

# Disability Act 2005

## **Background**

The Disability Act 2005 is part of a framework of measures which supports social inclusion. Other essential elements in the legislative framework are -

- the Employment Equality Act 1998
- the Equal Status Act 2000
- the Equality Act 2004
- the Education for Persons with Special Educational Needs Act 2004
- the Comhairle (Amendment) Bill 2004.

The Disability Act 2005 is a positive action measure designed to advance and underpin participation by people with disabilities in everyday life. It establishes a statutory basis for individual needs assessment and for mainstreaming. Services identified in the assessment will be provided subject to practicability and resources. Mainstreaming places obligations on public service providers to support access to services and facilities for people with disabilities as well as other citizens, to the greatest practicable extent.

The focus on mainstreaming and social inclusion is given particular emphasis through the Sectoral Plans provided for in Part 3 of the Act.

## **Disability Act Overview**

The **Act** establishes a statutory basis for -

- an independent assessment of individual needs, a related service statement **and independent redress and enforcement**;
- access to public buildings, services and information;
- Sectoral Plans for six key Departments which will ensure that access for people with disabilities will become an integral part of service planning and provision
- an obligation on public bodies to be pro-active in employing people with disabilities

- restricting the use of information from genetic testing for employment, **mortgage** and insurance purposes
- a Centre for Excellence in Universal Design.

### **Implications for Westmeath County Council**

The Act places an obligation on public bodies to make public buildings and services accessible to people with disabilities by 2015. In accordance with the Sectoral Plan produced by the Department of Environment Heritage and Local Government, Local Authorities are required to carry out an Audit of their services and prepare an 10 year Implementation Plan.

### **Definition of “Disability” under the Disability Act 2005**

Disability as defined under the Disability Act 2005 in relation to a person, means

*“a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State*

*by reason of an enduring*

1. *physical,*
2. *sensory,*
3. *mental health or*
4. *intellectual impairment.”*

### **Steering Committee**

A Disability Monitoring Committee was established in Oct 2005 to oversee to implementation of the legislation in Westmeath County Council. This committee was composed of:

- Members of Staff of Westmeath County Council
- Members of staff of Athlone Town Council
- Elected Members of Westmeath County Council
- Representatives of Westmeath Disability Group

This Committee has held two meeting to date to review progress on the implementation of the legislation. (Appendix 1)

## **Funding**

The Department of Environment Heritage and Local Government provide funding to Local Authorities to implement actions in accordance with the objectives of the legislation. Funding allocated to Westmeath County Council to date in as follows

Year	Amount
2005	<b>€110,744.23</b>
2006	<b>€252,365.60</b>

Works undertaken with the funding provided to date include the following:

### **a) Access Audit**

A critical objective of the Disability legislation is to ensure ease of access for persons with disabilities. Government has made a commitment that all public buildings will be accessible by 2015. An access audit provides a clear and thorough review of any issue facing a disabled person when accessing a service. A detailed Access Audit has been completed on:

- 14 No. buildings owned by Westmeath Local Authorities and to which the public have access including offices, libraries, etc.
- 4 No. large towns in the county namely Mullingar, Athlone, Moate and Castlepollard including footpaths and other public areas.
- The 16 No. smaller towns in the county including footpaths and other public areas.

This audit was undertaken by a combination of specialist consultants and staff recruited by the Council for the task. The audit is now substantially complete and a summary is available for inspection on this website.

### **b) Buildings Access Improvements**

- Chair lift installed in Kilbeggan Library to allow access to children's library section.
- Chair lift for Mullingar County Buildings

### **c) Information Technology Actions**

I.C.T departments allocation was spent on

- the procurement and installation of an integrated Accessibility / Multi-Language solution for the council's internal and external online services. The solution also incorporates full content management services.
- IT training requirements with regard to the use of the new systems.
- Development of Virtual Tour of Westmeath local Authority Services & Spatial Information related to Service Locations
- JAWS installation on Westmeath County Council Accessible Internet Kiosks
- Training in accessible web site development, including screen readers, best practice in accessible web design as well as providing an overview of the legal requirements regarding accessibility issues
- Training to equip staff with the skills required to create clear, concise easily understandable content for publication to the general public through our websites

### **d) Library Service Improvements**

To extend the range of services available to people with disabilities a number of improvements were identified including:

- Purchase of specialist CCTV equipment.
- Provision of special PC keyboards and mouse.
- Other special IT equipment.

### **e) 2006 Capital Works**

A number of projects have been identified as high priority have been included in the 2006 works programme. These include:

- Mullingar – Improved accessibility at the Green Bridge
- Athlone – Improvement works at Retreat Road, Market Place, Custume Place and Fry Street/Connelly Street

- Moate – Upgrading of existing footpaths to disable access standard.
- Ballymore – New footpath from school to Council Housing development
- Collinstown – Pedestrian crossing.

The above works are either complete or in progress and are due for completion in the near future.

### **Implementation Plan**

The first draft of the Implementation Plan is being developed and will be complete by July 31<sup>st</sup> 2007. It will include:-

- a) Relevant recommendations from all access Audits of towns and villages
- b) Relevant recommendations from all access audits of buildings
- c) Information technology action to address access
- d) Library Service actions
- e) Training and Awareness actions
- f) Literature access actions
- g) Name additional access audits that need to be carried out over the next few years.
- h) The Monitoring and implementation process

The implementation plan will prioritise actions, timeframes and will show associated costs.

Appendix 1

Disability Act 2005 monitoring group members

Name	Grade	Section/Sector
George Lambden	Chairperson Director of Services	C & E, Corporate Affairs, Mullingar Area & TC
Hugh O' Reilly	Senior Executive Officer	Corporate Services
Annette Barr Jordan	Co-ordinator of Project Community & Enterprise	Community & Enterprise
Graham Niven	Technical Co-ordinator Senior Executive Engineer	Corporate Services
Kevin Monaghan	Head of Information Services	Information Technology
Ciaran Jordan	Senior Executive Officer	Housing
Liz Coyle	Training Officer	Human Resources
Niall Murphy	Senior Executive Engineer	Road Design
Mary Farrell	County Librarian	Library Service
Patricia Gibney	Administrative Officer	Community & Enterprise
Mark Aherne	Voluntary	Westmeath Disability Group
Maurice O'Kane	Voluntary	Westmeath Disability Group
Niall Brennan	Voluntary	Westmeath Disability Group
Jim Bourke	Councillor	Westmeath Local Authorities
Detty Cornally	Councillor	Westmeath Local Authorities
Pat McLoughlin	Councillor	Westmeath Local Authorities
John Walsh	Town Clerk	Athlone Town Council