: **4 May 2004**

By: **Deputy Chief Executive & Director of Corporate Resources**

Title of report: **Property Policy & Strategy for implementation of the Disability Discrimination Act (DDA) 1995**

Purpose of report: **To seek Cabinet's approval to implement the recommendations set out in the report.**

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## RECOMMENDATIONS

The Cabinet is recommended to :

1. **approve the implementation of the Property Policy & Strategy in respect of the Disability Discrimination Act 1995 as outlined in Appendix A of the report;**
  2. **approve the implementation of Disability Discrimination Act Access Audits to ascertain building and associated works and estimated costs in connection with the access of service delivery and the progress to be reported March 2005; and**
  3. **agree to a further report regarding the funding requirement for these works to be submitted to the Cabinet in March 2005.**
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### 1. Financial Appraisal

1.1 By adopting this strategy the County Council will ensure that all existing non school buildings and other areas (i.e. Country Parks) classified as providing a service to the public will be audited for compliance with the DDA. (Schools access issues are dealt with by a separate New Deal for Schools/ Schools Asset Management Plans process) Analysis of the property portfolio indicates that there are approximately 238 properties that may require auditing. Previous investigation indicates that carrying out an access audit on an individual basis would cost in the region of £750 - £1300 per property. The County Council agreed that £250,000 is to be allocated for DDA Audits in the 2004/05 budget. Therefore, depending on the Consultants tender costs for fees, the County Council will achieve all Priority Phase 1 non schools and some Priority Phase 2 non schools in 2004/05.

#### DDA Access Audits (surveys only)

Priority	Property N <sup>o</sup>	2004/05 (£000's)	2005/06 (£000's)	Total (£000's)
Phase 1 Non schools	185	240	0	240
Phase 2 Non schools	53	10	58	68
<b>Total</b>	<b>238</b>	<b>250</b>	<b>58</b>	<b>308</b>
Revenue budget		250	0	250

1.2 In addition to completing these DDA access audits, subsequent works would incur additional costs that cannot be currently ascertained. These costs will be related to the property, furniture, fittings and equipment. These additional costs will be reported to Cabinet during March 2005.

Reference to the Property Policy & Strategy to comply with the DDA works are identified in Appendix A attached.

## 2. Supporting Information

### Introduction

2.1 The Disability Discrimination Act (DDA) was passed in 1995 to introduce new measures aimed at ending the discrimination which many disabled people faced. It was subsequently revised in 2001 by the Special Educational Needs and Disability Act (SENDA) 2001. This amendment includes Education as part of the Act which had been previously excluded. The amendment requires schools, colleges, universities, providers of adult education and youth services to ensure that they do not discriminate against disabled people. The Education Department is implementing its "East Sussex Accessibility Strategy" for schools. This strategy implements the requirements of the DDA for schools.

2.2 When the DDA became law, it was introduced over a period of time, giving the opportunity to implement any changes or revisions to the way which service are provided. For employers (Part II Employment) these measures became law in December 1996, but for service providers (Part III Access to goods, facilities and services) e.g. businesses and organisations, their programme of implementation is as follows.

- **December 1996** it has been unlawful to treat disabled people less favourably than other people for a reason related to their disability
- **October 1999** service providers have had to make reasonable adjustments for disabled people, such as providing extra help or making changes to the way they provide their services;
- **October 2004** service providers may have to make reasonable adjustments to the physical features of their premises to overcome physical barriers to access.

2.3 However, the revision to the DDA in 2001 gave education providers the opportunity to implement any changes or revisions to the way they work over a period of time. Their programme of implementation was as follows:-

- **September 2002** education provider's new duties came into effect under Part IV of the DDA as amended by SENDA. These require schools, colleges, universities, providers of adult education and youth services to ensure that they do not discriminate against disabled people.
- **September 2003** under Part IV of the DDA as amended by the SENDA, the duty to provide auxiliary aids (e.g. induction loops), by way of reasonable adjustment.

2.4 The introduction of the final of Part III in October 2004 provides that "service providers" may have to make reasonable adjustments to the physical features of their existing premises to overcome physical barriers to access. If the service provider has not carried out reasonable adjustments to the way they provide their services or make reasonable adjustments to the physical features to their premises to overcome physical barriers to access by this date the service provider can potentially be sued. In addition, Courts may take any non action into account when deciding whether service providers have acted reasonably.

## 3. Conclusion and Reason for Recommendation

3.1 Adopting the attached Policy & Strategy as outlined in Appendix A the County Council will ensure a consistent and coordinated approach to disabled access. The proposals will ensure that new and existing ESCC building and other areas will start to comply with the requirements of the Disabled Discrimination Act 1995.

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