

Meeting:	Decision Session - Executive Member for Finance, Performance, Major Projects, Human Rights and Equalities
Meeting date:	24 January 2024
Report of:	Laura Williams – Assistant Director Customer, Communities, and Inclusion
Portfolio of:	Executive Member for Finance, Performance, Major Projects, Human Rights and Equalities

Implementing the Social Model of Disability

Subject of Report

1. The purpose of this report is to set out a clear policy statement as to what the Social Model of Disability means in terms of how the council will communicate, engage, and deliver services to those who live, work, study in or visit the city.
2. The report also contains an update on the work of the York Access Forum and the move to appoint an independent Chair to take the work of the forum forward.

Benefits and Challenges

3. The key benefits of making the decisions outlined in this report are:
 - I. Making a clear statement of intent around implementing and embedding the Social Model of Disability.
 - II. Implementing robust Disability Equality Training across City of York Council will contribute towards ensuring both Officers and Members have the confidence and the knowledge to appropriately communicate with and best support disabled people; and

- III. Ensuring the York Access Forum has an appropriate Chair and robust Terms of Reference to allow the forum to work effectively with the council.
 - IV. Tying in this work with the work of the Human Rights and Equalities Board and the work on the Anti-Racism action plan will work towards a better situation for those who live, work, study in or visit the city.
4. The most significant challenges will be:
- I. The financial pressure of providing appropriate training for all officers and elected Members; and
 - II. Ensuring all council policies, strategies and services are using the Social Model of Disability and in particular the language of the Social Model. This paper uses the language of the Social Model, including the term 'disabled person', throughout. In this model, people with impairments become 'disabled' if they encounter disabling barriers in society. The most common language confusions arise in how the word 'disability' is used. In an individual model, 'disability' is caused by impairment. In the social model 'disability' is caused by society. This is an important distinction. The council recognises that not everyone identifies as a disabled person and that some may prefer to identify as 'a person with a disability or disabilities'.

Policy Basis for Decision

5. The new Council Plan, which was adopted in September 2023, contains four core commitments to enable it to deliver the vision for the next four years. The first of these is 'Equalities and Human Rights - Equality of Opportunity'.
6. The commitment states: 'We will create opportunities for all, providing equal opportunity and balancing the human rights of everyone to ensure residents and visitors alike can benefit from the city and its strengths. We will stand up to hate and work hard to champion our communities.'
7. Committing to implementing the Social Model of Disability across the council, as per the Council Motion of October 2022, will ensure that officers and Members are considering the barriers disabled people may face when implementing policies and designing or delivering services, which will contribute to meeting this core commitment.

8. Furthermore, having the York Access Forum in place gives the council an additional way to draw on the experience of disabled people and groups the city, who will act as 'critical friends', and to ensure it meets the resolutions noted at paragraph 12 in this report.

Financial Strategy Implications

9. There are already resources within the Customer and Communities Directorate working on Access. However, work is ongoing to address meeting the council's statutory equalities and human rights responsibilities, and it is recognised there is the need for additional training resources to support the delivery of these responsibilities, including training on disability.
10. Considering the Council's current financial challenges, funding any growth in this area of work will require compensatory savings to be identified elsewhere across the Council.

Recommendations and Reasons

11. Recommendations:

That the Executive Member:

1. approve the policy statement on implementing the Social Model of Disability at City of York Council,
2. commit to the council providing elected Members and officers with appropriate Disability Equality Training; and
3. note the York Access Forum update, Terms of Reference, and the next steps in appointing a new forum Chair.

Reason: To ensure CYC officers and decision makers are working to a clear policy statement as to what the Social Model of Disability means.

Background

12. At a meeting of Council in October 2022, the motion '*Equality for Disabled People*' was presented (see **Background Papers**). It was unanimously carried and resolved:
13. To adopt the Social Model of Disability and embed it into every area of its working, operation, policy, and practice, including in how it communicates.

14. To review the extent to which disability awareness training, inclusive and universal design training and disability equality is embedded across the organisation in how the council delivers services, making recommendations as appropriate.
15. To commit to genuine co-production on all council developments, where disabled people's views are incorporated alongside those of appropriate professionals when considering inclusion and accessibility.
16. Upon the appointment of an Access Officer, to convene a quarterly Access Forum, resourced so that it will work in an entirely inclusive and accessible way, supporting a genuine commitment to co-production.

Social Model of Disability

17. There are many different understandings of disability. As stated previously, City of York Council has committed to use of the Social Model. From this perspective, disability is about the relationship between people and the societies in which they live. The social model of disability looks at the social causes and consequences of disability and considers how societies can be made more inclusive.
18. The social model relies on a distinction in the English language between 'impairment' and 'disability'. Most of the writing about the social model of disability refers to 'people with impairments' and to 'disabled people' collectively, as an oppressed social group.
19. People with impairments become 'disabled' when they encounter disabling barriers in society.
20. The social model of disability focuses our attention on disabling barriers that limit the full participation and equality of people with impairments, and how these barriers can be removed.
21. Disabling barriers can be physical or social, including additional financial barriers.
22. Physical barriers might result from how the built environment is designed, or information is provided (for example, a failure to provide step-free access or easy-to-read signposting in the built environment).
23. Social barriers might include discriminatory attitudes, stereotypical media representations, or social rules that make it harder for some people to participate (such as inflexible working hours or

prejudiced behaviour in a workplace). People can also experience discrimination at home, for example from carers or family members. Disabled people experience disproportionately higher rates of domestic abuse. They also experience domestic abuse for longer periods of time, and more severe and frequent abuse than non-disabled people.

24. Financial barriers might result from additional costs of living associated with impairment (such as a lack of funding for assistive devices, personal assistance, transport, or extra housing costs in everyday life).
25. For example, a blind person who encounters discriminatory attitudes, physical access barriers or additional costs when travelling to work might not experience the same kind of barriers at home, or in a supportive workplace. Another person who is D/deaf might encounter different barriers in the same workplace, such as a lack of access to sign language interpretation when dealing with customers. The barriers for a wheelchair user, or someone who is neurodivergent, might be different again. The consequence of such barriers may be that it is more difficult to accept or maintain a job, which may have wider consequences for their consequent standard of living and social life.
26. According to the social model, disability is not a fixed state of being, it depends on the context. Some environments are more disabling or more inclusive than others. If disabling barriers can be identified, then they can be removed.
27. There is much evidence that professionals working with disabled people have not always addressed such barriers appropriately, and their practice can therefore be a disabling barrier. Here are some common critiques that the council will consider moving forward:
 - **Medicalising disability:** some professionals may view disability as a 'medical' issue that needs to be 'fixed' or 'cured'. They may focus practice on changing the person to conform to social or societal norms, rather than addressing the barriers that limit their social participation. However, the council does acknowledge that there is also a reliance on formal diagnosis to access some services and forms of support.

- **Treating disability as a ‘master status’:** disabled people come from diverse backgrounds and have different needs and experiences. Professional practice may adopt a one-size-fits-all approach to disability and fail to recognise this diversity.
- **Intersectionality:** Disabled people are not isolated in what oppresses them, be it discrimination and oppression due to being disabled, living in poverty, lack of status, citizenship, qualifications, age, ethnicity, gender, or sexual orientation. Disabled people have mixed identities and, as a result, some disabled people will be more impacted than others by the barriers imposed on them.
- **Individualising solutions:** Professional practice or services often focus on individual solutions, rather than addressing the systemic barriers that prevent disabled people from fully participating in society.
- **Limiting participation:** Disabled people are often excluded from decisions that affect their lives. Professional practice and services may add to this if disabled people are not involved in the design and implementation of the help they need.

28. Disabled people and their allies have often criticised professions for failing to address their real needs, for placing too much emphasis on medical or individualised solutions and holding on to power that should be shared with disabled people.

29. Moving forward the council will prioritise the needs and interests of disabled people over professional interests and be more accountable to the communities they serve. Policy makers will take a more holistic approach to disability, considering the social, economic, and environmental barriers that can impact on people's lives.

30. Services will strive to be more empowering, working with people to help them to identify and achieve their goals, and supporting them to make their own decisions, rather than merely prescribing solutions to them.

31. This will mean:

- Focusing on the identification and removal of disabling barriers.
- Supporting disabled people to exercise choice and control in their lives; and
- Promoting and upholding the rights and aspirations of disabled people

32. Vic Finkelstein, Disability Rights Activist and Writer stated that '*Such an alliance [between public services and disabled people] has the potential to reintroduce innovation, initiative, excitement and personal reward in delivering the community based support that disabled people want*' (Finkelstein, 1991).

33. There are already several workstreams in progress to try and address some of these barriers, though it is important to note that these are in their early stages and will be improved and refined as feedback is received.

34. **Accessible Venues**

The Access Team have worked alongside Access Included Ltd to create an access audit document to assess City of York Council locations from an accessibility perspective. The team have been working closely with York Learning on assessing some of the venues they use for Adult Education.

The council also funds over 70 individual place assessments through its contract with Access-ABLE.

35. **Accessible Consultations**

All surveys and consultations will be available online. However, the council acknowledges that more needs to be done to reach those who cannot, or choose not to, access content online.


Through the development of Blue Badge Consultation Phase 1 the Access Team worked closely with the Communications Team to develop new methods to enable residents and visitors to receive and complete surveys produced by City of York Council.

This work focused on how to improve:

- non-digital access.
- web accessibility options.

Following on from feedback received during Blue Badge Consultation Phase 1, the team have developed a range of different options for responding to or accessing consultations (**Table 1**).

Table 1

Ways to complete and return your questionnaire			
1	Respond online	Please visit: (Your project webpage Link)	
2	Or use this QR code:	Use the camera on your smart device to scan the QR code which will take you to the questionnaire	Add QR Code here
3	Scan and email	Complete, scan and email your response to: (Enter project email address for responders)	
4	Visit us	Drop into any Explore library or West Offices where we can assist you to complete online.	
5	Help over the phone	Call customer Service on 01904 551550 and leave your number and we will call you back.	
6	Drop off	Hand in the completed form at any Explore Library or at West Offices.	
7	Return by freepost	Call our Customer Services team on 01904 551550 to request a freepost return envelope.	
8	Return by freepost	Name of consultation Freepost RTEG-TYYU-KLTZ CYC, West Offices, Station Rise, York YO1 6GA	
9	Video Relay Service (British Sign Language)	Use our British Sign Language Video Relay Service: www.york.gov.uk/BSLInterpretingService Select 'Switchboard' from the menu.	

36. **Web Accessibility for Consultations**

The Access Team have worked closely with our Web Services Team to make sure there are accessible versions of any consultation which

can be chosen by the Communications Team, depending on the type of consultation, and expected stakeholders.





Options can include:

- British Sign Language videos
- Easy Read
- Large Print
- Audio recordings

37. Alternative Formats Statement

Until a formal agreement has been made in respect to how City of York Council can enable requests for alternative formats the following temporary statement has been adopted (see **Table 2**).

Table 2

Alternative formats	
If you require this document in an alternative format (e.g., large print, braille, Audio, BSL, Easy Read or a language other than English) you can:	
	Email us at: cycaccessteam@york.gov.uk
	Call us on 01904 551550 and customer services will pass your request onto the Access Team
 Video Interpreter	Use our BSL Video Relay Service: www.york.gov.uk/BSLInterpretingService Select 'Switchboard' from the menu.
	

38. Disabled Staff Network

The Disabled Staff Network started in December 2022 and seeks to provide a safe space for frank and open discussions about what it means to be a disabled person, or carer, working for City of York Council.

It is hoped the network will improve the experience of working for the council by raising awareness of disability concerns and working alongside other staff networks where there may be joint interests.

York Access Forum

39. City of York Council committed to employ an Access Officer as part of the previously discussed motion and they have been in post since November 2022.
40. One of the Access Officer's first acts was to convene a disability advisory group in March 2023. This became known as York Access Forum.
41. It has now been agreed that the group would benefit from having a Chair who is independent of the Council.
42. Council Officers have worked with York Access Forum members to produce new Terms of Reference (see **Annex A**).
43. In the period March 2023 to November 2023 York Access Forum considered issues including:
 - Draft Local Transport Plan Consultation Strategy
 - Supplementary Planning Group
 - City Centre Access Consultation
 - Review of Coney Street Riverside Project (post consultation)
 - York Christmas Market Accessibility
 - Parking Ticket Machines
 - 'Gold Standard' Car Parks
 - York Station Gateway
 - Blue Badge Application Process
 - Supplementary Planning Documents
 - Acomb Seating Trial

Training

44. To further embed the Social Model of Disability it is essential that Disability Equality Training is made a mandatory part of the council's training and induction package, for both officers and elected Members.
45. Good quality Disability Equality Training in the workplace can contribute towards:
 - Meeting the legal requirements of disability discrimination legislation such as the Equality Act (2010).

- Staff and Members having the confidence and the knowledge to appropriately communicate with and best support disabled people.
- Staff and Members feeling confident and empowered to challenge each other on disability rights issues.
- The knowledge to plan an inclusive and accessible meeting, consultations, and events.
- Ensuring that customer facing services, policies, and procedures are accessible.
- Ensuring that internal and external communication is reflective of best practice accessibility guidelines, tone, and terminology.
- Demonstrating how the council is becoming disability confident.
- Increase staff retention and disability disclosure; and
- Embedding inclusion into the ethos of the organisation, in line with the commitments in the Council Plan.

46. As stated in paragraphs 9-10, there will be significant costs incurred to provide this level of training across the council. This is because it will need to be provided by a qualified and experienced trainer from an appropriate organisation and held in person.

47. Human Resources will consider how performance management systems can be used measure completion of this training.

48. The recently reconvened Human Rights and Equalities Board ([Outside bodies - Human Rights and Equalities Board \(york.gov.uk\)](http://york.gov.uk)) will also monitor the completion of this training as part of its ongoing review of the council's work on Equalities and Human Rights.

Consultation Analysis

49. The portfolio holder, along with senior officers, has met with members of the York Access Forum and the wider disabled community to develop the proposals included in this report, including the Terms of Reference.

Options Analysis and Evidential Basis

Options

50. The two options the Executive Member could consider in respect of this report are below:

1. To accept the recommendations at paragraph 11
2. To choose not to implement the recommendations.

Analysis

51. Officers recommend Option 1, to accept the recommendations, as the resolution to adopt the Social Model of Disability and embed it across the council was passed unanimously at Council in October 2022.

Organisational Impact and Implications

52.

- **Financial** – The financial implications are outlined in paragraphs 9-10. Whilst staffing costs will remain within existing budgets, further resources will be needed for training purposes across all equalities responsibilities. There will be a requirement to seek and cost out the training resources required to fulfil the commitment and given the financial position of the council it will be necessary to reprioritise budgets before the training can be rolled out.
- **Human Resources** - An additional post will be created to lead Equality, Diversity and Inclusion in the council, including work to support York Access Forum and the Access Officer. Resources will be built into the Equalities, Access & Inclusion Team in the new financial year. A renewed focus on all Equality, Diversity and Inclusion and Disability Equality training, inclusive practice and language will positively impact staff as well as residents. Funding will need to be assigned for training outside of the committed workforce training budget to deliver this training. Existing Equality, Diversity and Inclusion training, which is currently available online and self-managed, can also be used as part of a blended learning package.
- **Legal** – The Council must comply with the public sector equality duty as set out in s149 of the Equality Act. This means in relation to making a decision, the decision-maker must firstly understand their obligations under the public sector equality duty. This is a duty to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Technical guidance provided by the Equality and Human Rights Commission assists public bodies in discharging the duty in practice and this is expressly brought to Members' attention (See **background documents**).

The courts have established that the potential impact of a decision on people with different protected characteristics is a mandatory relevant consideration in such decision making. The manner of assessing that impact is discretionary. Often an Equality Impact Assessment is an appropriate tool but is not the only available tool. It is the quality of the assessment whether that is presented in an Equality Impact Assessment or some other evaluative report which is important.

Article 7.2.1 of the council Constitution requires that all decisions taken on and behalf of the Council will made respect for human rights and equality of opportunity, and this includes disability.

- **Procurement** – There are no direct procurement impacts contained in this report. However, protected characteristics such as disability can be focused upon when considering social value in procurement and the new Human Rights and Equalities Analysis Tool will be used prior to starting a procurement exercise or reviewing a contract.
- **Health and Wellbeing** – The United Kingdom is a signatory to the International Covenant on Economic, Social and Cultural Rights. This means the United Kingdom is bound, in international law, to protect the right to health.

A Council Plan core commitment is Health and Wellbeing. This means reducing health inequalities, taking a 'Health in All Policies' approach, with good education, jobs, travel,

housing, better access to health and social care services and environmental sustainability.

Public Health will take a holistic approach to disability, considering the social, economic, and environmental barriers that can impact on people's lives.

- **Environment and Climate action** - In a resolution of 8 October 2021, the United Nations Human Rights Council recognised that access to a healthy and sustainable environment is a universal right. Although nonbinding, this resolution could be a first step towards filling a significant gap in international law. City of York Council should ensure that the financial burden of climate action is not carried by those groups who can least afford it, and this will include some members of the disabled community.

It will also be incredibly important to balance any moves to more sustainable methods of transport and construction with people's access needs. There is often a focus on changes to the built environment and travel which impact negatively on disabled people. The council will work to avoid any form of eco-ableism.

- **Affordability** – Article 25 of the Universal Declaration of Human Rights states '*Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, **disability**, widowhood, old age or other lack of livelihood in circumstances beyond his control*'.

The core commitment within the Council Plan on affordability states that everyone who lives in York should benefit from the success of the city, targeting support at those who need it most and supporting people to build on their own strengths and draw on those of the people around them. Implementing the Social Model will contribute to ensuring that this commitment is equally effective for disabled people and that barriers to this are removed.

Equalities and Human Rights - The Social Model of Disability approach is enshrined in the United Nations Convention on the Rights of Disabled People, to which the United Kingdom is a signatory. The United Nations

Convention states that “*disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others*”. If fully realised, the Social Model would transform society, removing barriers and meaning that disabled people would be able to participate fully in society.

- **Data Protection and Privacy** - As there is no personal data, special categories of personal data or criminal offence data being processed, there is no requirement to complete a Data Protection Impact Assessment. This is evidenced by completion of Data Protection Impact Assessment screening questions AD-02564.
- **Communications** The communications service annual plan is being developed to take account of the commitments of the newly adopted council plan, 'One City for all', and consequently work done by the Council to create opportunities for all, providing equal opportunity and balancing the human rights of everyone to ensure residents and visitors alike can benefit from the city and its strengths will be intrinsic to communications activity. The communications team will ensure that all future internal and external communications use language compatible with the Social Model of Disability.
- **Economy** - There are no direct economic impacts contained in this report. However, Article 23 of the Universal Declaration of Human Rights states ‘*Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.*’ By working both internally and externally to improve disability awareness and to remove disabling barriers, City of York Council can increase opportunities for those disabled residents who may wish to access employment or volunteering.

Risks and Mitigations

35. The main risk that has been identified in relation to the proposals contained in this report is that, in not clearly implementing the Social Model of Disability, the council would not be fulfilling its responsibilities under the Equality Act 2010.

36. To not move forward with this commitment to the Social Model of Disability would also significantly impact the Council's ability to deliver on its key commitments to Human Rights and Equalities and allow barriers currently impacting disabled people in the city to continue unchallenged.

Wards Impacted

All

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Background papers

Agenda Supplement – Council, 20 October 2022, Motion '*Equality for Disabled People*' (Public Pack)
Agenda Supplement for Council, 20/10/2022 18:30 (york.gov.uk)

Technical Guidance on Public Sector Equality Duty
<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

Annexes

Annex A: Draft Terms of Reference – York Access Forum

Abbreviations

During the consultation on this paper, it was raised that the use of abbreviations in council papers is a barrier to several different groups. As such, there are no abbreviations contained in this document.