

University of Birmingham Disability Equality Scheme 2006 – 2009

Approved by Council on 20th December 2006.

Introduction

1. Purpose and Scope

- 1.1 This document sets out the University of Birmingham's Disability Equality Scheme for 2006-2009, as required under the Disability Discrimination Act 2005. The Scheme has been developed by the University Disability Task Group with the involvement of disabled staff and students.
- 1.2 Copies of this Scheme are available on the University Disability website at www.disability.bham.ac.uk and from Academic Services and Human Resources. Hard copies of the Scheme are available on request from the Registrar and Secretary's office. Accessible versions of the Scheme are available on request from Design and Publications.

2. University Position Statement on Disability Equality

- 2.1 The University is committed to creating a learning and working environment free from discrimination, in which all students, staff and visitors to the University are treated equally and with dignity and respect. These principles are enshrined in the University Charter and its Statutes, which states:

'No discrimination on the grounds of political opinion, age, colour, disability, ethnic or national origin, gender, marital status, race, religion or sexual orientation shall be exercised by the University in the admission of students, or the appointment or promotion of staff or the awarding of any Degree Diploma or Certificate, or generally, in the execution of any of its Objects as laid down by the Charter.'¹

- 2.2 We are committed to our vision of a University which:

- Enables and inspires individuals to develop their potential so that they grow intellectually throughout life, are well equipped for work and can make an impact on society and its wellbeing;
- Increases knowledge and understanding for their own sake and fosters their application for the benefit of society;
- Promotes the wellbeing of individuals and helps shape a democratic, civilised and inclusive society;

¹ University of Birmingham Charter of Incorporation (revised 21st October 1998), paragraph 13.

- Serves the needs of the economy locally, regionally, nationally and globally.²

2.3 In realising our vision, and in the spirit of our Charter, we will seek to promote equality between disabled and non-disabled people and ensure that all members of the University are able to reach their full potential in a positive and supportive environment.

Development of the Disability Equality Scheme

3. Context

3.1 Introduction

3.1.1 The University Disability Equality Scheme has been developed with reference to the following factors:

- Social and Legal Context;
- Institutional Context; and
- Consultation with disabled stakeholders.

3.2 Social and Legal Context

3.2.1 The Disability Discrimination Act 2005, places a duty on all public sector organisations, including the University, to promote disability equality. This is known as the Disability Equality Duty (DED) and is effective from 4th December 2006. The DED marks a significant step forwards for disability equality, as it places a legal obligation on institutions to pro-actively promote equality and inclusion.

3.2.2 Under the DED the University, in carrying out its functions, must have 'due regard to the need to:

- Promote equality of opportunity between disabled people and other people;
- Eliminate discrimination that is unlawful under the Act;
- Eliminate harassment of disabled people that is related to their disability;
- Promote positive attitudes towards disabled people;
- Encourage participation by disabled people in public life; and
- Take steps to take account of disabled people's disabilities, even where that involves treating disabled people more favourably than other people.³

² University of Birmingham, 'A Strategic Framework for 2005 – 2010.'

³ Disability Rights Commission, 'The Duty to Promote Disability Equality – Statutory Code of Practice.'

- 3.2.3 These elements make up the duty to promote disability equality and are also referred to as the 'general duty'. The central aim of the general duty is the promotion of equality of opportunity between disabled people and other people, with the other elements of the duty supporting this aim.
- 3.2.4 The Disability Equality Scheme is the means by which the University implements the general duty and sets out how the University intends to meet its obligations over a 3 year period. The University has a further duty to involve disabled stakeholders in the development of the Scheme.
- 3.2.5 The Disability Equality Scheme is informed by the social model of disability, which maintains that disability inequality is the result of 'barriers', or elements of social organisation, that prevent people with impairments from fully participating in society. For disability equality to be achieved, these barriers – be they prejudice and stereotypes, physically inaccessible environments or access to information and communication – must be systematically identified and removed.

3.3 Institutional Context

- 3.3.1 Approximately 1,500 staff and students at the University are known to have some form of disability, as defined under the Disability Discrimination Act 1995 (see appendix 1 for the full definition). This includes:
- 1.8% of University staff who are known to have a disability; and
 - 4.8% of students who have disclosed a disability.⁴
- 3.3.2 Experiences of disability at the University are broad. They include learning impairments, such as dyslexia and Asperger's Syndrome, visual and hearing impairments, mobility impairments, mental illnesses and long-term illnesses. However, we recognise that the true number of staff and students with disabilities is likely to be higher than this data suggests, as individuals may choose not to disclose their disability, may not be aware that their condition would be considered a disability, or do not consider themselves to be 'disabled'.
- 3.3.3 Staff and students with disabilities are protected from unlawful discrimination and harassment on the grounds of their disability under the Disability Discrimination Act 1995 (DDA). Under the DDA and the Special Educational Needs and Disability Act 2001 (SENDA), staff and students are further entitled to 'reasonable adjustments' where some arrangement or physical feature in their working or learning environment places them at a substantial disadvantage compared to other people.

⁴ Based on 2005 data.

3.3.4 The University has undertaken a number of activities and initiatives to support disabled staff and students. These include:

- A programme of improvements to the campus;
- An equality and diversity training programme for staff;
- Supporting the 'Positive about Disabled People' employment scheme;
- Disability information web pages to support staff and students;
- Assistive technology, equipment loan and human support;
- Working in partnership with Autism West Midlands, we have developed a model of support for students with Asperger's Syndrome;
- The Guild's Students with Disabilities Association;
- Working parties to develop new policies e.g. assessment and exams and mental health; and
- The creation of specific posts to support disabled students. These include 1.9 FTE Learning Support posts, 1.25 Disability posts, a 0.6 Mental Health Advisor post, a 0.8 Assistive Technology Officer post, and a FTE Development Officer post.

3.4 Consultation with Disabled Stakeholders

3.4.1 Disabled stakeholders have been consulted and involved in the development of the Disability Equality Scheme, using the following consultation methods:

- A student Disability Equality Duty questionnaire;
- A staff Disability Equality Duty questionnaire; and
- A questionnaire for local disability organisations, in collaboration with local HEIs.

3.4.2 The purpose of these consultations was to identify perceived barriers to disability equality and to prioritise actions to address these barriers. This consultation process was further supplemented by other sources of disability information, including:

- Open-day questionnaires for visitors to the University;
- Feedback received by Student Support and Counselling Services; and
- Exit interviews with graduating disabled students.

Implementing the Disability Equality Scheme

4. Core Areas

4.1 Introduction

4.1.1 Following consideration of the social, legal and institutional context and consultation with disabled stakeholders, the University's activities in promoting disability equality under the Disability Equality Duty will be built around four core areas. These are:

- **Teaching & Learning** – including teaching and learning provision, student recruitment, support services, the promotion of disability awareness and data monitoring.
- **Accessible Information and Communication** – including IT issues, internal communications and the promotion of positive images of disability.
- **Accessible Environment** – creating an accessible campus.
- **Employment** – including the recruitment and retention of disabled people, awareness and training and data monitoring.

4.2 Action Plan

4.2.1 The Disability Equality Scheme Action Plan (attached as appendix 2) sets out how the University intends to implement the Disability Equality Duty over the next 3 years. Each core area has an associated action plan, with objectives, actions, timescales and outcomes. The objectives and actions of each core area have been developed with reference to the stakeholder feedback on barriers to disability equality at the University.

4.3 Arrangements for Impact Assessment

4.3.1 Undertaking impact assessment is a key requirement of the duty to promote disability equality. It involves the review of current or proposed policies and practices to assess their actual or potential impact on equality for disabled people.

4.3.2 The purpose of impact assessment is to ensure that policies and practices:

- do not actively disadvantage disabled people; and
- where possible, build in and actively promote equality of opportunity for disabled people.

4.3.3 The impact assessment of all University policies and practices will inevitably be a lengthy process. Building on the consultation with disabled stakeholders, the Disability Task Group will, in liaison with the relevant Schools, Departments and Budget Centres, prioritise policies and practices for impact assessment and make arrangements for the involvement of disabled stakeholders in the impact assessment process.

4.3.4 When undertaking an impact assessment, a screening assessment will first be undertaken to determine if a particular policy or practice has a high, medium or low relevance to disability equality. Relevance will be determined by whether:

- the policy is a major one in terms of scale or significance for the University's activities; or
- there is a clear indication that, although the policy is minor, it is likely to have a major impact upon disabled people.

4.3.5 Policies and practices will then be prioritised for a full impact assessment on the basis on their relevance.

4.3.6 The results of the impact assessment process will be included in the Disability Task Group's annual report (see section 4.5.2 below).

4.4 Arrangements for Gathering Information

4.4.1 Gathering appropriate data by which the Disability Equality Scheme can be monitored and progress measured is a key requirement of the DED, and supports the undertaking of effective impact assessments. It can also be used to support the development of future Schemes.

4.4.2 The University will produce disability data in relation to the following employment activities:

- Number of disabled staff employed by the University;
- Staff Recruitment;
- Staff Development; and
- Staff Retention.

4.4.3 The following disability data will be produced in relation to the achievements and educational opportunities available to disabled students:

- Number of disabled applications, offers and acceptances;
- Number of disabled entrants;
- Student progression; and
- Awards.

4.4.4 This data will be produced on an annual basis and will be used to monitor the effectiveness of the Scheme and to measure progress. The responsibilities and methods for collecting this data are outlined in the Disability Equality Scheme Action Plan (attached as appendix 2) and their use in monitoring and review is outlined in section 4.5 below. The Disability Task Group will undertake other methods of analysing and measuring progress, such as surveys, questionnaires and focus groups, as necessary.

4.5 Implementation, Monitoring and Review

- 4.5.1 The Disability Task Group has been appointed by the University to develop and oversee the implementation of the Disability Equality Scheme. The Task Group includes representatives from those University Budget Centres whose activities fall within the core areas of the Scheme, and members who represent the interests of disabled staff and students at the University.
- 4.5.2 The Disability Task Group will, on an annual basis, review progress against the Action Plan objectives and produce and present a report to the University Equality & Diversity Committee. A copy of this report will be made available on the University Disability website www.disability.bham.ac.uk.
- 4.5.3 At the end of the 3 year period covered by the Disability Equality Scheme, the Task Group will have responsibility for developing a new Disability Equality Scheme, with the involvement of disabled stakeholders.

Appendix 1: Definition of Disability

1. Disability Discrimination Act Definition

1.1 Disability is defined under the Disability Discrimination Act 1995 (DDA) as being:

‘A physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities.’⁵

2. Explanation of Terms

2.1 The terms used in the definition of disability are defined as follows:⁶

An impairment is considered to affect ‘**normal day-to-day activities**’ if it impacts on one or more of the following capacities: manual dexterity; physical coordination; continence; mobility; ability to lift, carry or otherwise move everyday objects; speech, hearing or eyesight; memory or ability to concentrate, learn or understand; or perception of the risk of physical danger.

2.2 ‘**Substantial adverse effect**’ reflects the general understanding of disability as a limitation going beyond the normal differences in ability which may exist amongst people. A substantial effect is one that is greater than the effect which would be produced by the sort of physical or mental conditions experienced by many people, which have only ‘minor’ or ‘trivial’ effects.

2.3 ‘**Long-term effect**’ means lasting, recurring or likely to last or recur over at least a 12 month period.

2.4 Where the above terms apply, ‘**physical or mental impairments**’ likely to fall within the DDA definition include:

- Sensory impairments, such as those affecting sight or hearing;
- Physical impairments;
- Impairments with fluctuating or recurring effects, such as rheumatoid arthritis, chronic fatigue syndrome (CFS), fibromyalgia and epilepsy;
- Progressive impairments, such as motor neurone disease, muscular dystrophy, forms of dementia and lupus (SLE);
- Organ-specific impairments, including respiratory conditions, such as asthma and cardiovascular disease, including thrombosis, stroke and heart disease;

⁵ Disability Discrimination Act 1995, Part One.

⁶ ‘Guidance on matters to be taken into account in determining questions relating to the definition of disability,’ Guidance issued by the Secretary of State, 2006.

- Developmental impairments, such as autistic spectrum disorders (ASD), dyslexia and dyspraxia;
- Learning difficulties;
- Mental health conditions and mental illnesses, such as depression, schizophrenia and bipolar affective disorders, as well as personality disorders;
- Impairments produced by injury to the body or brain;
- Severe disfigurement.

(This is not intended to be an exhaustive list of impairments).

2.5 Under the DDA, Cancer, HIV and multiple sclerosis (MS) are treated as disabilities from the point of diagnosis, i.e. the terms of the definition do not need to be met for these conditions to be treated as disabilities under the DDA.

2.6 The DDA definition of disability does not include:

- Addiction to, or dependency on, alcohol, nicotine, or any other substance (other than in consequence of the substance being medically prescribed);
- Seasonal allergic rhinitis (e.g. hay-fever), except where it aggravates the effect of another condition;
- People with impaired vision correctable by glasses or contact lenses;
- Tendency to set fires;
- Tendency to steal;
- Tendency to physical or sexual abuse of other persons;
- Exhibitionism;
- Voyeurism; and
- Deliberately acquired disfigurements such as tattoos or body piercing.⁷

⁷ 'Guidance on matters to be taken into account in determining questions relating to the definition of disability,' Guidance issued by the Secretary of State, 2006.