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How to gather and use information to improve disability equality

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

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How to gather and use information to improve disability equality

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

Christine Rose

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This document is one of a suite of materials from the project, The Duty to Promote Disability Equality. The project ran from May 2005 to March 2006 and was managed by the Learning and Skills Development Agency (LSDA) in partnership with NIACE and Skill, and funded by the Learning and Skills Council (LSC). Individuals from more than 25 organisations were involved in the project as research sites, as advisory group members and as partners. I would like to extend my thanks to them all for their contributions and the insights they brought to the process of promoting disability equality. I would especially like to thank Christine Rose for her crucial role in leading the project and for writing these materials.

I hope you will find this suite of documents a valuable resource in helping you to produce your Disability Equality Scheme and action plan and that the materials assist you to close the 'equality gap' experienced by so many disabled staff and learners.

Sally Faraday
Research Manager
Learning and Skills Network

Introduction

This document is part of a suite of materials designed to assist post-16 education providers to respond positively to the duty to promote disability equality. These materials are derived from a research project which reports the experiences of organisations engaged in implementing the Disability Equality Duty (DED). This duty is part of the Disability Discrimination Act 2005 (DDA 2005), which comes into force on 4 December 2006. Readers should note that this was wrongly put in the Disability Rights Commission (DRC) code of practice as 5 December. The DRC has since issued an erratum saying that the correct date is 4 December 2006.

The Disability Equality Duty project

The aim of the project was to explore the implications of implementing the disability equality duty (DED) in the post-school sector, to respond positively to the new requirements. Over 25 organisations were involved, including:

- further education colleges
- sixth form colleges
- adult and community learning (ACL) providers
- higher education institutions
- Adult Learning Inspectorate (ALI)
- Disability Rights Commission (DRC)
- Equality Challenge Unit (ECU)
- Learning and Skills Council (LSC)
- Learning and Skills Development Agency (LSDA)
- Higher Education Funding Council for England (HEFCE)
- National Disability Team
- National Institute of Adult Continuing Education (NIACE)
- Ofsted
- Skill.

The project ran from May 2005 to March 2006 and was managed by the Learning and Skills Development Agency (LSDA) in partnership with NIACE and Skill; it was funded by the Learning and Skills Council (LSC). The project outcomes were disseminated through three events called ‘New legislation: new opportunities’, which took place between March and May 2006. Issues from these events have been incorporated within the suite of materials.

Organisations in the project were at different points on their journey towards disability equality. Many recognised strengths but also accepted areas that had yet to be addressed. All started work to implement the requirements of the duty to promote disability equality and, within the context of their own organisation and timescale of the project, many identified a particular aspect of disability equality to improve. These focused on one or more of the following requirements of the duty:

- to carry out impact assessments
- to gather information to monitor progress
- to embed disability equality across the whole organisation
- to actively involve disabled people
- to work in partnership with other organisations
- to improve disability equality by tackling institutional barriers.

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.

Implementing the duty

Implementing the duty will help close the gap between the expectations, experiences, education, qualifications and employment of disabled and non-disabled people. It will enable you to:

- create a positive atmosphere where there is a shared commitment to value diversity and respect difference
- deliver a first class service; Ofsted, for example, has found that a common characteristic of the highest performing organisations is that they have an inclusive ethos, and the best lessons take place where teaching and learning responds to the needs of individual learners

- achieve a more representative workforce, recruiting from a wider pool of applicants
- meet the requirements of funding, audit and inspection bodies better
- promote a greater knowledge and understanding of disability among all learners, which will benefit society at large.

If you are leading on the implementation of the DED, you are advised to familiarise yourself with the Code of Practice produced by the DRC, which is a statutory document. It is admissible as evidence in legal proceedings under DDA 2005, and courts and tribunals must take into account any part of the Code that appears to be relevant to issues arising in proceedings. The Code and other guidance materials provided by the DRC are available on the DRC website (www.dotheduty.org). Online guidance documents available on the DRC's website (www.dotheduty.org) include:

- guidance for the further and higher education sectors (from August 2006)
- guidance on evidence gathering
- guidance for disabled people on the Disability Equality Duty (from July 2006).

Using the materials

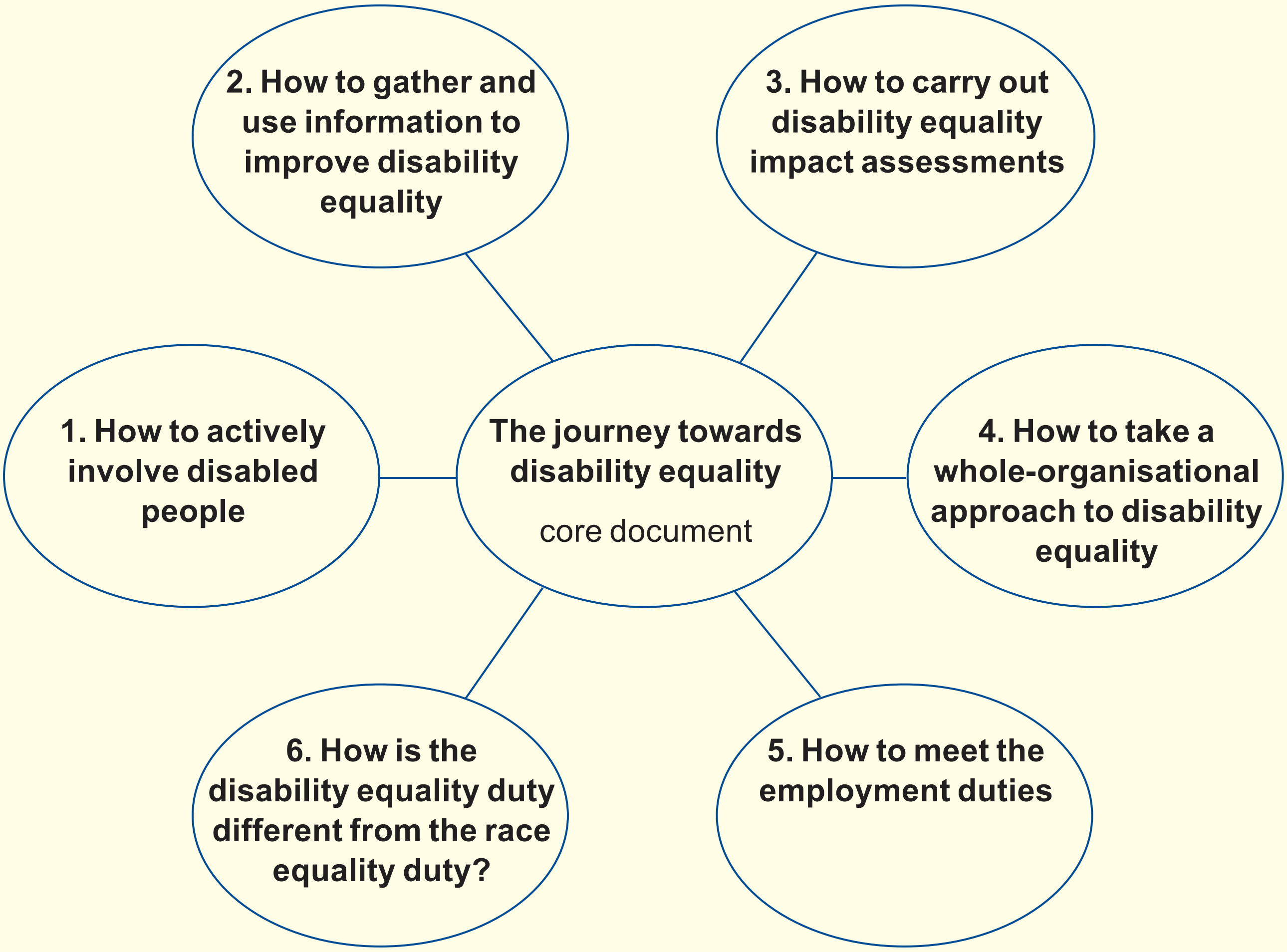
This suite of materials derived from the project is designed to provide practical advice, tools and examples drawn from practice and offers key messages about implementing the duty. Throughout the materials you will find references to and quotes from the DRC's Code of Practice and other publications. It is advisable to read these materials alongside the Code of Practice.

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

- **Core document: The journey towards disability equality** is the starting point and needs to be read first. It provides an overview of the main requirements and key activities required when promoting disability equality. The core document also includes a self-evaluation tool to help develop a Disability Equality Scheme and improve disability equality. There are signposts in the core documents to the other booklets in the suite.

- There are five accompanying ‘how to’ booklets. Each provides 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 analyses the similarities and differences between the duty to promote disability equality and the duty to promote race equality, carried out as part of the project.

Figure 1 The seven documents of the DED project



Booklet 2: How to gather and use information to improve disability equality

Gathering and using information effectively will enable you to assess the impact of all your activities on disabled people. It will help you to identify key areas to address so that you are continually improving disability equality in your organisation. This booklet will help you to:

- appreciate the specific duty requirements to gather and use information – section 1
- understand the key principles to consider when gathering information – section 2
- consider ways to use the information that has been gathered effectively to improve performance in disability equality – section 3
- consider responses to frequently asked questions on this subject – section 4.

1 The specific duty requirement to gather information

The Disability Discrimination Act (DDA) 2005 places a duty to promote disability equality on all public sector organisations. This legislation builds on the progress already made by many providers in improving disability equality in education. However, it will extend the requirements of the Disability Discrimination Act 1995 – to anticipate and respond to the individual needs of disabled people – to a duty under which organisations are expected to embed disability equality into all decisions and activities. This means that disability equality becomes central and integral to all that we do, rather than a ‘bolt-on extra’. It will help shift the focus away from the requirements of individuals and onto the policies, procedures, plans and practice of an organisation. It will help eliminate discrimination and dismantle barriers before these can have an impact on individuals. This approach supports the social model of disability, an underpinning principle of the new legislation. Education providers are covered both in terms of the educational opportunities offered for learners and in their role as employers.

The duty, also known as ‘the general’ duty or ‘disability equality duty’ (DED), has six inter-related parts. Public authorities, in carrying out their functions, must have due regard to the need to:

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

In addition, there are specific duties for listed public authorities including education providers and funding bodies. Organisations covered by the specific duties must publish a Disability Equality Scheme (DES) by 4 December 2006.

One of these specific duties requirements is to gather and make use of information in order to assess the impact of activities on disabled people and to measure progress towards disability equality (the monitoring duty). Your DES should include statements on:

- the type of information used to monitor disability equality, and specifically:
  - the recruitment, retention and career development of disabled staff
  - the educational opportunities available to and the achievements of disabled learners; these should be interpreted broadly and include, for example, access to facilities and trips
- an explanation of how the organisation intends to use this information to promote disability equality, and specifically:
  - to prepare an action plan
  - to review the effectiveness of such an action plan and to prepare subsequent Disability Equality Schemes.

The general duty provides a basis for determining what information you require. For example, guidance by the Disability Rights Commission (2006, p18) provides the following illustrations:

- the need to promote equality of opportunity between disabled people and other people; for example, do disabled people have the same chances in accessing promotion, employment, services provided as others?
- the need to eliminate discrimination that is unlawful under the DDA; for example, is there evidence that disabled people are being treated less fairly than others because of practices that act as barriers?
- the need to eliminate disability-related harassment; for example, is there evidence of disability-related hate crime or bullying?

- the need to promote positive attitudes towards disabled people; for example, is work being undertaken to challenge negative societal stereotypes about what disabled people can do or how they feel?
- the need to encourage participation by disabled people in public life; for example, is there fair representation of disabled people, specifically the diversity of disabled people, on your board, advisory bodies or consumer panels?
- the need to take steps to meet disabled people's needs, even if this requires more favourable treatment; for example, is there evidence that disability-specific services meet the needs of their users?

Education providers, under the general duty, are required to take account of disabled people who are not staff or learners, such as disabled parents and other disabled people who use services. There are no statutory duties on education providers to gather information on the extent to which services and other functions take account of the needs of disabled people who are not their staff or students. However, it would be good practice to show how you are meeting the general duty on service users and in relation to your staff and students. The LSC has a statutory duty to gather information on the above employment practice for their staff, and to gather information on the extent to which services and other functions take account of the needs of disabled people.

The Disability Equality Duty places an explicit requirement to involve disabled people meaningfully in all aspects of the development and implementation of a Disability Equality Scheme. Disabled people, for example, should actively participate in deciding what information you collect, how this is collected and how this information might be best used. While the next section considers some of these activities, it will be essential to involve disabled people throughout the process of gathering and making use of information. Further information can be found in the accompanying booklet 'How to actively involve disabled people'.

2 Key principles to consider when gathering information

Why should we gather information about disability equality?

People need to see the reasons why they are being asked to gather and make use of information. If people do not know why information is being collected, or the benefits of using such data to improve performance, they will simply see the process as an additional and unnecessary burden.

So staff need to know that monitoring allows you to assess the impact of all your activities on disabled people. Gathering and using information effectively will highlight areas where disability equality can be further promoted in your organisation, and identify barriers and equality gaps for you to address. It will also help you to measure your progress in promoting disability equality. And very often improving the experience of disabled people improves the experience of everyone.

Disabled people also need to know why you are collecting information. They are most likely to get involved if they:

- understand the approach you are taking towards disability equality
- understand why you are gathering evidence
- see clear changes in practice as a result of their feedback.

What sort of information should we gather?

It is likely that you already collect some information about disability equality. For example, you may monitor the recruitment, retention and achievement of disabled learners in comparison to non-disabled learners. You may carry out learner satisfaction surveys and analyse results to identify the experiences of disabled people. You may record the nature of complaints received, including complaints of discrimination. You may also collect other information that can be easily disaggregated to identify the experiences of disabled people compared with non-disabled people. For example, you could add disability-related questions to annual staff surveys, and you could analyse the results of surveys by disability and learning difficulty. You could monitor disabled learner attendance compared with non-disabled learner attendance.

As a starting point, therefore, you may wish to consider the following questions:

- What information do you currently gather to evidence disability equality? You might like to think about disabled staff and learners, but also other interested stakeholders such as disabled applicants who do not enrol, or disabled learners who drop out of courses.
- What are the strengths and weaknesses of current information-collecting mechanisms? For example, are there any areas that have proved difficult when collecting information? How might these be overcome?
- Who is responsible for collecting disability equality information and how is it used?
- What are the views of disabled people on how this information could be improved?
- What further information-gathering processes can you implement to improve the information you collect?

You should gather both qualitative and quantitative information from a wide range of sources using a variety of methods. You will want to consider different types of information such as statistics, information from questionnaires, and the results of interviews and focus groups of disabled people. Each method of gathering information has its own advantages and disadvantages, and your selection will be based on what kind of information you are trying to find out. Using a wide range of methods will help ensure you take a balanced approach. Further information can be found in the accompanying booklet ‘How to actively involve disabled people’.

The types of information that you gather will need to identify barriers that disabled people face as well as those which measure successful outcomes, such as the improved achievement rates of disabled learners. Care should be exercised as you decide the types of information that you want to gather. For example, it is relatively easy to measure what is available rather than what matters. The Disability Rights Commission points out:

> *The emphasis should always be on identifying outcome-oriented actions rather than outputs which are easily measured but do not necessarily measure the key experiences which matter to disabled people.*
>
> (DRC 2006, p22)

It may, at times, be necessary to collect and analyse information by impairment type. This causes a tension between striving to adopt a social model of disability while ensuring you have robust information-gathering processes. You might understandably argue, for example, that having a visual impairment, experiencing a mental health difficulty or acquiring a medical condition are all ‘labels’ that provide little or no indication of organisational barriers that must be removed to ensure an equitable employment or educational experience.

However, the Disability Rights Commission’s code of practice points out that:

> *Disabled people with different impairments can experience fundamentally different barriers, and have very different experiences according to their impairment type. It will often be necessary therefore to monitor outcomes according to impairment type to capture this information.*
>
> (DRC 2005, p80)

For example, many providers have made considerable progress in meeting the requirements of learners with a physical or sensory impairment, or a specific learning difficulty such as dyslexia. However, certain groups are still not fully included, such as learners with mental health difficulties or learners on the autistic spectrum. Monitoring the experiences of disabled people by impairment type can help you to identify organisational barriers that might not immediately be apparent had information just been broken down to analyse the collective experiences of disabled people.

Disabled people will be able to help you to decide whether asking people about the nature of their impairment, or analysing information by impairment type, would serve a useful purpose. Trade unions, student councils and people from external agencies and organisations will also be able to contribute to these discussions.

It is likely that your first action plan will require you to identify the steps you intend to take to extend existing measures. Appendix A of this document contains further details on the types of information that you may want to gather about disabled people. Appendix C of the core document contains further information on the difference between the medical and social model of disability.

How should we gather information?

You will already have existing systems and processes for information gathering that you can draw on, although it is likely that you will want to extend these to capture further information on disability equality. When information gathering processes involve gathering the views of disabled people, an important part of the process will be to explain why the information is required, how it will be used and who will have access to it. You should also explain how changes that you make as a result of listening to and acting on the views of disabled people will be communicated back to them. Emphasising rights to confidentiality will be a helpful part of many information gathering processes.

Who should gather information?

The Disability Rights Commission's code of practice points out that 'In order to gather information effectively, staff will need to be trained so that they are aware of the reasons for the collection of data, and the use to which it will be put. If collection of data is simply viewed as bureaucratic, it will be unlikely to generate data of sufficient quality to inform decision-making' (2006, p81).

Qualitative and quantitative information should be used at organisational and departmental level. Aggregated information may look fine, but paint a very different picture when broken down, for example, by programme area or by course level. Involving curriculum and support managers in information collecting and analysing processes will also help embed disability equality throughout your organisation.

It is important that your Disability Equality Scheme clarifies who in your organisation is responsible for gathering information, and how this is used to improve performance. This latter aspect is discussed further in Section 3.

When should we gather information?

Information will be gathered and used at different times during the year, depending on the nature of the facts collected and the use that is made of that information. However, there are two key activities that will need information.

- Monitoring information may be required when carrying out a disability equality impact assessment of a current or planned policy, procedure, plan or practice. Further information can be found in the accompanying booklet 'How to carry out disability equality impact assessments'.
- Disability equality should be embedded within the framework of an organisation's self-assessment and quality assurance processes. It will be important for curriculum and support staff to gather relevant information to inform these activities. Further details can be found in the accompanying booklet 'How to take a whole-organisational approach'.

3

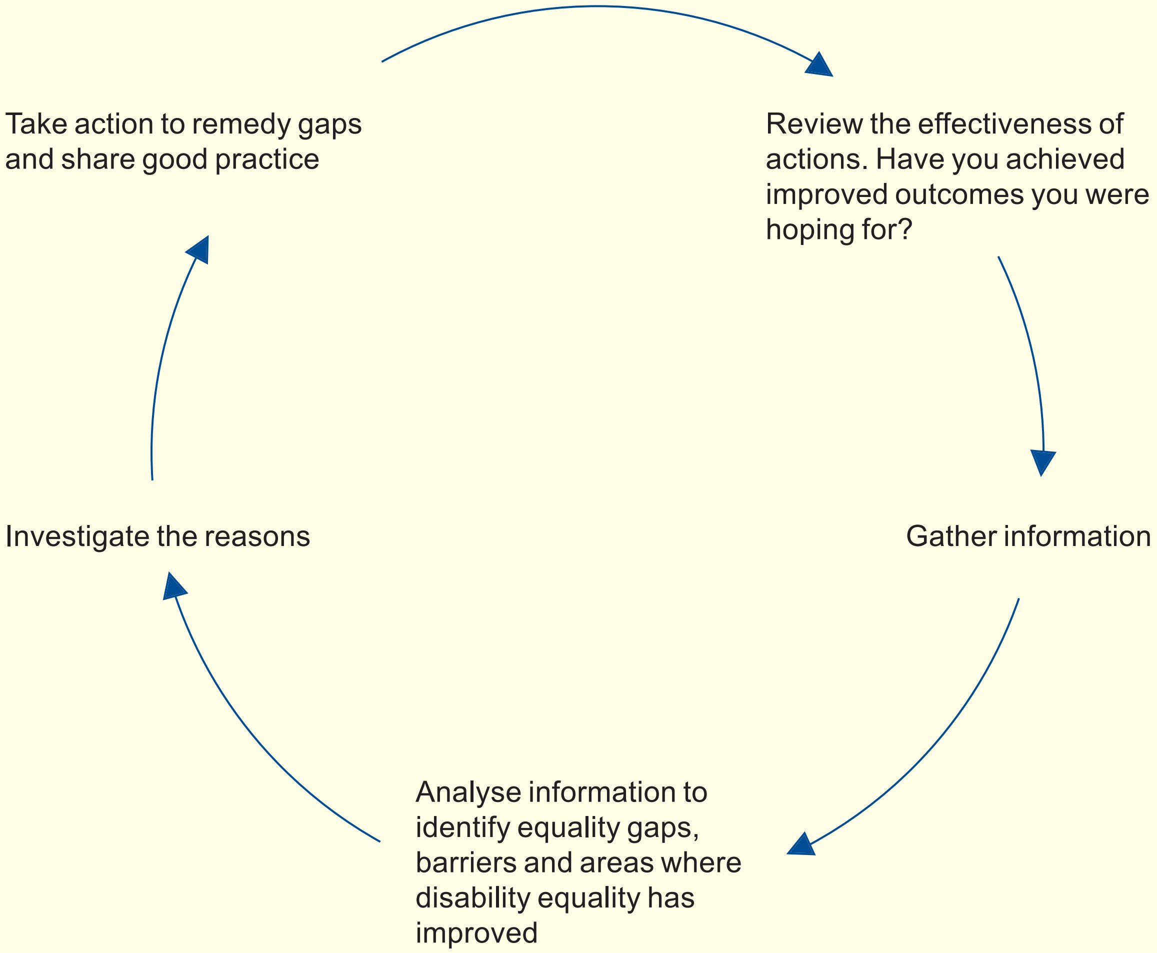
How to use the information we have gathered

The information that you gather may highlight equality gaps but not necessarily explain the reasons for these gaps or what can be done to remedy them. You may discover, for example, that the success rates of learners with a physical impairment are lower than those of their non-disabled peers. This will require further investigation to understand the underlying causes for these inequalities, and to identify appropriate actions to take to redress any barriers and disadvantage.

One site in the DED project acknowledged that it collects a range of information about disabled people, but ensuring that this information is used effectively to improve performance is another matter. Another site monitors disability equality against equality indicators, but acknowledges that this only happens at an organisational level. A priority for this organisation is to ensure that disability equality is embedded into every curriculum area. One site has an equality and diversity group that looks at data, but does not take action to tackle areas of apparent discrimination or equality gaps. Also, because this analysis only takes place at the organisational level, they feel that ‘data at times feels relatively meaningless’.

It is therefore not enough simply to gather information. It is also essential that information is used effectively to inform planning and improve performance. These actions are not one-off events but form a process of continuous improvement, illustrated in figure 2.

Figure 2. The cycle of improvement



Gather information

Analyse information to identify equality gaps, barriers and areas where disability equality has improved

Investigate the reasons

Take action to remedy gaps and share good practice

Review the effectiveness of actions. Have you achieved improved outcomes you were hoping for?

The following case study illustrates the information that is gathered and used by one site involved in the DED project.

Case study: King George V College

King George V College is a sixth form college with 1300 16–19 year-old students following Level 2 or Level 3 courses. 15% of students have a disability or learning difficulty. Each department has its own equal opportunity policy, covering disability, race and gender equality. Disability equality is an integral part of department and faculty reviews. Recruitment, achievement, success, value added and destination data are routinely disaggregated by disability or learning difficulty and the information is used within each curriculum area to inform its self-assessment report and development plan. Qualitative information is also collected, including feedback from:

- focus groups of disabled learners
- the student council, which has representation by disabled learners
- one-to-one interviews with disabled learners
- learner satisfaction surveys, with information disaggregated by disability or learning difficulty
- evaluation forms completed by disabled learners annually
- evaluation of feedback on support in exam arrangements.

In spring 2006 the college conducted a disability equality review, involving parents, carers, disabled learners, Connexions staff and external agencies, to improve services and further promote disability equality.

Priorities are set each year, which feed into equality and diversity impact measures (EDIMs). For 2002–2005 the college focused on improving support for learners on the autistic spectrum. For 2005–2008 it is focusing on improving the support it gives learners with mental health difficulties and has organised a mental health awareness day and planned staff development activities. New partnerships have been established with adolescent mental health services, Church Street Clinic and Mersey Care.

When analysing the information that you collect, it will be important to keep an open mind and avoid assumptions. Information can reveal the unexpected. It will also be important to compare the information that you have gathered with benchmarking data, where possible. This may involve internal or external benchmarks.

For example, you may gather information on the success rates of disabled learners. This should be compared against success rates in previous years and also compared against national benchmarks. Sometimes a benchmarking analysis will require comparison between disabled people and non-disabled people, and sometimes between disabled people with different impairment types. Year-on-year analysis will help you to track improvements in your organisation and also give you an idea of your progress compared with others in the sector. The following case study identifies the information collected by one college not involved in the DED project.

Case study: A college not involved in the DED project

Mid-year questionnaires are given to all disabled students and members of learning services to help identify areas for development. Student satisfaction surveys are analysed by students identified as having support requirements. Semi-structured interviews and focus groups are held with disabled learners.

Statistical reports measure the following details at organisational and departmental level:

- learners receiving additional support against retention, achievement and success; data are broken down by the type of support provided
- retention, achievement and success of learners with disabilities and learning difficulties; data are broken down by impairment type
- recruitment and progression of disabled learners.

Information from statistical reports is compared with internal college benchmarks.

The findings of all these activities are used to inform learning support and the self-assessment reports and development plans of individual curriculum areas.

When taking action to remedy identified equality gaps, you may wish to set disability equality targets. The Disability Rights Commission recommends setting disability equality targets in key employment or service delivery areas, and points out:

> *The core reasons for devising indicators for any public body are to measure change and encourage commitment. Where disabled people are not enjoying equality of opportunity – as determined by either quantitative or qualitative monitoring – the public body concerned should establish targets in relation to the activities concerned. Targets outline what a public body would wish to achieve in the future – that is, how they expect the indicator to change… It will be important to involve disabled people in establishing which areas to set targets within, and what these targets should be.*
>
> (2006, p37)

Case study: Blackpool and the Fylde College

Blackpool and the Fylde College is a large FE college with over 24,000 students. Each department gathers and analyses the recruitment, retention, achievement and success of disabled learners compared with non-disabled learners, and analyses the information by impairment type. It has been found that students with medical conditions achieve below internal benchmarks, and students with mental health difficulties are under-represented.

Targets have been set that provide a focus for action and are used as the basis of planning at school and course levels. Disability equality targets feed into the Equality Self-assessment Report (SAR) that informs the equality action planning process. The action plan for 2005/06 includes staff development on mental health awareness in response to the identified under-representation of learners with mental heath difficulties.

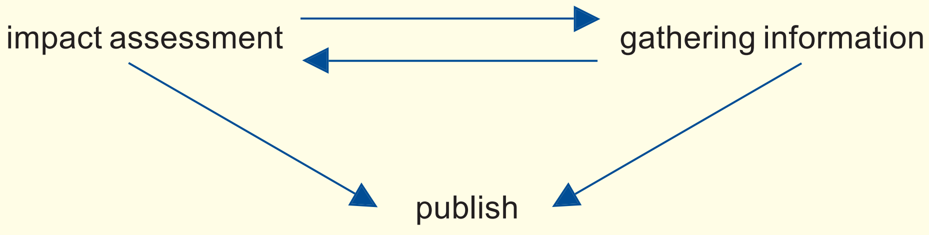
What is the difference between assessing and monitoring impact?

Impact assessment represents an opportunity to pre-empt potential inequalities between disabled and non-disabled people. Monitoring involves collecting and analysing information to highlight inequalities in practice. So the aim of the impact assessment duty is preventative while the aim of the monitoring duty is remedial. (However, for the first Disability Equality Scheme, organisations will have a back catalogue of policies, procedures, plans and practice to assess to ensure that all current activities give due regard to disability equality.)

All policies, procedures, plans and practice should be monitored continuously to ensure that inequalities don't exist or develop. The outcome of impact assessment and monitoring processes should be reported annually.

The specific duty requirements to carry out impact assessments, to gather and make use of information, and to publish outcomes annually are not separate and isolated, but instead form overlapping activities. For example, you may have information that can inform the impact assessment process. You may require further information before any decisions can be reached. Your impact assessment processes may provide useful information that can feed into your monitoring procedures. The results of your information and gathering information activities will inform your annual publication. Figure 3 shows the overlap between these three specific duty requirements.

Figure 3. The overlap between the specific duty requirements



What about the issue of non-disclosure?

One in five people of working age (20%) are covered by the definition of disability under the Disability Discrimination Act (DDA) 2005. Unlike race, where the percentage of people from a black and ethnic minority group varies by region, the statistic for disabled people applies nationally. This is a useful comparison, which can highlight significant issues of under-declaration or under-participation.

Disclosure of a disability or learning difficulty may be low for a variety of reasons. For example, a significant proportion of disabled people do not realise that they are covered by the DDA definition of disability. Simply asking the question ‘do you have a disability’ is therefore probably unhelpful. Even if people are aware that they meet the definition, they may choose not to disclose, which is particularly pertinent given that a significant number of impairments are not immediately obvious, such as a mental health difficulty or a medical condition such as cancer. People may be concerned about the consequences of disclosure, fearing, for example, that disclosure may have an impact on their job prospects or course opportunities. One learner in the DVD Learners’ experiences (LSDA 2004) explained why he didn’t disclose on the organisation’s enrolment form:

I didn’t answer it because I thought it might be a negative effect on me for not going onto that course… They might ask me that you’re dyslexic, you won’t be able to do it because of the number of exams and the number of questions… so… I skipped that question.

People might feel that there is no point in disclosing an impairment. For example, a disabled member of staff at one of the sites involved in the DED project explained that there was no point in disclosing her disability. The organisation did not have mechanisms in place to identify support requirements or arrange adjustments and there would be no benefit in disclosing, only potential disadvantages such as a negative impact on promotion opportunities.

People may be concerned that the information that they disclose will not remain confidential. People may feel more comfortable to disclose once they are in post or on a course and have established a degree of trust with others in the organisation.

Different cultures have different concepts of disability and may have different ways of defining this. People may not identify with the language used in the UK, and there might not be a straightforward translation of terms such as ‘learning difficulty’. It is difficult to estimate how many disabled learners are from a minority ethnic group, but some research has suggested that the proportion is at least as high as that in the white UK cohort (DfES 2006, p4). These are complex issues, and interested readers can find further information from *It’s not as simple as you think: cultural view points around disability* (DfES 2006).

Case study: The Working Men’s College for Men and Women

The English for Speakers of Other Languages (ESOL) provision (is) the largest in the college... Many of those students come to the UK with various disabilities… However, there were no procedures in place for them to disclose their disability given that many did not understand what disability meant. Others, because of cultural barriers, considered those types of problems as private confidential matters.

The committee met and worked with the Skills for Life lead tutor to implement changes to give ESOL students an opportunity to disclose their disability. During the initial interview, which consists of assessment, the learner is given a short disability awareness statement in that person’s language. Since we only print key documents such as the disability statement in our six community languages, an interpreter is used for those needing it. We have a list of all staff members who speak various languages.

It will be important therefore to consider all these factors and to have effective and ongoing mechanisms in place to encourage disclosure. These are likely to include:

- explaining the meaning of the term ‘disabled person’ and the different types of impairment covered by the DDA
- highlighting the benefits of disclosure

- explaining why the information is needed and how it will be used to provide support or to address the different barriers experienced by disabled people
- exploring strategies to help address the cultural and language requirements of disabled people from a different ethnic background
- increasing people’s confidence in the organisation as one that is welcoming and supportive to disabled people, and where diversity is celebrated and confidentiality is respected.

For further information on encouraging disabled learners to disclose, see *Do you have a disability or learning difficulty, yes or no? (or is there a better way of asking?)* (Rose 2006). This can be downloaded from the LSN (www.LSNeducation.org.uk). For further information on encouraging disabled staff to disclose, see the accompanying booklet ‘How to meet the employment duties’.

It might be worth ending this section, however, by pointing out that while the ethos and culture of an organisation plays a large part in enabling people to feel safe to disclose without fear of negative or inappropriate reactions, disabled people have the right not to disclose. Participation in information-gathering processes is entirely voluntary. In some situations it might be more appropriate to provide opportunities for people to discuss organisational barriers anonymously. For further information, see the accompanying booklet ‘How to actively involve disabled people’.

What about the issue of confidentiality?

Providing clarity on confidentiality is a key principle in obtaining as much information as possible for disabled people. You should ensure that disabled people know that the information about them will not be disclosed to others without their permission, and reports of surveys, focus groups and other such activities will be anonymised so that individuals cannot be identified.

Can we gather and analyse information across the equality agendas?

It is relatively easy to gather information on equality issues within separate ‘compartments’ or ‘boxes’. For example, you may decide to gather information on learner success rates by gender, race and disability or learning difficulty. However, important patterns can emerge if aspects are analysed across the equality agendas. For example, analysing success rates for disabled learners from ethnic minority groups may reveal inequality gaps that are not immediately apparent if success rates are analysed separately by disability and by ethnicity.

One organisation has brought together disability and ethnicity statistics and found a consistent under-representation of disabled learners from an Asian background compared with white disabled learners. There may be one or more reasons for this, such as a lower number of learners, or lower rates of disclosure, or different cultural understandings of disability. This discovery has allowed action to be taken to explore this issue.

Disabled people from ethnic minority groups can be under-represented in focus groups and surveys and it is important to ensure that you have effective mechanisms in place to listen to their views in order to identify barriers that they face for the organisation to address.

How can we ensure that our information is valid and reliable?

Reliability of information has to do with the consistency or reproducibility of results. Validity has to do with the extent to which results measure what they claim to measure. Both these factors are particularly relevant to consider when gathering and making use of information in the organisation’s database about learners (the individualised learner record, or ILR) or staff (the staff individualised record, or SIR).

For example, many organisations have mechanisms to use learner admissions data to inform the organisation's ILR. However, if learners disclose a disability or learning difficulty after enrolment, not all providers have robust disclosure procedures in place so that the ILR can be appropriately updated. If this is true for your organisation, then this will mean that the information on your ILR is incomplete and may not give you a true picture of the situation that you are trying to measure.

Case study: Adult and Continuing Education, Milton Keynes

Adult and Continuing Education, Milton Keynes Council, is a small ACL provider that attracts around 7000 learners each year. All are part-time and the majority of courses are run in the evening. The organisation's management information system (MIS) showed 52 learners with a disability or learning difficulty, which was considerably lower than that supported. The organisation has identified, as part of the project, some serious flaws in the accuracy of the MIS. Tutors encourage learners to disclose and have records of support requirements that are identified after the course starts. This information is fed back to the student services coordinator, who liaises with the student to arrange appropriate support. However, the MIS is not updated as a result of this information. Part of the work of the project has been to ensure this information is now captured.

Case study: The Working Men's College for Men and Women

The Working Men's College for Men and Women provides a range of ACL courses. It produced a reporting system that compares retention, achievement and success rates of those students receiving additional learning support compared with those who do not. However, the college is aware that the data system does not give a true picture of the numbers of disabled learners enrolled at the college. For example:

X is an ESOL learner in a pre entry-level class, who doesn't speak any English. The college data system doesn't show this student as disabled but the teacher is aware of the student's visual impairment and makes the necessary arrangements to meet the student's learning requirement – text and images enlarged, etc. As ALS [additional learning support] staff are not aware of the student's disability, if she were to begin another course at college, her future teachers may not take her support requirements into account, which will have an impact on the student's success on the chosen course.

Y is a 28-year-old student from Somalia in a pre-Entry level ESOL course. Y's teacher knows that the student is hard of hearing, so the teacher has made necessary changes to meet the student's support requirements. The student has not disclosed a disability at interview, consequently the college data system doesn't show this, and so nobody else in college is aware of it.

ILR 15 and 16 are areas on the database that record information on the nature of a learner's disability or learning difficulty, respectively. However, ILR 15 does not record learners on the autistic spectrum or learners with Asperger Syndrome. ILR 15 records epilepsy, but this is unhelpfully grouped together with asthma, diabetes and other medical conditions. Again, this may distort your analysis. A number of providers have used spare ILR fields to help correct this difficulty.

The current staff individualised record captures information on disability (SIR 13) for teaching and support staff. Sites in the DED project found that information on the SIR is often incomplete, as disclosure rates are low. In addition, SIR field 13 is only broken down to ‘yes’, ‘no’ and ‘not known’. There may be a requirement to expand the categories in this field to enable information to be captured by impairment type. For further information on this, see the accompanying booklet ‘How to meet the employment duties’.

Validity and reliability are not just to do with quantitative information. For example, disabled people with one type of impairment will not necessarily be able to anticipate the concerns of, or describe the experiences and the barriers encountered by, people with a different impairment. It is therefore important to involve disabled people in forums, interviews and focus groups that reflect the full diversity of disabled people.

King George V College, for example, has a disabled student forum consisting of learners with dyslexia, Myalgic Encephalomyelitis (ME), Asperger Syndrome, Attention Deficit Hyperactivity Disorder (ADHD), mental heath difficulties, visual impairments and learners who are wheelchair users.

Using a variety of mechanisms to involve disabled people will help you to validate your findings. For example, one site in the DED project asked disabled learners to feed back on their evaluation forms their experiences of the additional support arrangements for examinations. Feedback was all very positive. When staff engaged with learners individually a little later, learners gave a very different response. One learner, when asked why she had been so positive on the evaluation form, made the comment, ‘I said it was fantastic because I didn’t want you to stop it.’

It will also be important to consider different ways to gather information. For example, reliance on paper-based materials such as written surveys and questionnaires may exclude some groups, such as people with learning difficulties.

We want to set disability equality targets for improvement. Shouldn’t we therefore concentrate on quantitative rather than qualitative information?

You will not capture all the disability equality issues in your organisation by focusing on one at the expense of the other. Very often, quantitative information will tell you ‘what’ but will not tell you ‘why’. Some of the dangers of an overemphasis on quantitative information include, for example, limited or no information:

- on the feelings or views of learners or staff
- about non-accredited courses
- on learners’ achievement of soft outcomes, such as increased confidence or improved social skills.

It will therefore be important to ensure that your information gathering processes involve a balance of qualitative and quantitative information to inform planning and improve performance.

Conclusions

The specific duty requirement to gather information will help you to identify where disability equality can be further promoted as well as find barriers and equality gaps to address. You should collect a wide range of qualitative and quantitative information using a variety of methods. It is likely that you will need to improve existing mechanisms for gathering information, and respond to challenges such as under-declaration and confidentiality.

Gathering information is not an end in itself, and must be used effectively to continually inform planning and improve performance. Involving all staff in information-gathering processes will help ensure that continually improving disability equality is not seen as a 'bolt-on extra' but becomes a central and integral activity in your organisation.

Gathering and using information effectively provides a means to ensure that we continually narrow the gap between the expectations, experiences, education, qualifications and employment of disabled and non-disabled people – it is a chance to reduce the gap by genuine organisational change.

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Appendix: Different types of information to gather and use to improve disability equality

You should consider the information on the specific duty requirement to gather information within the code of practice for the DED, and the DRC's guidance on information gathering before making any decisions on the nature of information to gather in your own organisation.

Unlike the code of practice for the race equality duty, which provides structured lists of areas to monitor, the preferred approach for disability equality is to allow a more flexible system. This will permit organisations to tailor their monitoring activities to their particular circumstances.

Disabled people should help you to decide what information gathering processes will take place, both in terms of the performance indicators chosen and the methodology selected to assess those indicators.

The following will give you an idea of the different areas to consider but should not be viewed as exhaustive.

It is likely that you will need to include in your first action plan the steps you intend to take to extend existing information gathering processes.

Information to consider when meeting the information gathering requirement in relation to disabled learners

a. Admissions:

- applications
- offers made
- enrolment
- choice of subject or curriculum area
- views of disabled applicants, both those who enrol and those who do not.

b. Progress:

- retention
- achievement
- success
- value added and distance travelled

- learners receiving additional learning support
- progress of learners receiving additional learning support
- attendance
- access to trips and visits
- access to work experience
- participation in enrichment activities
- bullying and harassment
- complaints
- disciplinary measures, exclusions
- progression
- levels of satisfaction
- views of current learners, as well as those who leave before they have completed their course; eg consider surveys, questionnaires, interviews, focus groups, forums, student unions, results of ALS reviews, etc
- improvements in the quality of services such as the prevalence of adjustments, eg of accessible toilets, loop systems and alternatives to telephone for contacting the organisation.

Information to consider when meeting the information gathering requirement in relation to disabled staff

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a. Recruitment and selection

- applications
- selection for interview
- appointments
- type of contract (eg permanent, temporary, full-time, fixed-term, part-time, hourly paid)
- type of job and salary levels
- views of disabled applicants, both those who are appointed and those who are not.

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b. Progress

- appraisals and performance reviews
- promotion

- career development, eg information on who applies for training, who is offered training, type of training attended, levels of satisfaction with training, extent to which access requirements are met
- bullying and harassment
- complaints
- grievance
- competency
- disciplinary
- levels of satisfaction
- views of staff – consider interviews, focus groups, forums, unions etc
- staff retention rates
- cessation of employment, reasons for leaving, eg redundancy, resignations, end of contract, dismissal
- exit interviews
- improvements in the quality of services such as the prevalence of adjustments, eg of accessible toilets, loop systems and alternatives to telephone for contacting the organisation.

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