



Freeneys Williams

Freeneys Williams Ltd.

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The Disability and Equality Agenda e-bulletin – July 2010

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enquiries@freeneyswilliams.com

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1. Families with disabled children struggle to pay bills

Families with disabled children are struggling to pay household bills as the downturn hits their already stretched finances, a survey suggests.

Contact a Family surveyed 1,113 people about how they were coping financially and found 23% went without heating and 14% missed meals to make ends meet. The group said the slump has left many parents at "breaking point". For the full story click:

<http://news.bbc.co.uk/1/hi/uk/8805957.stm>

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2. ACAS launches “The Equality Act – quick start guide for employers?”

The Equality Act will become law in October 2010. It replaces previous legislation (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995) and ensures consistency in what you need to do to make your workplace a fair environment and to comply with the law. The Equality Act covers the same groups that were protected by existing equality legislation – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity – but extends some protections to groups not previously covered, and also strengthens particular aspects of equality law.

The Equality Act is a mixture of rights and responsibilities that have:

- **Stayed the same** – for example, direct discrimination still occurs when "someone is treated less favourably than another person because of a protected characteristic".
- **Changed** – for example, employees will now be able to complain of harassment even if it is not directed at them, if they can demonstrate that it creates an offensive environment for them.
- **Been extended** – for example, associative discrimination (direct discrimination against someone because they associate with another person who possesses a protected characteristic) will cover age, disability, gender reassignment and sex as well as race, religion and belief and sexual orientation.
- **Been introduced for the first time** – for example, the concept of discrimination arising from disability, which occurs if a disabled person is treated unfavourably because of something arising in consequence of their disability.

Read more about how the new law affects employers and download the Quick start guide at:

<http://www.acas.org.uk/index.aspx?articleid=3017>

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3. Better access to pubs for disabled people in Scotland

A new law which could improve access to pubs and clubs in Scotland has been passed by the Scottish Parliament. The law will force bars to provide details of their access when applying for new licences or major changes to their licensing conditions. Local councils will publish the statements on their websites, so disabled people can check out access at a pub or club before they visit.

The new law was included as an amendment to the criminal justice and licensing (Scotland) bill, which was passed by the Scottish parliament this week.

The amendment was lodged by MSP George Foulkes, who took up the issue after being approached by wheelchair-user Mark Cooper, from Edinburgh. Cooper launched a successful Facebook campaign for better access - Barred! - after being told by an Edinburgh pub that it had no accessible toilet, even though it had level access.

Cooper's campaign was taken up and expanded by the disability charity Capability Scotland, which now employs him as a parliamentary and policy officer.

Cooper said he was "delighted" that campaigners' hard work had paid off, and said the new law would ensure that "disabled people can make informed choices about where they go to socialise". He added: "I think it will make a tremendous difference because it will allow disabled people to plan and enjoy a night out and not have to figure out the barriers that could occur."

Jim Elder-Woodward, convenor of Independent Living in Scotland, a disabled people's organisation set up to develop the independent living movement in Scotland, praised the Barred! campaign but said the new law was "only a start" towards making it easier for disabled and non-disabled people to meet and relate to one another.

He said pubs and bars had been "central to the British way of socialising for generations" but "for many disabled people, they have been no-man's land". He said: "The inaccessibility of most bars and pubs has cut off vital resources in disabled people's attempts to integrate and participate in their local communities.

"Irrespective of the amount of time spent in sharing work or educational experiences, it is only by sharing social time with non-disabled people, that the real barriers between them and disabled people can come tumbling down."

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4. Disabling depression at work

A forthcoming report jointly prepared by two charities, Depression Alliance and RADAR, will examine the important issue of depression in the workplace. This is a problem that appears, judging by sickness absence figures, to be more common in public sector employment than in the private sector.

Depression is a serious and disabling condition. 9% of women and 5% of men are experiencing depression every day, and by the age of 65, seven out of 10 women and four out of 10 men will have experienced a period of depression: it does not discriminate. It occurs in persons of all genders, ages, and backgrounds, and it can be fatal. In 2008, there were 5,706 suicides in the UK, and around three-quarters suffered from depression before death. Read more at:

<http://tinyurl.com/39sjew3>

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5. Worse healthcare for people with learning disabilities

People with learning disabilities receive worse healthcare than the rest of the population some doctors and nurses believe, according to a charity. Mencap has found

almost half of doctors and a third of nurses from a poll of 1,084 think this is the case. It is urging health trusts to sign a charter which sets out the rights of people with learning disabilities and the responsibilities of hospitals. The government says that removing inequalities is a priority. Read the full story at:

<http://tinyurl.com/2uhgu4h>

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6. Bad behaviour is not a disability!

An Employment Appeal Tribunal (EAT) has held that a police force did not discriminate against a police officer who displayed violent tendencies at a Christmas party that led his colleagues to fear for their safety. PC Aitken worked as a police officer in the London Borough of Southwark. In 2005, he had a period of leave for depression and made a phased return to work. He received counselling and was diagnosed with obsessive compulsive disorder, which meant that, among other symptoms, he had a tendency to binge drink. Read more at:

<http://tinyurl.com/2fqx9ao>

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7. Mental Health at Work and the DDA

The leading mental health charity *Mind* has released details of its latest survey, which found that the recession had a damaging effect on the working population. The survey revealed that 1 in 10 workers had visited their GP with symptoms of mental health problems since the recession began. 7% of employees questioned had started taking anti-depressants.

The statistics will not surprise those working in the City. Hardest hit by the downturn and facing unique pressures, the proportion of financial sector employees experiencing stress, anxiety and other mental health conditions is likely to be higher than the general working population. City employees are under increasing pressure to work longer hours to carry out the work of colleagues made redundant, or to 'show willing' to avoid the risk of being selected for redundancy themselves. Read more at:

<http://tinyurl.com/2fpunst>

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8. Accessible tourism – a new survey

There is a huge economic potential in providing better services and encouraging more tourism from disabled people. New figures from the UK Tourism Survey highlight the importance of this sector:

12 per cent of all overnight domestic trips in England between January and June 2009 were made by visitors with access needs, or those accompanying someone who had access needs. This amounts to 5.7 million trips, contributing almost £1bn to the economy in just six months. Read the full survey at:

http://www.culture.gov.uk/images/publications/DCMS_Accessible_Tourism_Report.pdf

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9. Draft Web Access Standard Embraces Personalisation

Personalisation of website accessibility, including customising tools and offering different versions of sites to suit individual needs, should be considered for some specialist websites such as social networking platforms, according to the latest draft of a British standard on web accessibility. The second draft of BS 8878 'Web accessibility - Code of practice', developed by a sub-committee of the British Standards Institution (BSI), ST/45, suggests that educational establishments, social networking sites, e-learning websites and other sites requiring a member login have an opportunity to provide users with personalisation facilities and "an individualised approach to dealing with their accessibility needs".

Originally intended for publication in summer of last year, the second draft of BS 8878 was put back due to European intervention, Hassell said. The European Committee for Standardization (CEN) contacted the BSI after the first draft of BS 8878, expressing a desire for a common set of accessibility standards across Europe. However, this was retracted after a realisation that differing accessibility laws across member states would make a common standard extremely difficult to develop.

Feedback on the second draft of BS 8878 is invited before 30 June, with an estimated publication date for the final standard of November. The second draft is available in Rich Text Format, and can be read by a wide range of word processors and screen-readers, after feedback on the first draft suggested that it was not fully accessible to some users.

Read more and comment on the draft at:

<http://www.headstar.com/eablive/?p=427>

(This article originally appeared in E-Access Bulletin, the free monthly email newsletter on access to technology by blind and visually impaired people supported by RNIB. To receive a copy each month (there is no charge) send an email to:

<mailto:eab-subscribers@headstar.com>)

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9. Disability Linked To Digital Exclusion And 'Disengagement'

Levels of home internet access in the UK are directly linked to a wide range of traditional indicators of social exclusion including disability, a digital inclusion seminar at City University, London heard this month. Ellen Helsper, lecturer in media and communications at the London School of Economics and Political Science, told the seminar that among the disabled population, 59% do not have home access, compared with just 29% of the general population.

The main theories relating to causes of digital exclusion tend to revolve around cost of access, but surveys show that people tend to offer other reasons for their non-use such as discrimination, Helsper said. Accordingly, the focus of analysts has switched towards models that look beyond access into areas like skills, confidence, attitude and motivation. People with disabilities have lower confidence levels and lower motivation to use the internet than others, she said. The average score for positive attitude towards internet use stands at 3.1 out of 5 for disabled adults compared to 3.3 for non-disabled adults; and 3.4/5 for disabled teenagers compared with 3.8/5 for non-disabled teenagers. There are a few encouraging signs, however: research shows that one third of non-users have somebody else who uses the internet for them, so they are part of networks which allow them access to the technology, Helsper said. "In the health and social service sector, this is an important finding". People with disabilities tend to rely on children for proxy use, whereas people without disabilities tend to rely on friends or colleagues.

One new measure of digital inclusion or exclusion used by academics and researchers is that of digital 'engagement', she said. This measures not just whether people have access to the internet, or have the skills or the motivation to use it, but how wide a variety of activities they engage in. "Engagement views activity in a more social environment, geared around technologies - people exchanging information with each other, for example." The opposite - disengagement - may sometimes be related to the fact that not much content is available for some social groups, Helsper said. For example the types of jobs some people may be looking for may not be widely advertised on internet job sites.

Comment on this story now, on EAB Live:
<http://www.headstar.com/eablive/?p=430>

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11. Recent cases

a) Discrimination on the grounds of perceived disability

Two recent cases have attempted to introduce the concept that a person is protected under the Disability Discrimination Act 1995 (DDA) against discrimination for a perceived disability, even if they do not in fact have a disability. The cases relied on the decision in [Attridge Law v Coleman](#) which established that under EU law, the DDA should be interpreted to protect those discriminated against because of the disability of another (in that case, Ms Coleman's disabled son). However in both cases the EAT has rejected the argument that this extends to persons with a perceived disability,

although neither case can be said to be a definitive answer on the subject. Read about the two cases at:

http://www.bllaw.co.uk/services_for_businesses/employment/news_and_updates/employment_law_news_july_10.aspx

b) Mental health discrimination

What constitutes mental health discrimination? How can clinical depression be defined from everyday anxiety? These are just some of the issues that have been troubling the

Employment Appeal Tribunal (EAT) in recent weeks.

A qualified barrister known as 'J' launched a mental health discrimination claim against DLA Piper in September 2008 alleging that in June of that year the firm had withdrawn a job offer after learning that she suffered with clinical depression.

J had been offered a position in June 2008 pending the outcome of a health questionnaire. According to the claimant, when she disclosed her medical history to the firm's HR head the reaction was negative. She claims she was told that it was a high pressured position, which would not allow her to work from home, and that she ought to consider her position. See the full story at:

<http://tinyurl.com/2dbvysu>

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© Freeney Williams Ltd 2009
37 Buckingham Road
Brighton
East Sussex
BN1 3RP
T 01273 327715
F 01273 327715
<mailto:enquiries@freeneywilliams.com>

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