

# The New Duty to Promote Disability Equality

**Final report from: Brian Watts**

**Name of project: Staff Monitoring**

**Organisation: City Lit**

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The main criterion for including projects on this website is that they are all developmental or action research projects undertaken as part of DDA: taking the work forward. The overall aim of this project was to support organisations within the post school education sector to respond to the DDA 2005 new duty to promote disability equality in a way which does not merely seek compliance but actively promotes opportunities for disabled people. They do not necessarily reflect good or best practice.

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## Disability Equality Duty Project – Final Report

### Major Focus

This project is focused in its aim to increase identification of disabled staff and applicants to City Lit with the further aim that this will help to trigger the involvement of a broad spectrum of disabled staff in the development of City Lit's disability equality scheme.

City Lit has 2.4% staff identified as disabled. This is likely to be below the percentage of working age disabled people, below the actual figure for City Lit and be predominantly made up of our deaf staff.

This project also aims to:

- more accurately establish the number of disabled staff,
- improve the circumstances for the self declaration of a disability by an employee or applicant, and
- in the longer term increase the employment prospects of disabled people at City Lit.

This was chosen as the focus of the project as there have been occasions when the employment of disabled staff has been viewed and managed from a negative standpoint rather than a positive one. Furthermore, many members of staff or applicants may be covered by the Disability Discrimination Act and not know it. If they and their manager were aware of this action could be taken to make their Employment more beneficial for the employee and City Lit.

It is hoped that this project will act as a catalyst for change in City Lit and that it will spur staff with a wide range of disabilities to become involved in the development of the full equality scheme.

### Progress so far

The project was initially presented to the Executive team. There was an awareness of the new duty to promote disability, but little understanding of the detail. Assumptions had been made that it would directly reflect the race equality duty. This presentation was important as I was to find later the ability to publicise the commitment of the Principal and his team proved beneficial.

The next step was to establish how disability equality is currently viewed within City Lit. Informal discussions were held with members of staff on the Executive, with staff who deal with people with disabilities and with some employees with disabilities. Although all displayed great awareness of issues surrounding people with disabilities, the majority still viewed disability through the medical model, i.e. what is wrong with the person. When subsequently presented with a choice of the medical and social models of disability everyone was more positive about the social model.

These initial findings were presented to the Senior Management Team and were received positively.

The focus of the project was then presented to groups who work with people with disabilities and staff were asked to join an informal consultation group. This invite was made in the monthly staff newsletter. Only one person out of 1070 responded, so a decision was made to continue informal one to one consultations as this point.

### **Review of current practices**

A review of how information about disabilities is currently obtained was undertaken. The key findings were as follows:

- Questions on disability are asked in the diversity section of application forms. This section is not disclosed to short listing or interview panels. However, there is insufficient explanation around the question and a request for information about any disability is inappropriate as it does not put into context why this information is requested. The guidance notes that accompany the application form do not offer further guidance.
- Job descriptions do not give guidance to potential applicants concerning whether someone with a disability could potentially be accommodated in the post.
- Staff are surveyed with their pay slip every two years to ensure the information held in Human Resources is correct. A question asking “Do you consider yourself to be disabled?” is asked; this is their only formal ongoing opportunity to declare a disability.

During the consultation the following real situations were described:

When recruiting for enrolment staff in City Lit’s new building staff in the Centre for Deaf People were keen for a deaf person to be appointed to an enrolment post. There was an assumption that a deaf person would have difficulty communicating with hearing people and would not be able to use the telephone. This was despite a number of the current deaf staff having few problems communicating and some who can use the telephone.

Members of staff who expressed difficulties with aspects of the new building were on occasion dealt with as “the problem” as the “new building is fully compliant of disability requirements”.

Staff with dyslexia do not get the same support as students with dyslexia as there is no overall coordination of their support.

### **Agreed actions**

The following (*italicised*) actions were agreed for the improvement of obtaining data on staff and applicants with disabilities:

**Write an explicit statement with the selection criteria for all job descriptions that give positive guidance to people with disabilities who may have difficulty fully meeting one or more of the selection criteria or the job duties.**

On further analysis it was decided that this statement would sit better in the guidance that is attached to the application form. The following statements have been added to the guidance:

City Lit supports applications for employment from people with disabilities.

If you have a disability that may impact on your ability to meet any of the selection criteria and you consider that, with adjustment you could carry out this role, you should indicate so when addressing that criterion. This will be taken into account by the short listing panel.

If you have a disability that, if selected for interview, means you would require special facilities or assistance (e.g. sign language interpreter), please indicate so on section 2 of the application form.

If you consider that there may be a working practice or physical feature that may need to be adjusted due to a disability if appointed to the role, please be ready to discuss this with the interview panel if you are invited to attend an interview. If necessary, City Lit will make reasonable adjustments for the appointed candidate.

It was felt that this range of statements was necessary to cover all possible eventualities.

***Rewrite the questions on the application form concerning disabilities to encourage disclosure if appropriate.***

The following changes have been made to the application form and guidance notes:

#### **Deleted from Application Form**

Do you consider yourself to have a disability?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please give the nature of the disability				
<input type="text"/>				

#### **New Question for Application Form**

Do you consider that you may be covered by the Disability Discrimination Act?  
*Please refer to the statement on page X.*

#### **Add to Equal Opportunities section of Application Pack**

In practical terms you may be covered by the Disability Discrimination Act if you have a long-term health condition that has an impact on your day-to-day life. This means that not only are visible disabilities, mental health conditions and learning difficulties covered, but also a range of other conditions are too, such as diabetes, disfigurement and arthritis. Also, cancer, multiple sclerosis, and, HIV are covered from the point of diagnosis.

**Survey current staff anonymously to gain a more accurate picture of the number with some type of disability. This survey will explain the current review of support for disabled staff and explain that it is intended that the college intends to use the social model approach to disclosure and support.**

The following survey was sent out with the January pay slip to every member of staff (1120 people):

## **Important Survey**

The Disability Discrimination Act 2005 creates a duty on public authorities to promote disability equality. As a part of this City Lit is reviewing how it supports its employees with a disability and those who develop a permanent or temporary disability whilst in our employment.

We recognise that disabled people face exclusion and discrimination because barriers are placed in the way of their full participation in society. While the achievement of equality may call both for adjustments to working practices and physical features, even more profoundly it will require the transformation of attitudes – an abandonment of the traditional approach based on what a person with a disability *can't* do, to one based on the approach of what he or she *can do*.

As a part of our disability equality scheme City Lit will publish clear guidelines for the support of staff with a disability.

As a first step we wish to gain a better appreciation of the number of staff with a disability that we employ.

We would therefore be grateful if you could tear off and return the question below if you believe that you may be covered by the Disability Discrimination Act.

The Act covers anyone who has “a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities”

In practical terms you may be covered if you have a long-term health condition that has an impact on your day-to-day life. This means that not only are visible disabilities, mental health conditions and learning difficulties covered, but also a range of other conditions are too, such as diabetes, disfigurement and arthritis. Also, cancer, multiple sclerosis, and, HIV are covered from the point of diagnosis.

**Please be assured, this survey is anonymous and will be used solely to gain an accurate picture of the number of staff who may be covered by the Disability Discrimination Act.**

If you would like to discuss this further in confidence or require any more information or support with a disability please contact me.

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020 7492 2685

I believe that I may be covered by the Disability Discrimination Act

*Please return in the enclosed prepaid envelope*

44 slips were returned – this represents 4% of staff identifying themselves as covered by the act. Previously just 26 members of staff had identified themselves as covered (2.4%). This return, whilst still not high – approximately 16% of people of working age have a disability or learning difficulty, was encouraging as it represents a 70% increase in identification. It has always been difficult to gain feedback and involvement from many City Lit staff because of the loose employment relationship that many have. Of c1100 staff nearly half work on a casual or intermittent basis, so their only regular contact is through the newsletter, which is often not read.

Furthermore without prompting 4 people identified their disability and a further 4 identified themselves and their disability.

***Develop a positive process that will allow staff with or who develop disabilities to declare that information to an appropriate person if required.***

Apart from the actions above process on this has been limited to discussions at the Senior Management Team meeting and at the Equality & Diversity Committee. This has enabled me to highlight the progress so far and signal where we intend to go as an employer. The feedback to this has been very positive so far, but as with the rest of the project the proof will be in the successful support given to staff with disabilities.

## **Successes and Challenges**

The major challenge has been maintaining the timescale that was set in the initial project plan. Dates slipped. Staff were to be surveyed in August; however it was quickly decided to survey anonymously and separately from the normal survey, therefore the August date was no longer appropriate. The earliest that a survey could go out with pay slips was December; however, as this was so close to the Christmas break it was thought this would affect the number of returns, it was therefore issued in January.

Involvement is also difficult to gain. Groups that work with and represent people with disabilities are beginning to get requests from organisations concerning the disability equality duty and some were unwilling to become too involved with their development unless there was a direct correlation to their area of interest. At City Lit it was easy too get involvement from deaf groups due to our centre for Deaf People.

It has been a challenge to find data on the number of people, the number of people of working age and the number of economically active people with disabilities.

When the request for involvement was issued to staff one employee came forward to discuss her disability and the barriers she had faced to disclosing it. She expressed support for the approach we were taking. The employee indicated that the barriers she faced were that her disability is not easy to explain or understand, is not visible and its effects on her work are not always the same. Furthermore she was not clear about who she should talk to and was not confident that declaring the disability would make any difference to

her work situation as previously anxieties and questions had been misunderstood as complaints. Furthermore, these “complaints” had not been taken forward by the line managers and the employee had not invoked any formal procedure (such as grievance), so no other department such as human resources or health & safety had been involved. These comments validated my findings. This was a success as it demonstrated confidence in the approach and indicated that once implemented it should have some success in encouraging staff covered by the DDA to identify themselves.

The survey sent to all staff was a success as 44 people responded. Whilst this is probably not an accurate figure of the number of staff with a disability, it enables the college to recognise that there are a significant number of disabled people in the staff body.

### **Outcomes and Benefits**

The key outcome is that the Executive and Senior Management Team has a clear understanding of the requirement to promote disability equality and to produce a disability equality scheme by the end of the year. Leadership at Executive level has been agreed and publicly signalled. This work has also highlighted any shortfalls in the implementation of the race equality duty.

It has been agreed that the requirement for impact assessment of policies, procedures and practices will become a part of the rolling review of City Lit policies and procedures. The impact assessment will examine the full range of equalities issues.

It has been identified that members of staff who have or develop a disability do not have a clear route to follow to gain support. This is partly due to the fact that it is not funded in the same manner or to the same degree as student support, but in the main due to the fact that there is no overall coordination within City Lit.

At the beginning of this project I started to gather evidence that seemed to indicate that the support offered was poor as these were the only cases that reached Human Resources or the Executive level. However, on further examination I have uncovered ample evidence of good support having been given to employees; however that evidence is not always obvious, is often not identified as support for a “disability” and is frequently not reported on.

Examples of this include:

- Systematic accessing of “Access to Work” to support staff across the college with work and training.
- Laptops have been issued to a number of staff with dyslexia to help them work at home and other areas that are quieter than the college’s open-plan offices.
- Where workstation assessments have identified potential upper limb issues Alexander Technique tutors have been assigned for two hours to give one-to assessment and support.
- Staged back-to-work plans are agreed where there have been periods of long illness or absence due to a disability.

## **Emerging Themes**

Whilst it will be useful to know the number and percentage of the workforce that has some sort of disability and possibly in the longer term it may be beneficial to be able to identify the range of disabilities of the workforce; the success of this project and ultimately the requirement for a disability equality scheme is about real progress for real people. The disclosures obtained so far are examples of this.

It has been difficult to gain the involvement of disabled people before City Lit can demonstrate an improved organisational attitude to staff with disabilities. The survey has begun this process of change.

It has been recognised that there is insufficient overall coordination of the support given to disabled staff. Currently it is split between the line manager, learning support department, Human Resources and the health & safety advisor, without any of these departments or job holders therein having specific or identified responsibilities. Cases are handled on an ad hoc basis, often by the line manager without support, which is not totally satisfactory.

## **Key Recommendations**

For this project and any similar process in another organisation to be successful it required the full and unequivocal support of the Principal and the senior management team, who all clearly demonstrated their support at key moments.

The self assessment process that has been carried out as a part of this project has identified weaknesses at City Lit that need to be addressed. If weaknesses are seen or other weaknesses perceived by employees the organisation has to work doubly hard to convince people that “things will change”. Only when people begin to see change do they open up and become involved. This was a “chicken and egg” situation and initially progress was excruciatingly slow. Once people begin to see change and begin to engage there can be a snowball effect that should be harnessed.

## **Useful Sources of Data**

The GLA website for comparative figures,  
<http://www.london.gov.uk/gla/publications/factsandfigures.jsp>

## **Future Work**

Human Resources will gather evidence of good practice of supporting staff with disabilities. This data will be anonymised and published to demonstrate to staff with disabilities who may not come forward that support is available and to assist with developing formal mechanisms to support staff.

Once support mechanisms for staff with disabilities have been formalised these will be published. The new staff handbook is nearly complete, so mechanisms will not be published in it in full. We will print a clear statement of aims and principals that we will follow (based on the survey statements). The development of formal support mechanisms will give another opportunity for

gaining coverage and exposure, thus pushing the process forward a little more.

The Heads of Human Resources and Learning Support will lead on the implementation of impact assessment of City Lit policies, procedures and practices. As a part of this they have been tasked with forming interest groups of staff and students with disabilities. It is proposed that the staff group will not be composed solely of people with disabilities as this would potentially identify them as having a disability, when they may not want this to happen. The group will be open to any member of staff with an interest in disability equality issues, an anonymous poll of that group will ensure that members of staff with disabilities are well represented. This group will be asked to review how current staff are surveyed to obtain data of the number of staff with disabilities and to suggest improvements.

The revised application form will be monitored and feedback sought from a cross section of successful and unsuccessful applicants.

It is hoped that these actions will continue the process of empowering staff with a disability by demonstrating that City Lit will deal positively and sensitively with staff who identify themselves as having a disability to ensure that they can remain fully active employees.

**Brian Watts**  
**Head of Human Resources**  
**2 March 2006**