

Disability Equality Scheme 2009 – 2012 Appendices

Appendix 1

An impact assessment is a thorough and systematic analysis of policy, whether that policy is written or unwritten, formal or informal to determine whether it has a differential impact on a particular group.

The terminology of “policy” in this context covers the following:

- policies and procedures
- systems and processes
- all functions and services
- customs and practices

This process should be regarded in the same way as any good management practice and resources for impact assessment directed to the policies, functions and practices which have the greatest relevance and impact on equality and diversity. The long term objective is to embed this practice into all University policy writing procedure. All staff with responsibility for strategy, policy and procedure have responsibility for undertaking the impact assessments process to ensure they minimise the impact of disability on students, staff and other members of the community.

The impact assessment process follows a simple template and in order to be effective, an impact assessment should be made at the beginning of its policy cycle and then throughout its development.

Impact assessments are not a one-off exercise but should be incorporated in to a three-year cycle for review. All existing policies and practices of the University are mapped out, prioritised for action, and responsibilities have been established to ensure a thorough and systematic coverage of all University functions. Results of assessments will be monitored and made available for internal and external stakeholders.

The Higher Education Funding Council for England (HEFCE) produced a flow chart in their guidance that identifies a mapping exercise showing the stages of the impact assessment process. This flow chart is included in this document to reflect how the University will conduct impact assessments.

Improving disability equality performance is what disability equality impact assessment is all about. Conducting disability equality impact assessments should lead to action to improve performance in relation to disabled people. If nothing changes as a result of the disability equality impact assessments carried out by the University across its range of functions, then it is unlikely that these will have been adequately conducted, or that the University is genuinely meeting its disability equality duty. The outcomes of impact assessments already made on our processes by consultation with our students and staff through questionnaires,

surveys and focus groups as well as involvement with the broader community have been used to produce our action plan. Work on this will be ongoing to identify those priorities for action.

In determining our arrangements for impact assessment, we have agreed criteria for determining the extent to which disabled people should be involved in impact assessment. Do we advocate full involvement of disabled people?

A judgement of **adverse impact** is made if the impact of a policy disadvantages on disabled staff, students or other stakeholder. Steps then have to be taken to mitigate this adverse or negative impact.

The concepts of **proportionality** and **relevance** are essential for carrying out an impact assessment. The University are expected to have 'due regard' to the six parts of the general duty. 'Due regard' comprises two linked elements, known as proportionality and relevance. In all their decisions and functions, the University will give due weight to the need to promote disability equality in proportion to its relevance.

Disability equality will be more relevant to some functions than others. The University will take care when assessing relevance to those functions that are likely to be of relevance to disabled people.

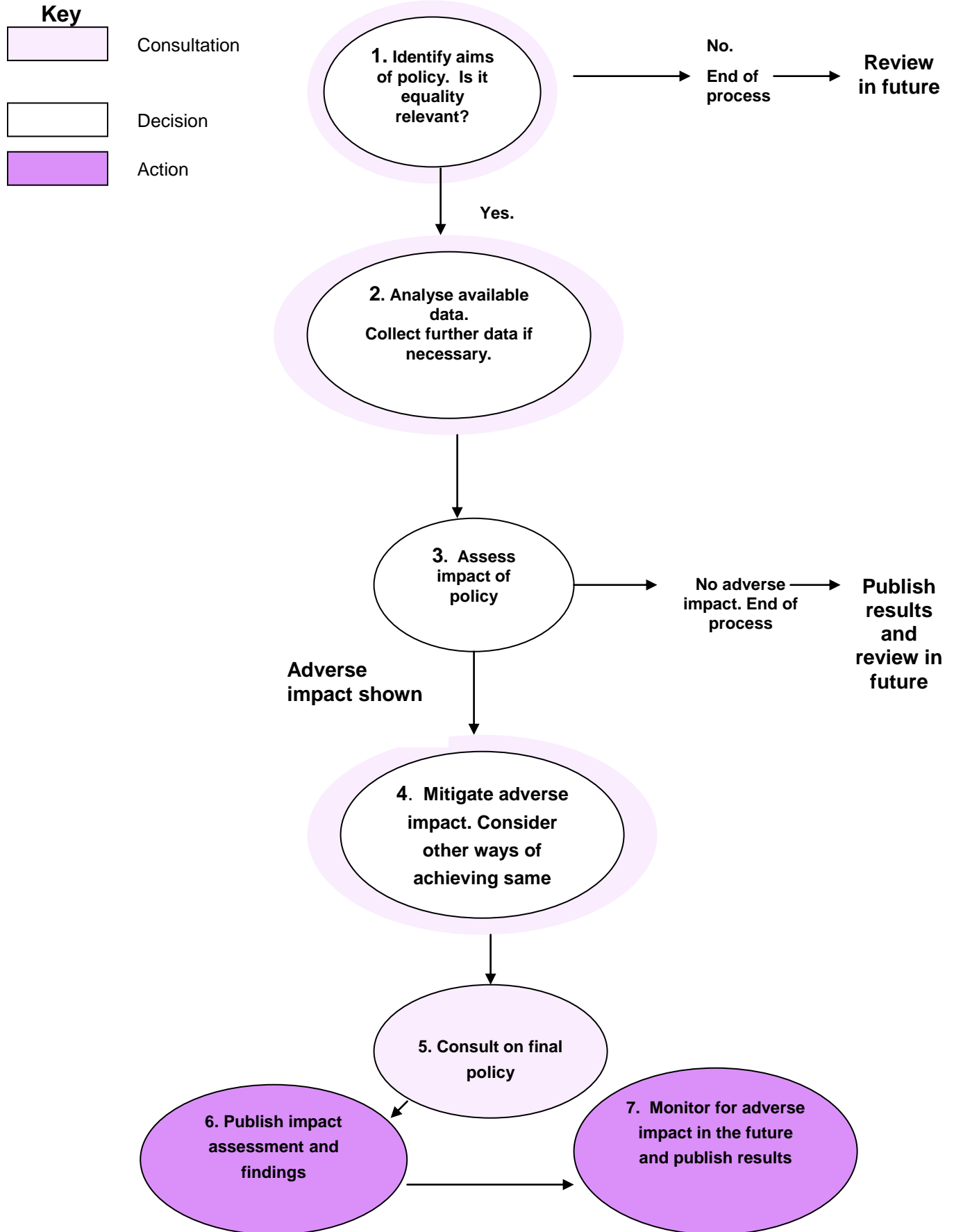
Proportionality requires greater consideration to be given to disability equality in relation to functions or policies that have the most effect on disabled people. Where changing a function or proposed policy leads to significant benefits to disabled people, the need for such a change will carry added weight when balanced against other considerations. Where it not possible for the University to adopt the course of action that will best promote disability equality, the University will ensure that they show due regard to the requirement to promote disability equality alongside other competing requirements.

The general duty requires the University not only to have due regard to disability equality when making decisions about the future but also to take action to tackle the consequences of decisions in the past which failed to give due regard to disability equality. This will require some adaptation to existing or proposed activities and the impact assessment process will ensure this.

Ensuring that services give due regard to disability equality may require the University to consider, in relation to any services delivered specifically to disabled people, whether the way in which they are delivered maximises disabled people's ability to exercise real choice, and promotes their equality more generally. Because the general duty requires the University to give due regard to disability equality in every aspect of their activities it may, depending on the nature and remit, require the University to consider what action it can take to dismantle

attitudinal and environmental barriers within its sphere of influence. The impact assessment process will take this into consideration.

Appendix 1 - The stages of an impact assessment



Legal Rationale

The Disability Discrimination Act 1995 (DDA) defines that a “disabled person” is a “person who has a disability”. A person is treated as having a disability if “he has a physical or mental impairment which has a substantial and long term adverse effect on his ability to carry out normal day to day activities”.

It is unlawful to discriminate against disabled people by:

- refusing to provide a service without justification;
- providing a service to a lesser standard without justification;
- providing a service on worse terms without justification;
- failing to make reasonable adjustments to the way services are provided for disabled people;
- failing to make reasonable adjustments to the physical features of service premises, to overcome physical barriers to access.

The Disability Discrimination Act (DDA) was passed in 1995. This Act consists of 3 parts. The first part of the Act defines disability and who is protected under the Act. The second part of the Act covers employment and the third part covers goods, services and facilities.

Whilst some elements of education were covered in this Act ie services and employment, some key aspects were omitted. As a result in September 2001 the Special Educational Needs and Disability Act was passed and became more commonly known as SENDA.

SEDA more specifically covers students; those studying in post 16 education. This part of the DDA 1995 sets clear deadlines during which time responsible bodies need to ensure they are carrying out their duties under the Act. In September 2002 it became unlawful to discriminate against a disabled student. In practice this means disabled students must not receive “less favourable treatment” due to having a disability and that “responsible bodies” must make “reasonable adjustments” to accommodate specific needs.

In September 2003 the second part of SENDA came into force stating that responsible bodies must make adjustments that involve the provision of auxiliary aids and services. SENDA also placed a duty on universities to be “anticipatory” in their support of disabled students. As well as making reasonable adjustments for students who are already studying, universities need to consider support requirements for prospective students before they begin their studies. The Act also clarifies that it is unlawful to discriminate against a disabled person “in admissions, enrolment or exclusion”.

Reasonable adjustments cover a whole variety of scenarios. A student may benefit from receiving handouts in advance of lectures, or may need a portable loop system in class or extra time in their examinations. Whilst some adjustments can be on an individual basis responsible bodies need to consider holistic approaches that can benefit all students. This could be providing all modular handouts as downloadable documents on the web, through the Intranet or via WebCT. All students then have the choice to access this information at their own convenience. In addition to that students could also download the information in their preferred format; font size, type, colour of printer paper etc. Providing information in this way and improving its accessibility would also address the universities anticipatory duties under the Act.

In addition to considering access to curriculum, teaching facilities and the physical environment, other areas of the University are also covered by the DDA. The Students' Union must ensure that its services, activities, societies and events are accessible to disabled students. University accommodation, such as halls of residence must undertake reasonable adaptations to suit the needs of disabled users.

The duty to make reasonable adjustments is an *anticipatory* one. This means that educational providers must think ahead to the type of adjustments that may be required and, where feasible, put these adjustments in place.

This might involve:

- Ensuring the accessibility of courses is considered during course validation.
- Planning accessibility features into buildings at the design stage.
- Staff training.
- Auditing institutional procedures and processes to ensure that they do not set up unnecessary barriers to disabled people
- Ensuring e-learning materials are accessible to student with visual impairments or those who are unable to use a mouse

The Disability Discrimination Act 2005 places additional duties on responsible bodies in relation to the support of, involvement and progression of disabled people in the workplace and disabled students in their studies.

This amendment to the Act extends the definition of “disability” in two ways:

- It now covers people with progressive conditions; specifically cancer, HIV and multiple sclerosis. They will be recognised as having a disability from the point of diagnosis.
- A mental illness no longer has to be “clinically well recognised”.

This is very significant as this further opens up the definition of disability under the Act and therefore will incorporate many more people than previously.

(Further implications of the DDA 2005 have already been addressed within the Introduction).

Responsibility for Implementation of the Disability Equality Scheme

Collective and Institutional

The Board of Governors is responsible for determining the Educational Character and Mission of the University. This is set out in the University's Strategic Plan. In referring to the ethos of the University this states:

"We are proud that all the elements of society are fully represented among our staff, students and partner organisations"

and

"We embrace diversity and value difference"

It is the responsibility of the **Executive Board**, to ensure that in its strategy, management and day to day operations the University acts in a manner which is consistent with the ethos set out in its Strategic Plan. The Disability Scheme is one of a number of delivery vehicles in this respect. It is the responsibility, therefore, of the Executive Board to see that the Scheme is implemented, monitored and effectively resourced. Disability is represented in their membership.

It is the responsibility of the **Senate** to ensure that it delivers its accountability for academic quality in a manner which is consistent with the specifics and principles of the Disability Scheme. In particular it should ensure that content, modes of study, learning methods and assessment and examination processes do not present any impediment, barrier and/or disadvantage to disabled students.

The University does not collate equality target information on the composition of all committees, particularly those whose membership are elected. Academic Board falls into this remit. Collection and collation of this information has been addressed in the action plan. The University does collect this information for the University's Board of Governors members who are required to complete equal opportunities monitoring forms. None of them have declared a disability.

Individual Responsibilities

The Vice Chancellor, as Chief Executive, is ultimately responsible to the Board for the implementation of all agreed policies of the University, including the Disability Scheme. Sh/e is also responsible for ensuring that

adequate resources are made available for the effective pursuit of the schemes objectives

The Deputy Vice Chancellor has responsibility for implementation of the scheme with respect to the curriculum, academic quality, learning and teaching and student progression through identifying existing and potential barriers and develop strategies to remove them.

The University Secretary has overall responsibility for informing the Board of Governors that the University's Disability Equality Scheme objectives are being met.

The Head of HR Strategy and Personnel has overall responsibility for the implementation of the scheme as it effects current and prospective staff and contractors through identifying existing and potential barriers and develop strategies to remove them.

The Head of Student Services has overall responsibility for the implementation of the scheme as it affects current and prospective students through identifying existing and potential barriers and develop strategies to remove them.

The Director of Estates has special responsibility for the implementation of the Scheme with respect to the accessibility of premises and facilities through identifying existing and potential barriers and develop strategies to remove them.

Deans of Schools, Directors and Heads of Department have responsibility for the implementation of the Scheme in their spheres of operation and among the staff and students for whom they are responsible by identifying existing and potential barriers and develop strategies to remove them.

All staff with management responsibility have responsibility for the implementation of the Scheme in their spheres of operation and among the staff and students for whom they are responsible by identifying existing and potential barriers and develop strategies to remove them.

All staff with responsibility for strategy, policy and procedure have responsibility for undertaking the impact assessments process on strategy, policy and procedures to ensure they minimise the impact of disability on students, staff and other members of the community.

All staff have responsibility for adhering to the policy and for minimising the impact of disability on students, colleagues and all those with whom they come into contact in the course of their work.

