

The Disability Equality Duty

The Disability Equality Duty (DED) came into force in December 2006 and is potentially the most significant piece of legislation to affect the lives of disabled people for a generation. The DED is similar in some ways to the Race Equality Duty but it is far more pro - active and outcome driven. The intentions behind the Duty are to eradicate the gap between the life chances of disabled and non disabled people, remove barriers to inclusion and actively involve disabled people in service planning and delivery. Although it builds on the Disability Discrimination Act, the DED focuses on combating institutional and systemic discrimination, rather than increasing the individual rights of disabled people.

Key Public Bodies (including H.E Institutions, F.E. Colleges, Adult and Community Education Providers, Prison Education) are legally required to publish their Disability Equality Schemes and should have done so by December 4th 2006. The Disability Rights Commission (DRC), which is enforcing the Duty, is not allowing any exemptions from this timetable and is already calling in Schemes to see whether disabled people have been sufficiently involved in their development.

The new Duty offers UCU the opportunity to put disability equality at the heart of our organising and collective bargaining agenda. Our own members will need to undergo disability equality training and Disability Equality Duty training but this will be an investment that can bring real rewards.

For the first time, our employers will have to monitor staff by impairment, assess how past, present and potential policies and practices impact upon all disabled people and promote the involvement of disabled people in public life.

We will have the right to demand information from employers, for example on recruitment, retention and progression of disabled staff, and if they fail to respond they will be liable to face an enforcement notice from the DRC or a legal challenge in court.

We can also use the DED to ensure that our members get involved in any Disability Action Groups or networks that are established within workplaces and persuade our employers to adopt the social model of disability, as UCU has already done.

Checklist for branches/local associations

- ❖ Use the introduction of the DED as part of your bargaining agenda – think about how to use the general and specific duties in any relevant casework and negotiations you are involved in
- ❖ Build disability equality into the way you organise – you will find that disabled members may want to get involved and active in this area of work
- ❖ Encourage disabled members to join self organised groups and networks – at local, regional and national level – contact UCU for more information about how to do this
- ❖ Encourage your employer to actively involve a wide range of disabled people in its work in this area
- ❖ Press your employer to understand and adopt the social model of disability - The Social Model changes the focus away from people's impairments and towards removing the barriers that disabled people face in every day life: it is not the impairment that is the problem, or the disabled person, rather it is society's failure to take into account our diverse needs
- ❖ Press your employer to run Disability Equality Training for all staff
- ❖ Get involved now in the development of the Disability Equality Scheme – put the Disability Equality Duty on the agenda of your next Equality Committee or Joint Negotiating meeting with your employer. Find out what has been done to date. Ensure there is trade union representation on the Group tasked with producing

the scheme. Ensure the Group is actively involving disabled people in its work. Send completed schemes to UCU Equality Unit.

- ❖ From 5 December 2006 monitor the Disability Equality Scheme and associated Action Plan
- ❖ Tell members about disability equality and the new Disability Equality Duty and let them know about the work you are doing in this area

Questions to ask:

1. Does your institution have an Equality Committee / Forum with trade union representation?
2. Does your institution have a disabled staff group?
3. Is there a disability policy?
4. Was it negotiated with the union?
5. Were disabled members of staff actively involved in writing it?
6. Has the disability policy been updated to take into account the Disability Discrimination Act 2005?
7. Do all members of staff have copies of the policy?
8. Has your institution begun to monitor its staff profile by disability?
9. Has the institution begun to publish the results of its staff monitoring?
10. Has the institution set targets for recruitment where the staff population is under-representative of key groups?
11. Have members of staff been invited to contribute to a public discussion on what the general duty to promote equality between disabled and non-disabled people means for all areas of the institution's work: including budgeting, work with contractors, maintenance of buildings, curriculum ...?
12. Have groups of disabled staff been actively involved in assessing the institution's general progress towards achieving equality between disabled and non-disabled people?
13. Have groups of disabled staff been specifically consulted on key institutional policies, which are likely to have a significant impact on disabled staff?
14. Have all staff received training in work time on the implementation of the Act?

If the answer to questions 3, 5, 6, 8, 9 or 12 is no, your employer may be breaking the law.

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