

Jane Hutt AM  
Business Minister  
National Assembly for Wales  
Cardiff Bay  
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Dear Minister

**REPORT ON DRAFT PRIMARY LEGISLATION: DISABILITY  
DISCRIMINATION BILL**

At its meeting on 17 March 2005 the Equality of Opportunity Committee considered the Disability Discrimination Bill, remitted to it by Plenary on 22 February 2005.

A copy of the report laid in the Table Office is attached for information.

Copies of this letter go to the Chair of the Business Committee, Business Managers and the Deputy Presiding Officer.

Yours sincerely,

**Gwenda Thomas AM**  
**CHAIR - EQUALITY OF OPPORTUNITY COMMITTEE**

**CC: Jenny Randerson AM (Chair - Business Committee)**  
**Jocelyn Davies AM**  
**David Melding AM**  
**Kirsty Williams AM**  
**Dr John Marek AM**

**REPORT BY THE EQUALITY OF OPPORTUNITY COMMITTEE**

## Disability Discrimination Bill

The Committee considered the Bill at its 17 March 2005 meeting. The Bill was remitted to the Committee on 22 February, following a change to Standing Orders on that day to allow primary legislation included in the Queen's Speech to be remitted to the Equality of Opportunity Committee.

The Committee had previously considered the Draft Disability Discrimination Bill at its meeting on 23 September 2004, and received advice on the contents of the Draft Bill from its disability adviser, the Disability Rights Commission (DRC). The Committee Chair wrote to the Secretary of State for Wales and to all Welsh MPs in support of amendments to the Draft Bill proposed by the DRC relating to housing. It was pleasing to note that the Disability Discrimination Bill now includes these amendments.

The following issues were also raised in discussion:

- The Committee welcomed the fact that the Bill would extend the Disability Discrimination Act (DDA) provision to cover rail vehicles but was concerned that not only must vehicles be compliant for physical access but staff must be available to help disabled passengers alight and exit stations easily. As not all Welsh stations were accessible disabled passengers were often required to take longer, less direct routes to reach their destination. It was also noted that maritime and air travel will not be covered and that the latter is an area where the Disability Rights Commission receives a lot of complaints.
- Part of the delay of rail services in responding to the DDA was due to privatisation and fragmentation, as franchises were responsible for minor changes to improve accessibility but Network Rail, which was 'not for profit' had rules restricting its ability to make infrastructure changes. The Strategic Rail Authority planned to plug the loophole with an access fund but investment would have to be prioritised. The Committee agreed to invite rail companies and the Strategic Rail Authority to a future meeting give evidence on their progress to deliver upgrades and improve access. The Committee also welcomed the Minister's commitment to share the views on transport with the Assembly's Minister for Transport to be taken into account in relation to transport grant funding and building of new stations.
- If disabled people were unable to vote in the forthcoming general election it would be a basic denial of their rights to full citizenship and the Committee did not want this to happen in Wales. Currently access to polling stations would be addressed by the 2004 DDA regulations, but the new Bill brought the voting process in under 'public functions', and a disability equality duty would require public bodies to address systemic barriers.

- Members questioned the application of disability rights to private clubs with 25 or more people but not to smaller groups. As the duties were subject to a test of 'reasonableness' the DRC was not sure a threshold was necessary but had chosen not to pursue this to avoid any delay to the Bill being passed.
- It was noted that the Bill would extend to covering local councillors. The DRC understood that AMs and MPs were covered under the existing DDA as 'employees' but the same employment status did not apply to councillors. Further legal advice would be sought by the Committee on this issue.
- Wales has a higher proportion of small businesses that must be supported to protect disabled employees' rights, particularly as they tend to recruit less often and have less experience of dealing with disability equality issues. Support can be provided through the bodies that businesses consult with, such as accountants, bank managers, advice services and Chambers of Commerce, as well as by promoting the JobCentre Plus access service.
- The Committee felt that the principles of the disability equality duty should be applied in schools to ensure that disabled pupils were able to achieve their full potential. The Committee has since welcomed the announcement by the Secretary of State for Work and Pensions, Alan Johnson MP, at second reading of the Bill on 23 March, that schools will be subject to specific duties to promote disability equality. These duties will require schools to take action to improve outcomes for disabled children.
- Implementing the proposed Disability Equality Duty on public bodies in Wales would be challenging, for example in obtaining the necessary baseline data to develop action plans. The difficulties experienced in developing the Assembly's Race Equality Scheme showed how important it was to plan for the disability equality duty now and not wait for it to take effect in 2006. The Committee welcomed the Minister's acknowledgement of the need to co-ordinate Welsh Assembly Government strategies to deliver the new duty.

**Gwenda Thomas AM**  
**Chair, Equality of Opportunity Committee**