

# **Darlington Association on Disability**

## **Information Guide**

### **Legal Rights**

Legislation plays a vital role in ensuring that disabled people are not discriminated against and receive appropriate support. It is hugely important that disabled people are able to access good quality legal advice to enable them to receive the best possible services. Many disabled people still find it difficult to obtain their full rights. This section provides a brief overview of Community Care Law, including the Disability Discrimination Act. The section goes on to explain where disabled people can go for advice and representation.

The information below is designed to supplement contact details for specialist advice given in other sections of the guide.

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### **Disability Discrimination Act**

The **Disability Discrimination Act 1995** (DDA) provides legal rights for disabled people. These cover employment, access to services, education, transport and housing. In September 2002 the law was extended to cover access to education for all disabled people. New employment rights and rights of access became law in October 2004.

In terms of employment the Disability Discrimination Act makes it unlawful to treat a disabled employee or job applicant less favourably than someone who is not a disabled person because of their impairment. The Act also requires employers to take reasonable steps to ensure that their work arrangements and facilities do not substantially disadvantage disabled employees or job applicants.

Regarding access to services, the Act prevents businesses treating a disabled person less fairly because of their impairment. Service providers have to consider making reasonable adjustments to the way they deliver their services so that disabled people can use them. This may include making physical alterations to premises.

The Act is quite complex, particularly in relation to some of the definitions, such as 'reasonable adjustment'. It is beyond the scope of this guide to explore the Disability Discrimination Act in detail. The government's **Disability Unit** website explains the act in detail. Many of the organisations listed in this Guide's introduction can provide further advice and information including **Darlington Association on Disability**, which can offer training on the DDA.

## **Community Care Law**

Community Care Law, which includes law relating to Social Services and the National Health Service, exists to ensure that disabled people and others receive prompt, appropriate and well delivered services that assist them to remain independent and healthy. Various acts of parliament, some of which are over fifty years old, describe services that must be provided to certain groups of people. These are called 'duties'. Other sections of legislation refer to 'powers' which give statutory services such as Social Service a choice about whether to provide services.

There is not scope within this guide to give any more than a brief overview of the relevant main Acts.

**National Assistance Act 1948:** Local authorities' statutory duties towards people who are 'blind, deaf and dumb, and other persons who are handicapped by illness, injury or congenital deformity'

were originally set out in this Act. Much subsequent legislation requires people to meet this definition of disability to be eligible for services.

**Chronically Sick and Disabled Persons Act 1970:** This specifies services which local authorities should provide for disabled people, including practical assistance in the home; travel to participate in recreational and local authority-arranged work activities; provision of meals; assistance in obtaining a telephone and equipment necessary to use the telephone, and access to public buildings.

**Disabled Persons (Services, Consultation and Representation) Act 1986:** This Act focuses on the involvement and representation of disabled people in matters affecting their lives. It covers the right to representation, assessment, information and consultation. However, only six sections of the Act have been implemented. It has been argued by successive governments that those sections not implemented are covered by the National Health Services and Community Care Act (see below). The implemented sections require local authorities to provide an assessment if it is requested by a disabled person or carer. Carers must be taken into account at assessments. Local authorities must also provide information on services that are available.

**The Children Act 1989:** This Act draws together much of the existing legislation relating to children and young people. It requires Social Services departments to identify disabled children at an early age as possible and to maintain a register of disabled children in their area. Social Services are then obliged to discuss services with the parents/guardians and the child/young person and, depending on needs and circumstances, provide services such as respite care, day care and assistance with transport.

**The National Health Service and Community Care Act 1990:** This Act, often referred to as the Community Care Act, places responsibility for community care services with local authorities. Social Services departments have a duty to assess anybody who may need community care services and to ensure that services are provided where a need is identified. However, following the 'Gloucester Judgement', the House of Lords agreed that Social Services resources can be taken into account when assessing a

person's needs and when making decisions about the services to be provided. This has affected the eligibility criteria for services. Local authorities now have fair Access to Care criteria which set out the scope and limits of when and what they will provide. However the judgement is clear that once Social Services has decided what services should be provided, it can no longer take resources into account and must meet the need. Potential service users have a right to be fully involved in the assessment and carers may also be involved. The Act also sets out complaints procedures and requires local authorities to set up inspection units to monitor all residential care provision.

**The Carers (Recognition and Services) Act 1995:** This is often referred to as the Carers Act. The legislation entitles carers to an assessment of their own needs. Social Services will have to listen to carers, record their views and take the result of the carer's assessment into account when deciding what services to provide to the service user. The carer does not have to be living with the person they care for or be the sole carer in order to ask for an assessment.

**The Carers and Disabled Children Act 2000** made it a duty for Care Managers and others to inform carers of their right to a separate assessment. It also extended the duties of the local authority with regard to parent carers.

**The Carers (Equal Opportunities) Act 2004** gave carers new rights to information. The Act also gave local authorities new powers to enlist the help of housing, health, education and other agencies in providing support to carers.

## **Information and advice**

There are a number of ways that disabled people can obtain free or low cost advice. Some organisations such as law centres, advice agencies and local authority services offer their services free of charge. Many solicitors offer a short free initial advice session.

The Community Legal Service Fund replaced Legal aid in April 2000. The CLS Fund can help pay for legal help for a wide range

of legal matters, as long as you meet certain conditions. You may have to pay a contribution towards your legal costs.

The **Darlington Community Legal Service Partnership (CLSP)** aims to help people obtain information about the law, their rights and where to find good quality advice. Its members, including solicitors, are all local information providers. They are encouraged to work towards quality standards set by the Community Legal Service. As a guide, look out for this symbol



The **Community Legal Service** publishes free leaflets on key areas of law, such as Employment, Welfare Benefits and Debt. These are available in many public areas in Darlington, including the Town Hall Reception area, Libraries, Citizens Advice Bureau and Darlington Association on Disability. The Community Legal Service also holds a directory of approved solicitors, advice agencies and information providers.

The Community Legal Service has recently launched a new service **Community Legal Service Direct (CLS Direct)**, which can be accessed on-line or by using a freephone number. Callers from anywhere in England and Wales are able to get free initial help from a qualified legal advisor in Welfare Benefits, Debt and Education. People eligible for Community Legal Service funding can also receive further free legal help with their case via telephone and post.

CLS Direct also has a database of approved websites containing helpful legal information, and can help you to work out if you may be entitled to CLS-funded help.

Telephone callers to CLS Direct can speak to an operator to find quality local advice services, order legal information leaflets and listen to recorded messages about common legal problems 24 hours a day.

A list of local quality marked advice and information services is available at the end of this section.

The **Disability Rights Commission (DRC)** is an independent body established in April 2000 by Act of Parliament to stop discrimination and promote equality of opportunity for disabled people.

The DRC works with disabled people, employers and service providers to find practical solutions for everyone. The DRC gives advice and information to disabled people, employers and service providers. It also supports disabled people in getting their rights under the Disability Discrimination Act. Often the DRC is able to sort out employment problems without going to a court or employment tribunal. It can also give advice on what to do if you think you have been discriminated against because of your impairment.

A large area of the work of the DRC is to support legal cases in order to test the limits of the law. In addition it provides an independent Disability Conciliation Service for disabled people and service providers through Mediation UK.

The DRC campaigns to strengthen the law and produces policy statements and research on disability issues; and publications on rights and good practice for disabled people, employers and service providers.

**Darlington Association on Disability** has an Information service that can signpost people to legal advice providers. DAD is able to offer advice and guidance to disabled people, employers and service providers on the Disability Discrimination Act.

### **Local quality marked advice providers**

**Darlington Citizens Advice Bureau** gives free, confidential, impartial and independent advice on a large range of subjects, including debt, benefits, housing, legal matters, employment, immigration and consumer issues.

**Darlington Borough Council Trading Standards** can give expert advice and guidance on a wide range of consumer matters to

residents of Darlington. Trained and experienced staff can advise consumers of their rights and also how to resolve complaints.

**Darlington Borough Council Housing Department** provides housing advice to anyone in housing need, homeless or wanting to apply for Council housing. Advice and assistance is available on disputes with private landlords, and opportunities for Housing Association accommodation, as well as providing a general signposting service to other organizations.

**Darlington Libraries** provide a free and accessible gateway to information through their reference and information section.

**NCH North East Family Mediation and Children's Support Service** provides mediation for parents who are separating or divorcing to help resolve disputes concerning children. The aim is to help parents make arrangements which are in their children's best interests.

**Darlington Association on Disability (D.A.D.)** aims to ensure that disabled people have control over their own lives. DAD achieves this by promoting issues which affect disabled people and by providing practical services to assist disabled people and their carers.

**Age Concern Darlington & District** provides a wealth of information on a whole range of topics affecting older people and those involved with ageing issues. The organisation has a new information service at an office in Clarks Yard, off Skinnergate, providing advice and information to anyone over 50.

**Family Help (Domestic Violence)** provides advice, help and assistance to any women (single or with children) who are experiencing domestic violence. A new purpose built refuge provides women and children with a place of safety. The new refuge has facilities for young women, women with children and women who are elderly.

**Shelter (Tyneside Housing Aid Centre)** provides expert support and advice to people who are homeless or have housing problems. Casework services are also provided. Shelter provides a range of information sheets on local housing options and general information for the public on homelessness and housing issues.

**Darlington & Durham County Racial Equality Council** provides advice on racial harassment, racial discrimination and the law, particularly on employment, housing and statutory service provision.

**Darlington MIND** seeks to be a centre of excellence providing people of Darlington and the surrounding area with the means for the promotion of good mental health, and can advise on mental health law.

**First Stop Darlington** offers a relaxed and friendly drop in centre with information and advice on housing, health and welfare. It can help access information, groups and agencies and provides a home and dry service for people in poor accommodation.

**Darlington & District Alzheimer's Society** provides support and advice on all forms of dementia and sources of help in Darlington, Teesdale, Wear Valley, Aycliffe and Sedgfield.

**Patient Advice and Liaison Service (PALS)** focuses on improving the service to NHS patients. It aims to advise and support patients, their families and carers. It also provides information on NHS services, listening to concerns, suggestions and queries.

**North of England Refugee Service (NERS)** represents and serves the interests of Asylum Seekers, Refugees and Refugee Communities throughout the North of England. The organisation exists to meet the needs and promote the interests of asylum seekers and refugees who have arrived or have settled in the North of England.

A full list of quality marked solicitors is available from Darlington Borough Council.

## **Advocacy and Representation**

An advocate is someone who can assist an individual in speaking up and make sure his or her voice is heard. In Darlington **Advocacy Together** provides an advocacy service for older people, people with a physical or sensory impairment, mental ill health, learning difficulty, and carers who need support to make a complaint or raise an issue about local services.

**Advocacy in Darlington** provides a similar service, and also runs Speaking Up groups for people with learning difficulties.

## **Campaigning**

Sometimes disabled people need to challenge discrimination, organisational inequalities and the law in broader way. There are a number of organisations, led by disabled people, that campaign for wider changes.

**British Council of Disabled People (BCODP)** is a leading organisation in the national disability movement. It was set up by disabled people to promote full equality and participation by disabled people in UK society. BCODP is run entirely by disabled people and believes that the position of disabled people in society is a human and civil rights issue and that society must be changed to allow full inclusion. BCODP campaigns on a wide range of issues affecting disabled people.

**Direct Action Network (DAN)** campaigns for equality for disabled people through direct action such as demonstrations and protests. Its aim is to change the way disabled people in Britain are perceived by demanding civil rights not charity or pity.

**Disability Awareness in Action (DAA)** is an international human rights network, run for and by disabled people. DAA's efforts are particularly focused on people in developing countries.

**People First** is an organisation controlled by people with learning difficulties, which promotes the rights of people with learning difficulties. It is a useful source of information, and can advise on setting up a local group.

**RADAR** is a national organisation that sets out to promote change by empowering disabled people to achieve their rights and expectations and by influencing the way that disabled people are viewed as members of society. It campaigns to influence policies, regulations and legislation that have or will have any impact on disabled people and seeks to change negative and discriminatory attitudes to disability. Its work covers areas such as civil rights, community care, employment, social security, transport and housing. RADAR is a disability network and has 400 national and

local organisations in membership. About three-quarters of these are organisations controlled and run by disabled people.

**Rethink** is an organisation dedicated to improving the life of all those affected by mental ill health. As part of its work it campaigns for better services and changes to legislation. It encourages supporters to join its e-campaigning project which is a form of on-line campaigning.

## **Other Sources of Information**

Other sections of the Darlington Association on Disability Information Guide may contain further information relevant to legal issues.

The **Access** section gives further information regarding the law governing access and design.

The **Carers** section covers legislation relating to carers in more detail.

The **Education** section provides information on rights of access to schooling and further education.

The section on **Living Independently** provides information about what to do if you are unhappy with a service provided by the Local Authority.

The section on **Money Matters** gives information about benefit entitlement.

There are a number of local and national organisations providing broad information and advice resources. Please refer to this guide's Introduction for contact details.

Contact **Darlington Association on Disability's** information service for help with searching for information about any subject in this guide or any we haven't thought about.

## **Contacts**

### **Advocacy Together**

CVS  
Church Row

Darlington  
DL1 5QD  
Telephone : 01325 465337  
Fax :  
Minicom :  
E-mail :  
Website :

**Advocacy in Darlington**

Pease House  
12a Horsemarket  
Darlington  
DL1 5PW  
Telephone :  
Fax :  
Minicom :  
E-mail :  
Website :

**Age Concern**

Bradbury House  
Beaumont Street  
Darlington  
DL1 5SX  
Telephone : 01325 362 832  
Fax : 01325 383 543  
Minicom :  
E-Mail: [darlington@ageconcern.org.uk](mailto:darlington@ageconcern.org.uk)  
Website :

**British Council of Disabled People**

Litchurch Plaza

Litchurch Lane

Derby

DE24 8AA

Telephone : 01332 295 551

Fax : 01332 295 580

Minicom : 01332 295 581

Email : [general@bcodp.org.uk](mailto:general@bcodp.org.uk)

Website : [www.bcodp.org.uk](http://www.bcodp.org.uk)

**Community Legal Service Direct**

Freephone : 0845 345 4 345.

Website : [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

**Community Legal Service North East**

Legal Services Commission

Eagle Star House

Fenkle Street

Newcastle upon Tyne

NE1 5RU

Telephone : 0191 2445971

Fax : 0191 244 5996

Minicom :

E-mail : [johanne.tiernan@legalservices.gov.uk](mailto:johanne.tiernan@legalservices.gov.uk)

Website : [www.legalservices.gov.uk](http://www.legalservices.gov.uk)

**Darlington Association on Disability**

20-22 Horsemarket

Darlington

DL1 5PT

Telephone 01325 489 999

Fax : 01325 488 188

Minicom : 01325 245 061

E--mail : [mail@darlingtondisability.org](mailto:mail@darlingtondisability.org)

Website : [www.darlingtondisability.org](http://www.darlingtondisability.org)

**Darlington and District Alzheimer's Society**

407 North Road

Darlington

DL1 3BN

Telephone : 01325 267 555

Fax : 01325 267 556

**Darlington Citizens Advice Bureau**

Bennett House

Horsemarket

Darlington

DL1 5PT

Telephone : 01325 380 755

Fax : 01325 380 324

Minicom :

E-Mail : [bureau@darlingtoncab.cabnet.org.uk](mailto:bureau@darlingtoncab.cabnet.org.uk)

Website :

**Darlington & Durham County Racial Equality Council**

1st Floor

CVS Building

Church Row

Darlington

DL1 5QD

Telephone : 01325 283 900

Fax : 01325 287178

Minicom :

E-Mail : [ddrec@care4free.net](mailto:ddrec@care4free.net)

Website :

**Darlington Mind**

St Hilda's House

11 Borough Road

Darlington

DL1 1SQ

Telephone : 01325 283 169

Fax :

Minicom :

E-Mail: [office@darlingtonmind.freereserve.co.uk](mailto:office@darlingtonmind.freereserve.co.uk)

Website :

**Direct Action Network**

3 Crawley Road

Wood Green

London

N22 6AN

Telephone : 0181 889 1361

Legal Rights

Fax :

Minicom :

E-mail : [de95@dial.pipex.com](mailto:de95@dial.pipex.com)

Website :

**Disability Awareness in Action**

E-mail : [info@daa.org.uk](mailto:info@daa.org.uk)

Website : [www.daa.org.uk](http://www.daa.org.uk)

**Disability Discrimination Act 1995**

Website : [disability.gov.uk: Disability Discrimination Act 1995](http://disability.gov.uk: Disability Discrimination Act 1995)

**Disability Rights Commission**

DRC Helpline

FREEPOST MID02164

Stratford upon Avon

CV37 9BR

Telephone : 08457 622 633

Fax : 08457 778 878

Minicom : 08457 622 644

E-mail :

Website : [www.drc-gb.org](http://www.drc-gb.org)

**Disability Unit**

Department for Work and Pensions

Level 6

Adelphi Building

John Adams Street

London

WC2N 6HT

E-mail : [enquiry-disability@dwp.gsi.gov.uk](mailto:enquiry-disability@dwp.gsi.gov.uk)

Website : [www.disability.gov.uk](http://www.disability.gov.uk)

**European Disability Forum (EDF)**

Secretariat

39-41 Rue du Commerce

B-1000 Brussels

Belgium

Telephone : +32-2-282.46.00

Fax : +32-2-282.46.09

Minicom :

E-mail : [info@edf-feph.org](mailto:info@edf-feph.org)

Website : [www.edf-feph.org](http://www.edf-feph.org)

**Family Help (Domestic Violence)**

Helpline : 01325 364486

**First Stop Darlington**

The Old Museum

Tubwell Row

Darlington

DL1 1PD

Telephone : 01325 254 463

Fax : 01325 254 895

Minicom :

E-Mail: [contact@darlingtonfirststop.org.uk](mailto:contact@darlingtonfirststop.org.uk)

Website :

**NCH North East Family Mediation and Children's Support Service**

4th Floor

MEA House

Ellison Place

Newcastle-Upon-Tyne

NE1 8XS

Telephone : 0191 261 9212

Fax : 0191 233 0634

Minicom :

E-Mail : [nenatfms@mail.nch.org.uk](mailto:nenatfms@mail.nch.org.uk)

Website :

**North of England Refugee Service**

2 Jesmond Road West

Newcastle Upon Tyne

NE2 4PQ

Telephone : 0191 245 7311

Fax : 0191 245 7320

Minicom :

E-mail : [info@refugee.org.uk](mailto:info@refugee.org.uk)

Website :

**Patient Advice and Liaison Service**

Darlington Primary Care Trust

Dr Piper House

King Street

Darlington

DL3 6JL

Telephone : 01325 364 271  
Freephone : 0800 783 5774  
Fax : 01325 746 112  
Minicom :  
E-mail :  
Website :

**People First**

Central England People First Limited  
P. O. Box 5200  
Northampton  
NN1 1ZB  
Telephone : 01604 721 666  
Fax : 01604 721 611  
Minicom :  
E-mail : [northants@peoplefirst.org.uk](mailto:northants@peoplefirst.org.uk)  
Website : [www.peoplefirst.org.uk](http://www.peoplefirst.org.uk)

**RADAR**

12 City Forum  
250 City Road  
London  
EC1V 8AF  
Telephone : 020 7250 3222  
Fax : 020 7250 0212  
Minicom : 020 7250 4119  
E-mail : [radar@radar.org.uk](mailto:radar@radar.org.uk)  
Website : [www.radar.org.uk](http://www.radar.org.uk)

**Rethink**

Head Office

30 Tabernacle Street

London

EC2A 4DD

Telephone : 0845 456 0455

Fax :

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E-mail [info@rethink.org](mailto:info@rethink.org)

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