

Disability Equality Scheme For The Independent Review Service

December 2009

Foreword

This is the Independent Review Service's second Disability Equality Scheme, which forms an integral part of the organisation's wider diversity and equality framework. It replaces our first Disability Equality Scheme, which we published in December 2006.

The IRS Corporate Plan includes a commitment to respect and accept differences in people and to work together as an organization to build a diverse workforce. As part of this plan the IRS is committed to ensuring disability equality in the service provision to customers and in its responsibility as an employer.

This Disability Equality Scheme sets out the measures already in place and how the IRS intends to build on what it has already achieved. To make sure the IRS meets its duty under disability discrimination legislation to promote equality, key objectives will be delivered throughout the next three-year Disability Equality Action Plan.

Introduction

The Independent Review Service is a small independent statutory body. There is one office in Birmingham with around 100 staff. The IRS provides an independent grievance process, via a review. This is for customers who are dissatisfied with Jobcentre Plus' decisions on applications to the discretionary Social Fund. This part of the Fund provides one-off payments to help customers meet a broad range of expenses in times of particular difficulty. There are three types of payment available from the fund. The first is Community Care Grants that are non repayable. The other two payments, budgeting loans and crisis loans have to be repaid. The IRS serves a diverse customer base which includes some of the most vulnerable people in society. This includes people with mental and physical disabilities. IRS customers come from all areas of Great Britain and most business is carried out through written or telephone contact.

What is a Disability Equality Scheme?

The Disability Discrimination Act 1995 amended by the Disability Discrimination Act 2005, places a statutory General Duty on public authorities to promote disability equality. The 2005 Act provides a robust legislative framework which requires certain public authorities to actively promote disability equality. This means that named public authorities must, in carrying out all their functions, have due regard to the need to:

- Eliminate unlawful discrimination
- Eliminate unlawful harassment
- Promote equality of opportunity between disabled people and other people

- Put in place steps to take account of disabled people's disabilities, even where that involves treating disabled people more favourably than others
- Promote positive attitudes towards disabled people
- Encourage participation by disabled people in public life

The Disability Discrimination Act also imposes a number of specific duties on the Independent Review Service as a scheduled public authority listed in the Disability Discrimination (Public Authorities Statutory Duties) Regulations 2005. These duties are intended to assist in meeting the General Duty, in particular by setting out what should be done to eliminate discrimination and promote equality. The core requirements are:

- The preparation and publication of a Disability Equality Scheme
- Implementation of the Disability Equality Scheme (via an action plan in the scheme)
- Annual reporting

The Independent Review Service's Scheme meets these requirements and contributes toward the aim of promoting equality and ensuring that the needs of disabled customers and employees are met. The Scheme sets out objectives for ensuring disability equality, and the action which will be taken over the next three years to fulfil the general duty and deliver improvements. It also details action taken since the first Disability Equality Scheme document in 2006.

Communicating the Disability Equality Scheme

The IRS recognizes that disability equality could mean different things to different people. It is important to ensure that the Scheme prevents discrimination and promotes equality and that IRS staff has a common understanding about this issue. To help foster greater understanding, a recent Disability Equality Staff Survey gave staff details about the Disability Discrimination Act including a definition of what the Act means by disability. Staff members have also been advised that the Independent Review Service needs to produce a Disability Equality Scheme.

For the purposes of the Disability Discrimination Act someone is classed as disabled if they have a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. A more detailed explanation of what is covered under the Act can be found at **Appendix One**.

Key Objectives

This Scheme sets out the framework within which the Independent Review Service will promote equality for disabled people. It will also prevent discrimination against, disabled people. This applies to users of IRS services, employees and members of the community as a whole. The Scheme also sets out an action planning framework from which standards can be set and focus given to core areas. The following key objectives are intended to support and complement this framework:

Objective 1 – The IRS will implement and monitor the Disability Equality Scheme by:

- Making sure the Disability Scheme is published and put in practice by the required date. The second Disability Scheme will be published and put in place in December 2009.
- Reporting annually
- Within not more than three years, reviewing and making appropriate revisions to the Scheme. The next review will therefore be by December 2012.
- Assigning areas of responsibility
- Publishing the results of assessments and consultations
- Raising staff awareness of the Disability Equality Scheme
- Raising public awareness of the Scheme

Objective 2 – The IRS will work in partnership with disabled people by:

- Enabling disabled people's active participation to promote equality of opportunity for all, including the development of the Disability Equality Scheme
- Consulting with and involving disabled customers and people acting on their behalf on issues affecting them
- Consulting with and involving disabled staff on issues affecting them
- Developing links with disabled people and organisations to help the IRS comply with its duties under the Disability Discrimination Act
- Analysing any feedback to find our priorities for action
- Arranging relevant forums such as training or awareness sessions

Objective 3 – The IRS will promote disability equality by:

- Monitoring the impact of policies on the promotion of Disability Equality
- Continuing to seek a diverse workforce reflecting the general population, including people with disabilities
- Monitoring employment and recruitment
- Removing potential barriers to accessibility, particularly in relation to accessing the social fund, the full range of services provided by the IRS and information about the organization.

- Providing the appropriate support and assistance for disabled people according to their individual needs
- Making people aware of relevant legislation
- Arranging for training and awareness sessions on specific issues relating to disability
- Challenging any discriminatory behaviour against, or harassment of, disabled people whether they are IRS staff, customers or other people.

Current Position

The following section details action already taken and planned initiatives:

Implementing and Monitoring the Disability Equality Scheme

This scheme and the previous scheme have been overseen by a senior manager. Managers and disabled members of staff have been involved in developing these schemes. The Independent Review Service published the first Scheme within the prescribed deadline of 4th December 2006. A full copy of this Scheme was issued to all staff and was also available via the IRS website. Hard copies in different formats were also available on request.

Three years have almost passed since the first Disability Equality Scheme was published. This is the updated version and will be published by 4th December 2009.

Since 2006 any new policies developed have taken into account the likely impact on disability equality. Assessment and consultation on the likely impact of future policies will depend upon the nature of the policy and the relevance, if any, to the promotion of disability equality. Assessments may include use of historical data, existing surveys, or new mechanisms. Any future consultations could include members of staff, trade unions, individual users of the review service, individuals with relevant expertise, and relevant organisations both local and national.

The results of any future assessments and consultations will again be published on the IRS website, and where appropriate in the Social Fund Commissioner's Annual Report.

The IRS will continue to monitor the impact of its policies on the promotion of disability equality. These monitoring processes include:

- Surveys of customers, representatives, and staff
- Disability monitoring of customers and staff
- Monitoring of complaints
- Monitoring of the use of services including language line and translation services

Working in Partnership with Disabled People

The IRS recognises that the involvement of disabled people and staff is critical to the success of this Disability Equality Scheme. The direct involvement of people with disabilities will, therefore, remain a key feature of this and future schemes and any subsequent policies which come into effect

The Social Fund Commissioner regularly meets with a wide variety of individuals and organizations, including those run by and representing people with disabilities. These organizations include:

- Age Concern
- Help the Aged
- MACA
- MIND
- MENCAP
- RNID – Scotland / England / Cymru
- RNIB – Scotland / England / Cymru
- Disability Alliance
- Scottish Association of Mental Health
- Family Fund
- Family Welfare Association
- Butterfly Trust

Business links with the above bodies have led to initiatives such as awareness and training sessions for IRS staff and these will continue. Awareness sessions about Asthma will be held in November and December 2009.

Over the past eight years the IRS has also delivered a series of social fund workshops to outside organizations including those run by and representing people with disabilities. Overall, this work is aimed at raising awareness of customer's entitlement to an independent review and to help IRS staff have a better understanding of issues facing people with disabilities. The IRS will continue to build business links with relevant organizations over the next three years.

The IRS conducts regular staff surveys on disability, the latest of which was held in January 2009. 102 surveys were issued to members of staff and 64 responses were received. 6 staff members stated they had a long term health problem or disability. This equates to 9.37% of the respondents and 5.76% of the total staff employed by the IRS at this time.

We conduct regular customer surveys. We also conduct disability surveys of our customers as part of a wider diversity framework. The last disability customer survey took place in April 2009 and was much more extensive than the previous one. In 2006 the survey only took place for a fortnight. However

in 2009 survey forms were issued for the entire month of April. This meant 2,173 surveys were issued, a considerable increase over the 684 issued in 2006. (As well as being for longer period, IRS workloads have also increased considerably in the last three years).

As before the survey form was issued to all IRS customers and not just to those with known disabilities. It was accepted that able bodied people may have helped or represented people with disabilities and could therefore offer useful feedback on problems or issues affecting disabled people. There are also customers who have significant health problems but who do not consider themselves to be disabled. Survey forms were also issued to people attending internal and external workshops.

The above surveys included an explanation of what is meant by 'disability' under the Disability Discrimination Act, before asking respondents if they considered themselves disabled. The surveys issued to customers and external bodies asked for feedback on people's experiences in dealing with the IRS, how easy it was to contact the IRS and ideas about how existing services could be improved.

179 responses were received to the customer survey. Of these responses 152 or 84.9% considered themselves to have one or more disability. This compared to 78% in 2006. 92% had no difficulties accessing the IRS and a number commented on how easy it was to contact the organisation and how pleased they were with the service provided.

A separate and more detailed report on results from the customer survey can be viewed on the IRS website.

The results of both staff and customer surveys were fed into the development of the previous and current Schemes and the action plan for the next three years including some key priorities, and disabled members of staff have been involved in developing the schemes. These priorities include:

- Monitoring staffing levels and call response times on the Customer Service Team.
- Awareness sessions from organizations, including those run by and representing people with disabilities. This includes greater input from people with first-hand experience of the potential barriers and other difficulties issues facing those with specific disabilities.
- Raising staff awareness of help outside of the social fund that might be available to people with disabilities.
- Continuing to work with outside organisations and Jobcentre Plus to address issues around access to the social fund.
- Re-evaluating internal access arrangements within Centre City Podium and particularly within the IRS accommodation for people with mobility problems. The building has ramps for wheelchairs, and lifts to the IRS accommodation and also disabled toilets within the IRS suite.

Promoting Disability Equality

The Independent Review Service remains committed to building a diverse workforce reflecting the general population including people with disabilities. To help achieve this the IRS will continue to:

- Monitor diversity on a regular basis - this extends to customers, staff and applicants for employment
- Publish policies on diversity and equal opportunities
- Arrange appropriate training and awareness for staff on disability legislation
- Monitor the results of any recruitment or promotion exercises.

The IRS Corporate Plan includes a commitment to provide an open and accessible service and promote easy access for all of our customers. To help achieve this goal we now offer a number of alternative services for people with disabilities, taking account of potential barriers including language, learning, and sight or hearing difficulties. These measures currently include:

- Translation Service
- Mini Com – a number of staff are trained to use this device
- Communication by Mini Com and telephone on a free phone number, and by letter, facsimile, and large print
- A website providing information about the range of services provided by the Independent Review Service and about Social Fund law and procedures.
- Large font on the IRS website
- A translation service into different languages, including Braille, for written communications
- Leaflets in Braille
- Leaflets have been quality assured and approved by the Plain English Campaign and members of staff receive regular feedback and training around use of plain language
- Visitors to the office are asked if they have any special needs or requirements and if so any necessary arrangements are made to accommodate them.

To help make the office environment as safe as possible for disabled people the appropriate support and assistance is provided according to individual needs. For example:

- Reasonable adjustments for staff who have been identified by Occupational Health Services or often when requested by themselves. This has included special chairs, specialised IT equipment, and specialised telephone equipment.
- Reasonable adjustments have been made to job roles and/or working patterns if staff have particular health difficulties or disabilities.

- Making sure staff are aware of colleagues' conditions such as diabetes so that appropriate action can be taken if their colleague is taken ill. The organisation has members of staff who are registered first aiders and a first aid room.
- Centre City Podium has disabled lifts for evacuation purposes; and a 'buddy system' operates – whereby nominated members of staff assist those with particular difficulties in evacuating the building
- The IRS offers disabled toilet facilities.

To help promote positive images of disabled people, and to foster greater understanding of the issues facing them, training in equal opportunities and diversity for members of staff is provided. All such training is evaluated to ensure it remains effective. The IRS will continue to develop and deliver training to enhance understanding and awareness of the requirements of the Disability Discrimination Act.

Following the staff and customer surveys in 2009, all areas relating to disability will continue to be reviewed and up dated. This work will remain a crucial part of the action plan for the next three years up to 2012.

Disability Equality Action Plan

As part of this Scheme the Independent Review Service has a three-year action plan (see Appendix A). This sets out the plans for fulfilling duties under the Disability Discrimination Act. The action plan shows the key tasks, responsibilities, and internal accountability processes. The IRS will be accountable to the public for progress in the implementation of the plan on an annual basis, on the website, and where appropriate in the Annual report.

Comments on the Scheme

The IRS welcomes comments on the Disability Equality Scheme from service users, members of staff, and other interested parties. In particular feedback and ideas from people with disabilities would be welcomed. The Scheme will be reviewed in the light of any comments received. Comments may be directed to:

The Office Manager
 Independent Review Service
 4th Floor
 Centre City Podium
 5 Hill Street
 Birmingham
 B5 4UB

Facsimile: 0121 606 2180
 e-mail: pga@irs-review.org.

Disability Equality Action Plan 2009-2012

| 1. Making sure the Disability Equality Scheme remains in practice | | | |
|---|---|--|--|
| Purpose: To ensure compliance with general and specific duties under the Disability Discrimination Act | | | |
| Key Task | Responsibility | Timescale | Accountability |
| Publish the Disability Equality Scheme by the required date | Training Manager Resources Manager | Publish Scheme no later than 4 December 2009 | Social Fund Commissioner's Annual Report Management Team Reports |
| Report annually | Training Manager Resources Manager | By 4 December 2010 and annually thereafter | Management Team Reports IRS Website |
| Within three years, review and make any appropriate revisions to the Scheme | Management Team Training Manager Resources Manager | By 4 December 2012 | Social Fund Commissioner's Annual Report Management Team Reports |
| Publish the results of any assessments or consultations | Training Manager Resources Manager | Ongoing | Management Team Reports IRS Website |
| Raise awareness of Disability Equality Scheme and relevant legislation | Training Manager Resources Manager Business Team | Ongoing | Social Fund Commissioner's Annual Report Management Team Reports |

2. Working in partnership with disabled people

Purpose: To enable disabled people's active participation in IRS's duty to promote equality of opportunity for all, including the development of the Disability Equality Scheme

| Key Task | Responsibility | Timescale | Accountability |
|--|--|------------------|--|
| Consult with and actively involve disabled people and people acting on their behalf on issues affecting them | Senior Manager Resources Manager | Ongoing | Social Fund Commissioner's Annual Report Disability Equality Scheme reports and reviews Management Team Reports |
| Develop stronger links with individuals and organizations to help the IRS comply with its duties under the Disability Discrimination Act | Office Manager Training Manager Resources Manager Business Team Manager | Ongoing | Social Fund Commissioner's Annual Report Disability Equality Scheme reports and reviews Management Team Reports |
| Analyse any feedback to distil priorities for action | Training Manager Resources Manager Research and Development Team | Ongoing | Disability Equality Scheme reports and reviews Management Team Reports |
| Arrange relevant forums such as training or awareness sessions | Resources Manager Training Manager Business Team | Ongoing | Social Fund Commissioner's Annual Report Disability Equality Scheme reports and reviews Management Team Reports |

3. Promoting Disability Equality

Purpose: To ensure compliance with the IRS's duty to promote equality of opportunity for all by ensuring that disability equality is mainstreamed into the policies and business functions (this overarching objective also encompasses all key tasks from objectives 1 and 2).

| Key Task | Responsibility | Timescale | Accountability |
|--|--|---|--|
| Monitor the Impact of policies on the promotion of Disability Equality | Training Manager Resources Manager | Ongoing | Disability Equality Scheme reports and reviews Management Team Reports |
| Explore the possibility of more frequent disability monitoring of our customers in conjunction with our ethnic monitoring process; and then introduce more frequent monitoring | Equality Scheme Expert | End of September 2010 End of January 2011 | Disability Equality Scheme reports Management Team Reports |
| Continue to seek a diverse workforce reflecting the general population, including people with disabilities | Resources Manager | Ongoing | Disability Equality Scheme reports and reviews Management Team Reports |
| Monitor employment, and recruitment in terms of diversity | Resources Manager | Ongoing | Disability Equality Scheme reports and reviews Management Team Reports |

| 3. Promoting Disability Equality Continued.... | | | |
|--|---|--|--|
| Key Task | Responsibility | Timescale | Accountability |
| Put in place appropriate measures for monitoring disability in relation to applications from staff for training and promotion. | Training Manager Resources Manager | 31 March 2010 | Disability Equality Scheme Reports Management Team Reports |
| Review recruitment procedures to ensure that we encourage applications from a broad range of the population | Senior Manager Resources Manager | Within 6 months of any recruitment or promotion exercise | Disability Equality Scheme reports and reviews Management Team Reports |
| Provide the appropriate support and assistance for disabled people according to their individual needs | Human Resources All Managers | Ongoing | Disability Equality Scheme reports and reviews Management Team Reports |
| Remove potential barriers to accessibility particularly in relation to accessing the social fund, our full range of services and information, inviting input from disabled people/organisations for the disabled as to how our services could be made more accessible. | Senior Manager Resources Manager Business Team Customer Service Team | Ongoing | Disability Equality Scheme reports and reviews Management Team Reports |

3. Promoting Disability Equality Continued....

| Key Task | Responsibility | Timescale | Accountability |
|--|--|--|---|
| Develop a plan for contacting organisations who deal with the disabled and inviting input via a questionnaire | Equality Scheme Expert | End of September 2011 | Disability Equality Scheme Reports and reviews Management Team Reports |
| Make the environment as safe as possible for disabled people | Senior Manager Resources Manager | Ongoing | Disability Equality Scheme reports and reviews Management Team Reports |
| Replace the Mini Com phone system with a Text Phone and give appropriate training in the use of the text phone. | Senior Manager Resources Manager Training Manager Customer Service Team | Purchased system by 31 March 2010 Training delivered after purchase | Disability Equality Scheme Reports |
| Explore whether there are other appropriate formats for sending confidential information to those with visual impairment. | Senior Manager for IT Equality Scheme Expert | March 2011 | Disability Equality Scheme Reports |
| Review the accessibility of material placed on the IRS website | IT Team | March 2012 | Disability Equality Scheme Reports |
| Evaluate and review our provision of the following services : <ul style="list-style-type: none"> • Translation of documents • Braille service • Language line service | Finance Manager | 31 December 2009 | |

| 3. Promoting Disability Equality Continued.... | | | |
|---|--|------------------|---|
| Key Task | Responsibility | Timescale | Accountability |
| Make sure staff are aware of disabled visitors at the IRS so that assistance can be given in the event of a fire or other emergency | Visitor inviters Resources Manager Training Manager | Ongoing | Disability Equality Scheme reports and reviews Management Team Reports |
| Draft new arrangements for the evacuation of disabled visitors during an emergency or review existing evacuation procedures | Resources Manager | By 1 April 2010 | Disability Equality Team reports Management Team Reports |
| Arrange for training and awareness sessions on specific issues relating to disability | Training Manager Resources Manager | Ongoing | Disability Equality Scheme reports and reviews Management Team Reports |
| Explore the possibility of developing an IRS led equality training course for staff, rather than using external providers | Training Manager | 4 December 2010 | |
| Challenge any discriminating behaviour against, or harassment of, disabled people | Human Resources All Managers | Ongoing | Disability Equality Scheme reports and reviews Management Team Reports |

Disability under the Disability Discrimination Act (DDA)

The Disability Discrimination Act defines disability 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’.

Nature 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. Examples of an impairment having a ‘substantial adverse effect’ might include one or more of the following:

- persistent inability to remember the names of familiar people such as family or friends;
- difficulty in going up or down stairs or steps;
- inability to use one or more forms of public transport;
- inability to handle a knife and fork at the same time;
- inability to ask specific questions to clarify instructions;
- inability to write a cheque without assistance;
- inability to hold a normal conversation with someone talking in a normal voice in a moderately noisy environment;
- inability to read ordinary newsprint.

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

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

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.

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.

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
 - tendency to set fires.
 - tendency to steal.
 - tendency to physical or sexual abuse of others.
 - exhibitionism
 - voyeurism
-