

## **KIDWELLY TOWN COUNCIL DISABILITY POLICY**

Kidwelly Town Council (“the Town Council”) is committed to working towards the elimination of discrimination against disabled people.

### **1: Supporting the Social Model of Disability**

The Town Council rejects the medical model of disability, which focuses on people's disabilities, impairments and any ill-health they may experience and believes the correct approach to disability and disability rights is the social model of disability.

The social model values what disabled people can achieve and it does not judge people by their disability. Instead, it views society as placing barriers in front of disabled people, preventing them from realising their full potential.

### **2: UNCRPD definition of Disability**

The Town Council accordingly adopts, supports and will apply the definition of disability as set out in the UNCRPD, namely;

“Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”

### **3: Equality Act 2010 – New Duties**

The Town Council notes, the Disability Discrimination Acts of 1995 and 2005 were updated by the Equality Act 2010, which extended the protection of people with disabilities, including;

- Extending the scope of discrimination by perception and association – which helps protect carers.
- Extending protection in relation to mental illness – so that people with a history of mental illness are now protected during times when they are not experiencing ill-health.

- Extending the public sector duty to advance equality to include disability.

#### **4: Public Sector Equality Duty**

The Council further acknowledges and notes and will implement the public sector Equality Duty, which imposes an obligation on the Council in the exercise of its functions to have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;
- (b) advance equality of opportunity for disabled people;
- (c) foster good relations between disabled people and those who are not disabled.

#### **5: Legal Definitions of the Forms of Discrimination**

The Town Council is committed to the elimination of discrimination of disabled people, removal of barriers to participation in society and to providing reasonable accommodation to facilitate such participation.

In respect of disabled people the Town Council notes that the Equality Act 2010 law renders unlawful six forms of discrimination. These are defined as:

##### *Direct Discrimination:*

A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

##### *Discrimination arising out of disability*

A person (A) discriminates against a disabled person (B) if—

- (a) A treats B unfavourably because of something arising in consequence of B's disability, and

(b) A cannot show that the treatment is a proportionate means of achieving a legitimate aim.

### *Indirect Discrimination*

A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.

a provision, criterion or practice is discriminatory in relation to a relevant protected characteristic of B's if—

- (a) A applies, or would apply, it to persons with whom B does not share the characteristic,
- (b) it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it,
- (c) it puts, or would put, B at that disadvantage, and
- (d) A cannot show it to be a proportionate means of achieving a legitimate aim.

### *Failure to Comply with the Duty to Make Reasonable Adjustments*

The legal duty to make reasonable adjustments comprises the following three requirements:

The first requirement is a requirement, where a provision, criterion or practice of A's puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

The second requirement is a requirement, where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage.

The third requirement is a requirement, where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the auxiliary aid.

### *Harassment*

A person (A) harasses another (B) if A engages in unwanted conduct related to a relevant protected characteristic, and (b) the conduct has the purpose or effect of—

- (i) violating B's dignity, or
- (ii) (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

### *Victimisation*

A person (A) victimises another person (B) if A subjects B to a detriment because—  
(a) B does a protected act, or (b) A believes that B has done, or may do, a protected act.

Each of the following is a protected act— (a) bringing proceedings under this Act; (b) giving evidence or information in connection with proceedings under this Act; (c) doing any other thing for the purposes of or in connection with this Act; (d) making an allegation (whether or not express) that A or another person has contravened this Act.

## **6: Kidwelly Town Council's Commitment**

The Town Council commits to working to ensure that here in Kidwelly; disabled people enjoy the same opportunities as people who are not disabled.

The Town Council will, in its decision making and service delivery seek to advance equality of opportunity for disabled people. This will include working to improve access to our services for disabled people and their carers, seeking to avoid and challenge stereotypes about disabled people and making reasonable accommodation and adjustments in our service delivery and employment.

## **7: Review**

This Policy and its implementation will be reviewed annually at the Town Council's Policy and Strategy Committee.

adopted this on the 3<sup>rd</sup> day of October 2017.