

Complying with Section 49A & Section 49B of the Disability Discrimination Act 1995 (DDA) A guide for designated public authorities

Equality Commission

FOR NORTHERN IRELAND

Summary of existing Commission guidance: Disability Action Plans (DAPs)

Under *Section 49A of the Disability Discrimination Act 1995* designated public authorities are obliged, when carrying out their functions, to have due regard to two “needs”; i.e.

- (a) the need to promote positive attitudes towards disabled people and;
- (b) the need to encourage participation by disabled people in public life.

In addition, under *Section 49B of the DDA*, public authorities are also required to prepare a plan, commonly known as a “*disability action plan*”- (DAP) showing how they propose to fulfill their duties under *Section 49A*.

This briefing summarises existing Commission guidance in relation to these duties and aims to assist public authorities to ensure that their DAP meets the requirements of the law. The briefing also includes links to a number of good practice examples implemented by public authorities.

What Arrangements must be outlined in a DAP?

A DAP must outline the arrangements relating to the broad activities that commonly feature in equality schemes; namely:

- (a) [Staff training and awareness-raising](#)
- (b) [Monitoring](#)
- (c) [Consultation](#)
- (d) [Review of information and consideration of positive action](#)
- (e) [Timeframe for measures outlined in the plan / duration of the plan](#)

- (f) A Disability Action Plan must specify details of how the plan will be published - There is a similar obligation in relation to Section 75 Equality Schemes and a common publication arrangement may be adopted for both.

Disability Action Plans should also provide a;

- (g) [Description of the positive action that is proposed or currently being taken](#)

See below for examples and suggestions

Good practice examples and further information about Disability Action Plans is available online: www.equalityni.org/disabilityactionplans

Disability Action Plans should:

- Encourage feedback from disabled people and their representative groups on how public authorities can encourage greater participation by disabled people in public life and include proposals to act on this feedback
- Contain action measures designed to promote the aims of the two disability duties
- Prioritise the action measures likely to have the greatest impact in respect of the duties. Prioritisation should be informed by consultation with disabled people
- Be written in plain English and available on request in alternative formats
- Include references, as appropriate, to working with other public authorities where this will result in the more effective implementation of the duties.

Positive Action Measures – examples and suggestions:

Action Measures may include measures designed to:

- Identify and remove barriers to disabled peoples' participation in public life, including employment
- Promote positive action to facilitate appointments of disabled people to public life positions, remunerated or otherwise
- Introduce measures relating to the Disability Discrimination Act 1995 which will ensure full compliance with the legislation, including, measures to address discrimination in employment, positive action and monitoring

- Address negative stereotypes of disabled people and promote positive role models in public literature in respect of disabled employees, service users and disabled people in public life positions.

Practical Examples of Positive Action Measures

- Make the DAP available to all employees, stakeholders and customers
- Promote awareness of the disability duties and DAP on a regular basis for example, in web based articles or through other in-house publications
- Encourage disabled staff and service users to submit articles to in-house magazines, newsletters and other forms of internal communication and ensure that proper consideration is given to publishing these
- Report on progress annually in implementing the DAP and its action measures
- Submit the progress report to senior management and, if relevant, the board or its equivalent for consideration
- Appoint a disability champion to progress the disability duties
- Introduce disability based positive action measures in respect of public life positions, including;
 - Use of welcoming statements
 - Retain a certain number of board positions for disabled people
 - Provide capacity building training to disability non-governmental organisations and disabled people to encourage disabled people to apply for public life positions
 - Provide training to disabled members of boards to ensure they can fully participate
 - Organise an annual public appointments seminar with a disability theme to encourage disabled people to apply for public life positions in public authorities

Further guidance on this, with some examples of good practice, can be found at: [Positive Action Measures](#)

Reviewing and Reporting Progress on Implementation of DAPs

Collating and producing an annual evaluation of progress will assist public authorities in benchmarking current practices against future actions and allow public authorities to record their success in implementing the duties. Progress should be reported in relation to the following areas:

Training:

- Does the aim of the training relate to the two disability duties?
- Who received training?
- When was the training provided?
- Was any training provided to disability NGOs and disabled people?
- What were the results of the training evaluation?
- How did the training contribute to the promotion of the two disability duties?
- What additional training needs were identified?
- How will further training needs be met and when?
- What outcomes did the training achieve in terms of the disability duties i.e. an increase in the proportion of disabled people applying for and/or achieving public life positions/improved public attitude towards disabled people?

Monitoring:

- What monitoring systems have been established, including statistical and qualitative systems?
- How has monitoring data been applied over the period of this progress report to promote the two duties?
- What monitoring gaps have been identified and when and how will these be addressed?

Consultation

- What consultation has been conducted over the period of this progress report?
- What consultation methods were employed?
- Who was consulted and when?
- Was comprehensive feedback provided to consultees in respect of their consultation response?
- What specific impact did consultation have on the promotion of the two disability duties?

The review of information and consideration of positive action:

- What consideration was given to positive action over the period of this report?
- What was the result of that consideration?

Positive action being undertaken and proposed:

- What positive action was implemented and what impact did it have in promoting the two disability duties?
- What impact did positive action, taken in previous years, have in respect of the duties in the current year?

Further information and advice

For further information and advice on the public sector equality and disability duties please contact us at:

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