

## Disability Discrimination Act Briefing for Heads of Institutions: the new duties to promote disability equality

From December 2006, all public authorities, including all HEIs, will have new duties to promote disability equality. This briefing outlines what this means for senior managers in HEIs.

*“Change starts at the top. Strong clear and consistent leadership is the key to achieving change in the public sector.”* DRC Disability Equality Duty (DED) Code of Practice.

### What do the new duties mean for my institution?

The legislation introduces general and specific duties to promote disability equality across all of your functions. This will require you to be even more proactive about how you mainstream disability equality to ensure you build disability equality into everything that you do. This means, for example, that your institution will need to take account of disabled people when making decisions and developing policy.

The **general duty** requires that you have due regard to the need to:

- Eliminate unlawful disability discrimination and harassment
- Promote equality of opportunity and positive attitudes towards disabled people
- Take account of people’s disabilities (even if this means treating them more favourably)
- Encourage participation by disabled people in public life.

In addition, certain public bodies, including HEIs and HE funding bodies, will be covered by **specific duties**, with a key requirement to publish a **Disability Equality Scheme (DES)** every three years.

### What do I have to do as a senior manager?

You could fulfill your role in leading your institution’s new duties by:

- Appointing yourself or another senior manager to chair an action-focused DED working group
- Ensuring staff developing your institution’s DES are adequately resourced
- Ensuring financial resources are made available to enable disabled people to be fully involved in your DES, as required by the legislation.

### What is the difference between the new duties and our current duties?

The new duties are a quantum leap in legislation with an emphasis away from minimum compliance towards building a positive culture change. The DDA (1995), as amended by SENDA (2001), gave disabled students and prospective students new rights in education and placed a duty on institutions to make reasonable adjustments. The new duties require you to eliminate institutional discrimination and to develop a proactive approach to making a real, positive change to the lives of disabled people, not just students, by promoting disability equality in all of your practices, policies and procedures.

### What do we need to cover in our first Disability Equality Scheme (DES)?

HEIs must publish their first DES by **4 December 2006** and it should demonstrate how your institution intends to fulfil both its general and specific duties by covering:

- How disabled people have been involved in developing your scheme
- Your methods for impact assessment
- Your arrangements for gathering information and how you have used that information
- An action plan detailing how you will fulfil your general duty and implement your scheme.

## Involving disabled people

The specific duties require that disabled people are actively involved in developing your scheme, so you may need to develop imaginative ways to go beyond your current consultation methods.

Questions you may need to think about are:

- Who are our key stakeholders and how are they best involved?
- Will we have to do different things for staff and students?
- What local/community groups could we involve?

## Impact assessment

Your scheme must detail how you have assessed and prioritised the impact, or likely impact, of all existing and new policies and practices on disabled people. You are likely to have a 'back catalogue' of existing policies, so you may want to develop a timetable for this process in your DES. The DED Code of Practice provides information on how to make decisions about impact assessment.

Questions you may need to think about are:

- Who will be involved in assessing impact and how will you involve disabled people?
- How will you determine priorities?
- Will you need external expertise?
- Who will you report your results to?

## Gathering and using information

As a minimum, the specific duties require you to identify and improve the:

- Recruitment, development and retention of disabled employees
- Educational opportunities available to, and achievement of, disabled students

The DRC recommends that HEIs also gather information on how your services take account of the needs of disabled people and that you identify what data you currently collect and gaps in this data.

## DES Action plan

Your action plan should set out key steps you will take to promote disability equality, reflecting the priorities of disabled people and identifying specific outcomes that you wish to achieve.

## Does this legislation differ from the race equality duty?

Yes. Some aspects of this duty are broadly similar to the race duty, but there are some significant differences, notably the need for the active involvement of disabled people in developing and monitoring your DES and the implementation of measurable improvements in your scheme.

## What is the timetable for these activities?

The duties come into force on **5 December 2006** and you must publish your first DES by **4 December 2006**. For the duty to be truly effective, staff will need to be trained in the new duties, which will require ongoing investment in staff development. The Code of Practice recommends that a senior member of staff take overall responsibility for the duty and the scheme.

## Will this be monitored and enforced?

The general duty can be enforced by any individual, groups or the DRC through judicial review at the High Court (England and Wales) or Court of Session (Scotland). The DRC is also empowered to enforce the specific duties through the issuance of compliance notices. Agencies that audit or inspect public authorities are also bound by the duty to promote disability equality in their work.

## Where can I find out more?

- DRC Code of Practice: Duty to Promote Disability Equality, available at [www.dotheduty.org](http://www.dotheduty.org)
- Skill's fully-updated Guide to the DDA for HEIs. For more information see [www.skill.org.uk](http://www.skill.org.uk)
- Equality Challenge Unit has a series of briefings, available at [www.ecu.ac.uk](http://www.ecu.ac.uk)
- Scottish Funding Council self-evaluation tool, available at [www.sfc.ac.uk/library/sfc/circular/2005](http://www.sfc.ac.uk/library/sfc/circular/2005)