

TRUST POLICY

In the case of hard copies of this policy the content can only be assured to be accurate on the date of issue marked on the document.

The Policy framework requires that the policy is fully reviewed on the date shown, but it is also possible that significant changes may have occurred in the meantime.

The most up to date policy will always be available on the Intranet Policy web site and staff are reminded that assurance that the most up to date policy is being used can only be achieved by reference to the Policy web site.

24 March 2010

DISABILITY EQUALITY SCHEME

Keywords: Disability Equality Duty, Action Plan

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Date of Issue... January 2010

Review Date... January 2013

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DISABILITY EQUALITY SCHEME

1. INTRODUCTION

The race, disability and gender duties are known as public sector duties. They are statutory duties, meaning that they are legally enforceable. All public bodies that are subject to the duties are legally obliged to pay 'due regard' to the need to take action on race, disability and gender equality.

This means that the weight given, in this instance, to disability equality, needs to be in proportion to its relevance. In practice this means that in order to meet its duties, the Trust will need to prioritise action to address the most significant areas of disability inequality within its remit and to focus efforts where they can have most impact.

In July 2008 the Government announced plans to introduce a new equality duty. This will cover all seven equality strands, namely race, disability, gender, gender identity, religion/belief, age, and sexual orientation. The duty will not come into force until 2011 so it is important that the Trust continues to meet its legal obligations under the disability duties until this time.

2. PURPOSE

The purpose of the Disability Equality Scheme is to help remove barriers for all disabled people. This includes people who might not automatically identify themselves as disabled, but who nevertheless face discrimination in their everyday life because of society's inability or unwillingness to include them.

The Trust is committed to ensuring disability equality in its service provision and its responsibility as an employer. This Disability Equality Scheme sets out how we intend to reinforce this commitment.

3. ROLES AND RESPONSIBILITIES

The Trust has overall responsibility for the Disability Equality Scheme.

The Chief Executive and Directors are responsible for ensuring that the Scheme is put into action across the Trust.

Board Members, employees, managers of the Trust and our stakeholders all have a role to play in helping us to meet our duty to promote equality for disabled people. This will include taking necessary action to report any issues/concerns to the Single Equality Scheme Committee.

4. DEFINITION

The Disability Discrimination Act 2005 makes it unlawful to discriminate against disabled people with regard to employment, access to goods and services, education and transport.

Disability is legally defined 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.

Discrimination, in this context, is the less favourable treatment because of, or for a reason related to, a person's disability or a failure to make a reasonable adjustment. Even if the discrimination, harassment or victimisation is unintentional it will still be illegal.

5. THE DISABILITY EQUALITY DUTY

The Act introduces the Disability Equality Duty, which is aimed at promoting disability equality across public sector organisations.

The Disability Equality Duty (DED), also referred to as the 'General Duty', sets out the standards that public sector organisations must adhere to when making decisions and carrying out their functions.

This includes having due regard for the need to:

- Promote equality of opportunity between disabled people and other people
- Eliminate discrimination that is unlawful under the Act
- Eliminate harassment of disabled people that is related to their disability
- Promote positive attitudes towards disabled people
- Encourage participation by disabled people in public life
- Take steps to meet disabled people's needs, even if this requires more favourable treatment

The Equality and Human Rights Commission [EHRC] is responsible for enforcing the Duty and can take legal action against the Trust should it fail to carry out its responsibilities through the issue of compliance notices or through judicial review.

The Act also gives the Secretary of State the power to introduce regulations setting out more specific duties which may assist public organisations in meeting their General Duty. All public authorities must comply with the requirement to:

- Provide information about how disabled people have been involved in scheme development
- Undertake impact assessments
- Develop an action plan setting out the steps it will take to meet its duties
- Establish arrangements for gathering information on the effect of the Trust's policies and practices on disabled people
- Establishing arrangements for using this information, including reviewing the effectiveness of the action plan and preparing subsequent disability equality schemes

6. SCHEME MANAGEMENT

Gloucestershire Hospitals NHS Foundation Trust has an established Single Equality Scheme Committee to oversee and continuously review its Disability Equality Action Plan.

The membership of this Committee is:

Director of HR & OD [Chair]
Associate Director Workforce & OD
Gloucestershire Disability Forum Representative
Recruitment Manager
Head of Patient Experience
Staff Side Chair
Occupational Health Physician
Employee Representation

The Committee's responsibilities shall be to develop, maintain and oversee a contemporary Disability Equality Scheme Action Plan [see Appendix c]

The Committee will meet bi-monthly to review progress against the Plan. The Committee will report to, and provide an Annual Report to the Trust Board.

7. INVOLVING PEOPLE WITH DISABILITIES

In order to maintain an effective scheme it is essential that the Gloucestershire Disability Forum remain central to the maintenance and development of a contemporary and fully compliant Scheme. The GDF Representative shall be a member of and adviser to the Disability Equality Scheme Committee.

Table 4.1 identifies the UK and Gloucestershire population, combined with the estimated percentage of the population that have rights under the Disability Discrimination Act. This information is based on the 2001 National Population Census.

Table 4.1

UK Population	58,789,194
Disability/limiting long-term illness In UK	10,855,853 18.4%
Gloucestershire population	572,800 9.7%
Disability/limiting long-term illness In Gloucestershire	106,000 18.5%
Mobility impairment in the UK	7,000,000 11.9%
Mobility impairment in Gloucestershire	68,736 12%

8. POLICY DEVELOPMENT

The Single Equality Scheme Committee will oversee the development and assessment of policies relevant to Disability Equality.

Furthermore, this committee will establish arrangements for gathering information on the effects of its policies and procedures on disabled persons and in particular the effect on recruitment, development, and retention of disabled employees.

9. DISCLOSURES IN THE PUBLIC INTEREST

NHS Foundation Trusts are public benefit corporations. It is considered to be best practice to report public interest disclosures on the Trusts activities and policies in certain areas, including the Trust's policies in relation to disabled employees and equal opportunities. The responsible officer in this case is the Deputy CEO.

It is the Trusts commitment to publish annually relevant employment statistics concerned with disability as follows:

- Monitor (Regulatory Body)
- Trust Internet
- Trust Board

10. DISABILITY EQUALITY SCHEME ACTION PLAN

A three-year rolling action plan [see Appendix c] has been designed to help meet the needs of people with disability within the provisions of the Disability Discrimination Act. The Disability Equality Scheme Committee will be responsible for the management of this plan.

Each aspect of the plan has undergone a risk assessment in relation to any potential adverse impact, injury or legal claim using the Trust's standard risk evaluation methodology.

11. TRAINING

The Trust will make the following training provisions:

- New staff will be made aware of the scheme during induction programmes.
- Information about this scheme and other equality schemes will be provided to existing staff and managers through the Trust intranet, staff newsletter and Team Brief.

12. DISSEMINATION

Whilst it is the intention to publish the Disability Equality Scheme on the Trust website, it is recognised that not all people have access or would be able to use this method to get information. Information will therefore be provided in a range of formats and languages upon request. Information relating to this scheme will also be published in the Staff newsletter, and through the Trust intranet.

13. MONITORING COMPLIANCE

The operation of this scheme will be monitored quarterly by the Human Resources Department in conjunction with the Single Equality Scheme Committee who will report and review annually on progress of the Disability Equality Scheme and action plan. It is intended that the Disability Equality outcomes will be included in an encompassing Single Equality Scheme in the future. If anyone has any concerns regarding any aspect of the scheme they should raise this initially with the Associate Director of Workforce and Organisational Development.

14. REVIEW

This Disability Equality Scheme will undergo continuous review with the next formal review scheduled to take place in January 2013.

Trust Vision and Aspirations

Detailed below are five principles which summarise the Trust's vision and aspirations in relation to disability equality:

- To build and safeguard fair, open and compassionate healthcare for the Gloucestershire community and surrounding areas
- To provide a high quality service which is effective, efficient and responsive to the needs of the people we serve
- Challenge all prejudice and discrimination
- Improve the quality of life for staff, patients and service users
- Strengthen public involvement through freedom of information and the PALS and PPI Fora

Each aspect of the plan will be developed and managed according to these principles.

Supporting Legislation

The legislative framework for implementing the Disability Equality Duty includes the following:

- The Disability Discrimination (Meaning of Disability) Regulations 1996
- Disability Rights Commission Act 1999
- The Disability Discrimination (Blind and Partially Sighted Persons) Regulations 2003
- The Disability Discrimination Act 1995 (Amendment) Regulations 2003
- The Disability Discrimination Act 2005
- Human Rights Act 1998

Appendix 3

Action Plan 2010 – 2013 (subject to review)

Objective	Action	Lead	Timescale
1. Emergency assistance call facilities in accessible WC's	The Trust will install emergency call facilities within all its accessible WC's.	Director of Property and Medical Engineering	April 2011
2. Car Parking for temporarily disabled people	The Trust will initiate a procedure to issue temporary accessible car parking permits to those deemed disabled by a condition requiring regular attendance across GHNHSFT sites.	Director of Corporate Governance and Facilities	April 2011
3. Sufficient accessible parking spaces	The Trust will provide reasonable accessible parking spaces in line with BS8300. (Provision of designated parking spaces BS8300 4.1.2) Unauthorised use of disabled parking spaces will incur a penalty	Director of Property and Medical Engineering, with the support of the Green TIG	April 2011
4. Personal Emergency Egress Plans (PEEP)	a) The Trust will incorporate Personal Emergency Egress Plans for disabled people into its existing evacuation plans. b) The Trust will display the plans within the reception areas of all its Outpatient Departments	Director of Nursing . Director of Property and Medical Engineering	April 2012
5. Visual fire indicators in accessible WC's	The Trust will install fire indicators in all its accessible WC's accompanied by a clearly displayed label explaining its purpose.	Director of Property and Medical Engineering	April 2012
6. Building Access / Egress Points	To ensure that all key access and egress points meet with legal requirements	Director of Property and Medical Engineering	April 2011
7. Automated Telephone System	The Trust will implement modifications which will clearly inform callers that by staying on the line, they will be directed to an operator without the use of the speech recognition system	Countywide Director of IT Services	April 2011
8. Staff Disability Equality Training	Staff training will be targeted according to assessed need	Associate Director of L & D	April 2011
9. Improving patient experience for those with learning disabilities	Continue to audit regularly in order to monitor sustained improvement	Learning Disabilities Group	Ongoing
10. Patient Information	All service user information produced by the Trust will have completed an EIA	Head of Patient Experience / Designated PPI Co-Ordinator and Patient Information Officer	Ongoing
11. Assistance for Disabled Users	a) The Trust will ensure that reception staff / volunteers are available for disabled patients that require assistance b) Disabled patients will be contacted prior to their appointments to establish whether they have any specific requirements once they arrive at hospital.	Head of Patient Experience	Ongoing
12. Lighting	The Trust will make regular checks to ensure that lighting throughout the Trust is appropriate.	Director of Property and Medical Engineering	Ongoing
13. Wayfinding	The Trust will implement an acceptable and consistent style of signage throughout the Trust	Director of Property and Medical Engineering	April 2011
14. Monitoring in relation to staff	The Trust will implement a comprehensive monitoring system and report back to the Board to ensure that the Capability, Disciplinary, Grievance and Dignity at Work Policies are monitored in relation to disabled employees.	Executive Director of HR & OD	Ongoing / Annually

TRUST POLICIES

Authorisation Form

DOCUMENT: DEPARTMENT/DIVISION – DISABILITY EQUALITY SCHEME

Authorisation	Name and Position	Date Approved
Responsible Author	Mike Seeley	January 2010
Policy Sponsor	Dave Smith	January 2010
Policy Assurers		

Consideration at authorised groups (e.g. Board, Board sub committees, Policy Group, Clinical Policies Sub Group, Departmental meetings etc.)

Name of Group	Minute Details	Date considered

EQUALITY IMPACT – DISABILITY EQUALITY SCHEME

INITIAL SCREENING

<p>1. Lead Name : Mike Seeley Job Title : Associate Director of HR</p>																															
<p>2. Is this a new or existing policy, service strategy, procedure or function?</p> <p style="text-align: center;">New Existing <input checked="" type="checkbox"/></p>																															
<p>3. Who is the policy/service strategy, procedure or function aimed at?</p> <p>Patients <input checked="" type="checkbox"/> Carers <input checked="" type="checkbox"/> Staff <input checked="" type="checkbox"/> Visitors <input checked="" type="checkbox"/></p> <p>Any other <input type="checkbox"/> Please specify:</p>																															
<p>4. Are any of the following groups adversely affected by this policy: If yes is this high, medium or low impact (see attached notes):</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Disabled people:</td> <td style="width: 10%;">No</td> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 10%;">Yes</td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Race, ethnicity & nationality:</td> <td>No</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Yes</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Male/Female/transgender:</td> <td>No</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Yes</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Age, young or older people:</td> <td>No</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Yes</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Sexual orientation:</td> <td>No</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Yes</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Religion, belief & faith:</td> <td>No</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Yes</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> <p>If the answer is yes to any of these proceed to full assessment. If the answer is no to all categories, the assessment is now complete.</p>		Disabled people:	No	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	Race, ethnicity & nationality:	No	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	Male/Female/transgender:	No	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	Age, young or older people:	No	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	Sexual orientation:	No	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	Religion, belief & faith:	No	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>
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<p>Date of assessment: Jan 2010</p> <p>Signature:</p> <p>Director: Dave Smith</p>	<p>Completed by: Mike Seeley</p> <p>Job title: Associate Director of HR</p> <p>Signature:</p>																														

This EIA will be published on the Trust website. A completed EIA must accompany a new policy or a reviewed policy when it is confirmed by the relevant Trust Committee, Divisional Board, Trust Director or Trust Board. Executive Directors are responsible for ensuring that EIA's are completed in accordance with this procedure.