

THE DISABILITY ACT 2005

FRAMEWORK FOR THE PREPARATION OF AN IMPLEMENTATION PLAN IN DONEGAL LOCAL AUTHORITIES

1. Introduction

The Disability Act 2005 (the Act) is a positive action measure, which provides a statutory basis for making public services accessible for persons with disabilities. The term disability for the purposes of sections 26,27 and 28 of the Act is defined in section 2 of the Act, i.e. “in relation to a person, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment”.

Part 3 of the Act places significant responsibilities on public bodies to make their services accessible to people with disabilities, viz.

- Under section 26 public bodies are required, to ensure that their services are accessible for peoples with disabilities by providing integrated access to mainstream services where practicable and appropriate.
- Under section 27 public bodies are required to ensure that the goods or services that they purchase are accessible, unless it would not be practicable or justifiable on cost grounds or would result in an unreasonable delay.
- Under section 28, following a request, communications by a public body to a person with a hearing or visual impairment must, as far as practicable, be provided in an accessible format. Information provided electronically must, as far as practicable, be compatible with adaptive technology. Published information, relevant to persons with intellectual disabilities must, also be as far as practicable made available in easy to read formats.

The code is relevant to a service which comes within the definition of services in section 2 of the Act. It covers a wide range of services and facilities provided by public bodies that are available to the public generally or a particular section of the public. This includes:

- (a) The use of any place or amenity owned, managed or controlled by a public body.
- (b) The provision of information or an information resource or a scheme or an allowance or other benefit administered by a public body.

- (c) Any cultural or heritage services provided by such a body.

Addressing accessibility issues

To ensure services are accessible it is important to be aware of the obstacles encountered by persons with physical, sensory or intellectual impairments. Their needs will vary and will inform the kind of action that is appropriate and can be delivered where practicable.

Obstacles to accessibility for people with disabilities encompass a broad range of both tangible and intangible elements including, for example:

- Communication, where presented in inaccessible formats.
- Lack of awareness of the needs of people with disabilities.
- The physical environment, e.g. design, layout, signage, lighting etc.
- Service design e.g. where systems, procedures and practices can present obstacles.

Information and services can be facilitated by adopting a proactive and consultative approach to information and service design and delivery.

Preparing an Implementation Plan for the Disability Act 2005 in Donegal Local Authorities

1. A Strategy Group with representation from each Directorate in the Council, from groups or individuals representing people with disabilities and from the elected members will be established. The role of the Group will include:

- (1) The preparation of a framework for the implementation of the Disability Act in Donegal Local Authorities.
- (2) Overseeing the disbursement of funding to the areas identified as a priority in the implementation plan including the optimal spending of allocations from the DEHLG in areas which will have the greatest impact.
- (3) Enhancing the awareness of the issues both within the staff of Donegal Local Authorities and the public generally.
- (4) Ensuring that procedures are in place to comprehensively review and monitor compliance with all aspects of the legislation.
- (5) Reporting at regular intervals on progress with the implementation of the plan.

2. The following are the principal areas that have been identified for action under the draft framework.

1. Appointment of Disability Access/Liaison Officer.
2. Ensuring a high level of awareness among all staff in relation to the requirements of persons with disabilities.
3. Auditing the accessibility of its public buildings and places/facilities/amenities and identify necessary remedial action.
4. Improving the accessibility of roads, streets and footpaths, of libraries, and of public parks, open spaces and amenities.
5. Reflecting the needs of people with disabilities in its housing strategies, programmes and grants systems.
6. Reviewing the target of 3% for the employment of people with disabilities.
7. Ensuring information will be available in an accessible format.

2.1 Appointment of Disability Access/Liaison Officer

1. Appoint Access Officer who will have responsibility for providing and arranging the co-ordination of the assistance necessary to facilitate persons with disabilities to access services.
2. This officer will also be authorised to act as Inquiry/Liaison Officer.
3. The name of the officer selected to carry out the role will be published and contact details will be provided, together with details of access to the officer.
4. The officer will be responsible for dealing with public relations including the promotion of this Plan, monitoring and reviewing progress with its implementation and dealing with enquiries/complaints.

2.2 Ensuring a high level of awareness among all staff in relation to the requirements of persons with disabilities.

- 2.1 Donegal Local Authorities will arrange disability awareness training for the Senior Management Team, Divisional Managers as a priority and other relevant staff with responsibility for the implementation of the Plan e.g. Technical Design staff, Building Control staff and staff who deal directly with customers and citizens.
- 2.2 A summary of the Plan will be provided to every member of staff, the elected members, and groups representing people with disabilities.
- 2.3 The Plan will be published on the Council's Website.

2.3 Auditing the accessibility of its public buildings and places/facilities/amenities and identify necessary remedial action.

- 3.1 Donegal Local Authorities will carry out an accessibility audit of all public buildings, parks, amenities, roads, pavements, pedestrian crossings, public libraries within its control and identify what remedial action is necessary to make these buildings etc, accessible for people with disabilities. The overall objective is to promote universal access to all public spaces, buildings and services owned and operated by Donegal Local Authorities at the earliest possible date.
- 3.2 The accessibility audit will also cover access to information.

2.4 Improving the accessibility of roads, streets and footpaths, of libraries, and of public parks, open spaces and amenities.

- 4.1 The overall objective is to ensure that roads, streets and footpaths are as far as practicable, accessible to and usable by persons with disabilities. The needs of persons with disabilities are now specifically catered for in the design and construction of non-national roads, streets and footpaths. When planning and executing roadworks particularly the planning and designing of pedestrian facilities, Donegal Local Authorities will pay particular attention to the needs of the mobility impaired, including the visually impaired.
- 4.2 Existing facilities will be covered by the accessibility audit referred to at 3.1 above.

2.5 Reflecting the needs of people with disabilities in its housing strategies, programmes and grants systems.

- 5.1 The overall objective of Housing Policy is to enable every household to have an affordable dwelling of good quality, suited to its needs, as far as possible, at the tenure of its choice. Donegal Local Authorities will continue, as part of the statutory assessment of housing needs, to identify those whose needs arise directly from disability. The letting of houses to tenants in accordance with the scheme of letting priorities, will ensure as far as practicable, that persons with disabilities are given appropriate recognition. The design and construction of new houses allocated to persons with disabilities will continue to take into account the specific needs of the individuals concerned. Social and affordable housing programmes will continue to support the voluntary and co-operative housing sector including those designed to meet the needs of persons with disabilities.
- 5.2 A disabled persons new house grant is available to assist individuals to adapt a new house to meet the needs of a person with a disability.

- 5.3 The Disabled Persons Grant Scheme will continue to provide assistance for adaption works to make a house more suitable for the accommodation of a person with a disability. Average spend per annum is projected at X. Resources will be prioritised having regard to medical and financial factors.
- 5.4 Part M of the Building Regulation obliges that all new buildings are built to a standard that ensures access for people with disabilities. Compliance with the requirements of the Regulations will continue to be monitored closely. The proposed introduction of the Disability Access Certificate requiring the design of new non-domestic buildings to be certified as compliant with Part M of the Building Regulations before work commences will result in an improvement in building standards also. The NDA "Building for Everyone" 2002 will be consulted to achieve improvements in the quality and standard of our design procedures.

2.6 Reviewing progress in relation to the 3% target for the employment of people with disabilities.

- 6.1 Donegal Local Authorities will continually review the 3% minimum target for the employment of people with disabilities. Although people with disabilities can apply for positions through open competitions, special designated competition will be held for the recruitment of people with disabilities. The competition will be conducted in accordance with the code of practice for the employment of people with disabilities.

2.7 Ensuring information will be available in an accessible format.

- 7.1 Review arrangements for providing information to the public to ensure that, as far as practicable, communications are provided in a form that is accessible to those with visual or aural impairments.
- 7.2 Review arrangements for providing information that is relevant to persons with intellectual disabilities to ensure that, as far as practicable, it is provided in a clear language that is easily understood to those persons.
- 7.3 Review accessibility of Websites and the provision of adaptive technologies.
- 7.4 Establish reasonable timeframes within which the public can expect to receive the information sought.

