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Core document

The journey towards disability equality

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



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The journey towards disability equality

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

Christine Rose and Sally Faraday

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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

This is the core document in 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 for monitoring 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

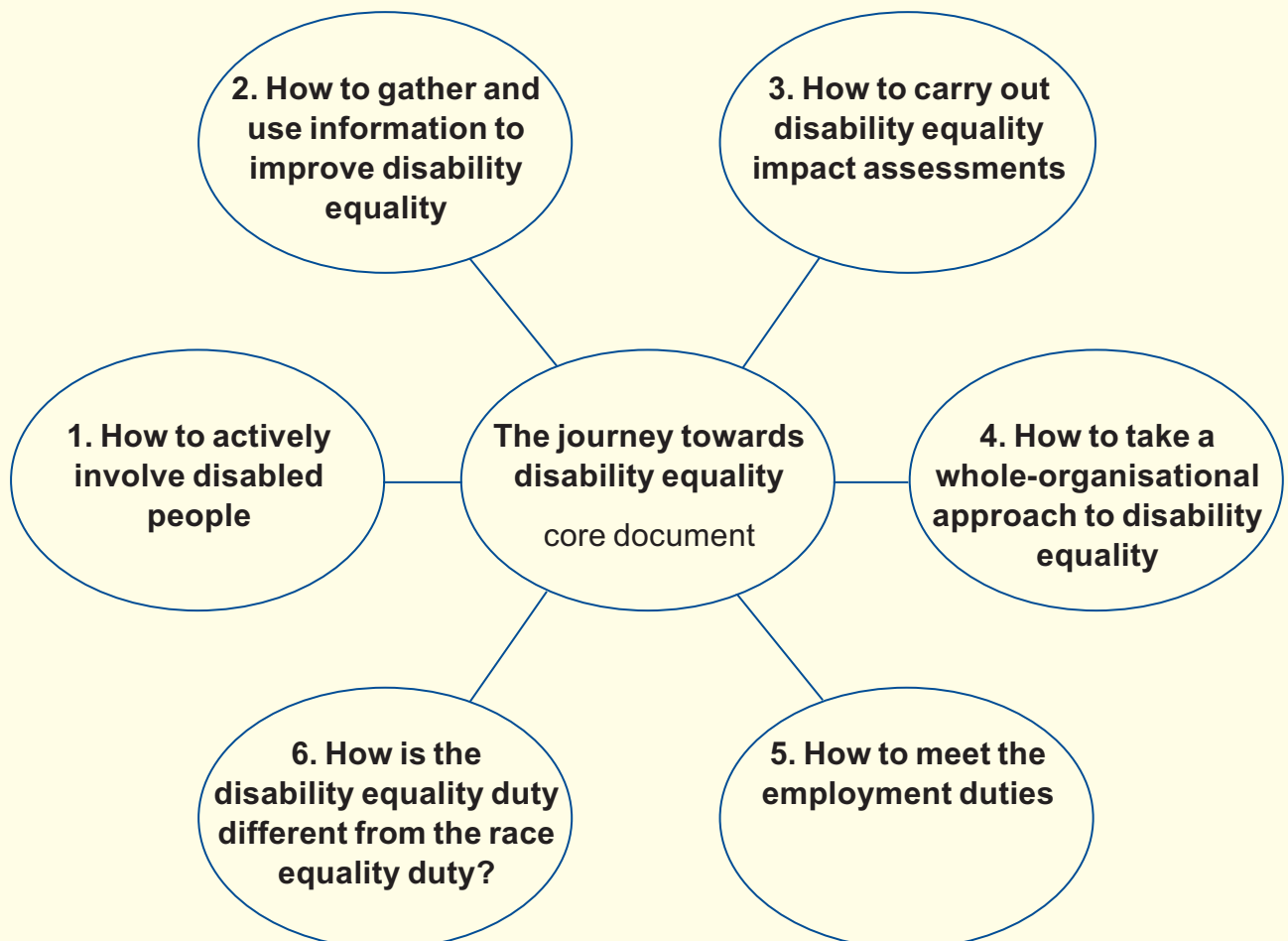
This suite of materials derived from the project is designed to provide practical advice, tools and examples drawn from practice and offers key messages about implementing the duty. Throughout the materials you will find references to and quotes from the DRC's Code of Practice and other publications.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



The journey towards disability equality – core document

This core document will help you to:

- appreciate the legislative background to the duty to promote disability equality and to the DED project – section 1
- understand the legislative requirements of the duty to promote disability equality – section 2
- identify the important first steps that you need to take to implement the requirements of this legislation within your own organisation – section 3
- consider responses to frequently asked questions – section 4
- continue to evaluate your progress in achieving disability equality and to prepare subsequent Disability Equality Schemes, through the use of a self-evaluation tool – Appendix A.

1 Legislative background

November 2005 marked the tenth anniversary of the Disability Discrimination Act (DDA) 1995. As we look back over these past years, we have much to celebrate. More disabled learners are accessing education and training than ever before, for example, receiving improved support, and having better experiences and educational outcomes than in the past. People are working together for change, and much has been achieved. Although these are welcome moves, inequalities still persist, key challenges have yet to be overcome and much more remains to be done. We are still a long way from our vision of working in a sector that is completely inclusive and in which disabled people can participate fully as equal citizens.

The duty to promote disability equality provides an opportunity to take a significant step forward. The legislation extends the 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 for us to tackle discrimination and institutional barriers before these can impact on an individual. It will encourage a whole-organisational approach to disability equality, achieving greater inclusion and accelerating the pace of change.

The duty to promote disability equality is one of three pieces of planned equality legislation. The first, the duty to promote race equality (the race equality duty), came into force with the Race Relations (Amendment) Act 2000. The duty to promote disability equality (the disability equality duty) is the second, and is in force from December 2006. The third, the duty to promote gender equality (the gender equality duty), will come into force from April 2007.

Although there are similarities between the duty to promote race equality and the duty to promote disability equality, there are significant differences between the duties, and it is important to appreciate them as we respond to the disability equality duty. Further details can be found in the accompanying booklet 'How is the disability equality duty different from the race equality duty?'

2 The duty to promote disability equality

What is the duty?

The Disability Discrimination Act 2005 places a duty to promote disability equality on all public sector organisations. There are six inter-related parts to this duty, also known as ‘the general duty’ or ‘disability equality duty (DED)’. This means that 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.

Some of these parts of the general duty reinforce the reasonable adjustment duties of the DDA 1995. The additional requirements recognise that:

- disabled people may be subject to considerable harassment in daily life; this may take many forms, from direct verbal abuse to comments that are intimidating or degrading
- while many people have positive attitudes to disabled people, some do not, for example expressing pity, prejudice, fear or a lack of respect; demeaning stereotypes or simply the absence of any representation in public images can have a negative impact on disabled people
- disabled people are often inadequately represented in public life, for example on councils, forums and committees
- equality cannot be achieved simply by treating disabled people and non-disabled people alike; this principle has always been recognised by the DDA, particularly through the duty to provide reasonable adjustments.

In addition to the general duty, there are specific duties for listed public authorities, including education providers and funding bodies.

What does the duty mean for our organisation?

The specific duties provide a framework to assist you to plan, deliver and evaluate actions to meet the DED, and to report on these activities. At the heart of this framework is the Disability Equality Scheme (DES). You will need to develop and publish your DES, together with an accompanying Action Plan that sets out the steps you intend to take to implement your Scheme. As a post-16 education provider, you will need to publish your Disability Equality Scheme and Action Plan by 4 December 2006. Your Scheme and Action Plan together must show how you are meeting the new duty, narrowing the gap in inequality between disabled and non-disabled people. It is important to appreciate that this new duty covers staff and service users as well as learners. You will therefore need to consider the educational opportunities and experiences of disabled learners, your employment practice towards disabled staff and general service delivery to the wider community.

Your Disability Equality Scheme should be reviewed, revised and published every three years. A DES should include the following key elements.

The active involvement of disabled people

The regulations specifically require you to involve disabled people in the development of your DES, and you will need to articulate your approach within your Scheme. However, the DRC's Code of Practice (2005) points out that it will be critical to the successful implementation of the duty to involve disabled people in implementing various aspects of the Scheme, such as carrying out impact assessments and identifying appropriate information to gather. You may also, therefore, want to include a statement in your DES explaining how disabled people will be involved in the implementation of your Scheme.

You will want to engage with your disabled staff and learners but also consider disabled people outside your organisation. For example, outside agencies of and for disabled people may be able to provide a degree of concentrated expertise to tap into. You may also want to consider engaging with less obvious stakeholders, such as disabled learners who drop out of courses, disabled applicants who are not successful in staff recruitment and selection processes, and disabled parents.

People with different impairments can experience fundamentally dissimilar barriers. For example, in your organisation people with a visual impairment may encounter quite different barriers from those that people with a mental health difficulty experience. It is therefore important to consider the full diversity of disabled people in terms of the nature of their impairment, as well as taking into account other dimensions such as ethnicity, age and gender.

Achieving outcomes

Key to the new duty is achieving improved outcomes for disabled people. It will be helpful for you to articulate, within your DES, your vision of disability equality and the specific improved outcomes that you will aim to achieve within the three-year life span of your Scheme.

Carrying out impact assessments

You will need to carry out disability equality impact assessments on all aspects of your organisation's service and function.

A disability equality impact assessment is a detailed, systematic analysis of the effects of a current or proposed policy, procedure, plan or practice to see whether it has or will have a differential impact on disabled people. It is also used to find out whether disability equality can be better promoted in an organisation. For example, it will include consideration of where different parts of the disability equality duty, such as promoting positive attitudes, might be better built into those policies, procedures, plans or practices.

An impact assessment is not normally something that is carried out once a policy, procedure, plan or practice is in place. However, organisations have current policies, procedures, plans and practice that they will need to assess. This is because they need to have due regard to disability equality when making decisions in the future, but also need to tackle the consequences of decisions in the past which have not given sufficient due regard to promoting disability equality. This means that there is likely to be a significant 'back catalogue' of existing policies, procedures, plans and practice for you to impact assess. Your first DES and Action Plan will therefore need to set a timetable to carry out a rolling programme of impact assessments over the three-year period of the DES.

Gathering information to improve disability equality

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.

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
- how the organisation intends to use this information to promote disability equality, and specifically:
 - how to prepare an Action Plan
 - how to review the effectiveness of such an Action Plan and to prepare subsequent Disability Equality Schemes.

Under the general duty, education providers are required to take account of disabled people who are not their staff or learners, such as disabled parents, and other disabled people who use services. There are no statutory duties on education providers to monitor 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 for all service users, as well as your staff and students. You may therefore wish to gather and use information from other people on the use of any services you provide.

It may, at times, be necessary to gather and analyse information by impairment type. The DRC's Code of Practice (2005) points out: 'Disabled people with different impairments can experience fundamentally different barriers, and have very different experiences according to their impairment type.' 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.

The types of information that you gather will need to identify barriers which disabled people face as well as those which measure successful outcomes, such as the improved achievement rates of disabled learners. It is likely that your first Action Plan will need to identify the steps you intend to take to extend existing measures.

Gathering information is not just a means to an end, but should be used effectively to inform planning and improve performance. It will be important for you to show within your Scheme how you intend to use the information that you gather to this effect.

Reporting on progress

You will need to publish the outcomes of your disability equality activities, such as the results of impact assessments, gathering and using information, and the improved outcomes for disabled people that have been achieved. Your report should give an overview of your progress towards achieving disability equality, be produced annually, and be made available to your staff, learners and other interested stakeholders in accessible formats. You should include a statement in your DES of how you intend to achieve this.

Developing an Action Plan

Your Disability Equality Scheme must have an accompanying Action Plan that sets out the steps that your organisation intends to take to fulfill the new duties and to implement your Scheme. Your Action Plan should cover the three-year lifespan of your DES, and be monitored and evaluated regularly.

The Disability Rights Commission make clear in their Code of Practice that ‘the first Action Plan which an authority prepares will inevitably be different from those following it’ (DRC 2005, p74). Mainstreaming and achieving disability equality throughout your organisation will take time, and your first Disability Equality Scheme and Action Plan should address the current issues and equality gaps that you have so far identified. These may include, for example, gaps in the information that you collect about disability equality. What matters is that your Disability Equality Scheme and Action Plan demonstrate that you are taking the duty to promote disability equality seriously, you have identified priority areas to tackle and disabled people have been involved in a meaningful way.

The framework for a Disability Equality Scheme provided in section 6 gives further information on the Action Plan.

What approach should we take to implement the duty?

We have seen above that the new duty will extend the DDA 1995 requirements – 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 decision-making processes and organisational activities. This means that disability equality becomes central and integral to all that we do – our strategic planning, policy-making, curriculum delivery, marketing, business development, support services, employment practice and partnership arrangements, for example.

This approach supports the social model of disability, an underpinning principle of the new legislation. The social model recognises that it is the social, environmental and attitudinal barriers that a disabled person encounters, rather than a person's impairment, that create disabling barriers and prevent participation. The new duty will therefore help shift the focus away from the requirements of individuals and onto the policies, procedures, plans and practice of our organisation. It will help eliminate discrimination and dismantle barriers before they can have an impact on individuals. Appendix C contains further information on the social model of disability.

Embedding disability equality across every service and function inevitably necessitates a whole-organisational approach. And this ultimately means change. The Disability Rights Commission's Code of Practice states that 'this new duty will help drive forward a culture change across the public sector and accelerate the pace of change on disability equality' (2005, piii). Under this legislation, therefore, organisations are expected to become proactive agents of change.

3 Moving forward, learning from practice

Developing and implementing a Disability Equality Scheme and Action Plan involves a number of steps. This section investigates these steps, drawing on the experiences of sites involved in the DED project, and others. These organisations are at different points on their journey towards disability equality and their progress and findings are incorporated into this section, as examples of developing practice, under the following headings:

How do we get started?

- establishing the infrastructure
- ensuring leadership from the top
- actively involving disabled people.

Where are we now?

- taking stock.

Where do we want to be?

- identifying outcomes to achieve
- communicating the vision.

How will we get there?

- establishing a whole-organisational approach
- building on partnership work
- carrying out impact assessments
- gathering and making use of information
- investing in staff training and development
- reporting and publishing progress.

The practical implications for implementation are posed as questions for you to consider, and are collated together to form a self-evaluation tool in Appendix A. You can use this to develop and implement your Disability Equality Scheme and to improve disability equality in your own organisation.

How do we get started?

Establish the infrastructure

Meeting the requirements of the DED requires a team approach. For example, the Disability Equality Scheme 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 DED 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 from the outset in setting priorities (see below). Representation from human resources (HR) would be useful, as this duty involves staff as well as learners. Representation from someone with a quality remit would also be useful in view of the requirements to gather and make use of information (see below).

The College of West Anglia, for example, had a DDA action group which carried responsibility for implementing the requirements of DDA 1995 Part 4. This group will now take on the overall responsibility for developing the Disability Equality Scheme, and is particularly effective as it is chaired by the principal and consists of cross-college managers 'who are able to make things happen'.

One organisation has established a steering group made up of two senior managers (director of curriculum and director of quality), the equality and diversity manager, the human resources manager, the learning support coordinator and two disabled staff. The group will run until June 2007, and is tasked with:

- developing and publishing the Disability Equality Scheme and Action Plan by December 2006
- overseeing the implementation of the Scheme and Plan for the first six months
- ensuring that subsequent monitoring and evaluation activities are appropriately transferred to other management groups.

Another organisation has a steering group comprising the director of HR, the director of student services, the learning support manager and three disabled staff. This group has the responsibility to steer the development and direction of the DES. A wider group of 14 middle managers from curriculum and service areas act as a sounding board as the Scheme and Action Plan are developed.

- Have you identified a team to steer the development and implementation of this duty in your organisation?
- Do you have the appropriate representation of staff on your team?
- Are the staff in your team at a sufficient managerial level to be able to ensure actions take place?
- Does the team have clear terms of reference and timescales to ensure that a task focus is maintained and the Disability Equality Scheme is developed by 4 December 2006?

Ensure leadership from the top

The leadership of senior staff is a key factor in establishing an organisation-wide ethos of equality. It is the only way of ensuring that disability equality is embedded across the whole organisation and is an integral feature of all organisational functions. Strong, active leadership at a senior level helps ensure that disability equality is built into all strategic planning and decision-making processes. Clear and visible leadership will help establish disability equality as a priority for the organisation and ownership by all staff.

The Code of Practice for the Disability Equality Duty makes clear that:

change starts at the top. Strong, clear and consistent leadership is the key to achieving change in the public sector. Senior management and governing bodies need to take visible ownership of the Disability Equality Duty, for example by requiring reports on its implementation and delivering clear messages to staff about its importance. People feel permitted to do the right thing when the person at the top is saying that they want them to do that.

(DRC 2005, pp43–44)

One of the first steps to take in implementing the new duty is therefore to secure senior management involvement. Within the DED project, everyone recognised 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.

Two other comments were:

Having the commitment and leadership from her [the 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 found difficulty in encouraging other staff to take responsibility, or had difficulty in persuading senior staff to be involved, and found themselves relatively marginalised or isolated.

- Is senior or executive management involvement active, visible and instrumental in ensuring that disability equality is seen as an organisational priority?
- Does the involvement of senior staff ensure that your organisation places and maintains a high priority on achieving disability equality?
- Is your Disability Equality Scheme aligned to the strategic priorities and quality improvement plans of your organisation?

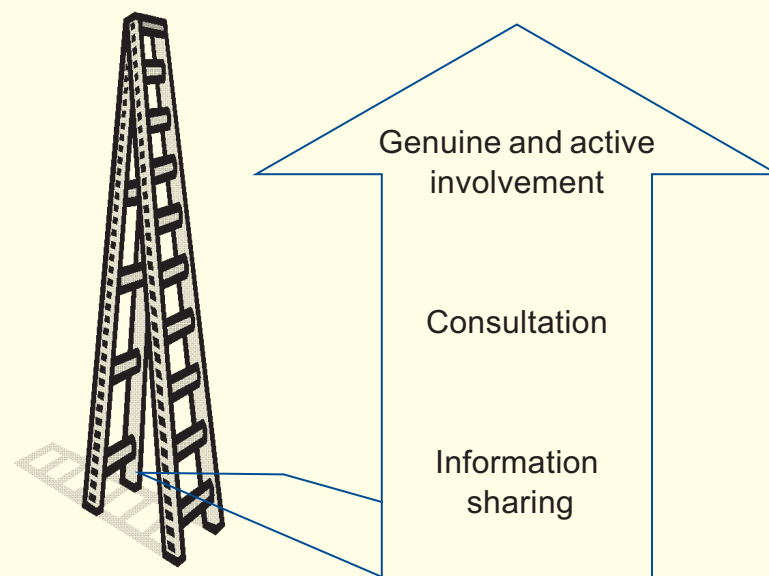
Actively involve disabled people

Actively involving disabled people meaningfully in all aspects of developing is an explicit requirement of the legislation.

Involvement will represent a 'continuum' of activities such as focus groups and forums, one-to-one interviews, targeted surveys and satisfaction questionnaires. Engaging with disabled people will involve consultation but must, at times, go beyond this to the active involvement of disabled people. The Disability Rights Commission has made clear that consultation by itself will not be enough. One way of seeing the difference between consultation and active involvement is to consider a model of participation developed by Sherry Arnstein (figure 2).

Figure 2 Model of participation developed by Sherry Arnstein

Ladder of participation



The model uses the rungs of a ladder to depict varying degrees of participation and involvement. At the bottom of the ladder is 'information sharing', which often involves rubber-stamping predetermined decisions. As such, this level is better regarded as 'non-participation' or 'zero involvement'. Higher up the ladder is 'consultation', which is the first step towards participation but this is often superficial. Consultation may allow choice between limited, predetermined options, or canvas opinion, but participants have few or no opportunities to propose alternatives, or to take part in putting plans into action.

'Genuine involvement and active involvement', at the top of the ladder, empower and enable participants to create a vision of their own future and to become involved actively in making it happen. Participants not only have a voice but also have power to ensure their voice has influence.

Despite its simplistic approach, this is a helpful model to show the difference between consultation and active involvement.

Another model that that you might find useful to illustrate a continuum of participation is one originally devised by the Northern Ireland Youth Forum and adapted by Duffen and Thompson. Although focused on learner involvement, the principles are transferable to staff involvement (figure 3).

Figure 3 Model for participation, adapted by Duffen and Thomson

A model for participation

Led	Tokenism	Consultation	Representation	Participation	Self-managing
Power of the practitioner/.....			◀▶Power of the learner organisation	

- **Led:** the practitioner or organisation has complete authority.
- **Tokenism:** practitioners or organisations set the agenda and take the decisions, but may consult one or two learners.
- **Consultation:** practitioners or organisations decide what they want to ask, and how much control they want to give the learners. They are still seen as leaders.
- **Representation:** a number of learners express the views of their peers. It is important to consider which issues are not on the agenda, and how effective this approach is in practice.
- **Participation:** joint decision-making, where all parties have some control. All responsibilities are shared.
- **Self managing:** learners have effective control over the decision-making.

- Are you clear what the difference between consultation and active involvement is?
- Do you have a variety of mechanisms by which you actively involve disabled people?
- Do you engage with obvious stakeholders, such as disabled staff and learners, but also less obvious stakeholders, such as prospective learners and disabled learners who have dropped out of courses?
- Do you use the expertise of community groups and local organisations for and of disabled people?

Within the DED project, taking a personal and direct approach seemed more successful than indirect approaches, such as asking for volunteers through newsletter articles, letter or by e-mail. Some sites, however, had success using the latter approach. For example, one site sent an e-mail message to all staff inviting any with an interest in disability equality, with or without 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 into 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 has a disability or learning difficulty, this 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 involve disabled people. Further information can be found in the accompanying booklet ‘How to meet the employment duties’.

One of the key messages from the DED project is the need to engage with disabled people as early as possible 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.

- Do you make sure that you do not concentrate on the active involvement of disabled learners, at the expense of disabled staff, and *vice versa*?
- Do you continually provide feedback to disabled people on the outcomes of their involvement and what has changed as a result?
- Do you demonstrate, through your reporting processes, how the active involvement of disabled people has made a difference and changed practice?

It will be relatively easy to get feedback on the opinions and experiences of disabled staff and disabled learners, but a greater challenge is to ensure the active and genuine involvement of disabled people in policy and decision-making activities, particularly at a senior level. Yet both will be important if you are truly to engage with disabled people.

Further information can be found in the accompanying booklets ‘How to actively involve disabled people’ and ‘How to meet the employment duties’. Interested readers will also find further information on involving disabled learners in the publication *Nothing about me, without me* (Nightingale 2006).

- Are you actively involving disabled people in all aspects of your Disability Equality Scheme’s development and disability equality activities, such as impact assessment and monitoring processes?

- Are you involving the full diversity of disabled people, in recognition that people with different impairments can experience fundamentally different barriers?
- Does your Action Plan reflect the priorities of disabled people?
- Do you regularly seek the advice of disabled people on the process of their involvement – is it genuine active involvement or tokenistic consultation?

Where are we now?

Take stock

In preparing for the new duty, you will almost certainly want to take stock of your progress in implementing current DDA requirements. The sites in the DED project 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 status in implementing DDA requirements. They were able to identify successes as well as areas that they still needed to address. They quickly identified aspects for improvement that were challenging yet achievable within the timescale of the project.

It will be important for all organisations to identify approaches to take and areas to address to improve disability equality within the three-year time scale of their Scheme.

Disabled people will be able to help you to identify the priority areas to tackle. The self-evaluation tool in Appendix A will also help you to identify priority areas to address as you seek to improve disability equality in your own organisation.

- Have you identified your current strengths in relation to disability equality? (Consider staff, learners and others external to your organisation).
- Have you identified the areas that you still need to address?
- Have you identified the priorities of disabled people?

Where do we want to be?

Identify outcomes to achieve

It will not be enough for your Disability Equality Scheme simply to express your organisational commitment to improve disability equality. Ineffective schemes and plans could include only bland statements, exhortation or generalities about treating disabled people fairly, rather than specifying measurable outcomes. Poor annual reports might measure only process – what the organisation has done rather than the outcomes that have been achieved.

The DRC's Code of Practice points out that it is important for authorities to

use the Disability Equality Duty to achieve outcomes, otherwise they are likely to find it difficult to establish that they have due regard to the Disability Equality Duty. It is also important that authorities consider carefully how effective their actions will be in achieving outcomes.

(DRC 2005, p46)

A good scheme will paint a picture of how unequal outcomes will be redressed. It will show that the organisation understands what needs to change and has identified priorities for action. It will go beyond merely having a working group and an Action Plan endorsed by a senior manager to a clearly defined improvement strategy, which is implemented by all staff.

- Does your Disability Equality Scheme clearly articulate what success will mean in the context of your organisation?
- Do you recognise that the real test of progress will be the extent to which improved outcomes for disabled people are delivered?

A measure of a good scheme is one in which the outcomes to be achieved are explicit and it will be easy to say whether they have been achieved. For example:

- *We will improve our ILR data by reducing the number of 'unknown' responses in the disability/learning difficulty fields from 42% to 20% in 2006/07 and to 10% in 2007/08.*
- *We will develop the curriculum, support and specialist facilities to make provision for four learners with profound and complex learning difficulties in 2007/08 increasing to six places from 2008/09.*

- *We will ensure 75% of all staff receive training on supporting learners with mental health difficulties.*
- *We will prioritise the improvement of disclosure processes, and achieve a 90%+ satisfaction rate when disabled learners are surveyed about them.*
- *We will introduce new recruitment and selection procedures to increase the number of disabled staff from XX to XXX.*

Identifying tangible and specific outcomes will help focus the work of promoting disability equality.

- Have you identified, with disabled people, challenging yet realistic, tangible and specific outcomes for improving disability equality?
- Have you integrated these outcomes within your Action Plan?
- Do you regularly monitor, evaluate and report on your success in meeting these outcomes?

Communicate the vision

Having identified the improved outcomes that you want to achieve, the next step is to communicate them effectively to ensure awareness and ownership.

All the sites in the DED 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
- 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
- individual meetings with heads of department
- regular agenda items at meetings such as the equality and diversity committee
- distribution of the briefing on the DED to staff (LSDA briefing paper on the DED, distributed to all post-16 education providers; see www.lseducation.org.uk)
- 'hijacking' team meetings with an agenda item on the project

- regular discussion of project progress with college teams to keep up momentum and profile
- training and awareness sessions on the DED and the project.

One organisation in the DED project, 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 the best way to involve disabled staff and learners and what specific areas of improvement are needed.

It will be helpful for you to communicate the benefits of this duty. As we have seen in a previous section, the duty 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 by ensuring you have an inclusive ethos, responding to the needs of individuals
 - achieve a more representative workforce, recruiting from a wider pool of applicants
- better meet the requirements of audit and inspection bodies
- promote a greater knowledge and understanding of disability among all learners with benefit to society at large.
- Have you identified and used a wide variety of mechanisms to raise awareness of the new duty, your organisational vision for disability equality and your Disability Equality Scheme?
- Have you effectively communicated the benefits that this duty will bring to your organisation?
- Are staff aware of the specific improved outcomes that the organisation is aiming to achieve, and do they understand their role and responsibility in achieving them?

How will we get there?

Establish a whole-organisational approach

Responding effectively to the disability equality duty will require disability equality to be embedded into all decision-making processes and organisational activities. This inevitably necessitates a whole-organisational approach. Senior managers play a vital role in this, as they are able to align the promotion of disability equality with the organisation's strategic priorities and business planning. This helps ensure that a coherent and holistic approach is taken throughout the organisation.

- Do you ensure that your organisation places and maintains a high priority on achieving disability equality?
- Have you aligned your vision of disability equality, and the improved outcomes to achieve, to your mission, values, strategic priorities and quality improvement plans?

You may wish to identify the explicit strategies you intend to take to ensure that a whole-organisational approach is taken, and include them within your Disability Equality Scheme and Action Plan. For example, some sites in the DED project established 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.

Some sites identified the need to embed disability equality within organisational quality improvement processes more effectively. Course reviews, self-assessment and development planning at the curriculum or team level are central.

For some organisations a radical change to the way disability equality was perceived in the organisation occurred when it was defined as a matter of 'customer service' 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 to answer every enquiry from disabled learners, staff concerned with recruitment identified what training and support they needed to handle the initial enquiry themselves.

For further information, see the accompanying booklet 'How to take a whole-organisational approach to disability equality'.

- Have you identified strategies to help embed disability equality across the whole organisation, such as the use of champions?
- Have you effectively embedded disability equality within quality improvement and planning processes such as course reviews, self-assessment and development planning?
- Do you see disability equality as a 'customer service' issue?

Build on partnership work

The DRC's Code of Practice recognises that

disability equality is often dependent on different public bodies working together effectively. Authorities may need to look beyond the specific services which they provide to work with other authorities, and develop appropriate partnerships, to deliver disability equality.

(DRC 2005, p44)

Many sites in the DED 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.

One organisation has recognised the need to develop partnership working with external organisations such as feeder schools and Connexions, to improve the transition process for disabled learners. One organisation has plans in place to develop better relationships with employers, in order to provide a greater choice of work experience opportunities and to further disability equality for work placements and work-based learning.

- Have you ensured that partnership working is not neglected in your approach to achieving greater disability equality?
- Do you involve partner organisations to discuss how you can further disability equality together?
- Have you made both the involvement and the outcomes of this partnership work explicit within your DES?

Carry out impact assessments

It is important to appreciate that you do not need to carry out disability equality impact assessments on all policies, procedures, plans and practice by December 2006. You have three years to complete this activity. What you do need to do by December is to take this specific duty seriously, adopt a systematic approach and establish a timetable to carry out a rolling programme of impact assessments over the three-year period of the DES.

The sites in the DED 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 process. Morley College, for example, trained 30 managers to carry out disability equality impact assessment.

It's also helpful to stress the benefits of carrying out impact assessments. For example, carrying out impact assessments provides:

- an ideal opportunity to step back and evaluate existing and proposed activity
- 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.
- Are staff clear about what is meant by an impact assessment, how it is carried out and who is involved in the process?
- Do staff recognise that impact assessments provide an important mechanism for embedding disability equality in all decision-making and activities, and are therefore important tools to mainstream disability equality across the whole organisation?

Carrying out an impact assessment on all current policies, procedures, plans and practice may seem a daunting task, but the process does not need to be complicated or cumbersome if it is broken down into the following series of steps.

1. Map all policies, procedures, plans and practice. This should be carried out at organisational and departmental level.
2. Screen to determine priority.
3. Consider the evidence. It is likely that you will already have qualitative and quantitative information available and the previous step may have identified the need for further information to be gathered.
4. Assess the likely impact. It will be important to consider all six parts of the disability equality duty when making judgements.
5. Explore options and make decisions. For example, if you find examples of your procedures having an adverse impact, or opportunities to promote disability equality in a better way, then you will want to change the policy, procedure, plan or practice.
6. Identify monitoring processes. Your impact assessment will have helped you to identify or anticipate the actual or likely impact of a policy, procedure, plan or practice on disabled people. The revisions you put into effect will take account of your findings, but you will only know the actual impact of changes once the policy, procedure, plan or practice is put into operation. This means that you need to identify appropriate monitoring activities to see what happens in reality.
7. Publish your results. A report should be compiled at the end of the impact assessment process that summarises the outcomes of your activities. This will feed into your annual report (see below).

Once the process of impact assessment is established, and all existing policies, procedures, plans and practice are assessed, the process can become part and parcel of everyday work. This will allow you to design policies, procedures and plans from the start with the needs of disabled people in mind.

For further information, see the accompanying booklet 'How to carry out disability equality impact assessments'.

- Have you established a programme of systematic impact assessment, identifying how impact assessments will be carried out and who will be involved?
- Have you mapped all existing policies, procedures, plans and practice, prioritised them, and set a timetable for conducting impact assessments on them over the three-year life span of your Scheme?
- Have you identified mechanisms to review your progress in carrying out impact assessments regularly?
- Have you identified plans to embed the impact assessment process within all new policy development and decision-making activities?

Gather and make use of information

It is likely that you already collect some information about disability equality. For example, you may monitor the recruitment, retention, achievement and success of disabled learners in comparison to non-disabled learners. You may carry out satisfaction surveys and analyse results to identify the experiences of disabled people.

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

- What information do you currently gather about disabled people?
- 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. It will 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. It is likely that your first Action Plan will need to identify the steps you intend to take to extend existing measures.

The types of information that you gather will need to identify barriers that disabled people face, as well as those that measure successful outcomes such as improved achievement rates of disabled learners.

As we have seen in a previous section, it may, at times, be necessary to gather and analyse information by impairment type. Disabled people will be able to help you to identify whether asking people about the nature of their impairment, or analysing information by impairment type, would serve a useful purpose.

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

- Do your monitoring activities involve existing data collection methods, to help minimise time and resources, but also involve investigating new areas, to ensure that monitoring is appropriate, meaningful, and meets the requirements of the disability equality duty?
- Do you ensure that monitoring processes for staff are not neglected at the expense of monitoring processes for learners, and *vice versa*?
- Do your monitoring activities include a range of qualitative and quantitative approaches at organisational and departmental level?

Gathering information is not just a means to an end, but should be used effectively to inform planning, improve performance and monitor progress. For example, you need to listen carefully to people's feedback, identify and investigate equality gaps, take action, set outcomes, and review and evaluate progress in meeting these outcomes. Organisations need sufficient high-quality information and clarity on staff roles and responsibilities for gathering and making use of information.

- Does your Disability Equality Scheme clearly identify roles and responsibilities for gathering and making use of information?
- Are your monitoring activities not just a means to an end but used effectively to inform planning and improve practice?
- Does your Disability Equality Scheme clarify how the results of your monitoring activities informs planning?

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 to ensure that their information was valid and reliable. 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; available for download from www.lseducation.org.uk). For further information on encouraging disabled staff to disclose, see the accompanying booklet 'How to meet the employment duties'. However, it is worth noting that disclosure is a process that should be positive in removing barriers, and not a process merely for gathering statistical data. In addition, once a member of staff or a learner discloses an impairment, you will also want to ensure that appropriate mechanisms are in place to identify, arrange and monitor the necessary support and adjustments.

For further information on how to respond to the monitoring aspect of the duty, see the accompanying booklets 'How to gather and use information to improve disability equality' and 'How to meet the employment duties'.

- How valid and reliable is the information you gather and how might it be improved?
- Do you have robust procedures in place for encouraging learners to disclose, not just during the admissions process but throughout a course?
- Do you have robust procedures in place for encouraging staff to disclose, not just during the recruitment process but at any other time?

Invest in staff training and development

Most organisations will have carried out DDA awareness-raising activities, for example in response to the DDA 1995 Part 4, and it is important to ensure that all staff know what they need to do about the DED. Some organisations have developed extensive programmes of mandatory staff training, and monitor staff attendance. One college has a compulsory induction module on equality and diversity that runs termly to ensure that staff can attend early in their employment. Another has built a module on equality and diversity into the tutorial curriculum for all learners.

- Have all your staff received DDA awareness and disability equality training?
- Has this training been built into the staff induction programme?
- Have you explored how to provide appropriate awareness raising for learners, such as building an equality and diversity module into the tutorial curriculum?

Within the DED project, many sites recognised the need to invest further time and resources to train and equip staff. This has taken many forms, including:

- brief awareness-raising sessions to a range of staff, such as managers, senior managers and governors
- 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
- development activities for new job roles, such as the role of a disability equality champion
- clarification of the relationship between this new legislation and other equalities legislation
- attendance at external seminars such as DED conferences and training events.

You therefore may need to provide guidance, training and support to help departments to develop appropriate approaches.

For further information, see the accompanying booklet 'How to meet the employment duties'.

- Are targeted training arrangements in place to raise awareness of the requirements of the duty to promote disability equality, and the organisation's Disability Equality Scheme?
- Have governors been trained in their legal responsibilities with regard to DDA (1995) and DDA (2005)?
- Do you regularly evaluate the impact of training on improving disability equality in your organisation, for example building disability equality into annual appraisal systems to help staff reflect on the ways in which practice has improved for disabled people?
- Are training and awareness strategies made explicit within your Disability Equality Scheme?

Report and publish progress

Celebrating success, however small, helps to maintain commitment and enthusiasm. As sites in the DED project made progress, they found that reporting back good news stories gave staff a sense of progress, and helped maintain momentum and enthusiasm.

- Do you regularly recognise and celebrate improved performance in disability equality?
- Have you identified monitoring and evaluating processes so that you regularly review the effectiveness of your equality scheme in practice, including the achievement or otherwise of outcomes and targets?

Although your Disability Equality Scheme covers a three-year period, you will need to undertake an annual review, and produce a report on the outcomes of your activities, such as impact assessments, monitoring activities and involvement of disabled people. You will need to ensure that your annual report is available to all interested stakeholders, such as your disabled staff and learners. You will also want to ensure that senior management and governors consider the annual report. Your report should be produced in straightforward, attractive and accessible formats for all stakeholders such as staff, learners, employers and external agencies.

It is likely that you already produce annual information on your performance and progress generally, such as newsletters, publicity materials and posters that celebrate success, and annual reports. These provide a mechanism for summarising your report and signposting to readers where further information can be obtained.

- Do you have mechanisms in place so that senior managers and governors consider the annual report?
- Have you identified the strategies and mechanisms to publish the findings and outcomes of your disability equality activities?

What do I say to staff in my organisation who say that this is ‘political correctness gone mad’?

There are clear and irrefutable facts that disabled people experience discrimination. For example, disabled people are twice as likely to be unemployed, compared with non-disabled people, despite many having the satisfactory skills and qualifications, and wanting to work. Disabled people are twice as likely to have no qualifications, compared with non-disabled people. Research carried out in London found that 50% of disabled respondents had experienced disablist abuse or bullying. The legislation provides an important lever for education providers to play their part in addressing these issues.

What if we don’t take this duty seriously?

Apart from the fact that you will miss out on all the benefits that responding to this duty will bring, it is important to appreciate that:

- disabled people are becoming increasingly aware of their rights; they will choose providers who take action to improve disability equality
- the LSC, through its partnership adviser role, will ask principals and executive management what improved outcomes have been achieved for disabled people, and how the organisation’s Disability Equality Scheme has contributed to them
- the inspectorate is also covered by this duty, and will need to embed the DED in inspection frameworks; it will need to report on the extent to which organisations are responding to the new duties, and will want to see evidence that you are taking the new duties seriously

- the Disability Rights Commission (DRC) has enforcement powers:
 - If a provider does not comply with the general duty, a claim for a judicial review can be made by any interested person or groups of people or by the DRC.
 - If a provider does not meet the specific duties, the DRC can serve a compliance notice stating that the provider must meet its duties and tell the DRC, within 28 days, what it has done or is doing to comply.
 - If, after three months, the DRC considers that the provider has still not met one or more of its specific duties referred to in the notice, then the DRC can apply to the county court (England and Wales) or sheriff court (Scotland) for an order requiring the authority to comply with the duty.
 - The Commission for Equality and Human Rights (CEHR) will take over these enforcement powers by 2008/09.

I am responsible for writing the organisation's disability statement, and now my senior manager wants me to write the Disability Equality Scheme. I've tried explaining that I can't do this by myself but I don't think that he is listening. What should I do?

It's important to see the difference between these two documents. A disability statement primarily provides information about the support available for learners with disabilities and learning difficulties, and advice about who to contact in the organisation for further information. As such, it is a useful marketing tool providing advice and guidance for new and potential learners.

However, your Disability Equality Scheme is a three-year strategic document that must be accompanied by an action plan. Together they must show how your organisation will meet the legal requirements of the duty to promote disability equality and achieve improved outcomes for disabled people. The DED covers both staff and learners and is likely to affect every area in your organisation. Responding to the duty will require a whole-organisational approach, led by senior staff. Many aspects will pose considerable challenges, such as carrying out impact assessments and gathering and making use of information.

There is therefore a significant difference between a disability statement and a Disability Equality Scheme, and you might start to address this issue by providing a copy of this guidance to your senior managers.

Where can I get an exemplar Disability Equality Scheme to copy?

When the Race Relation (Amendment) Act came into force a number of organisations provided exemplar policies for education providers. Many organisations made use of them, but simply copied chunks of these model policies without tailoring their policy to the vision, aspiration and context of their organisation. It is highly unlikely that these organisations were meeting their legal requirements.

With the Disability Equality Duty you will need to identify your own improved outcomes to achieve, using information and advice from disabled people in your own organisation. Copying someone else's DES will therefore be of no use to you. However, the framework provided in the next section will help you to develop your DES within the context of your own organisation, and thereby help you to meet the requirements of the duties.

Once we've written our Scheme, what will we do with it? Who is going to monitor it?

It is important to recognise that your DES is a public document and therefore any interested person may ask to see it. However, your key stakeholders will be your current and potential staff and learners. It's worth exploring how you might publicise your DES, perhaps by including some key aspects in your prospectus and in recruitment literature, with a clear signpost to how people might obtain further information, including the DES. You should ensure that all staff are aware of your DES, the improved outcomes that you are aiming to achieve in the next three years, and their role and responsibility in realising them. You will also want to include key aspects of your Scheme in learner literature such as student diaries and handbooks. You should ensure that your DES is available in alternative formats and is easily found on your website and in your organisation.

Your Disability Equality Scheme and Action Plan are working documents, and you should continually monitor and evaluate the implementation of your Scheme and the effectiveness of your actions.

You can see from the answer to question 2 that the LSC, the inspectorate and the DRC may ask to see your DES.

5 A framework for a Disability Equality Scheme

The previous sections should have assisted you to develop your Disability Equality Scheme and Action Plan, which must be in place by 4 December 2006. The following framework may prove useful as you develop your DES. It will be important for you to adapt this framework to your own requirements. For example, you may choose to have discrete sub-sections on student and staff issues or to include additional sections not identified in this framework.

You may also find the self-evaluation tool in Appendix A helpful in producing a more focused Disability Equality Scheme and Action Plan.

Part 1 – Introduction

You might include information in this section, for example, about:

- your current position regarding DDA implementation – your strengths and issues that you have not yet addressed
- your staff and student profile in relation to impairments
- the context and culture of your organisation; for example, is there an atmosphere where people feel safe to disclose, difference is respected and diversity celebrated?
- the legal context in which this duty is introduced; for example, you may wish to refer to DDA 2005 and the six aspects of the general duty
- how the Disability Equality Scheme links with other important documents such as your equality and diversity policy, self-assessment reports, quality improvement and development plans.

Part 2 – Disability equality vision, values and principles

You might include information in this section, for example, about:

- your broad values and mission and how they relate to disability equality
- how the Disability Equality Scheme aligns to the strategic priorities and quality improvement plans of your organisation
- your attitude towards disability equality, for example, whether you take a social rather than a medical model approach
- the benefits that improving disability equality will bring to your organisation
- your commitment to improving disability equality, eliminating all forms of discrimination, proactively promoting disability equality and creating an inclusive environment for all who learn and work in the organisation
- your vision of disability equality and where you want to be in three years' time; this will include the tangible, specific outcomes and challenging targets that you want to achieve to narrow any identified gaps in the experiences of disabled people compared with non-disabled people; these will have arisen through a combination of what you already know, what you have discovered by actively involving disabled people and the information you have gathered on disability equality
- your priorities (which should reflect disabled people's priorities) in terms of staff, learners and the wider community.

Part 3 – Actively engaging with disabled people

You might include information in this section, for example, about:

- the different groups that have been involved, such as disabled staff, disabled learners, disabled people in the community, learning disability partnership groups and organisations of disabled people
- the different ways that disabled people have been actively involved in developing your Disability Equality Scheme

- the barriers that disabled people have identified for you to address
- how disabled people will be involved in implementing, monitoring and evaluating the scheme
- how you will regularly seek the advice of disabled people on the process of their involvement to ensure that it is genuine and active.

Part 4 – Leadership and management

You might include information in this section, for example, about:

- the support and commitment of senior staff
- how senior staff have been involved in the development of the DES
- the responsibilities of governors
- the responsibilities of key staff such as support managers and heads of curriculum areas
- the responsibilities of all staff in eliminating discrimination and promoting disability equality.

You may want to include strategies to:

- raise awareness of the DED and the benefits it will bring to the organisation
- ensure that all staff understand and embrace their role and responsibility under the DDA, and to ensure that all staff are aware of the organisational vision for disability equality and the Disability Equality Scheme
- train staff so that they have the skills required to promote disability equality, to carry out the requirements of the DES and Action Plan and achieve identified improvements in disability equality
- improve and expand partnership working
- build disability equality into course reviews, self-assessment and quality improvement processes
- maintain a high priority on achieving disability equality
- embed disability equality across the whole organisation.

Part 5 – Carrying out impact assessments

You might include information in this section, for example, about:

- policies, procedures, plans and practice you have identified that will be assessed over the lifespan of the DES
- how these have been prioritised
- the timescales involved for carrying out impact assessments on the policies, procedures, plans and practice
- who in the organisation will take overall responsibility for this process
- how the process will be embedded across the organisation for the impact assessment of policy development, new plans and decision-making activities.

Part 6 – Gathering information

This section will include information about the arrangements for gathering information on:

- the recruitment, development and retention of disabled staff
- the educational opportunities available to and the achievements of disabled learners.

You might include information in this section, for example, about:

- the range of information that is currently gathered on disability equality, and what this existing information has revealed
- further information that you plan to gather
- who is responsible for gathering information and how often information will be used
- the arrangements to ensure that monitoring takes place at organisational and departmental level, or an appropriate sub-level
- how the information gathered will inform planning and decision-making processes
- the arrangements for making use of such information to improve performance in disability equality continually and the responsibilities of staff in this process.

Part 7 – Putting the Scheme into practice

You might include information in this section, for example, about:

- how and where the Disability Equality Scheme will be published
- the reporting mechanisms that will be used to communicate annual progress and performance to governors, staff, learners and other interested stakeholders; progress and performance will include, for example, the results of impact assessments, gathering and using information and the improved outcomes for disabled people that have been achieved.

We have seen in a previous section that your Disability Equality Scheme should be accompanied by an Action Plan that articulates the steps you intend to take to implement your DES. Your Action Plan should reflect:

- the priorities of disabled people
- the strategic priorities of the organisation
- the specific improved outcomes that you will aim to achieve set against a realistic timetable, which may include disability equality targets
- measurable indicators of progress towards outcomes
- lines of accountability.

Your Action Plan should cover the three-year life span of your DES, and be SMART:

- specific – the plan should spell out in detail exactly what you want to happen and who is responsible for carrying it out – show clear lines of accountability
- measurable – it should prove that you have implemented these actions; it would be helpful to have measurable indicators of progress towards outcomes
- achievable – you must be able to achieve these actions in the timescale identified
- realistic – your actions must be realistic; this is not a synonym for ‘easy’ – actions should be challenging, but doable
- time-related – actions have deadlines.

Part 8 – Monitoring and evaluation

This section should include:

- the arrangements for updating the Action Plan regularly in the light of information gathering and analysis
- the arrangements for regularly monitoring and evaluating the implementation of the DES and accompanying Action Plan.

In order to embed disability equality within planning processes, it is important that reviews of the Disability Equality Scheme and Action Plan are not isolated activities but form part of the overall organisational strategic planning, quality assurance planning and review processes. You may, for example, decide to monitor your implementation of the Disability Equality Scheme through self-assessment and development planning, staff professional development plans and performance indicator reviews. You may decide to report on progress at key committee meetings such as Academic Board and equality and diversity committees. Using a range of activities to monitor and review will itself help to embed disability equality throughout the whole organisation.

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 your Disability Equality Scheme provides an opportunity for you to take stock, reflect and celebrate your 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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Appendix A **A self-evaluation tool for developing a Disability Equality Scheme**

The purpose of this self-evaluation tool is to help you to identify priority areas to address as you implement the requirements of the Disability Equality Duty and seek to improve disability equality in your own organisation. It will help you to produce a more focused Disability Equality Scheme (DES) and Action Plan to maximise improved outcomes for disabled people.

The prompts are not an exhaustive list. It is important to use this tool with disabled people to ensure that their views on the priorities of the organisation feature highly in your DES and accompanying Action Plan.

How do we get started?

	Evidence of good practice	Areas for improvement and action points
<p>Establish the infrastructure</p> <ul style="list-style-type: none"> ■ Have you identified a team to steer the development and implementation of this duty in your organisation? ■ Do you have the appropriate representation of staff on your team? ■ Are the staff in your team at a sufficiently high managerial level to be able to ensure actions take place? ■ Does the team have clear terms of reference and timescales to ensure that a task focus is maintained and the Disability Equality Scheme is developed by 4 December 2006? 		

	Evidence of good practice	Areas for improvement and action points
<p>Ensure leadership from the top</p> <ul style="list-style-type: none"> ■ Is senior or executive management involvement active, visible and instrumental in ensuring that disability equality is seen as an organisational priority? ■ Does the involvement of senior staff ensure that your organisation places and maintains a high priority on achieving disability equality? ■ Is your Disability Equality Scheme aligned to the strategic priorities and quality improvement plans of your organisation? <p>Actively involve disabled people</p> <ul style="list-style-type: none"> ■ Are you clear about the difference between consultation and active involvement? ■ Do you have a variety of mechanisms that you use to involve disabled people actively? ■ Do you engage obvious stakeholders, such as disabled staff and learners, and also less obvious stakeholders, such as prospective learners and disabled learners who have dropped out of courses? ■ Do you use the expertise of community groups and local organisations for and of disabled people? ■ Do you make sure that you don't concentrate on actively involving disabled learners at the expense of involving disabled staff, and <i>vice versa</i>? ■ Do you continually provide feedback to disabled people on the outcomes of their involvement and what has changed as a result? 		

	Evidence of good practice	Areas for improvement and action points
<ul style="list-style-type: none"> ■ Do you demonstrate, through your reporting processes, how you have made a difference and changed practice by actively involving disabled people? ■ Are you actively involving disabled people in all aspects of your Disability Equality Scheme development and disability equality activities such as impact assessment and monitoring processes? ■ Are you involving the full diversity of disabled people, in recognition that people with different impairments can experience fundamentally different barriers? ■ Does your Action Plan reflect the priorities of disabled people? ■ Do you regularly seek the advice of disabled people on the process of their involvement – is it genuine, active involvement or tokenistic consultation? 		

Where are we now?

	Evidence of good practice	Areas for improvement and action points
<p>Take stock</p> <ul style="list-style-type: none"> ■ Have you identified your current strengths in relation to disability equality? (Consider staff, learners and others external to your organisation) ■ Have you identified the areas that you still need to address? ■ Have you identified the priorities of disabled people? 		

Where do we want to be?

	Evidence of good practice	Areas for improvement and action points
<p>Identify outcomes to achieve</p> <ul style="list-style-type: none"> ■ Does your Disability Equality Scheme clearly articulate what success will mean in the context of your organisation? ■ Do you recognise that the real test of progress will be the extent to which improved outcomes for disabled people are delivered? ■ Have you identified, with disabled people, challenging yet realistic, tangible and specific outcomes for improving disability equality? ■ Have you integrated these outcomes within your Action Plan? ■ Do you regularly monitor, evaluate and report on your success in meeting these outcomes? <p>Communicate the vision</p> <ul style="list-style-type: none"> ■ Have you identified and used a wide variety of mechanisms to raise awareness of the new duty, your organisational vision for disability equality and your Disability Equality Scheme? ■ Have you communicated the benefits that this duty will bring to your organisation effectively? ■ Are staff aware of the specific improved outcomes that the organisation is aiming to achieve, and do they understand their role and responsibility in achieving them? 		

How will we get there?

	Evidence of good practice	Areas for improvement and action points
<p>Establish a whole-organisational approach</p> <ul style="list-style-type: none"> ■ Do you ensure that your organisation places and maintains a high priority on achieving disability equality? ■ Have you aligned your vision of disability equality, and the improved outcomes to achieve, to your mission, values, strategic priorities and quality improvement plans? ■ Have you identified strategies to help embed disability equality across the whole organisation, such as the use of champions? ■ Have you effectively embedded disability equality within quality improvement and planning processes such as course reviews, self-assessment and development planning? ■ Do you see disability equality as a 'customer service' issue? <p>Build on partnership work</p> <ul style="list-style-type: none"> ■ Have you ensured that partnership working is not neglected in your approach to achieving greater disability equality? ■ Do you involve partner organisations to discuss how you can further disability equality together? ■ Have you made both the involvement and the outcomes of this partnership work explicit within your DES? 		

	Evidence of good practice	Areas for improvement and action points
<p>Carry out impact assessments</p> <ul style="list-style-type: none"> ■ Are staff clear about what is meant by an impact assessment, how this is carried out and who is involved in the process? ■ Do staff recognise that impact assessment provides an important mechanism for embedding disability equality in all decision-making and activities, and as such is an important tool to mainstream disability equality across the whole organisation? ■ Have you established a programme of systematic impact assessment, identifying how impact assessments will be carried out and who will be involved? ■ Have you mapped all existing policies, procedures, plans and practice, prioritised them, and set a timetable for conducting impact assessments on them over the three-year life span of your Scheme? ■ Have you identified mechanisms to review your progress in carrying out impact assessments regularly? ■ Have you identified plans to embed the impact assessment process within all new policy development and decision-making activities? <p>Gather and make use of information</p> <ul style="list-style-type: none"> ■ Do your monitoring activities involve existing data collection methods, to help minimise time and resources, but also involve investigating new areas, to ensure that monitoring is appropriate, meaningful and meets the requirements of the disability equality duty? 		

	Evidence of good practice	Areas for improvement and action points
<ul style="list-style-type: none"> ■ Do you ensure monitoring processes for staff are not neglected at the expense of monitoring processes for learners, and <i>vice versa</i>? ■ Do your monitoring activities include a range of qualitative and quantitative approaches at organisational and departmental level? ■ Does your Disability Equality Scheme clearly identify roles and responsibilities for gathering and making use of information? ■ Are your monitoring activities not just a means to an end but used effectively to inform planning and improve practice? ■ Does your Disability Equality Scheme clarify how the results of your monitoring activities inform planning? ■ How valid and reliable is the information you gather and how might these be improved? ■ Do you have robust procedures in place for encouraging learners to disclose, not just during the admissions process but at any time throughout a course? ■ Do you have robust procedures in place for encouraging staff to disclose, not just during the recruitment process but at any time? 		
<p>Invest in staff training and development</p> <ul style="list-style-type: none"> ■ Have all your staff received DDA awareness and disability equality training? ■ Has this training been built into the staff induction programme? 		

	Evidence of good practice	Areas for improvement and action points
<ul style="list-style-type: none"> ■ Have you explored how to provide appropriate awareness raising for learners, such as building an equality and diversity module into the tutorial curriculum? ■ Are targeted training arrangements in place to raise awareness of the requirements of the duty to promote disability equality, and the organisation's Disability Equality Scheme? ■ Have governors been trained in their legal responsibilities with regard to DDA 1995 and DDA 2005? ■ Do you regularly evaluate the impact of training on improving disability equality in your organisation, for example building disability equality into annual appraisal systems to help staff reflect on the ways in which practice has improved towards disabled people? ■ Are training and awareness strategies made explicit within your Disability Equality Scheme? <p>Report and publish progress</p> <ul style="list-style-type: none"> ■ Do you regularly recognise and celebrate improved performance in disability equality? ■ Have you identified monitoring and evaluating processes so that you regularly review the effectiveness of your equality scheme in practice, including the achievement or otherwise of outcomes and targets? ■ Do you have mechanisms in place so that senior managers and governors consider the annual report? ■ Have you identified the strategies and mechanisms to publish the findings and outcomes of your disability equality activities? 		

Appendix B Who are ‘disabled people’?

This section summarises the guidance on who is covered by the Disability Discrimination Act, provided by the Disability Rights Commission (DRC). Further information can be found on the DRC website (www.drc-gb.org).

The definition of a disabled person under the Disability Discrimination Act covers people with a wide range of impairments including:

- physical or sensory impairments
- mental health difficulties such as depression
- specific learning difficulties such as dyslexia
- medical conditions such as Alzheimer’s, arthritis and cancer.

The impairment must have:

- a substantial, adverse effect on a person’s ability to carry out normal day-to-day activities
- be likely to last for more than 12 months.

Normal day-to-day activities include:

- mobility
- manual dexterity
- physical coordination
- continence
- ability to lift, carry or move everyday objects
- speech, hearing or eyesight
- memory or ability to concentrate, learn or understand
- understanding of the risk of physical danger.

There are some special provisions, for example:

- If a person’s impairment has substantially affected their ability to carry out normal day-to-day activities, but doesn’t any more, it will still be counted as having that effect if it is likely to do so again.

- If a person has a progressive condition and it will substantially affect their ability to carry out normal day-to-day activities in the future, then they will be regarded as having an impairment which has a substantial adverse effect from the moment the condition has some effect on their ability to carry out normal day-to-day activities.
- Cancer, HIV infection and multiple sclerosis are covered from the point of diagnosis.
- People who have had a disability in the past but are no longer disabled are covered by certain parts of the DDA.

When considering impact on day-to-day activities, the Act says that any treatment or correction should not be taken into account. This includes medical treatment or the use of a prosthesis or other aid, such as a hearing aid. The only items which are taken into account are glasses or contact lenses.

Certain conditions are not considered impairments under the DDA, including:

- lifestyle choices, such as tattoos and non-medical piercings
- tendency to steal, set fires, and physical or sexual abuse of others
- exhibitionism and voyeurism
- hay fever, if it doesn't aggravate the effects of an existing condition
- addiction to or a dependency on alcohol, nicotine or any other substance, other than a substance being medically prescribed.

Appendix C **The medical and social models of disability**

The medical model of disability reinforces the idea that the problems people face are a direct result of their own health or impairment. It focuses on what is wrong with a person and what they cannot do. This model takes a narrow, labelling approach, which can perpetuate stereotypes and create a cycle of dependency and exclusion that is often difficult to break.

The social model of disability, in contrast, refutes the medical perspective above, and shifts the focus from what is 'wrong' with the disabled person to what is wrong with attitudes, systems and practices, as it is these that often create disabling barriers and prevent participation by disabled people. The social model of disability promotes the right of a disabled person to belong, to be valued, to determine choice and to make decisions. The emphasis is taken away from the disabled person and is placed firmly on the shoulders of the provider.

The social model of disability represents the key to understanding and implementing the duty to promote disability equality. The new duty extends the requirements of the DDA 1995 – to anticipate and respond to the individual needs of disabled people – to a duty under which organisations must understand and dismantle barriers before they have an impact on individuals.

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