

Closing the Gap

Paul Brown and Lucy Foley  
Scottish Disability Team  
Anne Simpson and Graham Charters  
Teachability Project

(See Programme for Contact Details)

## Slide 2

### Aims

- To outline the main principles of the Disability Discrimination Act (2005)
- To discuss the main implications for HEIs and colleges
- To consider the next steps

## Slide 3

### Current Legislation

- Disability Discrimination Act (1995)
  - less favourable treatment
  - a requirement to make 'reasonable adjustments'

## Slide 4

### Disability Discrimination Act (2005)

Scope includes:

- Extending the definition of disabled people
- Transport
- Private clubs
- Letting of premises

## Slide 5

### Disability Equality Duty

- A duty on all public authorities to promote disability equality
- For HEIs/colleges a need to meet:
  - general duties
  - specific duties

Slide 6  
Mind

the

gap!

## Slide 7

### General Duties

When carrying out their functions HEIS/colleges must have due regard to the need to:

- eliminate unlawful discrimination;
- eliminate disability related harassment;
- promote equal opportunities;

## Slide 8

### General Duties (cont'd)

- take steps to take account of disability even when that involves treating disabled people more favourably;
- encourage participation by disabled people in public life.

## Slide 9

### Specific Duties – Disability Equality Schemes (DES)

- By Dec 2006 HEIs/colleges will publish a Disability Equality Scheme
- The DES will demonstrate how the HEI/college will fulfil general and specific public sector duties
- Annually report on progress

## Slide 10

The practical application of the specific duties

- Preparation of action plans
- Involving disabled people
- Gathering evidence
- Analysing evidence
- Assessing the impact of policies/practices and proposed policies/practices

## Slide 11

### Action Plans

The action plan in a highly effective Disability Equality Scheme (DES) would reflect:

- The priorities of disabled people
- The strategic priorities of the HEI/college

## Slide 12

### Action Plans (cont'd)

- Specific outcomes which the HEI/college wishes to achieve to promote disability equality set out against a realistic timetable
- Lines of accountability
- Measurable indicators
- The key milestones or external pressures faced by the HEI/college

## Slide 13

### Involving disabled people

Disabled people must be involved in all aspects of the DES. In particular in:

- Identifying the barriers faced by disabled people and unsatisfactory outcomes
- Setting priorities for action plans
- Assisting planning activity

## Slide 14

### Involving disabled people (cont'd)

- Assessing impact of existing and proposed policies/practices and monitoring the success of initiatives undertaken
- Reviewing and revising the Scheme

## Slide 15

Gathering evidence: what is required

DES must include a statement of:

- The HEI's/college's arrangements for gathering information on the effect of its policies and practices on disabled persons
- The effect on the recruitment, development and retention of its disabled employees

## Slide 16

### Gathering evidence: what is required (cont'd)

- The effect on the educational opportunities available to, and on the achievements of, disabled students
- The extent to which the services it provides, and functions it performs, take account of the needs of disabled persons

## Slide 17

### Specific Duties – assessing impact

DES will:

- Set out plans for putting into effect the arrangements for impact assessments of existing and future policies/practices/functions
- Show how the impact of major projects to be implemented during the life of the DES should be assessed

## Slide 18

### Monitoring and Evaluation

- DES must include:
- A statement of the HEI's/college's arrangements for making use of the information gathered
- Arrangements for reviewing, on a regular basis, the effectiveness of the action plan and preparing subsequent DES

## Slide 19

### Example

A university carries out an impact assessment on a new degree programme it intends to offer next academic year. Through involving disabled people in this exercise it becomes apparent that the proposed degree programme contains some significant barriers to the involvement and progression of disabled students. As a result of this impact assessment exercise the university amends the proposed degree programme with particular reference to access to teaching materials, class timetabling and teaching delivery.

## Slide 20

### Next steps

- Ensure involvement of senior management team
- Establish a sub-group/committee to develop and implement institutional strategy
  - review current disability provision
- Start implementing the principles of the legislation now

## Slide 21

### Useful documents

- NDT Briefing at:

[http://www.natdisteam.ac.uk/documents  
DDBillbrief.doc](http://www.natdisteam.ac.uk/documents/DDBillbrief.doc)

- ECU Briefing at:

[http://www.ecu.ac.uk/publications/down  
loads/BriefingPaper1.pdf](http://www.ecu.ac.uk/publications/downloads/BriefingPaper1.pdf)

## Slide 22

### Nothing About Us without Us

- If you carry on in the old way without involving disabled people then nothing will significantly improve!
- This involvement must be influential and creative, not tokenistic!
- The lived experience of disabled people is crucial!

Slide 23

Onward and Upward

This chance won't come again! This might be it for a generation! Let's not miss it!

Slide 24

The new duties, teaching and learning: How does the new Act apply?

**Anticipation:**

1.11 'Over time, authorities should be moving towards a situation in which their policies and services are designed from the start with the needs of disabled people in mind...'

The new duties, teaching and learning: How does the new Act apply?

Slide 25

**Accessibility:**

1.12 'In relation to policy development and service delivery the duty will.....improve the authority's ability to deliver suitable and accessible services that meet varied needs.'

Slide 26

The new duties, teaching and learning: How does the new Act apply?

**Core activities:**

2.17 'Authorities should ensure that those aspects of their functions which have most relevance to disabled people are addressed at the outset.'

Slide 27

The new duties and the curriculum

What do you need to consider?

**How to gather information:**

3.41 'Authorities are likely to need to establish measures which identify the range of barriers which disabled people face ... as well as those which measure successful outcomes (e.g. more disabled people using and expressing satisfaction with a service or improved educational attainment by disabled people), as both measures will often be necessary.'

Slide 28

**DDA 2005, Draft Code of Practice**

1.6 The [general] duty is aimed at tackling systemic, institutionalised discrimination against disabled people. It is based on an understanding that the poverty, disadvantage and social exclusion experienced by disabled people is not the inevitable result of their impairments or medical conditions, but rather stems from environmental barriers, nonetheless powerful for being unintentional.

Slide 29

**DDA 2005, Draft Code of Practice**

Draft Code 1.6 (cont'd) These barriers come in many forms, from inaccessible buildings to employment practices or services which fail to take into account the particular circumstances of disabled people and by doing so exclude or disadvantage them. This approach is known as the 'social model of disability'.

Slide 30

**DDA 2005, Draft Code of Practice**

3.67 Public authorities are already experienced in impact assessment for equality, as it is required by the specific duties to promote race equality. However, impact assessment in disability is likely to be a broader process.

Slide 31

**DDA 2005, Draft Code of Practice**

3.67 For example, the design of a public office is unlikely to have a major impact on race equality, but is crucially important for disability equality, while the colours and artwork chosen for a publication may be of particular importance to people with visual impairments.

Slide 32

## **Teachability**

= impact assessment?

But what should **be** 'impact assessed'?

Slide 33

**Draft Code on DDA 2005**

- Policies or practices or activities which are major for the authority in terms of scale and significance;
- Relatively minor policies or practices, but which are nevertheless likely to have a major impact on disabled people.

## Slide 34

Seven stages to Impact Assessment success

In relation to each element of policy or practice –

- Identify aims. Is it equality relevant?
- Analyse available data and collect further data if necessary.
- Assess impact.

## Slide 35

### Seven stages to Impact Assessment success

In relation to each element of policy or practice –

- Mitigate adverse impact. Consider other ways of achieving the same aims.
- Consult on final policy or practice.
- Publish impact assessment and findings.
- Monitor for adverse impact in the future and publish results.