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Duty to promote disability equality: final report

Responding to the duty to promote disability equality in the post-school sector

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Published by the Learning and Skills Network

www.LSNeducation.org.uk

Registered with the Charity Commissioners

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Registered with the Charity Commissioners

Copyeditor: Susannah Wight
Designer: Joel Quartey

062626WO/09/06

ISBN 1-84572-568-9

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This publication has been funded by the Learning and Skills Council, the organisation that exists to make England better skilled and more competitive.

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The Disability Discrimination Act (DDA) 1995 has now been amended by the Disability Discrimination Act 2005, which places a duty, known as the general duty, on all public authorities to promote disability equality. In addition, there are specific duties placed on listed public authorities, including education providers and the Learning and Skills Council (LSC), Higher Education Funding Council for England (HEFCE), Office for Standards in Education (Ofsted) and the Adult Learning Inspectorate (ALI). These organisations must publish their first Disability Equality Scheme no later than 4 December 2006.

This new legislation extends current DDA 1995 requirements – to anticipate and respond to the individual needs of disabled people – to a duty under which organisations must become proactive agents of change. The duty provides a framework to address discrimination and institutional barriers that prevent full participation by disabled people. Organisations must promote disability equality and dismantle barriers before they have an impact on disabled people.

Aims and objectives of the project

The overall aim of this project is to support organisations within the post-school sector to respond to the new duty to promote disability equality.

The project had four main objectives:

- to analyse the specific requirements of the duty to promote disability equality
- to develop, with partner organisations, models of how best to respond to the duty
- to draw up guidelines for organisations illustrated by case studies
- to develop a strategy for disseminating the guidelines.

Project approach

The project ran from May 2005 to March 2006 and was managed by the Consortium led by the Learning and Skills Development Agency (LSDA) in partnership with Skill and National Institute of Adult Continuing Education (NIACE) and funded by the LSC.

The approach involved working in partnership with a range of organisations working in and with the learning and skills and higher education sectors, who participated in different ways. These included:

- public sector organisations in the learning and skills sector that support providers (including the LSC, HEFCE and LSDA)
- Ofsted and ALI
- education providers in the learning and skills sector (including FE, sixth form and specialist colleges, and adult and community learning providers)
- providers of higher education in partnership with the Equality Challenge Unit (ECU) and the National Disability Team (NDT)
- the Disability Rights Commission (DRC).

You can read the reports of the organisations involved in the research on the Learning and Skills Network (LSN) website (www.lsneducation.org.uk). The project was steered by an advisory group of disabled people, which provided an invaluable forum for the exchange of ideas and advice on the direction of the project.

Purpose of this report

This report summarises the findings of the project. Section 1 describes the individual aim of each site. Section 2 identifies the main themes arising from the project. Section 3 describes how the project findings have been disseminated. Section 4 highlights key messages for organisations working in and with the learning and skills sector.

1 The individual aims of sites

3

Organisations are at different points on their journey to promote disability equality. Many have particular strengths on which to build while recognising areas that they have yet to address.

Within the timescale of the project, organisations identified a particular aspect of disability equality to improve, focusing on one or more of the following elements of the new duty to promote disability equality:

- carrying out disability equality impact assessments
- gathering information to monitor progress and improve performance
- mainstreaming disability equality across the whole organisation
- working in partnership with other organisations
- improving disability equality by tackling institutional barriers.

Organisations that participated in the project by submitting reports on their progress had the following overall aims:

- **Blackpool and the Fylde College:** to gather information on disabled staff to meet the specific duty requirement to gather and use information
- **City Lit:** to improve staff monitoring processes by improving disclosure processes
- **College of West Anglia:** to carry out impact assessments of learner admissions procedures and marketing activities, and to recruit staff
- **King George V Sixth Form College:** to share good practice among partners on gathering information on disabled learners' experiences, and to carry out a disability equality impact assessment of various college documentation and processes, including the college compliments and complaints form

- **Learning and Skills Development Agency (LSDA):** to carry out an impact assessment of various aspects of organisational activity including the 'events', policy and procedures.
- **Milton Keynes Council:** to carry out a disability equality impact assessment of marketing materials
- **Morley College:** to improve the support available for learners with mental health difficulties through the use of new mental health champions
- **National Star College:** to improve employment rates and prospects for disabled people within the college's workforce by developing a multimedia resource and a new employment charter
- **Somerset College of Arts and Technology:** to undertake an impact assessment of the college's health check provision; to embed disability equality within self-assessment processes
- **Thomas Danby College:** to carry out a disability equality impact assessment of disclosure procedures
- **Wakefield College:** to identify and develop disability equality champions to aid 'mainstreaming' and culture change
- **Working Men's College for Men and Women:** to improve admissions procedures, particularly in terms of encouraging disclosure for learners where English is not a person's first language, and to improve processes for passing on information to relevant staff.

Sites recognised that developing and implementing a Disability Equality Scheme and Action Plan involves a number of steps.

Get started:

- establish the infrastructure
- ensure leadership from the top
- actively involve disabled people
- take stock.

Move forward:

- establish a whole-organisational approach
- build on partnership work
- carry out impact assessments
- gather and make use of information
- invest in staff training and development
- report and publish progress.

This section discusses the main themes arising from the implementation of these steps.

Getting started

Establish the infrastructure

Meeting the requirements of the DED requires a team approach. The Disability Equality Scheme, for example, cannot be written by one or two individuals in isolation. The first step is therefore to establish the infrastructure to promote disability equality. A strong theme running through the project was to form a powerful coalition of staff from across the organisation. The team should involve senior managers with the executive authority to steer the implementation, and it should also involve disabled people in setting priorities from the outset (see below). Sites recognised that representation from human resources departments would be useful, as this duty involves staff as well as learners. Representation from someone with a quality remit would also be helpful in view of the requirements to gather and make use of information (see below).

The College of West Anglia is an example of how one organisation has responded to the team approach. It had a DDA action group which had responsibility for implementing the requirements of DDA Part 4. This group will now take on the overall responsibility for developing the Disability Equality Scheme. It is particularly effective as it is chaired by the principal and consists of cross-college managers 'who are able to make things happen'.

Ensure leadership from the top

A strong theme running through the project was the need to gain commitment and support from senior managers. Many had working groups that were chaired by either the principal or vice principal:

The work of senior management in this project has been invaluable. Progress depends on their involvement.

A number of the partner site representatives were senior managers in their own right. As one noted:

As my substantive post is as a senior manager with a strategic role this has enabled me to take the project to all strategic and management meetings. It has also meant that I have included the project in strategic plans such as the Adult Learning Plan 05/08 and the Three-Year Development Plan updates. Also I am using quality improvement measures such as the SAR and Student and Tutor questionnaires to inform the consultation for the project.

Other comments were:

Having the commitment and leadership from her [principal] has been pivotal in enabling the project to move forward successfully.

A top-down approach to driving this work is absolutely central to its success.

The most successful sites, in terms of project progress and outcomes, recognised the need and were able to form strong teams, which included senior staff, from the outset. Senior managers took responsibility for leading groups working on the DES and for embedding the Scheme within all organisational plans and processes. The least successful sites had difficulty in encouraging other staff to take responsibility, or in persuading senior staff to be involved, and found themselves relatively marginalised or isolated.

Actively involve disabled people

The legislation specifically requires organisations to actively involve disabled people in developing a Disability Equality Scheme. Sites had varying degrees of success in responding to this requirement. Taking a personal and direct approach seemed more successful than making indirect approaches, such as asking for volunteers through newsletter articles, letter or by e-mail. Some sites, however, had success through the latter approach. For example, one site sent an e-mail to all staff inviting anyone with an interest in disability equality, whether or not they had an impairment, to join a working group to take the new duty forward. As a result, two groups were formed. One is a face-to-face group with 16 disabled and non-disabled staff; the other is an electronic group composed of staff who are interested but have less available time, and those with hidden or undeclared impairments who would prefer to be engaged in a less public way. One site established a student focus group of 13 disabled students primarily through a successful college-wide poster campaign asking for volunteers. Another organisation inserted a request for volunteers into staff payslips.

Many sites in the DED project found it relatively easy to engage with disabled learners: 'We know who they are, they drop in to additional support, they're an easy-to-reach group.' Engaging with disabled staff proved more of a challenge. There appeared to be two main reasons for this. First, organisations have a culture of obtaining feedback from learners to improve performance, so systems and processes are in place. They do not, by and large, obtain feedback from staff to the same extent.

Second, sites found it difficult to identify disabled staff. Their data showed, on average, only 1–2% of their staff were identified as disabled. Although this may represent under-participation, given that one in five people of working age will have a disability or learning difficulty, it is also likely to represent significant under-declaration. Many sites therefore found themselves in a position of needing to address the reasons behind this under-declaration as part of their strategy to actively involve disabled people.

One of the key messages from the project is the need to engage as early as possible with disabled people and to explore a variety of mechanisms and strategies to do so. Another key message is that people are much more likely to become engaged if they can see that their involvement actually makes a difference and changes practice.

Take stock

Sites recognised that they were not starting from scratch in terms of DDA implementation, and began the project by taking stock of their current organisational culture, approach and progress so far in the implementation of DDA requirements. They were able to identify successes as well as areas that they still needed to address. In the most successful sites, disabled people were able to help identify priority areas to tackle.

All the sites in the project acknowledged the need to raise awareness of the forthcoming duty to promote disability equality and to communicate their vision. A variety of mechanisms was used, including:

- publicising through college newspapers and intranets
- making short presentations to a variety of staff, such as senior managers, governors, curriculum and cross-college managers
- writing and distributing short briefing papers to staff

- having individual meetings with heads of department
- including regular agenda items at meetings such as the equality and diversity committee
- distributing the briefing¹ on the DED to staff
- 'hijacking' team meetings with an agenda item on the project
- discussing project progress with college teams frequently to keep up momentum and profile
- organising training and awareness sessions on the DED and the project.

One site, for example, held a number of briefings with staff management groups, including their quality improvement group, which has a diagonal slice of staff at the organisation, the advisory group with external partners such as Connexions and the wider management team including curriculum leaders. These have been used to stimulate debate and ideas on the implementation of the DED, such as how to engage with disabled staff and learners in the best way and what specific areas of improvement are needed.

Move forward

Establish a whole-organisational approach

Sites identified strategies to take a whole-organisational approach. Some, for example, used disability equality champions to identify strategies within different departments to eliminate discrimination and promote disability equality. They played a key role in raising awareness, disseminating information and feeding back issues and concerns raised by staff and students.

¹ The LSDA has published a short briefing paper on the DED which has been distributed to all post-16 education providers. This is available on the LSN website www.LSNeducation.org

Some sites recognised the need to embed disability equality more effectively within organisational quality improvement processes. For some organisations a radical change to the way disability equality was perceived in the organisation occurred when it was defined as a ‘customer service’ issue rather than one of learning support. Customer service is something that staff see as an important part of their role. It helped staff recognise their responsibilities to disabled learners (alongside all other learners) and led to changes in practice. For example, instead of calling on specialist staff for every enquiry from disabled learners, staff concerned with recruitment worked out what training and support they required to handle the initial enquiry themselves.

Build on partnership work

Many sites in the project formed partnerships with a variety of external agencies of and for disabled people. For example, Morley College worked with several agencies, including South London and Maudsley (SLAM), their local mental health trust, ‘Leo’ early onset services, Gateways, a local project to find work for people with mental health difficulties and Pathways to learning, an organisation based in Westminster. These alliances have strengthened the work of supporting learners with mental health difficulties.

Carry out impact assessments

Sites in the project found that there was considerable confusion and ‘mystery’ surrounding the process of impact assessment, and their first step was to run workshops to help clarify and demystify the procedure. Staff often felt daunted by the challenge of carrying out disability equality impact assessments, and it is important to stress that organisations have three years to carry out this task. Sites also recognised the need to emphasise the benefits of carrying out impact assessments. For example, carrying out an impact assessment provides:

- an ideal opportunity to step back and evaluate existing and proposed activities
- an ideal opportunity to identify how the organisation can improve
- an important tool to embed disability equality in all decision-making activities, and is therefore an ideal mechanism to mainstream disability equality across the organisation
- a check so that costly mistakes are avoided.

Gather and make use of information

Data must be accurate if statistical analysis is to be meaningful. Some sites in the DED project recognised that their current individualised learner record (ILR) and staff individualised record (SIR) were likely to be inaccurate, due in part to under-declaration, and in part to inadequate processes to inform ILR or SIR if people disclose after joining the organisation. They found themselves in a position of needing to rectify these issues in order to ensure that their information was valid and reliable.

Invest in staff training and development

Many sites recognised the need to invest further time and resources in training and equipping staff. This has taken many forms, including:

- holding brief awareness-raising sessions to a range of staff, such as managers, senior managers and governors
- holding in-depth one-day training events on the requirements of the DED
- targeted training for particular staff carrying out specific activities such as impact assessments
- planning development activities for new job roles such as the role of a disability equality champion
- clarifying the relationship between this new legislation and other equalities legislation
- attending external seminars such as DED conferences and training events.

Report and publish progress

As sites moved forward with their DED project, they found that reporting back good news stories gave staff a sense of progress, and helped maintain momentum and enthusiasm.

The project findings and outcomes have or will be disseminated primarily in two ways:

- at three national conferences, 'New legislation, new opportunities', which took place between March and May 2006
- by publishing a suite of materials, which will be distributed to the sector; the suite of materials is designed to provide practical advice, tools and examples drawn from practice and offers key messages about implementing the duty.

The suite of materials consists of seven documents (see figure 1).

- **Core document: The journey towards disability equality.** This provides an overview of the main requirements and key activities required in promoting disability equality. A self-evaluation tool to help develop a Disability Equality Scheme and improve disability equality is included. There are signposts in the core documents to the other booklets in the suite.
- Five accompanying 'how to' booklets. These provide more detailed information on the main themes of the duty:
 - **Booklet 1: How to actively involve disabled people**
 - **Booklet 2: How to gather and use information to improve disability equality**
 - **Booklet 3: How to carry out disability equality impact assessments**
 - **Booklet 4: How to take a whole-organisational approach to disability equality**
 - **Booklet 5: How to meet the employment duties**
- The remaining booklet is **Booklet 6: How is the disability equality duty different from the race equality duty?** This provides an analysis of the key differences between the two sets of equality legislation.

Figure 1. The seven documents of the DED project



These documents can be accessed from the Learning and Skills Network website (www.LSNeducation.org.uk).

The project has revealed clear messages for education providers and other agencies.

Implications for senior managers

- Recognise and embrace the crucial role that you have in driving this agenda forward.
- Ensure that you align your Disability Equality Scheme to the overall goals and strategic priorities of your organisation.
- Provide sufficient resource for the effective implementation and development of the Disability Equality Scheme.
- Encourage all staff to recognise that this is part of their 'day job' and not a 'bolt-on extra'.
- Support strategies to ensure a whole-organisation approach.

Implications for practitioners

- Consider how your job role and responsibilities provide opportunities for you to improve disability equality.
- Recognise that disability equality is part of your job whatever your job role and responsibility in the organisation.
- Recognise the need, where appropriate, for continuous professional development, such as the need for training to carry out impact assessments.

Implications for the Learning and Skills Council

- Ensure that discussions between LSC partnership advisers and senior or executive managers include consideration of the organisation's DES, the improved outcomes identified for disabled people, and how these contribute to regional targets and objectives.
- Support organisations to view disability equality as a sector priority by:
 - providing resources for the implementation of the new duty
 - making the requirement to take this new duty a priority, explicit within funding requirements and publications.
- Lead by example, such as by:
 - providing organisations with benchmarking data to support information-gathering activities
 - assessing new initiatives, policy developments and decision-making activities according to their impact on disability equality
 - publishing and making widely available the improved outcomes for disabled people that have been achieved by the LSC.
- Facilitate further national research to support organisations to respond effectively to the new duty and build capacity in the sector.
- Review current funding priorities and targets to ensure providers are supported in making disability equality an organisational priority.

The legislation provides a catalyst for genuine organisational change. It builds on the principles of increasing inclusion and celebrating diversity, which many providers have already adopted. It will lead to improved choices and opportunities and help close the gap between the expectations, experiences, education, qualifications and employment of disabled and non-disabled people.

The project has shown that developing a Disability Equality Scheme provides an opportunity for organisations to take stock, reflect and celebrate achievements, and then look to the future.

We still have a long way to go on our journey towards disability equality. As those involved in the project have suggested, let's move forward, change our organisations by dismantling the barriers and, by so doing, improve our service and the experience of ALL our staff and learners.

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ISBN 1-84572-568-9

