

A Guide to the Report from the Joint Committee on the Draft Disability Discrimination Bill



House of Lords and House of Commons

Credits

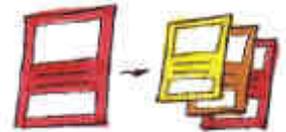
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This easyread version of the report was commissioned by the Joint Committee on the draft Disability Discrimination Bill and is published on behalf of the Committee.

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Chapter 1: Introduction

What is the draft Disability Discrimination Bill and where does it fit in with the laws we already have?



The Bill will protect disabled people from being treated less fairly than other people. At the moment, there are nearly 10 million disabled people in Great Britain.



A bill does not become a law until it has all been agreed by Parliament. It is then called an Act.



The Bill, if it becomes law, will be added to law we already have about treating disabled people fairly. This is called the Disability Discrimination Act, which we will call the DDA in this booklet.



The DDA has five main parts:



1. What does disabled mean?

2. Jobs and work.



3. Places and people that offer a service or sell things.

4. Education, school, college and training.



5. Transport.

Much of the DDA is already in force. Some parts of it will come into force from October 2004. For example, places that offer a service or where people work will have to be made more accessible.



What is the Joint Parliamentary Committee on the draft Disability Discrimination Bill?

A Joint Committee is a group of people from both the House of Commons and the House of Lords. This Committee had six members from each House.



The Committee's job is to look at and check the draft.



They asked the public and other people what they thought of it. A lot of people made comments on the draft Bill and talked to the Committee.



The Committee then wrote a report about what they think about the draft Disability Discrimination Bill and what they think should be changed.



In this easyread version, each chapter is about a different part of the draft Disability Discrimination Bill.



In each chapter we tell you

- what the law says at the moment
- what the draft Bill says
- what the Committee report says



What do the Committee think about the Bill?

- Most people think the Bill is a good idea.
- It is important for the Bill to be brought in quickly.
- They were not given long enough to look at the draft Bill.
- An easyread version should have been ready at the same time as the draft Bill.
- The name should be changed to the Disability Anti-Discrimination Bill to give the message that the Bill will fight discrimination against disabled people.



Chapter 2: Who should be protected? □



Being disabled: what the law says □

It is important for the Bill to be clear about □
who is and who is not disabled in the eyes of the law. Some disabled people who went to court □
lost because they were not seen as disabled by □
the law. □



One way of talking about disability is to look at □
the barriers that people come across rather □
than at disability as a medical problem. □



At the moment: □

The DDA says that a person is disabled if they □
have a difficulty which has a big effect over a □
long time on the way they do normal, everyday □
things. □



In the DDA there is a list of normal everyday □
things. A person has to find it hard to do one of □
these things: □



a) moving about □



b) using your hands □



c) moving different parts of the body at the □
same time □



d) being able to control when you go to the toilet

e) lifting and carrying everyday things

f) speaking, hearing and seeing

g) being able to remember, to concentrate, to learn and understand

h) understanding and seeing danger



The Committee Report says:

The list does not cover all the people it was meant to, like people with mental illnesses.

These everyday things should be added to the list:

- Being able to look after yourself



- Being able to communicate with other People



- Being able to understand what is real and what is not





At the moment:□

Even though the DDA does look at some of the□ barriers that people face, it often looks more at the person's difficulty.□



The Committee Report says:□

The Bill should look as much as possible at the□ problems that people have to face, rather than□ the type or level of difficulty they have.□



The DRC (Disability Rights Commission) should□ look at the DDA and see how it could be□ changed so that:□



- people are protected from being less fairly□ treated because they have (or somebody□ thinks they have) a disability□
- barriers which people face can be taken□ away.□



Who the law covers

Illnesses



At the moment:

People who have a 'progressive condition' (an illness which gets worse) are not seen as being disabled until it has an effect on the way they do everyday things.



The Draft Bill says:

People who have HIV, cancer and multiple sclerosis should be covered by the law from the time a doctor says that they have the illness.



They should be covered even if they do not feel unwell or do not find it hard to do everyday things, in case somebody treats them less fairly just because they have an illness.



In the future the Government will be able to say that certain cancers are not covered by the Bill.





The Committee Report says:

It is good for people with these illnesses to be covered by the Bill.



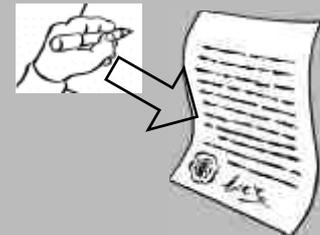
The Government should not be allowed to say that certain cancers are not covered.



People with other progressive conditions (Rheumatoid arthritis, for example) should be covered from the time a doctor says that they have the illness.



The Government should, in the future, be able to make sure that the Bill covers all the illnesses it is meant to and change it if it does not.



Mental Illness



At the moment:

People have to show that their mental illness is 'clinically well-recognised'. This means that their illness has to have a name. Only people with mental illnesses have to do this to show they have a disability.





The Committee Report says:

They are worried that people who have a mental illness are sometimes not seen as disabled in the eyes of the law when they should be.

People who have a mental illness should only need to show medical proof that their illness has a big effect on how they do everyday things.



Depression

At the moment, if an illness lasts more than a year or if the doctors think it will come back in the future, it can count as a disability.



The Committee Report says:

Serious depression can last less than a year and still have a big effect on the way people do everyday things.

Anybody who has more than 6 months of depression (when added up) in 2 years should count as having a long term illness.



People who are treated less fairly because other people think they are disabled or because they have a link with a disabled person.



At the moment:

Some people are treated less fairly because other people think they are disabled or because they are linked in some way to a person who is disabled.



The DDA does not cover these people and the draft Bill does not change this.



The Committee Report says:

The DDA should be changed so that these people are covered if they are treated less fairly or harassed (bullied).



Disability Benefits



At the moment:

People who get disability benefits have to show separately that they are disabled to be covered by the law.



The Committee Report says:

The Government should look at whether a person on disability benefits should have to show again that they are disabled for the law to cover them.



The Army, Navy and Air Force



At the moment:

Most jobs will be covered by the DDA after October 2004. The army, navy and air force will still not be covered by the DDA when they give a person a job.



The draft Bill does not say anything about this.



The Committee Report says:

The Government should be able in the future to make the law cover the armed forces.



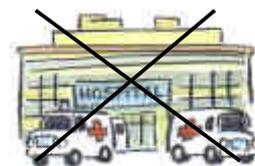
Chapter 3: Transport (Taxis, buses, coaches, trains, planes and ships)



Transport that is not accessible to disabled people has a big effect on their lives.



Sometimes people cannot get to work and so cannot do the job they want. They might also have problems getting to the doctor or to a hospital.



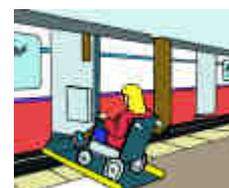
Making Changes to Transport Services



At the moment:

Transport is not covered by the part of the DDA which deals with places that offer a service or sell things.

Making changes to taxis, trains and other types of transport, like adding ramps and making doors wider is talked about in another part of the DDA.

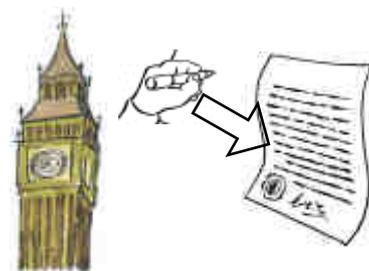


The draft Bill says:

Transport will be seen as a service and so will be covered by this part of the DDA. Transport groups will have to make sure that timetables and the way they sell tickets is accessible.



The Government will be able to make the law cover the different transport groups. Being covered by the law means that these groups will have to make 'reasonable' changes. This means that changes will have to be sensible in terms of money and keeping to the law.



The Committee Report says:

People think these changes are a good idea. They need to be made as quickly as possible.



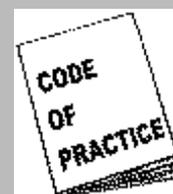
Some transport groups do not understand what they will have to do when the new Bill comes in.



It is important that the Government is clear about which changes need to be made and by when they need to be made by each transport group.



The DRC will write a list of rules called a code of practice, which will give examples of what transport groups will have to do. It should say what disabled people should be able to expect.



It might look, for example, at the way that people can book assistance to get on and off trains.



Training



The draft Bill says:

Training staff will be part of making sure that transport groups know how to offer the same level of service to disabled people as to anybody else.



It will cost a lot of money to train all transport staff, old and new.



The Committee Report says:

People said that training staff is very important and that it should cover the needs of people with learning disabilities. It will help staff treat all customers more fairly.



The Government will bring in the rules bit by bit.



The Committee hopes that the DRC and disability organisations will help transport groups and staff to make the changes needed.



Planes and Ships



At the moment:

The Department for Transport has written rules (codes of practice) about how planes and ships should be accessible for disabled people. These rules are not law.



The draft Bill says:

In the future the Government could decide to make the law cover ships and planes.



The Committee Report says:

They have heard about a lot of cases where the companies are not following the rules and where people with disabilities have not been treated fairly.



The Government should look at making the rules law if they are not working by 2005.



Accessible Transport



At the moment:

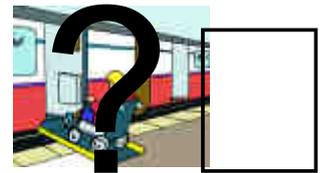
Another part of the DDA deals with making different types of transport, like trains, buses and taxis accessible.



The Government has already set end-dates for when most public transport vehicles have to be accessible. For example all buses must be accessible by 2017.



No date has been set for trains, but the Government have talked about 2025.



The Committee Report says:

Disabled people have had to wait too long for an end date for making trains accessible. There is no good reason why the Government cannot start asking people and companies what they think again so a date can be decided on quickly.



Most of the changes could be made by 2017.

Many people said accessibility is not just about the trains but also about accessible information at stations, like good signs and messages. This is important for people with learning disabilities and should be made part of any plans to make changes to trains and stations.



Blue Badge Parking



At the moment:

The Blue Badge scheme lets disabled people park near to where they are going (in places where other people are not allowed to park).



There are some changes which have been suggested and which need to be made law.



The Committee Report says:

Two of these changes should be made in this Bill.



Also, the Government are looking into making a list of people and organisations who take part in the scheme. This should be done as soon as possible.



It is good that the Government will make sure disabled persons' parking badges can be used in Europe.



Chapter 4: Public Authorities

What is a public authority?

Any person, group or organisation whose job is of a public sort counts as a public authority.

Examples are Government organisations, Ministers, local authorities (like councils), the police and the NHS.

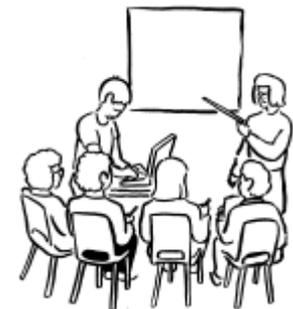


Discrimination by Public Authorities



At the moment:

Under the DDA public authorities and companies cannot treat disabled people less fairly in terms of jobs, the service they give or education (schools, colleges and training).



Some things that authorities do are not seen as a service and so are not covered by the law. Some of these are:

- Controlling who lives in this country
- Prisons
- Things the police do to make sure that people are keeping to the law, like arresting people.





The draft Bill says:

Public authorities will not be allowed to treat disabled people less fairly in any of the things they do (their functions).



There are some groups and decisions which will not be covered by this part of the law.

Examples are the Houses of Parliament, the security services, authorities when they do private work, decisions made in court and about where to put people in prison.



The Government will be able to add to the list of authorities not covered in the future.



The draft Bill says there are some times when it would be ok for a disabled person to be treated less fairly than other people. The reasons are:



- Health and safety



- It will cost too much money



- The person cannot understand and say yes to what the authority wants to do



- Other people's rights are being affected



A public authority has to give one of these reasons for treating a disabled person less fairly and a court will decide if it is ok for them to think that. This is called the 'reasonable opinion' test.



Disabled prisoners will still not be covered by the law when people are deciding which prison they should go to and where they should live.



The Committee Report says:

It needs to be made clear in the Bill that public authorities should make changes *before* a person is treated less fairly by what they do.

Some people are worried that the 'reasonable opinion' test will mean that public authorities will still be able to treat disabled people less fairly and that courts will not know enough about this sort of work to make the right decisions. The DRC should look at whether it is working properly.



Disabled prisoners should be covered by the Bill.



The Government should not be allowed in the future to say that some public authorities do not have to keep to this part of the law.

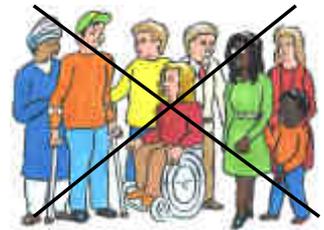


Duty on Public Authorities (what they have to do)



At the moment:

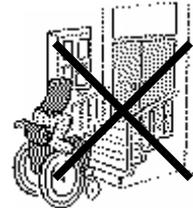
Public authorities do not have to encourage equal opportunities and chances for disabled people in the things they do.



The draft Bill says:

Public authorities will have to think about these things in everything they do:

- Stopping unfair treatment of disabled people.
- Stopping bullying and harassment of disabled people.
- Encouraging the same chances for disabled people as for other people by making opportunities for disabled people better.





The Committee Report says:

People are not sure which authorities will be covered by this part of the Bill. To make it clearer, there should be a list of people and groups who will have to keep to this part of the law.

The Bill must say that if a public authority chooses somebody else to do work for them that they must also think about these things in everything they do.

Public authorities should not have to wait to take action until they see that a disabled person does not have equal chances as another person. It should be something that they think about anyway.

The Committee has heard that a lot of people with disabilities are bullied.

Authorities should have to encourage 'good relations' between people. This might mean:

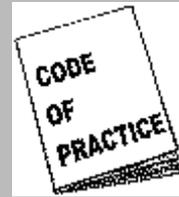
- Building communities that stick together
- Looking at bullying
- Helping people to take part in community activities



Advocacy



Many people have said that advocacy is a very important part of people getting their rights and a good service. The code of practice must say this.



The Committee hopes the Draft Mental Health Bill will make sure there is advocacy for people with learning disabilities and people with mental illnesses.

Who will check that the public authorities are doing what they should?

The Government will have the power to give authorities certain things to do, in order to keep to the law. If they do not do this, the DRC will be able to ask them to start doing it and if this does not help they might have to go to court.



Police



At the moment:

The police are now covered by the DDA when disabled people apply for or have a job with them.



The draft Bill says:

The Chief Officers will also get in trouble if the police officers they are in charge of treat disabled people less fairly.



The Committee Report says:

The Police in London agree with what the draft Bill says.



Chapter 5: Local Councillors



At the moment:

Councillors are not covered by the DDA.



The draft Bill says:

Disabled local councillors will be protected from discrimination when they are doing their job.



Local councils will have to treat their councillors fairly and may have to make some 'reasonable' changes.



The Committee Report says:

The Government should make sure that the law protects all people who hold these positions (whether they were voted in or chosen) from being treated unfairly just because they have a disability.



This part of the Bill must make it clear that the council will have to give a councillor what they need for the job to be accessible. This might mean giving out information in Braille or large print, or getting a lip speaker or interpreter.



Chapter 6: Private Clubs



At the moment:

It is against the law for people or clubs who give a service to treat disabled people less fairly. This covers clubs which are open to the public.

Private clubs cannot treat people who work there or customers less fairly. But, at the moment, they can treat some of their members less fairly than others.



The draft Bill says:

People with a disability should be treated like anybody else when they want to become a member of a club and once they are a member.



This will cover clubs like social clubs, some sports clubs and political parties which have more than 25 people in them.



The Government will be able in the future to make the law cover club members' guests.



The Government will be able to ask a club to make changes to its building and rooms if these affect disabled people badly. The Government will ask people about the new rules and decide the details in the future.

There is nothing in the Bill about extra training for staff.

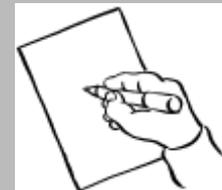


The Committee Report says:

This part of the law is a good idea but there is not enough detail in it yet.



The Government should write this bit of the law again, making it clear at what point private clubs should have to make changes that disabled people might need.



The Bill should cover club members' guests from the beginning.



The Government should look at how much extra training for club staff would cost, as it is an important part of making this part of the Bill work.



Chapter 7: Housing – where you live



At the moment:

The DDA already has a section about when people are treated unfairly because of their disability when they rent or buy a house. The rules do not count if it is a private deal.



The person or company who is selling or renting out the house must not say no to a person, change a person's place on a waiting list or make it harder for a person to rent or buy a house just because he/she is disabled.



The draft Bill says:

Landlords and managers will have to make 'reasonable' changes when a disabled person wants to or when they are renting a house or flat.

This could mean changing the way they do things when renting out a house and offering services to help a disabled person. For example, they might have to read out the house paperwork to a person who is blind.



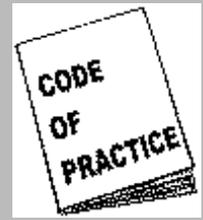
The landlord or manager does not have to make changes to the house or flat to make it accessible for a disabled person who lives there.





The Committee report says:

People think it is a good idea for landlords and managers to have to make 'reasonable' changes. They would like to know more about what 'reasonable' changes means. The DRC should write a code of practice explaining these.



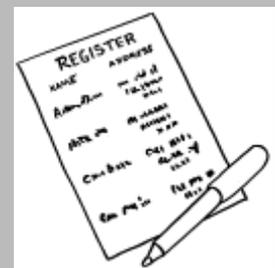
Local authorities who are landlords will have to have things in place to help disabled people, rather than waiting until a disabled person wants to rent a house or flat.



The Bill should not allow a landlord to say no to a disabled person who wants to make reasonable changes to the house or flat they live in.



There should be a list of accessible housing to help disabled people find housing. This would be called a 'housing register'. The Government should see how they can start putting one together and whether the Bill is the right place to start.



Landlords who rent out part of the house they live in are not usually expected to follow these rules.



The Government should look again at the power they have to change the rules in the future.



Chapter 8: Discriminatory Adverts

A 'discriminatory advert' means in this case a job advert which says or hints that the company does not want people with a disability to apply for or get the job.



At the moment:

From October 2004 it will be against the law for an employer to put out a discriminatory advert.

The DRC will be able to make sure people keep to the law.



The draft Bill says:

It will be against the law for people like newspapers and magazines to print discriminatory adverts for other people unless they did not know about the law or they were told it was ok.





The Committee report says:□

People who print discriminatory adverts should□
not be allowed to say that they did not know□
that the advert went against the law.□

The Bill should be brought in line with other□
laws about discrimination. It should be against□
the law for places that offer a service or sell□
something, like hotels and restaurants, to make□
discriminatory adverts.□



Chapter 9: Group Insurance

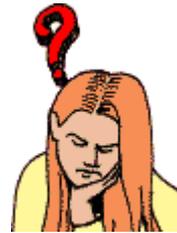


At the moment:

Group insurance is an agreement between an insurance company and an employer who wants to protect his/her workers.



This insurance is covered by 2 parts of the DDAI (jobs and services). This could be confusing.



The draft Bill says:

This insurance is now seen in the draft Bill just as a service, and so the people who provide it are not allowed to treat people unfairly (for example by not giving them the same level of protection or by not allowing them to join a scheme).



The tribunals that deal with job cases will still look into group insurance cases.



The Committee report says:

The Government must make it clear that insurance companies and employers are each responsible for their own actions in not treating disabled people less fairly than other people.



Chapter 10: Volunteers (people who are not paid for the work they do)



At the moment:

Volunteers are not covered by the DDA.



Some disabled people work as volunteers as a way of having or getting a job.

Sometimes it is difficult to say whether a person is seen as a volunteer or as a worker by the law. This means sometimes that people who work as volunteers do not get support at work.

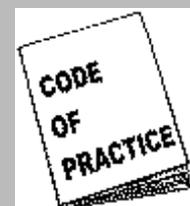


The draft Bill does not say anything about volunteers.



The Committee Report says:

The Government should write a list of things people should do (a code of practice) to treat volunteers fairly. If this does not work they should make it law in the future.



The Government should look into finding some money, maybe through the Access to Work scheme, to make the places volunteers work accessible and to give them support.



Chapter 11: Exam Groups



At the moment:

Schools and colleges have to treat people fairly who do exams which they set. This means they must make changes which disabled students need so they can sit their exams.



Exams which people do for their job will be covered by the DDA from October 2004 onwards.



The law does not cover the groups who write the exams which most people in the country take (like GCSEs).



The draft Bill does not make changes to this.



The Committee Report says:

All groups who set exams, decide how hard they should be and who give out certificates should be covered by the law so that they make the changes needed for disabled students.



Some exam groups are already trying to do this so it would not be hard or cost them a lot of extra money for them to keep to the law.



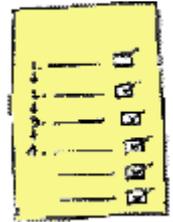
Chapter 12: Complaints and Claims

Deciding whether to take a claim forward



At the moment:

For people who have a complaint about a company under the job section of the DDA, there is a set list of questions which they can use to get information from the employer. This can help them to decide whether to take their complaint further.



The draft Bill says:

People will be able to use a similar set of questions when they make complaints about places that sell something or offer a service.



The Committee report says:

People could be given longer to send out the list of questions, otherwise people who need support to communicate may not have the same chances as other people.



Taking a claim forward: who deals with it?



At the moment:

Claims about services and places that sell things are dealt with by a county court in England and a sheriff court in Scotland.



Claims to do with jobs are dealt with by 'employment tribunals' (like a court that deals with issues to do with jobs). The tribunals and courts can:



- Explain the law and peoples' rights



- Make people pay the person who was unfairly treated some money to make up for the damage caused. This is called compensation.



- Tell the company or people to stop treating the person unfairly and give them a time limit to do that.





The draft Bill says:

This will mostly stay the same, but the employment tribunals and not the courts will deal with group insurance complaints.



The Committee report says:

Compensation is not a very good option for a disabled person who would rather still have a job. Employment tribunals should be able to make companies take workers back on.



The Government should look at giving tribunals the power to get companies to make changes if the way they do things treats all disabled people less fairly than others.



The courts that deal with services and places that sell things do not seem to be very accessible in the way that they work. Some people think that using tribunals would be a better way of taking all claims forward. The Government should think about this when they make changes.



Chapter 13: At what point do people have to do something?



At the moment:

There are two different types of unfair treatment talked about in the DDA. People have to make changes if these types of unfair treatment are happening or will happen.

For all cases about jobs, changes have to be made **after** a disabled person has been treated a lot less fairly or has not had the same chances as another person would have.



For other cases about places that offer a service or sell something, changes have to be made **so it is not** too difficult or not at all possible for a person to use the service.



The draft Bill says:

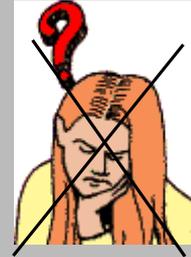
The Government will give more information about different parts of the Bill but at the moment they use different words to talk about unfair treatment.





The Committee report says:□

The Government should make it clear that it will only use the two different types of unfair□ treatment already in the DDA. Otherwise the□ Bill will be confusing.□



Chapter 14: How much will the Bill cost? □



The Government has looked at how much the Bill will cost and has weighed up how much good the Bill will do, in a paper called the RIA (Regulatory Impact Assessment). □



The Committee report says: □

The RIA does not look at how much all the different parts of the Bill will cost. This makes it difficult for the Committee to get a good picture of the Bill and whether it is worth the money it will cost. □



They are sure the Bill will do a lot of good things and that this is worth much more than the money it will cost. □



It is going to cost the public authorities a lot of money to make the changes they need to. The Government must look at how it can help them to share the good things they do and to keep to the law. □



The DRC is going to have to write a lot of Codes of Practice, telling people what they need to do and how they can do it. It will also have to make sure people keep to the law.



These things will cost a lot of money and the Committee hopes that Government will be ready to give the DRC money.



The Committee has talked about adding some bits to the Bill. If these things are added to the full Bill the RIA should look at how much these things will cost and weigh up how much good they will do.



Not everything about the draft Bill is in this paper. You can read the full version of the draft Disability Discrimination Bill on this website:



www.dwp.gov.uk/publications/dwp/2003/disabilitydiscrimination/dd_bill.pdf



If you want to read the full report or find out about the Committee you can look at this website:



www.parliament.uk/parliamentary_committees/dddb.cfm

