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An Activist Guide for LCF / LGC Members

How to enable more Disabled Members to be Councillors

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Introduction

This guidance is primarily written for Local Campaign Forum / Local Government Committee - LCF / LCG members so they know what their responsibilities are in relation to the Equality Act 2010 when selecting candidates for local council elections.

The Labour Party is committed to the Social Model of Disability. This means that we believe that the barriers disabled people face are caused by the society we live in. Labour believes we should remove the barriers restricting opportunities and choices for disabled people.

These barriers can include: discriminatory attitudes towards disabled people, environmental barriers, such as steps not ramps, communication barriers, financial barriers and organisational barriers.

This guide shows how all these barriers can be overcome.

We are focusing our guidance on responsibilities relating to candidates with either hidden or visible impairments. These two groups of people, are, in our experience, the most likely to experience either direct or indirect discrimination.

Direct discrimination is when a person is treated differently because of their impairment. An example of this would be if an LCF / LCG holds interviews for candidates in a building that is not fully accessible or does not have toilet facilities that are accessible to someone who uses a wheelchair.

Indirect discrimination is when a requirement, such as 'Candidates must commit to 6 canvassing sessions per week', would substantially disadvantage someone who has, for example, an energy impairment which limits the amount of time they can spend on physical activities.

The guidance also applies to selections for the London Assembly, directly elected Mayors and Police and Crime Commissioners. It is also valid for elections in Scotland and Wales.

Disability Labour will be producing separate guidance for the selection of Prospective Parliamentary Candidates. In the meantime this guide can be used by CLPs who are beginning selection of their next Parliamentary Candidate.

What does the Equality Act 2010 require LCFs/LGCs to do?

The Equality Act 2010 allows a political party to tackle a lack of diversity among their candidates by putting in place selection processes that will help to address the under-representation of:

- people from different races or ethnic groups
- disabled people
- transgender people
- women or men, and
- lesbian, gay or bisexual people.

Parties can only take positive action in their selection processes when people who share one of the protected characteristics listed above are under-represented in the party's representatives elected to: the UK Parliament the Scottish Parliament, the Welsh Assembly and all local government.

The Labour Party has made great strides in getting more women councillors and more councillors from BAME backgrounds elected. There is still a long way to go to get parity for disabled councillors. We make up at least 20% of the population, but that is not reflected in most Labour Groups.

Where there is under-representation, parties can take positive steps to encourage members from the under-represented group to come forward for selection. This could include providing mentoring schemes, training opportunities and additional or tailored support specifically designed to encourage these members to put themselves forward.

Where there is under-representation of people who share a protected characteristic within a political party's elected representatives, the Act allows parties to reserve a fixed number of places on their candidate shortlists for people from the under-represented group.

As a general rule political parties cannot reserve all the places on an election shortlist for people who share a particular protected characteristic. There is an exception to this rule for the protected characteristics of sex and disability.

What does the Equality Act 2010 require LCFs/LGCs to do?

Political parties can restrict shortlists to disabled candidates. This is because only those who meet the definition of disability under the Act are protected from disability discrimination and the Act specifically says that it is not discrimination to treat disabled people more favourably than someone who is not disabled [s.13(3)].

A party cannot restrict a shortlist to disabled people with a particular impairment. Neither can they restrict which party members are selected by saying, for instance, that only party members who can knock on a certain number of doors, or canvass on particular number of sessions within a week, can be allowed to stand as candidates.

What Reasonable Adjustments should we make ?

The duty on political parties to make Reasonable Adjustments is anticipatory.

This means parties are under a positive and proactive duty to think about, and take steps to remove, any barriers which prevent disabled people from enjoying the rights and benefits of membership of the party that non-disabled people have.

You should not wait for someone to ask. These are the things you should be doing already:

- Make application forms available in various formats, including editable PDF forms.
- Use a minimum of Arial 14pt (the font used in this document) for all paperwork relating to candidate applications.
- Offer to provide documents in larger print if needed or using a different type face such as Dyslexie, if this will make filling out forms easier for people.

Dyslexia is a part of neurodiversity.
Working with dyslexia is a change
for schools and businesses
but companies can benefit from
people who learn in different ways,
strengthening the diversity and
talent of their teams.

<https://www.dyslexiefont.com>

Disability Labour can assist LCFs / LCGs with producing documents in accessible formats.

What Reasonable Adjustments should we make ?

- Make sure that none of the questions on the application forms are discriminatory, i.e. "Can you agree to canvassing at least 5 sessions a week both before and during the election campaign?" This would clearly discriminate against someone who has an energy-limiting condition such as Chronic Fatigue Syndrome or Fibromyalgia. It could also discriminate against someone who is neurodiverse or has anxiety.
- Run events specifically for disabled Party members so they can be helped to skill-up and have the confidence to apply to become candidates. Disability Labour can help with ideas and/or run part of the training.
- Ask Disability Labour to run Disability Equality Training in your CLP.
- Ask all candidates what Reasonable Adjustments they would need to be able to campaign and be a councillor.
- Make sure that all venues used for meetings and training are fully accessible with accessible toilet facilities.
- If Candidates are expected to take part in discussions or training sessions, make sure the room is suitable and that there is a hearing loop for anyone who has a hearing impairment. Remember that rooms that are too bright can cause difficulties for some people.
- CLP Disability Officers can usually advise on suitable venues and equipment needed. Disability Labour can also advise if requested to do so.
- If training or interviews are held in large building or Town Hall make sure that there are clear signs and directions for candidates and that there are people to direct candidates.
- Get a wheelchair user to test out the route into and around a building to ensure that everything is accessible and that doors can be automatically opened.
- Make sure there is allocated parking for Blue Badge holders.
- Never expect candidates to go to or wait in buildings that are not well lit and safe. Never leave candidates to wait alone in a building.
- Some disabled people have assistance dogs. These are working dogs and should not be treated as pets.

What Reasonable Adjustments should we make ?

- Candidates with assistance dogs may also need a PA to take a dog out during long meetings or in wet weather.
- If a candidate needs a PA to be able to do practical things for them such as carry heavy bags or assist with accessing paperwork, always ask questions directly to the Candidate, NOT to their PA.
- Don't ask questions about someone's disability, it is up to them to disclose what they choose to tell you.
- You do **NOT** have the right to ask why someone needs a PA or assistance dog.

Selection meetings

All the points listed previously apply to selection meetings.

There are some other requirements that Wards/Branches must be aware of.

It is the usual practice to give Candidates a set amount of time, i.e. 5 minutes to address the meeting. If any candidate has a speech impediment, is dyslexic or dyspraxic or has a condition that means they need to speak more slowly or stop to get their breath, they should be allowed extra time to make their pitch.

Copies of the application forms that are sent to Ward Officers for shortlisting must be legible and in a format that can easily read by members who attend the selection meeting.

This is another great reason to ensure that type face on forms is Arial 14pt. Candidate forms that are difficult to complete or that cannot be read by screen reading software are discriminatory to many disabled people, including party members.

Encourage candidate to complete forms legibly. The ideal form should be able to be completed in MS Word, iOS Pages or PDF. Illegible forms cause difficulties for both selection panels and Ward members who will be choosing their candidates.

Is this Reasonable Adjustment reasonable ?

It is usually discriminatory to challenge a Reasonable Adjustment request. Often a Reasonable Adjustment request has never been made before and LCF / LCG members don't understand the requirements of the Equality Act.

Remember, the person making the request is likely to be more familiar with the Equality Act and its requirements than you are.

Some Reasonable Adjustments can be difficult to achieve. Again, this is not an acceptable reason for rejection of a request. You should work with the candidate to find a solution.

Always contact Disability Labour if you are unsure about a Reasonable Adjustment request. We are always happy to give advice on an individual basis. We will need to speak with the candidate as well as the person raising the concern.

Don't rely on what another LCF / LCG does - they may not be getting it right either!

Remember two people who appear to have a similar disability may need different Reasonable Adjustments. Never assume - **ALWAYS** ask.

The EnAble Fund

This was set up to provide essential financial support to allow disabled people to stand for Elected Office and replaces the Access to Elected Office Fund in England and Wales.

The scheme was due to run during the local Council and Police and Crime Commissioner Elections in May 2020.

However, because of the COVID-19 pandemic these elections were not held.

We hope that the Fund will be relaunched for next year. There may be more candidates than usual who will need such support because of the slow rate of recovery from COVID-19.

More information can be found at: <https://www.disabilityrightsuk.org/enablefund>

Financial Concerns

There is often an expectation that Candidates contribute their own monies towards election expenses. For disabled people who make be in receipt of benefits this could be a reason for not coming forward as a candidate.

At the moment a Councillor's Allowance is regarded by the DWP as income and a disabled person claiming benefits is likely to have their benefit monies reduced by the amount of their Councillors Allowance.

Disability Labour believes this to be a breach of the Equalities Act.

We have raised this specific issue with both Keir Starmer MP and Angela Rayner MP (as Party Chair). It is hoped that a cross-party initiative will enable a change to DWP legislation which will remove the discriminatory loss of benefits by disabled council candidates. We will continue to press for legal change on this issue.

The Equality Act makes it clear that a political party must not discriminate against a member by subjecting them to any detriments. A detriment is anything that might reasonably be considered to have changed the member's position for the worse or put them at a disadvantage.

Many disabled candidates will be reliant on disability benefits such as Employment and Support Allowance - ESA and / or Personal Independence Payment - PIP.

By expecting a disabled person who is entitled to benefits to pay the same amount towards election expenses or the same amount of 'Councillor's Levy', could put the disabled person at substantial disadvantage.

For those disabled people, paying the same amount as other Councillors, is likely to be a much greater proportion of their income and would cause them financial hardship.

This inequality must be addressed at Council level and solutions found so that disabled people do not suffer detriment. Failure to do this means that the Council is likely to be breaching the Equality Act 2010.

Disability Labour Training and Publications

Disability Labour produces Disability Equality Training for the Labour Party. We also run Train the Trainer sessions to ensure all our training is of the same high standard. Some training will be available on line, but we prefer to deliver training directly to your CLP to ensure that we can support you and your disabled members and help to ensure that all your CLP activities are fully accessible to all disabled members.

Disability Labour also produce a number of Guides for Disabled Members.

These contain vital information to ensure that your CLP is not breaching the Equality Act 2010.

Our Guides are:

Disabled Activist's Guide to the Labour Party

Disability Officer Job Description and Role

Accessible Campaigning – a Guide for CLPs

Activist Guide to Differently Paced Canvassing

Activist Guide to Accessible Leaflets

Activist Guide to Zoom

Activist Guide to becoming a Councillor

All these guides can be downloaded at:

<https://disabilitylabour.org.uk/our-publications>