

COMMITTEE ON EQUALITY OF OPPORTUNITY EOC 05-02(p7)

Date: Wednesday 26 June 2002
Time: 9.30am
Venue: Committee Rooms 3 and 4, National Assembly Building
Title: Letter from the Disability Rights Commission on local government performance indicators and facilities for disabled people

31 May 2002

Clerk of the Equality of Opportunity Committee

Dear Sir

Local government performance indicators and facilities for disabled people

The Disability Rights Commission in Wales has been analysing the key indicators pertaining to disabled people within the publication *Compendium to Local Government Services in Wales – Performance Indicators*, published in April 2002.

A summary of key findings is included in the enclosed report and I would be grateful if you could bring this to the attention of members of the Equality of Opportunity Committee. We would very much like an opportunity to consider these findings in detail in a session of the Committee in future.

The figures indicate that local authorities have somewhere to go to meet both their employment and service providing obligations under the Disability Discrimination Act 1995.

The Disability Rights Commission in Wales is keen to work constructively with local government to secure improved performance on many of these indicators. We recognise that the figures themselves do not, in all instances, represent a true picture of the development of services within local authorities in Wales in recent years.

We have taken the opportunity to write to local authorities - both to chief executives and to council leaders - to celebrate successes and to point out areas of potential improvement. We have distributed copies of *Quality and Disability Equality in a Best Value Regime* as guidance to assist local authorities in Wales with meeting their obligations under the Capital Welsh Improvement Programme.

If you need any further details, please contact me.

Yours sincerely

Alun Thomas

Head of Communications

Press Release

22 May 2002

For immediate release

Councils must do more for disabled people, says Commission

The Disability Rights Commission (DRC) has challenged local authorities in Wales to make significant improvements both in the services offered to disabled customers and to the proportion of disabled people they employ.

The DRC in Wales has published a report based on Audit Commission Performance Indicator figures that reveal:

- Only 264 out of 2,203 public buildings from where local authorities provide services are deemed to be fully accessible for people with physical and sensory impairments.
- Less than 1.5% of local authority staff on average per authority have a declared disability under the Disability Discrimination Act - a definition which is broad enough to include staff with cancer, heart conditions, diabetes and past disabilities.

The figures point to a huge variation throughout Wales.

- The only authority declaring that over 50% of its buildings are fully accessible is Merthyr (18 out of 22). Numerically, the best performer is RCT with 91 out of 191 buildings deemed fully accessible. However, 7 authorities believed that not one of the buildings was deemed to be accessible to disabled people. These were in order of worst performers: Caerphilly;

Carmarthenshire; Gwynedd; Bridgend; Conwy; Monmouthshire; and Vale of Glamorgan. Swansea also seemed to fare badly with only 15 out of 214 buildings coming up to scratch

- In terms of the proportion of disabled staff, percentages varied from 3.29% in Carmarthenshire to a meager 0.15% in neighbouring Pembrokeshire.
- For pedestrian crossings adapted for use by disabled people, the range varied from 100% in Carmarthenshire and Ceredigion to 13% in Conwy - a surprising figure given the age profile of the population of the Llandudno and Colwyn Bay areas.
- Some authorities lack statistical data on these and other indicators of importance to disabled people of which Denbighshire is a notable example.

The Commission is taking the opportunity to provide practical guidance on how councils can incorporate quality services and disability equality principles within their new 'Improvement Programmes'.

Councils are also being reminded of the duties placed upon them by October 2004 to take reasonable steps to remove, alter, avoid, or find alternatives to barriers which make it impossible or unduly difficult for disabled people in Wales to access their services.

‘The figures do paint a mixed picture and in some instances don't tell the full story,” says DRC Wales Director Will Bee. ‘However it is clear that councils have some way to go to meet the reasonable expectations of their disabled customers and prospective employees.

‘The Commission is keen to give credit where it's due and has written to all council leaders and chief executives to celebrate the success stories and point out areas for improvement.

‘The Commission, through its dedicated Helpline, is here to provide expert advice to local authorities and other employers and service providers on how best to meet the needs of disabled employees and customers. We also assist individual disabled people wishing to exercise their rights under the DDA to reach amicable agreements or issue challenges through the courts.’

Further information Alun Thomas – Head of Communications, DRC Wales 029 2081 5643 or 0777 617 1275.

Notes to editors

1. The Disability Rights Commission is a statutory body independent of Government. It operates throughout Great Britain with DRC Wales having offices in Cardiff and Bangor.
2. The Disability Discrimination Act 1995 places duties on employers and service providers including local authorities. These include duties not to discriminate unfairly on grounds of disability and to make 'reasonable adjustments'. From 2004, local authorities and others will have to consider removing, altering, avoiding, or making alternative provision to overcome physical barriers.
3. The analysis drawn up by DRC Wales is based on the *Council services in Wales Compendium - local authority performance indicators*. This was published by the Audit Commission, ISBN 1 86240 355 4.
4. To date, DRC Wales has contacted local disability groups to seek verification for the figures. Subsequently we have written to council leaders, chief executives, and access officers in the councils that have such positions.
5. The National Assembly will be hosting four conferences throughout Wales during July to alert the public, private and voluntary sectors about the forthcoming duties to make physical adjustments by October 2004. Further information about these events can be obtained from Jon.Luxton@wales.gsi.gov.uk

COPY OF LETTER SENT TO LOCAL AUTHORITY COUNCIL LEADERS FROM DISABILITY RIGHTS COMMISSION

Dear Council Leader

Following the publication of the Council Service Compendium for Wales; Local Authority Performance Indicators 2000/2001, the Disability Rights Commission is writing to all unitary authorities in Wales to offer support and encouragement to meet and exceed your legal responsibilities under the Disability Discrimination Act. Please note that a copy of this letter but not of the enclosure is also being sent to the Chief Executive, and to Access Officers in councils that have such positions.

The statistics represent a mixed picture in terms of evaluating the performance of local authorities in Wales in relation to disabled employees, prospective employees and users of council services.

The Commission is keen to avoid making blanket statements based on these statistics alone. We are aware that

- Some authorities may interpret the indicators slightly differently
- The figures do not reflect progress that has been made in the last year

We will work with the Audit Commission, the National Assembly, and the Welsh Local Government Association to further develop these indicators so that they form an even truer reflection of the service offered by local authorities to disabled people in Wales, who amount to at least one in six of our population.

As you will no doubt be aware local authorities already have a range of duties under the Disability Discrimination Act; -

- A duty not to treat disabled employees and prospective employees less favourably for disability related reasons unless you have a sound reason for doing so
- A duty to make 'reasonable adjustments for employees and prospective employees
- A duty not to treat disabled customers and service users less favourably without good reason
- A duty to make 'reasonable adjustments' for customers like changing or waiving a policy that discriminates inadvertently, providing communication or other type of support or by looking at creative ways of offering the service where there is a physical barrier making it unreasonably difficult for a disabled person.

From October 2004, local authorities will have an additional duty in relation to physical barriers. Not only will you need to consider providing a service in an alternative way, disabled people will expect you to take reasonable steps to remove or alter the physical barrier.

October 2004 should not be viewed as a starting point for delivering meaningful change/ If reasonable changes are not in place from that point onwards, a disabled customer could claim unfair discrimination under the Act. There is a clear implication here that local authorities need to anticipate change now and build 2004 requirements into refurbishment plans which are undertaken to public buildings in the interim.

The Disability Rights Commission in Wales is keen to work constructively with unitary authorities to plan for change. It is in everyone's interest to avoid resolving these problems via a litigious route. Therefore, through both our Helpline and Practice Development team we aim to give practical advice to local authorities.

The Commission has published a revised **Code of Practice on Rights of Access to Goods, Facilities, Services and Premises** explaining these duties and illustrated with practical examples. The Code is priced £13.95 and can be obtained from the Stationery Office. It can be ordered by telephone on 0870 6005522, by fax on 08700 600 5533 or by email, book.orders@tso.co.uk Copies are available in English, Welsh, and in a range of formats

We are also enclosing English and Welsh copies of guidance that the DRC has produced entitled **‘Quality and disability equality in the Best Value regime’**.

The DRC updates stakeholders every month by offering a free Ebulletin subscription service. Details on how to subscribe can be obtained via our website www.drc=gb.org

Our confidential helpline service can also assist with queries on the Disability Discrimination Act and best practice. The Helpline can be contacted by phone on 08457 622633, by textphone on 08457 622644, by fax on 08457 778878 or by email – enquiry@drc-gb.org

Yours sincerely

Alun Thomas

Head of Communications

Performance indicators - Compendium for council services in Wales

This is a brief summary of ‘Council Services in Wales Compendium – local authority Performance Indicators 2000-2001’ and published by the Audit Commission in April 2002. Any queries about the indicators and their interpretation should be directed to the Audit Commission Wales, 4th Floor, Deri House, 2-4 Park Grove, Cardiff CF10 3PA Tel 029 20262550. Copies of the report can be obtained for £20 from Audit Commission Publications, PO Box 99, Wetherby LS23 7JA Tel 0800 502030

Performance indicators (Pis) are for the year 2000/2001 and combine Best Value PIs some of which have been supplied by the National Assembly for Wales (NAfW). Additionally the Audit Commission has some complementary indicators.

Few indicators deal directly with user satisfaction since the National Assembly plans to do major work in this area during 2002/3

The key indicators of interest to the Disability Rights Commission (DRC) Wales include; -

- The number of staff declaring that they meet the Disability Discrimination Act 1995 definition of a disabled person as someone with a 'physical or mental impairment which has a severe and long term adverse effect on the ability to carry out normal day to day activities' expressed as % of total workforce (Best Value BV 16)
- The number of authority buildings open to the public in which all public areas are suitable and accessible for people with disabilities. The measurement used for assessing this is Part M Building Access standards for England and Wales which is used for new buildings and extensions and major alterations to existing public buildings. (Audit Commission A 2b)
- % Of statements of Special Education Needs (SEN) prepared within 18 weeks and split into those excluded and included by 'exception to the rules' under the SEN Code of Practice. (BV43)
- Pupils with statements of SEN as % of all children (K9)
- Number of SEN statements issued during the year as per 1,000 population (K10a)
- Weekly cost of intensive social care per adult receiving such care (BV52)
- % of adult clients receiving social services review (BV55)
- % of independent living/social care items costing less than £1,000 delivered within 3 weeks (BV56)
- % of people receiving a statement of their social care needs and how they will be met (BV58)
- Spend on children in need but not looked after as % spend on children (BV 61)
- Number of adults under 65 whom the authority helps to live at home per 1000 adults under 65 (L2)
- There are some satisfaction indicators for housing and council tax benefits including clarity of forms, and contact/access facilities at benefits office
- % of pedestrian crossings with facilities for disabled people (P5)

Care must be taken not to interpret these figures at face value since they may not provide a true picture in measuring the quality of service to disabled people. For example, a council may have a 'one stop shop' approach to services for disabled people and therefore be providing a focused service for disabled people despite the figures indicating otherwise. There is also some doubt in my mind about how local councils are interpreting the indicators. In the case of Part M Building Regulations, some council consider that applying such measures to existing buildings would be considered onerous and that it may suffice to have parts of a building providing full access.

The DRC in Wales has approached Disability Access groups in Wales to test the validity of these

figures. Some have informed us that the local authorities are performing better than the figures indicate (e.g. Caerphilly). Others tell us the authorities are performing worse (e.g. Ceredigion) whilst others confirm the figures are close to the mark (for example Denbighshire).

Despite the note of caution on interpretation, this provides the DRC with a clear opportunity to make some comparisons together with an opportunity to promote the DDA duties on making reasonable adjustments to 'physical features which comes into effect in October 2004.

Disabled staff

An average of 1.47% of local authority staff in Wales have a declared disability. However there is wide variation ranging from 3.29% in Carmarthenshire and 3.20% in Blaenau Gwent to 0.15% in Pembrokeshire and 0.30% in Monmouth (both expressed doubt about these figures). 5 authorities supplied no answers. Worryingly this included Wales's two largest, Cardiff and Rhondda Cynon Taf (RCT), as well as Newport, Conwy, and Denbighshire

Building suitability

Firstly the number of public buildings varies enormously. The range varies from 22 in Merthyr, Wales's smallest unitary authority to 214 in Swansea. In terms of public service buildings where all public access areas are deemed to be accessible, there is also great variation but only one of the unitaries can claim that 50% plus of their buildings are accessible. Merthyr claim that 18 of their 22 buildings meet this standard; the next best performer is RCT who has 191 buildings of which 91 are deemed to meet the needs of disabled people. Pembrokeshire and Powys have around a third of their buildings meeting this standard. Of the poorest performers, Caerphilly (188 buildings) Carmarthenshire (156) and Gwynedd (152) claim to have no public buildings coming up to scratch. Bridgend, Conwy, Monmouthshire, and Vale of Glamorgan claim also to have no public buildings offering full access to all public areas. No figures were supplied from Denbighshire. So there are 2,203 public authority buildings in Wales excluding Denbighshire of which 264 have accessibility to all public areas.

SEN statements processing

76% of statements without exemption and 55% of those with Code of Practice exemption are processed within 18 weeks. Again there is variation. On statements without exemption, performance ranges from Merthyr, Monmouth, and Torfaen who claim 100% and Denbighshire (12% and Blaenau Gwent (13%) who were the only authorities to fall below 50%. On statements with exemptions the range is between Neath Port Talbot at 95% - the clear leaders to RCT (8%) and Denbighshire (12%). No figures in the former category were received for Ceredigion and none in the latter from Flintshire.

% of statemented children

The figures show that 2.5% of all children in Wales receive SEN statements, the range varies from 4.5%

in Blaenau Gwent to 1% in Bridgend and 1.1% in RCT. In terms of the actual SEN statements issued in the year as per 1000 population, the Wales average was 3%. This represents variation between Anglesey (4.8%) and Powys (4.5) to Blaenau Gwent (1.2%). Interesting that the authority with highest proportion of statemented children issued least statements per 1000 population.

Social services

It is harder to identify statistics here that are specific to disabled people so please note that the facts relayed below probably apply to a wider audience.

- The average cost of intensive social care for adults in Wales was £297 per adult. This ranged from £159 in Vale of Glamorgan with low per person levels in Flintshire and Pembrokeshire, In contrast the cost per adult in Monmouthshire was £626 and in Gwynedd £659. No figures for Denbighshire and Newport
- Intensive home care was offered to an average of 21 as per 1000 older people in Wales. The range here was from 37 in Blaenau Gwent to 3 in Denbighshire. 5 did not reply,
- An average of 61% of older clients in Wales received a review. This ranged from 100% in Anglesey and Newport to 13% in Carmarthenshire. 6 authorities did not provide details.
- 84% of claims for small equipment were complied with within 3 weeks. This ranged from 100% in Anglesey to 51% in Newport. No figures supplied for 3 authorities one of which was Denbighshire once more
- An average of 81% of social services clients in Wales had needs statements. This ranged from 100% in Caerphilly, Newport, Pembrokeshire and Torfaen to 57% in Cardiff and Wrexham. No figures for 3 authorities including Denbighshire
- Adults under the age of 65 helped to live at home as per 1000 adults under 65. The Wales figure was 9.8 with a variation between Blaenau Gwent 37.5 to Flintshire 2.5 and Denbighshire 3.8

Pedestrian crossings

An average of 69% of crossings have facilities for disabled people. The best performing councils are Carmarthenshire and Ceredigion claiming 100%. The worst performers are Conwy by a substantial distance at only 13% - a surprise given the large proportion of older people in the area, many of whom will be disabled people. The next poorer performer is Blaenau Gwent at 43%