

DISABILITY EQUALITY SCHEME (DES) 2006-2009

KEY FACTS:

DDA Act 1995

DDA Act 2005

December 2006 – new clauses of the 2005 Act come into force.

The DES is a legal requirement under the Disability Discrimination Act 2005 and provides us with a framework to deliver further action to remove impediments that disadvantage people with disabilities.

INTRODUCTION

The Disability Discrimination Act (DDA) 2005 introduced a new duty on colleges (and on all public authorities) to make 'reasonable adjustments' recognising that equality of opportunity cannot be achieved merely by treating disabled and non-disabled people in the same way. On December 4th 2006 the Disability Equality Duty (DED) clause of the 2005 DDA Act will come into force, which requires colleges (and all public authorities) to give due regard to the need to treat disabled people more favourably. For example, we will be required to provide additional dedicated services or facilities to enable disabled people to access mainstream services on equitable terms. The new part of the DDA Act does not restrict positive discrimination in favour of disabled people in any way. This is because under the Act only disabled people are protected against discrimination, and not those who are not disabled.

COLLEGE VISION

The College welcomes the inception of the DES, which will be a fundamental vehicle facilitating development in the way in which we do things, taking into account the needs of our diverse communities, being accountable for what we do and mainstreaming disability equality into all our policies, functions and activities.

Currently the College 'actively complies with the spirit of, and implementation of all legislation relating to disability'*. Our equality and diversity policies state that 'in all aspects of its activities the College will promote equality of opportunity and oppose discrimination on the grounds of age, creed, disability, economic status, ethnic origin, family responsibilities, gender, learning needs, nationality, race, marital status, sexual orientation or trade union membership'. We also state that we are 'committed to challenging and combating discrimination against any individual or group of people'. The DES provides a framework for us to further develop our policies to ensure that disabled learners and staff are protected against discrimination.

Source of quote: * Disability Statement 2006/07

The DED introduces a new duty to promote disability equality and we will expect all members of staff to take positive action to provide equality of opportunity within the College. In particular, all reasonable steps will be taken to ensure that:

- (i) The educational opportunities provided to members of the public are equally available to all.
- (ii) The College will provide a learning and working environment in which each individual will have an equal opportunity to realise his or her full potential.
- (iii) Decisions relating to recruitment, promotion and training of staff are made solely on the basis of those characteristics likely to affect proper performance of the work involved.

SECTION 1 – SUMMARY

The new duty, which is part of the 2005 Act, comes into force on 4th December 2006. It builds on the progress already made in the sector and extends the requirements of the DDA of 1995 by requiring colleges to anticipate and respond to the needs of disabled people. Colleges will have a duty to become proactive agents of change.

The new requirement places a set of general and specific duties on colleges (and on all public authorities) that require them to have due regard to the need to:

The general duties

- eliminate unlawful discrimination and disability related harassment
- promote equality of opportunity between disabled people and other people
- take account of disabled people's disabilities, even when that involves treating disabled people more favourably than others
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life.

The specific duties

- publish a DES by 4th December 2006
- prepare and regularly review an action plan detailing the steps the College plans to take to meet the new duties
- review, revise and publish the College Scheme every three years

This DES details how we plan to undertake the responsibilities arising from this important and integral area of our work. It explains how we will meet the requirements of the Disability Equality Duty (DED) along with an Action Plan detailing key activities over the next three years.

We will look at what we do by assessing and then prioritising issues and functions in terms of disability equality. These are referred to as 'impact assessments'. We will then consult on relevant issues to listen to concerns, and identify how we can improve our services to accommodate the needs of disabled people.

SECTION 2 – INVOLVING DISABLED PEOPLE

This has been via a range of methods. In 2003 we commissioned a disability access audit conducted by an independent consultant. The audit identified how we can improve access to all our college premises. Since 2003 we have committed over £100K to making 'reasonable adjustments' and bringing our premises up to the required standards. More recently we have engaged with disabled learners and staff to involve them in the DES and associated Action Plan for 2006 – 2009. As from October 2006 DES activities will be a standing item on the agendas of the following College Committees:

- Equality and Diversity Committee
- Health & Safety Committee
- Staff Development Committee
- Staff Liaison Committee

Disabled staff and/or learners are represented on all these Committees. A focus group of disabled learners has also agreed to participate in the DES and associated 'impact assessment' that will be carried out on all College Policies. Targets detailed in the DES will be included in the College Development Plan 2007 – 2009, and will be monitored by the Quality Assurance Team. The Management Team and the Corporation will receive regular opportunities for consultation and participation in the DES exercise and receive reports on progress as appropriate.

SECTION 3 – IMPACT ASSESSMENTS

All policies are to be prioritised and assessed for relevance to the general duty. We will monitor the effects of our policies where appropriate so that we can review whether what we do has an adverse impact on particular groups. We will use this data and information e.g. from surveys and complaints, to continually assess, review what we do, and investigate if there appears to be disproportionate effects on different groups. We will also work in partnership with other public service providers to see where we can work better together to provide services that reflect the needs of minority communities.

The list of College Procedures is continually changing and we will keep it updated on a regular basis as new policies are introduced. The list will be reviewed at least every three years. A list of our policies and procedures is available via the College intranet. New policies will be 'slotted' in as they are Impact Assessed and thereby assigned an impact level (see Section 5 below for details).

The Policy Process

All policies are 'owned' by a Policy Author who is the manager responsible for its review and update. All policies are available to our staff via the intranet under 'College Procedures'. All policies have a built in review date to facilitate changes in policy and the requirements of new legislation.

Why do we need to impact assess policies and procedures?

The purpose of carrying out assessments is to identify any adverse impact and establish if any changes need to be made as a result. If any adverse impact is identified, we are then able to establish whether any changes need to be made via consultation with the identified groups or communities. It may be that alternatives are available for consideration that will not have a detrimental effect.

How will we impact assess policies?

A core group (known as the DES Panel) will be identified within the College including representatives from the Equality and Diversity Committee, Human Resources, Health & Safety Advisor, Quality, Curriculum and support departments, disabled staff and learner(s).

Members of this group will meet and prioritise policies and procedures for review. Policy authors will be invited to a meeting to discuss and review their policies. Prior to the meeting policy authors will be asked to assess the impact of their policy by answering the following questions:

- a. What is the purpose of the policy?
- b. Who will have an interest in or be affected by the policy?
- c. What is the policy trying to achieve?

The DES Panel will consider:

1. known existing data or consultation results.
2. whether further information is needed.
3. whether the policy may have relevance to the general duty:
 - a. Will there be consequences for the public? For our staff?
 - b. Is there any reason to believe that some may be affected? differently because of their disability?
 - c. Is there any evidence of discrimination either directly or indirectly?

Depending on the answers to these questions, an impact level is assigned to the policy/procedure which determines the level of consultation which will be commissioned.

SECTION 4 – CONSULTATION AND INVOLVEMENT

This will depend on the results of the assessments.

- **High impact** – we will consult both internally (i.e. with College staff and appropriate Partners) and externally (i.e. with the public or agencies that represent the public).
- **Medium impact** – we will consider the nature of the policy and will either consult internally only, to include Staff Liaison Committee, or may consider carrying out wider consultation. Whichever route is decided, all decisions and consultation responses will be recorded in line with the Disability Equality Impact Assessment Guide, published by the Disability Rights Commission.
- **Low impact** – there will be no formal consultation externally. Internally we will consult with the most appropriate section or team e.g. Human Resources etc. We will ensure that the policy is assessed according to the General Duty every three years.

CONSULTATION

Internally

The groups listed below have primary responsibility for Equality & Diversity issues. However depending on the nature of the policy and level of impact, the level of consultation will be tailored accordingly:

- Corporation
- Management Team
- Academic Board
- Diversity & Equality Group

We will also consult with the Staff Liaison Committee, UCU and Unison as appropriate.

Externally

There are a number of external community organisations and interest groups that could be called upon dependent on the issues involved. Whatever level of consultation is required we will consider the most appropriate format e.g. focus group, survey, meeting, email, languages, according to the target audience.

WHO WE WILL CONSULT ON THIS DOCUMENT

We aim to carry out a wide degree of consultation internally and externally, including:

- all staff via our Intranet, Briefings
- UCU and UNISON
- all College departments via Section Heads/ Heads of Department
- staff liaison committee
- citizenship college course

- disability groups in BFBC via the BFBC Disability Officer
- members of the public via internet, libraries, press releases, receptions and
- other partners.

SECTION 5 – DISABILITY EQUALITY ACTION PLAN

The action plan is available on the College intranet and website. It has been drawn up with the involvement of disabled staff and learners. It is part of our 3 year DES 2006-2009. The Equality and Diversity Committee will report on progress against the action plan on an annual basis.

SECTION 6 – MONITORING

Our DES and DED action plan will be monitored and scrutinised in the following ways, under the auspices of the Quality Assurance Team and the Equality and Diversity Committee:-

- maintain the focus and define the priorities of the organisation on diversity issues
- promote two-way communication with staff and with the community
- identify and encourage best practice/positive initiatives
- identify and challenge bad practice/barriers
- oversee the development and use of diversity monitoring.

The Equality and Diversity Committee meets on a termly basis and is chaired by the Principal. The DES Action Plan will be a standing item on the agenda. Membership is to be reviewed to ensure representation by disabled staff and students.

What role do Corporation members play?

The members of the Corporation have a two fold responsibility:

- to ensure that the College meets the general and specific duties in relation to the College's own functions/policies and staff; and
- to ensure that the College meets the general and specific duties in relation to learners and the local community of potential learners.

The Corporation will receive an annual Equality and Diversity Monitoring Report, along with periodic updates on diversity and equality issues as recommended by the College Principal.

SECTION 7 – MONITORING AND POSITIVE ACTION

The monitoring process will be used to ensure that disabled learners and staff and non-disabled learners and staff are treated equally.

To inform the setting of targets [as required by the Learning and Skills Council Equality and Diversity Impact Measures] and the measurement of progress in achieving them, the College will collect and analyse the following information about disability.

For learners:

- Disability profile of learners
- Retention rates
- Achievement rates
- Satisfaction survey
- Complaints received concerning disabled learners or disability issues

For staff:

- Disability profile of employees.
- Job application and selection success rates.
- Type of contract (permanent, temporary, sessional).
- Training/Staff Development.
- Promotion application and success rates
- Grievances, disciplinary and capability proceedings.

The information will be presented in the annual Diversity and Equality Monitoring Report to the Management Team and the Corporation.

SECTION 8 - PUBLIC ACCESS TO INFORMATION AND TO SERVICES

To the public (including learners, work placement providers and staff):

Our commitment to disability equality will be highlighted in our prospectus, annual report and annual financial statement.

A summary of the results of our monitoring information will be included in our annual Diversity and Equality Monitoring Report to the Management Team and the Corporation.

To staff:

The staff induction programme will highlight the College's commitment to disability equality.

Everyone that works for us will receive disability awareness information and training if appropriate

A summary of the results of our monitoring information will be communicated to and through the Senior Management Team. Any published information will have due regard for individual confidentiality.

A summary of disability equality impact assessments for policies, procedures and functions (once completed) are:

- published on the intranet for internal use.
- discussed at Equality & Diversity Committee meetings.

SECTION 9 - STAFF TRAINING

Training and access to training opportunities are fundamental to fulfilling our obligations and promoting equality of opportunity. Training on disability awareness is one of the elements which is mandatory for all staff on a permanent contract.

SECTION 10 - DEALING WITH COMPLAINTS

It is recognised across the College that prompt attention to an informal complaint not only demonstrates a caring and appreciative attitude, but can often save time overall and prevent the escalation of a minor problem. All staff must take responsibility for handling complaints from learners/clients and the public. Acts of disability discrimination (direct or indirect), harassment, victimisation or abuse will be treated as a serious disciplinary offence. Learners who feel they are being discriminated against on the grounds of disability by members of staff or other students, should initially raise this with their personal tutor, Section Head or Head of Department. Staff must, however, be sensitive to the informal (verbal) complaints of a serious nature and notify their Section Head and/or the Head of Student Services without delay. All formal and/or written complaints must be recorded in accordance with the College Complaints procedure.

Staff who feel they are being discriminated against on grounds of disability by other members of staff should raise the matter under the Grievance Procedures, if the accusation is upheld this will be treated as a serious disciplinary offence.

Any discriminatory behaviour directed against staff by learners will be dealt with under the student disciplinary procedure.

Who can make a complaint?

- The person against whom the alleged conduct occurred
- A person acting on the alleged victim's behalf with their written consent, i.e. friend, relative, solicitor, MP etc.
- A person who has personally witnessed the incident (and could provide admissible evidence). This excludes someone who, perhaps, has seen an incident on television.
- A person adversely affected by the conduct (adversely affected means: suffered any form of loss or damage, distress or inconvenience, put in danger or unduly put at risk of being adversely affected).

SECTION 11 – DEFINITIONS

What is unlawful disability discrimination?

Direct Disability Discrimination means treating someone less favourably than another on the grounds of disability.

Indirect Disability Discrimination

Indirect discrimination means a requirement or condition which is applied equally to everyone but:

- can only be met by a considerably smaller proportion of people
- is to their detriment; and
- cannot be justified.

Victimisation arises where someone is treated less favourably because they are known to have, or are suspected of having:

- Made a complaint of disability discrimination;
- Planned to make a complaint;
- Supported someone else who has made a complaint of disability discrimination or is planning to.

For example: when a member of staff is refused a training course because they supported a colleague who made a complaint of disability discrimination.

Harassment can take many forms for example:

- leering, ridicule, embarrassing remarks or jokes, unwelcome comments about dress or appearance, deliberate abuse or insult;
- hostile actions intended to isolate or intimidate the victim, unjustifiable criticism and repeated and/or unwanted physical contact; physical assaults.

CONTACTS

- Staffing issues: Human Resources Manager
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