
From: Alan Lenton
Sent: 04 April 2012 13:45
To: Rowe, Gill
Cc: Webber, Kim; Councillor Grant (CR); Walsh, Shaun; Fillis, Councillor
Subject: Petition for the Social Inclusion of Disabled Residents

Dear Director

Why do residents of a Council that asks “What is Discrimination?” and answers its own question by stating “*The Equality Act 2010 aims to protect individuals whether as an employee or as a user of services. The purpose is to ensure that everyone has a right to be treated fairly at work and when receiving services. It protects people from discrimination on the basis of the 9 protected characteristics detailed above and the protection provided varies slightly dependent upon whether the person is at work or using a service”*, need to petition West Lancashire Borough Council (WLBC) to try to avoid such discrimination?

Why does the same Council similarly state it is *committed to a policy of promoting equality of opportunity in recruitment, selection, training, promotion and other conditions of employment, based upon its opposition to any form of discrimination irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation*, without applying such equality of opportunity to residents who are immobile and disabled? Perhaps it is because these statements form part of the WLBC Equality in Employment Policy document that has trade union approval whereas immobile disabled residents don't have such support?

WLBC has in the recent past committed itself to finding out people's views and attitudes, in that it *wished to provide opportunities wherever possible for people to play an active role in influencing decisions, to enhance people's involvement with the authority, and to extend community engagement*. Council stated this “**was central to achieving social inclusion**”, to enhancing the well-being of the district and to encouraging involvement in local democracy. It stated a community development approach can assist in making community engagement successful. **Unfortunately that commitment to achieving social inclusion has not been applied to many older, immobile, disabled residents of the Borough, who instead appear to have faced positive discrimination by Council's recent policies.**

Council has not dealt properly with the Petition that called for the restoration of travel concessions to disabled residents and to mandate social inclusion of disabled residents. Council's decision to reject the Petition conflicts with that Council policy on social inclusion and its duty to consult on barriers to services. For the avoidance of doubt the barrier to service I refer to is that which bars some immobile disabled holders of the English National Bus Pass from a service enjoyed by able bodied holders of the English National Bus Pass and that Council hasn't in this instance paid due regard to the need to eliminate discrimination and promote and advance equality with regard to disability when it ought to. Council is required to ensure that no service user is discriminated against.

As you know I wrote to object to Council's rejection of the Petition. In doing so I referred specifically to the Council Constitution 17.1 Officers Code of Conduct 8.1 *All employees should ensure that policies relating to equality issues as agreed by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.*

So the Petition submitted by members of the local community asked in effect for what had already been agreed by Council between 2007 and 2010 but refused us and NOT complied with in 2011, the social inclusion of disabled residents. Council is committed to the achievement of the objectives of the Sustainable Community Strategy, including *to build on the solid foundations of a strong voluntary and community sector and to develop community participation and pride in our neighbourhoods, and also to*

improve health outcomes, promote social wellbeing for communities and reduce health inequalities for everyone.

Council agreed to participation by providing opportunities for local people to get involved in influencing decisions and developing plans that affect their communities. An example included running a focus group of disabled service users to discuss with Council staff how leisure facilities could be improved to meet their needs. Council established in its first Consultation and Community Engagement strategy a set of principles to which it would work. These have been updated “to take account of new requirements, and now underpin the new strategy, to reach out to and involve all sections of the community including groups that are sometimes regarded as hard to reach, and the ‘quiet voices’, to help people to take part, to be clear about the extent of influence being offered in any consultation and how the results will be used, and that ***fairness, equality and inclusion must underpin all aspects of community engagement, which should have clear and agreed purposes, accurate and timely information, and appropriate methods***”. At this stage I ask why local disabled people have not been invited to a focus group to discuss with Council staff how they can afford to pay for community travel when the English National Bus Pass cannot be used freely where they reside.

Since 2007 Council has accepted the fact that legislation places important responsibilities on local authorities in relation to disability and equality. Changes to the Disability Discrimination Act, which came into force on 1 October 2004, placed a duty on the Council to remove barriers that prevent disabled people from accessing Council services. In response to the legislation, Council prepared an Equality and Community Cohesion Policy Statement and Strategy, and a Race Equality Scheme, covering race, gender and disability, and ultimately implemented a Comprehensive Equality Plan which set out practical steps to be taken to overcome barriers to equality of opportunity across all council services. In its policies Council committed to ensuring that no service user or employee is discriminated against, and to improving equality practice with regard to disability, gender and race. This includes a commitment to consultation and means that the Council must consult people who are disabled, from ethnic minorities, and from all age groups. As community leader as well as service provider the Council had a duty to consult in two areas, the strategic direction the Council was taking in terms of implementing equality legislation and issues about barriers to services.

As I stated, Council’s reply was based solely on another, previous, Council total refusal of concessionary travel and does not address the Petition. Council considered concessionary travel in March 2011 in its entirety, that of a travel concession for every eligible elderly and disabled resident of West Lancashire and the ensuing high costs of it. In its commitment to undertake equality impact assessments Council states its duties to be “*to eliminate discrimination, harassment and victimisation, advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people)*” and I ask Council to accept now that there was, and is, an adverse impact on equality in relation to the equality target group of immobile disabled residents referred to by Dial-A-Ride as “*1,000+ residents who cannot access public transport and do not use a car. 97% of journeys are provided under the scheme (i.e. free or 50p) and without the concession, a significant number of residents would be unable to pay the fares. Dial-a-Ride would not be able to absorb the loss of revenue and the service would terminate; without inclusion in the NowCard scheme it would be unable to provide any services*”.

I wrote “It is acknowledged the English National Bus Pass took its place and many able bodied holders can use it and are not socially excluded. The Petition asked Council to consider the remaining residents who are discriminated against by their immobility, their inability to reach buses or to board them. It will have been clear to any Cabinet Member, if not yourself, that asking for a limited 0.3% of our useable reserves, (currently £18,820,000), is not asking for concessionary travel for all eligible residents but merely for what the Petition stated “**We therefore PETITION WLBC to apply the powers of well being provided by the Local Government Act 2000, to restore travel concessions that were callously denied to all disabled residents, particularly those who were reliant on Dial-A-Ride in 2011, and to mandate social inclusion of disabled residents by the implementation of the policy we outline above**”.

“Your (Council’s) reply does not indicate options open to Petitioners following dismissal of the

Petition, but the subject, to mandate social inclusion of disabled residents, is worthy of Council undertaking serious research, holding an inquiry, holding a public meeting and if necessary calling for a Borough referendum so the public will choose whether or not disabled and immobile residents will be helped by Council and council tax support to be socially included in the life of the Borough”.

As prescribed in The Statement of Accounts “*Council is committed to consulting local people and is dedicated to engaging the public and a Consultation Action Plan is in place in line with the ‘Duty to Involve’ and Equality legislation. A corporate Equality and Diversity steering group is in place to ensure the Council complies with its duties under Equality legislation*”. It is these commitments that ought now to be exercised and will be drawn to the attention of the Audit Commission.

Council states in public "The Council has set a revenue budget of £14.277m for the financial year. In total current projections forecast that net expenditure will be around £460,000 below this target, which represents a small variance of around 3.2%". I asked how is that a description of what Council described as "ever decreasing resources"? I ask it again.

Petitioners feel it is entirely proper to question an officer’s statement that council has hard choices concerning spending priorities that affect disabled residents while council staff continues to receive free parking that costs council tax payers the equivalent of £100,000 annually.

Petitioners feel it is entirely proper to question the proportion of useable reserves that exceed £18.8million to the 0.3% asked for, and to ask precisely what those reserves are retained for if not to benefit those who contributed to them.

Petitioners also feel it is entirely proper to ask Council to complete a discrete Equality Impact Assessment to determine the level of disadvantage and proportionate negative effect on members of Dial-A-Ride and residents of such sheltered housing as at Stockley Crescent in Bickerstaffe.

As for Council funding ‘Dial-a-Ride’ and this amounts to an annual sum of £28,575 in respect of the current financial year, with a further proposal to commit the same level of funding for 2012/13, this award is in itself discriminatory in that it helps residents who CAN afford to use Dial-A-Ride but does not directly assist individuals who rely on but cannot use the Nowcard on Dial-A-Ride and is in effect irrelevant to our petition.

Council states “The Council’s advertising and publicity materials will promote positive images of all groups within the community” and I ask what image has Council prepared and published of the residents of Stockley Crescent, Bickerstaffe as they try to attend surgeries and shops with their Nowcards in their hands?

I formally request a review of Council’s rejection of the Petition.

Yours sincerely

Alan Lenton