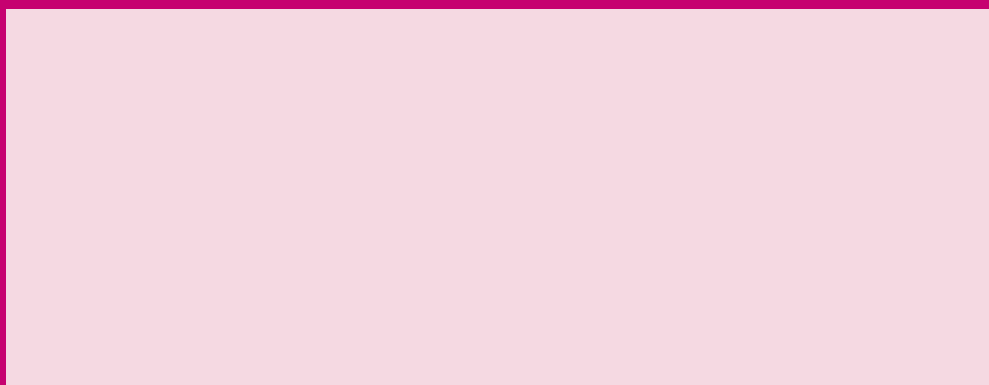
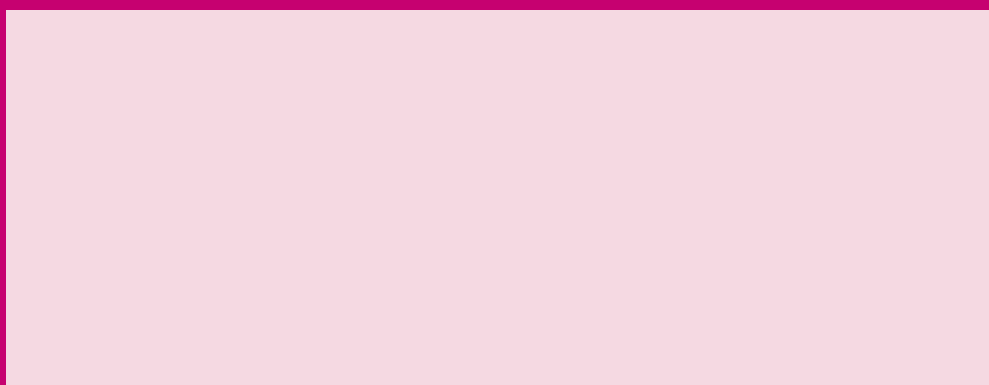


Enabling equality: furthering disability equality for staff in higher education



Equality Challenge Unit

**Leadership
Foundation**
for Higher Education

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Foreword

For any higher education institution – or any complex organisation employing a large and diverse workforce – it is a strategic imperative to ensure the skills and talents of all staff are maximised. Enabling all staff to work to their full potential drives an institution forward, and builds an inclusive environment that encourages staff retention and excellence.

Why is it, then, that support for disabled staff in higher education appears to lag behind that given to disabled students? Equality Challenge Unit (ECU)'s research makes clear that, although the higher education sector has come a long way in advancing disability equality, there is still a range of work that needs to be done to support disabled staff. Disabled staff still experience inequality of opportunity, and in some instances unintended discrimination. There is no place for such a waste of human potential in our institutions. There is no reason for us not to fully support disabled staff and, with the Equality Act 2010 in force, there is certainly a legal responsibility to do so.

One factor may be that the experiences of disabled staff in higher education, including how their institution's provisions, criteria or practices can work against them, has been under-explored. ECU's guidance seeks to fill this gap, reflecting the experiences and words of over 300 disabled staff working across a range of different higher education institutions (HEIs). Ten themes emerged from this research, highlighting areas that are influential in shaping staff experiences in the workplace. Liverpool John Moores University took part in the research, and some of our work is included in the case studies. It is encouraging to see the range of effective practice that is taking place in some of our HEIs.

It is clear that the responsibility for ensuring an inclusive workplace environment for disabled staff does not rest solely on the shoulders of equality and diversity practitioners. What comes through strongly is that the approach of line managers and of senior management makes a real difference to individuals. With straightforward, practical and evidence-based advice, this guidance should be shared with anyone with line management responsibility, strategic management responsibility or a human resources remit. We are sure it will also assist disabled staff, and disabled staff groups, to identify issues and actions pertinent for their specific context. We must all take responsibility to enable equality for disabled staff within our institutions.

Professor Michael Brown, CBE DL
Vice-Chancellor and Chief Executive,
Liverpool John Moores University

Sir Bert Massie CBE
Governor at Liverpool John Moores University and
former Chair of the Disability Rights Commission

Enabling equality: furthering disability equality for staff in higher education

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1 Introduction

In June 2010, Equality Challenge Unit (ECU) and the Leadership Foundation for Higher Education commissioned research to identify and recommend effective practices to improve the working environment, career development and equality for disabled staff in higher education.

The National Institute of Adult Continuing Education (NIACE) and De Montfort University were commissioned to undertake research into the experiences of disabled staff in higher education institutions (HEIs) in the UK. The research follows other work in the sector, and in the lifelong learning sector as a whole, including reports from the Commission for Disabled Staff in Lifelong Learning (NIACE, 2008). A literature review giving an overall context of the research is available at www.ecu.ac.uk/publications/enabling-equality-staff.

This guidance offers practical, evidence-based advice to a wide audience in the higher education sector. It is structured into ten themes (sections 2–11) highlighting areas that are influential in shaping staff experiences in the workplace. Each theme outlines the evidence derived from the research, followed by best practice actions.

This resource can be used within the sector to support training and professional development. It will also be useful for line managers, strategic managers, equality and diversity managers and human resources (HR) managers, assisting them to address and improve their practice. It will help:

- = line managers and other colleagues to understand and respond appropriately to the challenges disabled colleagues address on a daily basis
- = individual disabled staff and disabled staff groups to identify the issues that are important to them and actions that will improve their employment experience
- = strategic managers, supported by equality and diversity managers, to address and set strategic priorities, especially in relation to equality and diversity
- = trade union representatives to support disabled colleagues through casework and effective working and liaison with HR and other managers
- = HR and equality and diversity managers to understand the key themes and to take advice about how they might address them

Many of the suggested tasks and actions that appear in this guidance have been successfully employed in some HEIs, and are therefore based on evidence of effective practice. The guidance is part of a developing body of work on equality in the sector, and advances the position that disability equality both improves the working life and experiences of disabled employees and enhances organisational culture and degrees of inclusion for everyone in the sector.

1.1 Business case

Through addressing the ten themes, HEIs will make a strong contribution to strategic priorities that concern equality and diversity, staff retention and inclusion.

This guidance will support HEIs to meet the legislative requirements and duties placed on them under the Equality Act 2010 (see [1.4 Legislation](#)).

In order to maximise the skills and talents of their staff, and to create a satisfied workforce, institutions should ensure they can meet the requirements of all staff members and provide sufficient resources to enable them to work to their full potential. There is a strong business case for securing equality for disabled staff.

- = It will help to retain talented, skilled and experienced staff.
- = A diverse workforce is better able to deliver a high-quality service that meets the requirements of a diverse student population.
- = Equitable practices and fair working conditions should have a positive impact on retention rates, staff morale and productivity for disabled staff and the wider workforce.

There are other compelling reasons for furthering equality for disabled staff.

- = Disabled people should not face barriers when it comes to some of the key endeavours of higher education – including research and teaching – which make a particular contribution to the advancement of policy, practice and knowledge in society.

- = It is essential that disabled people should have just as high a profile in higher education as their non-disabled peers. This sends strong messages to students and the wider community, and contributes to removing the stigma that can be associated with disability.
- = Impairment forms a positive part of personal identity for many disabled people. Many people reject a perception of their impairment as problematic, and instead insist on celebration of, or pride in, difference and diversity. To fully address furthering equality for disabled staff, strategic priorities, policy and practice need to take account of this.

What is likely to secure culture change – for the benefit of all, not just disabled staff – is knowledge of and the ability to apply equality legislation creatively and imaginatively to maximise staff efficiency and effectiveness. Achieving disability equality will ensure returns and benefits beyond disabled staff members, reaching into the heart of good organisational working.

1.2 Terminology

- = **Evidence** refers to data from questionnaire returns from disabled staff, focus groups with disabled staff, and telephone interviews with HR and equality and diversity managers and disabled staff advisers.
- = **Respondents** are those who completed questionnaires or participated in focus groups or telephone interviews – mainly disabled staff, with some equality and diversity and HR managers, and disabled staff advisers.
- = The term **disabled staff** is used, rather than ‘staff with disabilities’, as this is often the preferred terminology by disabled people. This is based on the social model of disability, which views environmental, physical, structural and attitudinal barriers as disadvantaging – or disabling – people with impairments.
- = **Impairment, health condition or learning difference** is used to describe the range of conditions that might be experienced by disabled people.
- = **Disability** describes the outcome of the interaction between impairment and the environmental and attitudinal barriers that people with impairments experience.

- = We use the more neutral phrase **declaration** to describe the process of formally notifying the workplace of a disability, as opposed to 'disclosure', which some people perceive to have negative connotations.

1.3 Methodology

A robust methodology was used to generate the authoritative evidence that underpins the guidance.

In the course of the research, NIACE and De Montfort University drew on the Equality Act 2010 definition of disability, but recognised that the term 'disability' can be complex and difficult to identify with. While people may be defined by the Equality Act 2010 as having a disability, they may not think of themselves as being a disabled person.

In order to engage with people who may not consider themselves disabled, NIACE and De Montfort University were explicit about helping individuals to understand the broad parameters of disability. Specifically we invited staff members with the following particular impairments, health conditions and learning differences to take part in the research:

- = physical, sensory and cognitive impairments
- = mental health conditions, including depression
- = long-term illnesses and health conditions, including cancer and HIV
- = learning disabilities, difficulties, differences and neurodiversity, including dyslexia and dyspraxia

The methodology included:

- = a widely distributed questionnaire for disabled staff employed by HEIs in the UK, which received 333 individual responses
- = an analysis of the higher education information database for institutions (heidi), which identified institutions with high levels of disability declaration by staff
- = in-depth interviews with HR and equality and diversity managers at five of the institutions identified

- = focus groups with disabled staff at four of these institutions and two pilot focus groups held at other HEIs, in which 32 staff participated
- = telephone interviews with three disabled staff advisers

The material generated was rich, nuanced and multi-layered. Analysis of the questionnaire returns, and of the focus group and telephone interview transcripts and summaries, enabled the research team to identify the key themes that appear in this guidance. An analysis of research papers and contemporary theory in the literature review confirmed the importance of many of these themes.

The research identified progress and good practice in relation to disabled staff in HEIs in the UK, but also some continuing poor practice. The ten themes derive from both elements. Quotes and examples are used throughout to illustrate trends and ideas that recurred.

At the end of each section (theme) there is an example of existing practice. The information cited in these examples was provided by senior HR and equality and diversity staff, and has not been verified by disabled staff members. The purpose of the examples is not to celebrate practice in one university, but to provide readers with ideas of actions they might take to promote disability equality.

There are, inevitably, limitations to the data. The sample was relatively small, so the weight of the quantitative data should not be overstated. Similarly, although efforts were made to reach a range of disabled staff and to include them in a variety of ways (for example, via an online questionnaire, word questionnaire, telephone interviews and focus groups), we cannot assume that the sample was representative of the entire population of disabled staff working in higher education across the UK. Nonetheless, the quantitative data provide important evidence, which is supported by the qualitative data and gives rich and detailed insights into the experiences of disabled staff. Many of the findings echo and reinforce those of other research reports; see the literature review for more information:
www.ecu.ac.uk/publications/enabling-equality-staff.

1.4 Legislation

The Equality Act 2010 makes it unlawful for HEIs to discriminate against, harass or victimise a disabled person.

The Equality Act 2010 replaces the Disability Discrimination Act (DDA) 1995 (as amended) and sections of the Special Educational Needs and Disability Act (SENDA) 2001, providing extended legal protection for disabled people in various areas, including employment. It states that:

‘A person has a disability if they have a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.’

Equality Act 2010, section 6

The Office for Disability Issues provides guidance on interpreting the definition: <http://odi.dwp.gov.uk/docs/wor/new/ea-guide.pdf>.

Under the Equality Act 2010, people who have had a disability in the past are also protected against discrimination, harassment and victimisation. This may be particularly relevant for people with fluctuating or recurring impairments.

Disability discrimination occurs when a disabled person is treated less favourably than non-disabled peers or when there has been a failure to make a reasonable adjustment. In addition to direct and indirect discrimination, harassment and victimisation relating to disability, the Act protects against discrimination by association and perception, and importantly introduces protection against discrimination arising from disability – where a disabled person is treated unfavourably due to something connected with their impairment.

Under the Act, HEIs have a continuing duty to make reasonable adjustments for disabled staff, students and service users. Reasonable adjustments are required where a disabled person is placed at substantial disadvantage in comparison with non-disabled people. Reasonable adjustments need to be made in relation to:

- = provisions, criteria or practices
- = physical features
- = auxiliary aids

The Act also introduced a new public sector equality duty (PSED), which replaces the general duties in the disability equality duty. The PSED requires HEIs to show due regard to the need to:

- = eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- = advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it
- = foster good relations between people who share a relevant protected characteristic and people who do not share it

The duty covers all the protected characteristics recognised within the Equality Act (although only part of the duty applies to the characteristics of marriage and civil partnership).

Underpinning the PSED are specific duties for England, Scotland and Wales. Each country has taken a different approach to the specific duties and so there are differences in the way HEIs are required to report on actions and objectives for achieving disability equality.

The Equality Act 2010 does not apply to Northern Ireland. Currently, the Disability Discrimination Act 1995 and subsequent amendments under the Special Educational Needs and Disability (Northern Ireland) Order 2005 (SENDI) and the Disability Discrimination Order 2006 (www.equalityni.org) provide legal protection within Northern Ireland.

1.5 Resources

- = NIACE (2008) *From compliance to culture change: disabled staff working in lifelong learning*. National Institute of Adult Continuing Education.
www.niace.org.uk/current-work/the-commission-for-disabled-staff-in-lifelong-learning.

2 Progress: good practice in the sector

The introduction of the DDA (1995) and SENDA (2001) were instrumental in progressing equality for disabled people and led to significant changes to HEIs' policies and practices. This research found that there is good practice in the sector; institutions are proactive and innovative in pursuing disability equality.

Many respondents (approximately two-thirds) spoke favourably about the work their HEIs are doing to achieve an inclusive culture. It was clear that a small proportion of respondents felt that their institution's efforts in meeting the requirements of disabled students had also led to better services and experiences for disabled staff. The focus groups highlighted positive practice in higher education in comparison with other sectors in which participants had worked. Respondents referred to existing good practice, including:

- = robust policies and procedures
- = being able to access effective reasonable adjustments
- = having instrumental disabled staff forums and networks
- = the availability of a disability-specific support service
- = flexible working arrangements
- = communication between different departments

Research participants' comments illustrate how positive an inclusive working environment can be.

'I genuinely feel very lucky to be working here.'

'The [HEI's] way of working is perfect for me. I schedule my own work and can alter my work pattern if it is a problem. This is my perfect job.'

There is still room for improvement across the sector to enable consistent equality for disabled staff and ensure institutions comply with legislation. To meet the new challenges of the Equality Act and PSED, it is vital that institutions reflect and build on previous work, engaging disabled people at each stage. This guidance, which addresses sector-wide areas for improvement, can assist with the process.

2.1 Recommendations

- = Identify, exhibit and celebrate positive practice across the whole HEI, to include students, visitors and contractors, and involve disabled people in these activities.
- = Ensure policies and practices are based on the principle that the responsibility for delivering disability equality lies with the whole organisation and every member of staff – not just a named lead.
- = Celebrate National Disability Day, UK Disability History Month, the International Day of Persons with Disabilities and other similar calendar events. Arrange staff events to promote disability equality, coinciding with these important events where possible.
- = Ensure positive practice is maintained, regardless of economic changes.
- = Work with campus unions to promote disability equality.
- = Regularly include disability equality articles within staff newsletters and intranet sites.
- = Develop a library of disability equality publications and literature for use by all staff members.
- = Introduce a shadow senior management team, a development tool that will give talented individuals in under-represented groups, such as disabled staff, the experience of senior collective decision-making. They should be given the opportunity to meet and discuss the same papers as senior management. Feeding in diverse perspectives on particular issues will contribute to the equality-proofing of senior decisions.
- = Include diversity objectives within personal performance appraisals.
- = Introduce clearly designated senior members of staff with responsibility for providing leadership and championing disability equality issues.

Every year, Liverpool John Moores University celebrates the International Day of Persons with Disabilities, for which the staff network and the equality and diversity department hold events in different areas, faculties and departments. In addition to these events, the university:

- = includes items in the intranet news bulletin and the staff magazine relating to disabled staff and the disabled staff network
- = runs a zero-tolerance against discrimination campaign
- = is planning to interview disabled staff and students about their experiences of three new buildings, review accessibility, and write reports about these buildings to share across the university

2.2 Resources

- = Cardiff University (2010) *The Equality Act 2010 and disability guide for managers and staff*. Online resource.
www.cardiff.ac.uk/humrs/staffinfo/support/disabled_support.html
- = Employers' Forum on Disability.
www.efd.org.uk
- = LLUK (2011) *Retaining and developing disabled staff in the lifelong learning sector*. Disability Equality Implementation Group supported by Lifelong Learning UK.
http://dera.ioe.ac.uk/2289/1/retaining_disabled_staff_web.pdf
- = TUC (2011) *Disability and work: a trade union guide to the law and good practice*.
www.tuc.org.uk/extras/disabilityandwork.pdf
- = University of Leeds (undated) *Building disability confidence: supporting disabled staff at the University of Leeds*.
www.equality.leeds.ac.uk/downloads/staff_leaflet/disabled-staff-leaflet.pdf

3 Aspiration and reality: disparities between policy and practice

A key finding from the research is that there are disparities between institutions' written policies and disabled staff members' experiences in practice.

The reasons for disparities between policy and experience vary within and across institutions, and are affected by context and individual interpretations of key policies and plans.

'I feel that my employer likes to talk about being inclusive, but that they find the practice messy and inconvenient.'

'It does have well meaning policies, but they are not put into practice.'

3.1 Recommendations

- = Ensure policies are written in a way that enables staff to understand and apply them.
- = Involve trade unions in policy development and promotion.
- = Assess or audit communication strategies and practices to check that all staff can be communicated with on policy matters.
- = Identify actions to improve communication strategies in consultation with disabled people and trade unions. Consider, for example, how to promote policies using electronic means, paper-based and face-to-face communication.
- = Ensure there is a regular update to all staff on policies that could have an impact on working lives, such as flexible working arrangements, absence reporting, disability-related leave, bullying and harassment or dignity at work, promotion and progression policies.
- = Monitor the take-up and outcomes of these policies in practice; for example, assess how many staff access electronically stored policies and how frequently, review the number of hits on the website page, monitor downloads, or record enquiries relating to policy documents.
- = Identify whether staff know about the policies and how they can use them, through appropriate questions in staff satisfaction surveys.
- = Develop equality objectives that can progress disability equality using evidence gathered through identifying negative impacts of policies and practices.
- = Encourage research staff to take part in the University of Bristol's Principal Investigators and Research Leaders Survey, or the Vitae Careers in Research Online Survey (see [3.2 Resources](#)).

With 7.8 per cent of its staff declaring a disability, the University of Brighton has one of the highest staff disability declaration rates in the country. The university is committed to an open and inclusive culture in which disabled staff feel supported, and regularly consults disabled staff to monitor practice. This usually receives a 60–70 per cent response rate.

Issues that emerge from the consultation are either addressed directly with the individual concerned, or passed on to the relevant department. For example, issues about the physical accessibility of the grounds are passed onto the estate and facilities management department, which has a senior member of staff with expertise on accessibility issues.

A few years ago, the HEI received feedback from three different staff in one school, who all said they weren't satisfied that their needs relating to their impairments were fully being met. This led to further investigation into the reasons for this and the budgetary issues involved. The issue was addressed, and subsequent consultations have shown that no further issues have arisen in this school.

3.2 Resources

- = ECU (2010) *Equality in higher education: statistical report 2010*.
www.ecu.ac.uk/publications/equality-in-he-stats-10
- = ECU (2011) *Excellence for all: improving the disabled student experience*.
www.ecu.ac.uk/publications/excellence-for-all-disabled-students
- = University of Bristol (2011) *Principal investigators and research leaders survey (PIRLS) 2011*.
www.survey.bris.ac.uk/support/news/principa-investigators-and-research-leaders-survey-pirls-2011
- = Vitae (2009) *Careers in research online survey (CROS) 2009*.
www.vitae.ac.uk/policy-practice/143071/Careers-in-Research-Online-Survey-CROS.html

4 Inconsistencies: understanding and awareness

Different levels of understanding and awareness of issues faced by disabled staff lead to a range of working experiences. This variability exists across departments within HEIs, as well as contributing to clear differences between institutions.

How disabled staff are treated, and what reasonable adjustments they are able to secure, often appears to be down to luck about which department a person is in and who their line manager is. Experiences and access to entitlements are also dependent on disabled staff members' own assertiveness.

HEIs should ensure information about services and support is available to all, and that achieving disability equality remains a core organisational objective. The research found that the responsibility for finding out about and accessing entitlements is, in some HEIs, upon the individual rather than the organisation; this highlights a major failing in the sector. This variability and inequitable practice needs to be addressed.

4.1 Line managers

The experiences of respondents who informed their line managers of their impairments, and the impact of this on their subsequent working relationships, ranged across a wide spectrum.

Approximately one quarter stated that their line manager has a very good understanding of equality issues and is proactive in their efforts to provide tailored support. These managers tend to take a professional approach, which respondents value, looking at how the work could be done in the context of the situation rather than focusing exclusively on impairment. Often this results in a stronger working relationship, where staff feel empowered to work with their manager in a flexible way and to speak up when difficult situations arise.

'[My manager] is incredibly supportive and has helped me to alter my working patterns to ensure I can continue to work effectively for the organisation while not jeopardising my health.'

Fewer than one quarter of respondents reported responses from managers that are hostile or coloured by misunderstanding and ignorance. Some members of staff have managers who seem to make assumptions about their impairments, and over- or underestimate their capabilities. Some situations have escalated into bullying and many have resulted in respondents' work being downgraded or limited in scope. The result is that respondents feel disempowered to tackle discrimination and feel that their professional capabilities are not valued.

'[My manager] made very little effort to make allowances for my difficulties; she didn't find out or try to find out ways in which she could make giving feedback to me easier or more accessible for me. She just made me feel not good enough or stupid.'

The success or failure of line manager–staff member relationships post-declaration seems to be affected by the level of awareness a line manager has of general disability issues and those specific to individual disabled staff. Without this awareness, some disabled staff find that policies are applied without taking into account the specifics of their situation (for example, being provided with unsuitable equipment) or that entitlements are not provided at all.

'I have two line managers. One is very good and understands the employer's responsibility to make adjustments, the other seems to think I should make all the adjustments myself or work out how to cope so that I can work as normally as possible without her doing anything.'

This quote is very indicative of the serendipitous nature of support (or lack of it). In other equality areas, when one supportive manager leaves, there is often fear as to whether the incoming person will have the same approach. This finding underpins the case for mandatory training.

While the professional approach noted above is often valued, it is a delicate balancing act between putting work first and taking staff members' impairments into account, particularly when disabled people can, by law, be treated 'more favourably' than non-disabled people.

4.2 Occupational health

Another area of inconsistency highlighted concerns the role of occupational health professionals and their impact on disabled staff.

A small proportion reported positive experiences of occupational health services working in a person-centred way, communicating well with disabled staff and other individuals, and offering consistent emotional and practical assistance. A similar proportion reported negative experiences: some questioned whether occupational health professionals are agents of,

or acting principally for, institutions rather than principally concerned about the wellbeing of disabled staff; others suggested that occupational health staff make judgments about whether or not employees 'qualify' as disabled. That occupational health focuses principally on impairments, and then on barriers, indicates that this service may be based on medical model approaches.

'When I spoke to occupational health I thought they were really very understanding, and that should be commended.'

'Occupational health are very well meaning but often lack expertise in disability access issues.'

'Greater clarity in the role of occupational health services used by the university [is needed]. It is apparent that they are not independent advisers but are agents for HR and managers. I am very disappointed with the occupational health services provided by the university.'

4.3 Training and culture

Respondents expressed strong views about achieving equitable treatment for disabled staff, which will go some way to bridging the gap between policy and practice.

Those who responded to the survey highlighted the importance of awareness-raising and mandatory disability equality training, with an emphasis on training for senior staff.

'The key barrier for many of the university's disabled staff is awareness; we have said it over and over again. The one thing that would make the biggest difference for disabled staff would be comprehensive, considered, top-down awareness training, ideally compulsory – those most in need of awareness tend to be the least likely to access it.'

However, while awareness-raising activities and training opportunities are significant measures, they are not sufficient alone. The organisational culture needs to be addressed alongside this.

'Raise the profile of diversity and inclusive practice. This cannot be done by sending staff on workshops or telling them to do an online course. It needs to be led from the top down – create a culture of acceptance, support and encouragement.'

To achieve an inclusive culture and congruence between policy and practice, HEIs should develop an institution-wide programme of mandatory disability equality training.

4.4 Recommendations

Information and guidance

- = Ensure policies exist to advance consistency in practice, and to ensure practice does not rely solely on the individual's line manager and personal circumstances.
- = Ensure information about support mechanisms, including Access to Work, is provided to all staff.
- = Create a web space where anyone can easily find this information.
- = Celebrate best practice in your institution through an intranet or in newsletters.
- = Liaise with trade unions to ensure they include information about policies and disability-related information and support in their communications with members.

Training and development

- = Develop guidance for managers outlining the process to follow if staff declare an impairment (see [6 Declaration](#)), their legal responsibilities, confidentiality, and the importance of seeking expert advice from occupational health services, specialist HR advisers, disability access advisers and general practitioners.
- = Produce guidance on accessibility basics – such as using Arial 12-point font as standard; providing documents in advance of meetings in electronic formats; ensuring meeting rooms are accessible; asking everyone if they have any access requirements.
- = Recognise that problems often arise due to ignorance of disability issues, as opposed to malice. Ensure staff – especially line managers – are encouraged to attend relevant training on

disability equality. Consider making disability equality training mandatory for all staff.

- = When designing/delivering information or training for line managers, ensure this encourages them to value disabled staff and appreciate the positive benefits that a diverse workforce can provide.
- = Consider consulting with trade unions in developing information, guidance and training materials. Trade unions may have expertise from working on disability-related cases, which can help shape information, guidance and training materials.
- = Consider developing partnerships with other universities and public bodies for joint delivery of disability equality and related training.
- = Hold managers accountable for good and bad practice regarding their treatment of disabled staff.
- = Organise mentoring training for disabled staff so that they can mentor managers working with disabled colleagues, or senior colleagues aiming to spread better understanding of diversity issues among senior management.
- = Ensure training and guidance activities take account at the planning stage of the differing experiences of people with health conditions, dyslexia, mental health difficulties and other impairments, and of how responses to these will need to be individualised.

Services, including occupational health

- = Consider ways to reduce responsibilities of line managers and coordinate more central assistance for disabled staff (see [5 Lagging behind students](#)).
- = Carry out research with disabled staff on their experiences of occupational health. Review the outcomes and work with occupational health to improve the service if necessary.
- = Clarify the remit, values and role of your occupational health service to reflect the model of assistance offered to disabled people.
- = Aim to ensure disabled staff have a named contact within occupational health with whom they can build a relationship and who can offer consistent support. Encourage occupational health, disabled staff and line managers to work in partnership when discussing reasonable adjustments and completing assessment reports.

- = Ensure continuous communication between departments, including HR, estates, disabled staff forums and occupational health.
- = Examine how occupational health services can work with staff and HR departments to encourage higher disability declaration rates.

Cardiff University comprises over 25 different schools. Responsibilities are devolved to the heads of schools. The HEI recognised that this could result in very inconsistent experiences for disabled staff. Therefore each school now has:

- = a named HR contact, from a central HR team, trained in responding to impairment declarations
- = a disability contact for each school

Although these roles were created primarily to meet the requirements of students, their existence has implications for disabled staff. Disability contacts are required to attend disability equality training. They also sit on the equality and diversity contacts group and receive training on university policies – including those specifically relating to disabled staff.

In addition, the pro vice-chancellor for staff and diversity speaks regularly to the heads of schools meeting on equality and diversity responsibilities, including disability. All leadership and management training now has work on equality and diversity built in, and mandatory training has been introduced for all those with management responsibilities.

4.5 Resources

- = Direct Gov (undated) Access to Work.
www.direct.gov.uk/en/DisabledPeople/Employmentsupport/WorkSchemesAndProgrammes/DG_4000347
- = Ball, S. (undated) *Technology change for inclusion: 12 steps towards embedding inclusive practice with technology as a whole institution culture in UK higher education*. JISC TechDis.
www.jisc.ac.uk/media/documents/projects/tci_reportfinal.pdf
- = TUC (2007) *Occupational health: dealing with the issues*.
www.unionlearn.org.uk/extrasUL/Education/OccupationalHealth.pdf
- = Vitae (2011) *Every researcher counts: equality and diversity in researcher careers in HEIs*
www.vitae.ac.uk/policy-practice/355881/Every-researcher-counts-equality-and-diversity-in-researcher-careers-in-HEIs.html
- = Vitae (undated) *Research staff: equality and diversity: disability*.
Online resource.
www.vitae.ac.uk/researchers/1325/Disability.html

5 Lagging behind students: less support for disabled staff

The majority of respondents believe that disabled students receive more assistance, and are seen to be more important (as 'paying customers'), than disabled staff.

Central assistance for students contrasted with a lack of assistance for staff.

'All in all, as a disabled student I was extremely fortunate in having the support of a small group of tutors who "looked out" for my interests. As a disabled academic, I am isolated and ignored. My past experience is undervalued and unrecognised, there are no opportunities for recognition or progression, and it is horrendous to be continuously overlooked in favour of other staff (less experienced, etc) who achieve this because their "face fits". Ultimately, if I could afford to leave I would.'

In some HEIs there are historical issues, with different policy, funding and external mechanisms in place to meet the requirements of disabled staff and disabled students. Additionally, there is often a clear divide between student- and staff-facing services within an institution, so that separate policies and practices have been developed despite addressing similar concerns. This in itself can bring about feelings among staff that they are less valued than students.

This situation can be addressed by HEIs through an assessment or audit of the services available for disabled students, and putting measures in place to replicate and tailor these services, as far as possible, for disabled staff. The research shows that a small proportion of HEIs have a staff member with a specific remit to provide assistance for disabled staff. While this may seem impossible at times of economic pressure, the research suggests this is a key success factor in positive practice. The cost of such a role may be small in light of the 'business benefits' it can bring.

'The new disability adviser for staff is doing a great job of ensuring good practice in all of the institute's policies and practices ... Until two years ago, my institute offered practically no support at all for its disabled staff. Things have improved immensely, and continue to do with the initiation of specific support for disabled staff, which is actually based alongside the support for disabled students, thereby sharing the excellent provisions they offer and building on this for staff.'

'Consultation [within the HEI] ... identified that the biggest wish of disabled staff was for a single point of advice comparable to the well established student provision.'

5.1 Recommendations

- = Conduct an audit to compare services for disabled staff and disabled students. Identify differences in services, and use this information as the basis for an action plan to improve support for disabled staff. Include trade unions and students' unions in the audit and discussions.
- = Identify how the best practice approaches used to assist either staff or students can be shared across the whole institution.
- = Be clear about where you can source assessment services, such as dyslexia assessment, for disabled people.
- = Create a dedicated webpage for disabled staff with information about assessments and how to access information, advice, services, support and funding.
- = Provide information, training and assistance to line managers, HR and other relevant staff on disability equality.
- = Provide assessments, information and assistance to disabled staff and potential staff.
- = Provide advice or training on the use of accessible equipment or software.
- = Keep a store of equipment for staff to try before anything is purchased.
- = Facilitate communication across services and departments, including occupational health, HR and estates.
- = Identify a staff role to take responsibility for identifying the inequalities between staff and students, understand the issues faced by disabled staff, and provide assistance, advice and information for disabled staff.
- = Improve data on the progression from postgraduate study into academic careers, to identify where inequalities and barriers exist for disabled people.

The University of Manchester and Oxford Brookes University employ staff with a specific remit for supporting and assisting disabled staff. Although the roles differ, typically these staff:

- = provide assessments, information and assistance to disabled staff and potential staff (applicants) – formally and informally, and on a one-off or continuous basis – whether or not they have declared
- = liaise and negotiate between disabled staff and line managers, HR and occupational health, especially with regard to the assessment and implementation of reasonable adjustments
- = coordinate disabled staff forums or networks (see [11 Engagement](#))
- = coordinate disability equality training
- = advise staff on equipment and technology, and provide training on use

5.2 Resources

- = ECU (2008) *Transition to work for disabled students: careers support in higher education*.
www.ecu.ac.uk/publications/transition-to-work
- = ECU (2011) *Excellence for all: improving the disabled student experience*.
www.ecu.ac.uk/publications/excellence-for-all-disabled-students

6 Declaration: creating the right conditions

Improving declaration rates benefits HEIs. Understanding the demographic make-up of an institution's workforce is vital to future planning and budgeting.

It is more cost effective in the long term to plan adjustments than to correct unpredicted mistakes. Approximately 18 per cent of the working-age population is thought to have an impairment, health condition or learning difference (EFD, 2010). And with changes to the default retirement age, HEIs need to be mindful that they are retaining an ageing workforce and that staff may acquire an impairment as they age, such as a hearing or mobility impairment or a long-term health condition. The duty to provide reasonable adjustments for all staff with a protected characteristic of disability exists regardless of age.

In addition, the responsibility for encouraging declaration, and for securing varied, appropriate and supportive processes for declaration, lies with the HEI – not with the individual disabled member of staff.

Predominant reasons why disabled staff respondents choose to declare include:

- = a desire for honesty and openness, both practically (to ensure access to reasonable adjustments and facilitate good working relationships with individuals and the institution) and politically (to help reduce any stigma about impairment)
- = fear of unfair treatment due to not declaring, including issues to do with absence reporting, being asked to work in a location or using a method that was impossible for them, and criticisms over productivity or the standard of work where this was affected by impairment
- = when impairments are already known to institutions, either because they are apparent (for example, requiring a wheelchair or assistance dog) or because the effects on respondents have interacted with university policies (for example, long-term sick leave triggering an occupational health review upon return to work)

'[I declared] because I require adjustments to my work practice and I have Access to Work funding that I needed to transfer over to my new employment. Politically, I am motivated to declare my disability also.'

A small proportion of respondents choose to declare some, but not all, aspects of their situation.

'I declared the dyslexia, as I felt it would enable me to access the support I needed. I did not disclose the mental health difficulties, as I felt I might be discriminated against.'

Responses about the process of declaring show how variable this can be in terms of timing (at application stage, at interview stage, during employment, or following time off) and method (to HR, occupational health, line managers or colleagues, or via monitoring forms or self-service applications). This illustrates the heterogeneity of both HEI processes (with each institution setting its own formal or informal methods of declaration) and individuals. Respondents chose different methods of declaring, depending on a variety of factors: what the impairment is, when it manifested, how (if at all) it affects their work, and how much trust they place in managers and institutional structures.

Similarly, there is considerable variation among HEIs in responding to a declaration in terms of processes and of maintaining a consistent approach. Some respondents reported a positive approach from the start, with beneficial results for them; others felt that an inconsistent approach by departments and individuals had left them disadvantaged.

'I am no longer considered for promotion and initially, when I was ill, my job was stripped back to support my return to work, but the duties have not been returned to me following approval from my doctor and occupational health. Positive discrimination has turned into negative discrimination.'

'Originally, I found that my workload was protected and I was able to manage my condition well. However, recently I have found that my workload has increased dramatically, support reduced, and I am beginning to struggle again.'

Declaring remains challenging for some, especially people experiencing mental health difficulties (see [9 Mental health](#)). While some staff feel it is not necessary to declare because their impairment has no influence on their working life, others have not declared for more problematic reasons:

- = some staff have not been asked, or given the opportunity, to declare
- = there are still elements of uncertainty, anxiety and mistrust

- = of those respondents who have not declared, often this decision was influenced by fear of discrimination, including past experience of discrimination

There was a sense that declaration is often a practical necessity, but not otherwise desirable.

'[I didn't declare because of a] belief that it might affect me adversely at work, both institutionally and by attitudes of colleagues.'

In answer to the question 'What might encourage you to declare?' some respondents noted practical considerations.

'If I started struggling so much that I'd have to take a lot of time off because of my disability, I would declare it.'

However, a similar proportion expressed a requirement for a marked shift in working culture and attitudes before they could consider declaring.

'A demonstrable record of supportive and respectful treatment of individuals with health conditions and specific requirements in order to participate in full-time employment [would encourage me to declare] ... [and a] better understanding of my health condition in the community in general.'

As stated above, it is the responsibility of the HEI to address conditions that inhibit declaration. The conditions that encourage declaration are:

- = an inclusive and supportive culture
- = good understanding of impairments within the HEI, especially mental health difficulties
- = sound declaration processes
- = a high degree of trust
- = robust systems for ensuring confidentiality, and for information sharing if the staff member agrees to this

Building an inclusive culture and increasing awareness and understanding is at the heart of this guidance, and the tasks and actions suggested throughout the guidance aim to advance these areas.

6.1 Recommendations

- = Recognise that fear of discrimination prevents declaration, and many staff will not consider declaring until there is a marked shift in working cultures and attitudes. So, for example, seeing the difference that support and adjustments can make might encourage staff to consider declaring. Take actions to tackle discrimination (see [10 Discrimination](#)).
- = Make clear your commitment to disabled people. Consider including information on assistance for disabled people in all your materials – student prospectuses, webpages and newsletters (as suggested in [3 Aspiration and reality](#)).
- = Sign up to employment standards and charters, such as the ‘two ticks’ disability symbol scheme (Direct Gov, undated) (applicable only in England, Wales and Scotland).
- = Encourage and support declaration, stressing the benefits.
- = Ensure opportunities for declaration are embedded at all stages of employment in line with legislation, having due regard for section 60 of the Equality Act 2010 on the use of pre-employment health questionnaires (see www.ecu.ac.uk/your-questions/pre-employment-health-questionnaires).
- = Offer people an opportunity to update their own staff data records following equality-related training.
- = Put in place electronic and manual systems for staff to check and correct the data held on them (self-service declaration). Hold regular staff monitoring surveys to enable staff to amend their disability status.
- = Recognise that staff may declare to line managers, HR staff or occupational health staff, and that these declarations need to be recorded properly and with the member of staff’s consent.
- = Have a user-friendly, clear process for declaration and for accessing and reviewing reasonable adjustments. Create clear, consistent systems to alert staff to different options for assistance when they declare.
- = Address issues of confidentiality and information sharing. Ensure the individual has agreed where their information will be stored, with whom it can be shared, and under what circumstances.
- = Involve trade unions in developing and promoting declaration strategies and policies. Many staff will seek advice from trade unions before declaring, so the unions will have insights into how to encourage declaration and ensure policies are suitable.

The University of Ulster has a proactive, multi-layered approach to encouraging declaration. Potential staff are asked to declare reasonable adjustment requirements on application forms, and are asked to contact the university if they need assistance in completing the application form. Applicants are also asked to complete an equal opportunities form, which includes a question about disability.

Existing staff can visit the online portal at any time to amend their own records. The equality and diversity team contact line managers and urge them to encourage staff who do not use computers (and therefore do not have access to the portal) to use a paper-based declaration form. Every three years, the university runs a staff survey on staff disability, which is publicised via emails to all staff, articles in the university magazine, messages to line managers asking them to pass on information at staff briefings, and hard copies and posters. The purpose of the survey is made clear – that it is not just to count numbers of disabled staff, but to inform disabled staff about the university’s legal responsibility and that they may be entitled to reasonable adjustments they had not previously considered. The university also has staff declaration forms for staff wishing to declare a disability.

6.2 Resources

- = Direct Gov (undated) *The disability symbol*. Online resource. www.direct.gov.uk/en/DisabledPeople/Employmentsupport/LookingForWork/DG_4000314
- = ECU (2009) *Interventions for staff disclosure in higher education: background paper 2009*. www.ecu.ac.uk/publications/interventions-for-staff-disclosure-in-he
- = ECU (2009) *Developing staff disclosure*. www.ecu.ac.uk/publications/developing-staff-disclosure
- = ECU (2010) *Equality in higher education: statistical report 2010*. www.ecu.ac.uk/publications/equality-in-he-stats-10
- = ECU (undated) *Staff disclosure of equality data*. Online resource. www.ecu.ac.uk/inclusive-practice/staff-disclosure-of-equality-data
- = EFD (2010) *Disability in the UK*. Online resource. Employers’ Forum on Disability. www.efd.org.uk/media-centre/facts-and-figures/disability-in-uk

7 Entitlement: reasonable adjustments

Accessing reasonable adjustments is an ongoing issue for some disabled staff.

Reasonable adjustments can be formal or informal; they may concern individuals or the whole working environment. The Equality Act (2010) states that in order to avoid substantial disadvantage to disabled staff, reasonable adjustments can be made to provisions, criteria or practices, for example in terms of changing the physical features of a workplace, or by providing auxiliary aids (equipment) or services (palantypists or interpreters).

7.1 Day-to-day employment

Many favourable reports were received about the reasonable adjustments, and creative combinations of these, that HEIs are able to provide on a day-to-day basis.

It is clear that reasonable adjustments have made significant differences to people's experiences of employment.

'In my first department, they immediately had equipment set up when I started working there; they were way ahead of Access to Work.'

'My office has had adjusted lighting, a laptop with docking station and separate large screen. I also have a docking station and large screen at home to allow flexible working.'

'I have an office of my own to enable me to use my dictaphone on loudspeaker. I have my own printer and kettle, minimising the amount of necessary walking about ...'

'I was provided with a canine assistant three years ago. My line manager was happy to accommodate the dog working around the department. My employer (even up to VC level) was positive about the message this gives, and accommodated dog walking and toileting in the university's gardens, where dogs are not normally allowed.'

7.2 Development, progression and promotion

The research found a broad institutional focus on making reasonable adjustments to day-to-day work employment practices. However, there was significantly less attention paid to broader policy areas, such as recruitment, continuing professional development and progression (including promotion), and adjustments for disabled staff leaving HEIs.

This is an important issue for the sector to address if HEIs are to become truly inclusive of disabled people.

Respondents felt they have the same access to training and continuing professional development as non-disabled staff.

Some support for training is provided by Access to Work.

'Training venues have been rearranged for accessibility and the provision of equipment.'

Only 4 per cent of questionnaire respondents reported that they have received positive support, provisions or reasonable adjustments in career development and promotion, but those staff felt they had been promoted on merit, and/or fully supported and encouraged to seek promotion and progress.

'As my working environment has been improved I can work far more effectively – the increase in my workload and enthusiasm for the work (due to the fact that I am now physically able to do it due to the adaptations made) has resulted in a promotion for me.'

However, despite these positive illustrations, the higher level of support and adjustments available to disabled staff in their day-to-day employment, compared with their development, progression and promotion, is concerning. It is relatively straightforward to provide auxiliary services or make physical changes to meet the entitlements of disabled staff. Changing provisions, criteria and practices to facilitate fair access to development, progression and promotion can be much more subtle. The necessity for a disabled academic to have a suitable chair is much easier to put into place than introducing a 'special circumstances statement' to go with a promotion application; thinking creatively about how senior positions can be made available on a part-time basis; or deciding on reasonable adjustments in relation to the Research Excellence Framework (REF; HEFCE, undated).

7.3 Poor practice

Too often, staff have to fight for reasonable adjustments to which they are legally entitled, which can be exhausting and demoralising.

Prior assumptions, or a 'one-size-fits-all' attitude with regard to reasonable adjustments, are counterproductive.

'The institution ... tends to solve things with the labelled response. You are deaf – here is a loop (even if you don't find a loop particularly helpful) ...The quality of actual support has gone down as the awareness of disability legislation has gone up, because people want to upload standard fixes rather than work with individuals.'

'Reasonable adjustments were imposed [on me] and not discussed or agreed upon. Assumptions were made by ill-informed HR advisers, head of school and administrators. [There was] no consultation, hence reasonable adjustments were useless.'

7.4 Small adjustments – big benefits

Many reasonable adjustments can be achieved without great expense. The former Disability Rights Commission, now Equality and Human Rights Commission (EHRC), calculated that the average cost of a reasonable adjustment is £100.

Small adjustments can have far-reaching effects; for example, ensuring accessible rooms are available for all meetings, and that agendas and papers are circulated well in advance, will incur minimal costs or be cost-neutral. Using an anticipatory approach can help reduce costs (see *Managing reasonable adjustments in higher education*, ECU, 2010).

Under the Equality Act 2010, it is possible to treat disabled people 'more favourably' because of their impairments. This gives employers opportunities for flexibility relating to disabled staff.

7.5 Disability-related leave and the Research Excellence Framework

The research highlighted particular issues – such as disability-related absence and points-based leave systems – which would require a change to criteria and provisions.

Respondents raised concerns about absence because of impairments being counted as sickness absence and therefore triggering unwanted outcomes such as a referral to occupational health, loss of performance-related pay, or repercussions under particular points-based systems such as the Bradford factor system (HSE, 2004). Points-based systems raised particular concern, and there was little evidence of HEIs having successfully separated disability-related leave from sickness leave, and taking this into account before points are calculated in the points-based system. Furthermore, respondents felt that office-based staff were disadvantaged compared with staff who can work flexibly, work from home, and manage their own hours.

'I'm nervous about the Bradford scheme ... It seems to negate the Disability Discrimination Act [now Equality Act]. I think it should be addressed under reasonable adjustments. The scheme should have a reasonable adjustment built in so the formula for working out points takes account of impairment ... Also, it only really applies to support staff, not academics, as they can work from home. And if you can't be sure a policy applies to all, it is discriminatory.'

The respondent who made this comment is right that reasonable adjustments can be made on the grounds of disability. Establishing a distinction between a sickness leave policy and a disability leave policy, and ensuring that absence through impairment (for example, to attend hospital appointments) is counted separately, will make some progress towards equality for disabled staff.

Such an approach can be applied in other ways, for example, taking impairment into account when submitting research to the REF.

'A key success marker as a researcher is getting four REF submittable papers – 3–4 star minimum in our HEI – there is no accommodation for disability ... Career promotion is dependent on a number of markers, including presentation of research to conferences, etc. I find travel problematic, very tiring, so I don't attend as many as my able-bodied colleagues – to my detriment on this 'success' marker. Being able to work extra hours – evenings and weekends – is pretty much essential at my level of responsibility, which I find very hard to do and not aggravate my disabilities.'

An equality and diversity advisory group has been established to ensure disability equality is embedded within the REF (HEFCE, undated).

The EHRC has a range of guides for employers and employees that show how reasonable adjustments for disabled people can work in practice (see [7.7 Resources](#)).

7.6 Recommendations

Culture and policy

- = Avoid creating a blame, guilt or negative culture for disabled people that will inhibit access to assistance and reasonable adjustments.
- = Initiate proactive approaches that aim to put in place the best reasonable adjustments as early as possible.
- = Consider the requirements of disabled people in planning and procurement processes, but avoid making assumptions – involve disabled individuals and disabled staff groups in deciding on reasonable adjustments.
- = Work towards achieving, and seek trade union involvement in developing:
 - flexible working practices, including agreements about working hours, flexibility in working times, options to work from home, amending or reducing hours, keeping hours manageable and limited, and being able to take breaks (adjustments to practices)
 - alterations to staff members' working environments or areas, including moving to more suitable offices and teaching in suitable, accessible rooms (adjustments to physical features)

- providing specialist equipment, including software packages and suitable chairs and desks (auxiliary aids)
 - providing suitable, accessible parking facilities, and creating procedures for disabled staff to access suitable parking spaces
 - providing assistance with travel to work, if required, possibly using Access to Work funding (see [8 Funding](#))
- = Follow up requests for reasonable adjustments in a timely way – avoid lengthy delays.
- = Urgently address issues of excessive workloads, which are common in higher education. Recognise that excessive workloads and continuous expectations of long working hours can have a major impact on health and wellbeing.
- = Invite feedback from disabled people about the institution's strengths and weaknesses in providing assistance and/or reasonable adjustments. Seek assistance from trade unions in collecting information from staff.
- = Do not treat disability as sickness, and consider creating a separate disability leave policy. Review any points-based calculations to ensure disability-related leave is taken into account. Consider consulting with trade unions when developing a disability leave policy.

Training and development

- = When providing in-house training, ensure you have systems for asking about staff members' requirements in advance; for outsourced training, ensure the provider does this. Extend this practice to internal meetings, conferences and other events.
- = Send training resources, electronically, in advance of training. This allows people to adjust font size and style, or to use a screen reader.
- = Ensure equal access to training, development and promotion, even if it means treating disabled people more favourably.
- = Introduce a structured mentoring/coaching programme for disabled staff to help them progress in their career. Those being mentored should receive coaching in identifying their career goals and help in achieving them.

Physical environment

- = Ensure working, training and leisure environments are accessible, especially in terms of physical and sensory access requirements.
- = Ensure disabled staff are based in offices that meet individual access requirements.
- = Review practices for contacting lift maintenance companies when lifts break down. Ensure contact can be made outside office hours.
- = Create personal emergency exit plans for individual staff as required.
- = For teaching staff, address issues relating to timetabling and room access. Undertake an access audit of lecture, seminar and teaching rooms, looking at physical access, sensory access (lighting and acoustics), and facilities nearby (toilets, parking). Use the findings from this audit to create a system whereby staff can put in requests for rooms that are accessible to them, and can make requests in terms of hours of timetabling.

A university based in Yorkshire and Humberside has undertaken an access audit of lecture, seminar and teaching rooms – looking at physical and sensory access, and nearby facilities. This work was carried out in collaboration with the facilities department and the disabled staff network. The information has been collated, and there is now a procedure for staff to email the central timetabling team to request rooms that are accessible to them for the following year's teaching. They can also make requests in terms of hours of timetabling.

7.7 Resources

- = Bright, K. (2009) *Making buildings inclusive and accessible 2009: special report*. Workplacelaw Network.
- = BSI (2009) *BS 8300:2009, design of buildings and their approaches to meet the needs of disabled people – code of practice*. British Standards Institution.
- = CABE (2008) *Inclusion by design – equality, diversity and the built environment*. Commission for Architecture and the Built Environment.
www.ihcdstore.org/docs/ihcd_site/social.../CABE_inclusion_by_design.pdf
- = DisabledGo.
www.disabledgo.com
- = ECU (2009) *Managing inclusive design for higher education*.
www.ecu.ac.uk/publications/managing-inclusive-building-design-for-higher-education
- = ECU (2009) *Sensory access in higher education: guidance report 2009*
www.ecu.ac.uk/publications/sensory-access-in-higher-education-guidance-report-2009
- = ECU (2010) *Managing reasonable adjustments in higher education*. www.ecu.ac.uk/publications/managing-reasonable-adjustments-in-higher-education
- = EHRC (undated) *Disability in employment*.
www.equalityhumanrights.com/advice-and-guidance/your-rights/disability/disability-in-employment
- = HEFCE (undated) *Research Excellence Framework*. Online resource. Higher Education Funding Council for England.
www.hefce.ac.uk/research/ref
- = HSE (2004) *Managing sickness absence in the public sector*. Ministerial Task Force for Health, Safety and Productivity/Cabinet Office.
www.hse.gov.uk/gse/sickness.pdf
- = UNISON (undated) *Model agreement on disability leave*.
www.unison.org.uk/acrobat/B2105.doc

8 Funding: inefficient systems

In contrast to disabled students, there is often a lack of central assistance, services and systems for funding reasonable adjustments for disabled staff.

Many reasonable adjustments for disabled staff cost nothing or very little, but when there is a cost involved, two main funding sources are usually accessed: staff members' school or departmental budget and/or Access to Work. Access to Work has been described as less accessible than the disabled students' allowance.

Departmental funding of reasonable adjustments can create difficulties. Staff members reported feeling uncomfortable, guilty, and a 'nuisance' for requesting such funding. It is also likely that those departments that are proactive in meeting disabled staff members' requirements, and thus recruit more disabled staff members or encourage more declaration, are likely to incur greater costs than other departments.

'One staff member was told that they were an expense that the department could no longer bear.'

'My line manager approached me and said, "this is a lot of money from our budget". I said, "yes but it's a legal requirement so you have to contribute".'

Access to Work also plays a part in securing reasonable adjustments for disabled staff. However, not all staff are aware of Access to Work, and take-up may vary across different impairment categories. Within our research, blind and visually impaired questionnaire respondents use Access to Work more than those with long-term illnesses or health conditions.

32 per cent of questionnaire respondents were not aware of the Access to Work programme. Of those who were aware of Access to Work, 50 per cent had used it (32 per cent of the total sample).

The most common use of Access to Work was access to information/advice, and funding (or partial funding) for equipment, including IT software (and training in using it), office furniture, accessibility equipment, wheelchairs, and so on. Staff also received funding for travel to and within work, and for support staff (such as interpreters, note-takers, personal assistants and other support workers). Approximately half of the respondents who had used Access to Work and reported on the

process and outcome found the advice, funding and equipment extremely useful; some described it as absolutely vital in enabling them to continue in employment.

'Access to Work are fabulous, very professional and helpful.'

'The support has provided me with a lifeline – I would not otherwise be able to carry out my work effectively.'

However, there are some difficulties associated with Access to Work. Respondents commented on the long-winded, bureaucratic and stressful process of applying and receiving advice or funding. Experiences vary hugely, often depending on the individual assessor: some respondents reported assessments with assessors who were ill-informed and lacked knowledge about their impairments and requirements. Others commented that assistance was imposed on them, as opposed to being decided in consultation.

'I received advice regarding mobility equipment. Very poor advice was given. Equipment supplied was useless. I have since replaced it entirely using my own funds.'

It is not within HEIs' gift to address internal Access to Work systems. It should also be noted that Access to Work, and the provisions that can be funded this way, are changing. What HEIs can do is keep well informed of developments regarding Access to Work, and put into place systems within the HEI to ensure dealing with Access to Work is a smooth and efficient process.

Blending funding from Access to Work and from the employer is not always straightforward. Often both parties are required to provide funding for adjustments. Within our research, a small proportion of respondents felt their employers and/or colleagues had resented this – especially when it was drawn from departmental budgets. A small proportion of respondents also reported that employers ignored recommendations from Access to Work for adjustments. In other cases, employers delayed or blocked respondents' approach to Access to Work.

A central message from respondents was that their institutions had done little or nothing to make staff aware of Access to Work – and could, and should, do more. Many had found out about it

from others, had found out by themselves, or had already known about it from previous employment or from their field of work. Some commented that their institution seemed not to know about, or fully understand, the scheme.

8.1 Recommendations

- = Identify a central funding pot for making reasonable adjustments. This takes pressure off individual faculties and departments that may have more disabled staff, or have staff with more expensive adjustments.
- = Keep up to date with developments in Access to Work. Research how Access to Work funding can be used – its limitations, and the process of application.
- = Consider implementing systems whereby applications to Access to Work are administered through one source in the HEI (see [4 Inconsistencies](#)) rather than through line managers.
- = Take measures to publicise information about Access to Work to all staff using the website, intranet, emails, memos, newsletters, circulars, policies and procedures, guidance for managers, and leaflets or posters; and through disability or equality and diversity services/leads, disabled staff networks and forums, induction activities and trade union communications.

The disability adviser for staff works in the disability support office (DSO) at the University of Manchester and has worked to ensure the process of accessing Access to Work funds is streamlined and consistent for disabled staff. Although individual staff are responsible for applying to Access to Work, the DSO assists staff with applications, reducing the pressure on line managers to do this, resulting in a more efficient process.

If staff agree, all Travel to Work claims are dealt with through the staff adviser, including taxi contracts and claim forms to Access to Work, removing the burden of this lengthy administrative process for disabled staff themselves.

All Access to Work-funded equipment is purchased centrally by the DSO, so access to equipment is not dependent on the actions of individual line managers across the institution.

8.2 Resources

- = Business Link (undated) *Recruiting and employing disabled people*. Online resource.
www.businesslink.gov.uk/bdotg/action/detail?itemId=1074428276&type=RESOURCES
- = Direct Gov (undated) *Access to Work – practical help at work*. Online resource.
www.direct.gov.uk/en/DisabledPeople/Employmentsupport/WorkSchemesAndProgrammes/DG_4000347
- = ECU (2010) *Managing reasonable adjustments in higher education*.
www.ecu.ac.uk/publications/managing-reasonable-adjustments-in-higher-education
- = EFD. Complete set of EFD briefings. Employers' Forum on Disability.
www.efd.org.uk/publications/efd-briefings
- = EFD. *Reasonable adjustments: line manager guide*. Employers' Forum on Disability.
www.efd.org.uk/publications/reasonable-adjustments-line-manager-guide

9 Mental health: taking a positive approach

Those experiencing mental health difficulties that have a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities are protected by the Equality Act 2010.

In addition, the Equality Act 2010 protects disabled people from unfavourable treatment due to issues connected with their impairment; this may include changes in performance or behaviour if this is connected to a mental health difficulty.

The research suggests that a lack of understanding and awareness of mental health difficulties, the symptoms, their effects on individuals and their impact on work practice prevails in higher education. This appears to be a longstanding challenge, and one that cannot be addressed quickly and easily: improving awareness of, and assistance for, people experiencing mental health difficulties needs to be seen as an ongoing activity.

Clearly, declaration of mental health difficulties can engender good practice, as the following illustration shows:

'As my mental health continued to be an issue with my attendance at work, they made adjustments in my working hours, first of all by allowing me to start a little later in the morning, and then by agreeing for me to work part-time, going down from five days a week to working just four days a week.'

However, fear of stigma and discrimination prevents some people from declaring. This is particularly stark in higher education, where staff fear that mental health difficulties might be seen as a weakness resulting in reduced abilities (particularly thinking abilities for staff in academic roles).

'[My manager] is new and I haven't yet felt OK to tell him. Also, because of the mental health aspect, I don't want to be seen as a weak link in the chain.'

'The burden of managing impairment and maintaining performance is added to by non-facilitative, macho approaches to people management. This is a particular issue where mental health problems exist and where one's reputation and ability to do the job are equated simply with the ability to "think". I would like to be able to further the cause by coming out in relation to my impairment, but the fall-out of dealing with stigma and possible bullying would be too great to handle.'

The research suggests that, when people experiencing mental health difficulties receive poor treatment (including people

being unsupportive and bullying), this can lead to a worsening of those difficulties. Excessive workloads can have the same effect. Poor treatment and excessive workloads for staff with other impairments may lead to the development of mental health difficulties as a secondary impairment. Such treatment results in a waste of employees' talents and a waste of institutional resources.

The comments above provide strong indications about how important it is for institutions to take a positive approach to mental health and wellbeing, and they are backed up by the number of respondents who advocate sustained efforts to increase knowledge, understanding and awareness of mental health. Although distinct challenges relating to mental health can arise in the workplace, it is not within the remit of this research and guidance to provide detailed advice and information on this (see [9.2 Resources](#)).

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- 9.1 Recommendations**
- = Commit to running mental health and wellbeing awareness-raising activities. Be proactive in promoting healthy working practices and running health and wellbeing activities for all staff.
 - = Sign up to the Mindful Employer scheme (see [9.2 Resources](#)).
 - = Explore opportunities for offering mental health-related assistance. This may include counselling services, either via telephone or face-to-face. Consider resourcing 'mood management' or similar assistance (see example below).
 - = Produce guidance for line managers and colleagues with regard to mental health to raise awareness.
 - = Source expert training for managers to enable them to develop their skills and understanding of mental health and the implications of mental health difficulties in the workplace.

The staff adviser at the University of Manchester set up one-to-one 'mood management' assistance for disabled staff experiencing mental health difficulties. A local charity provides the mood management assistance, and it is funded via Access to Work. It has a practical focus and helps staff address issues in day-to-day work, sleeping, assertiveness, finance and self esteem. The charity can, with disabled staff members' permission, also offer advice and assistance to managers to better equip them to meet the requirements of staff.

9.2 Resources

- = British Occupational Health Research Foundation (2005) *Workplace interventions for people with common mental health problems: evidence review and recommendations*.
www.bohrf.org.uk/downloads/cmh_rev.pdf
- = Creed, A and Ewens, D (2010) *Workforce equality in the north east: a resource pack to support the recruitment of people with experience of mental health conditions into further education*. National Institute of Adult Continuing Education.
http://shop.niace.org.uk/media/catalog/product/f/i/file_3_47.pdf
- = Devon Partnership NHS Trust (undated) *Mindful Employer*. Online resource.
www.mindfulemployer.net
- = DH (undated) *Line managers' resource: a practical guide to managing & supporting mental health in the workplace*. Mind out for mental health initiative.
www.mindfulemployer.net/Line%20Managers%20Resource.pdf
- = DH/CSIP/Shift (undated) *Line managers' resource: a practice guide to managing and supporting people with mental health problems in the workplace*.
www.shift.org.uk
- = EFD (2007) *Recruitment and mental health*. Employers' Forum on Disability.
www.efd.org.uk/publications/recruitment-and-mental-health
- = NIACE (2009) *Working well: staff wellbeing in the post-16 education and training sector*. National Institute of Adult Continuing Education.
<http://shop.niace.org.uk/working-well.html>

- = Rethink (2009) *Briefing – mental health, stigma and employment*. Online resource. National Schizophrenia Fellowship.
www.rethink.org/how_we_can_help/news_and_media/briefing_notes/briefing_mental_he.html
- = TUC (2008) *Representing and supporting people with mental health problems at work: guidance for trade union representatives*.
www.tuc.org.uk/extras/mentalhealth.pdf
- = UNISON (2011) *Mental health awareness: line managers' health check questionnaire*. Online resource.
www.unison.org.uk/education/higher/pages_view.asp?did=12882
- = Wellbeing (2009–10) *Improving performance through wellbeing and engagement*. Online resource. Project funded by HEFCE/ Scottish Funding Council/Higher Education Funding Council for Wales.
www.wellbeing.ac.uk

10 Disability-related discrimination and harassment

Disabled employees often struggle to overcome barriers, manage their impairments, and secure the reasonable adjustments to which they have a right.

Respondents reported that they find it highly stressful, time-consuming and exhausting to battle for reasonable adjustments to which they are legally entitled, and that this makes a big difference to their effectiveness and efficiency.

'I'm walking with a crutch and pushing a chair and trying to open doors and negotiate the lift and take all my teaching materials with me, and I am struggling, I am really struggling.'

61 per cent of questionnaire respondents reported that they had experienced some form of disability discrimination.

Disabled staff reported instances of:

- = being allocated or placed in inaccessible workplaces (such as lecture halls)
- = being formally or subtly excluded from professional development and training activities
- = having work passed on to others
- = being denied reasonable adjustments
- = being excluded from promotion rounds
- = being excluded from certain projects, conferences and presentation opportunities

'My adjustments are regularly denied me and not implemented ... They are my responsibility to fight for alone. No adjustments are put in place to ensure that I have any professional development opportunities ... No provisions are made for my career, despite me pointing out to my employer their obligations.'

'[I was] marked down in appraisal and refused increment (performance-related pay) for "reluctance to network". It is impossible when you can't see who people are!'

Staff felt disadvantaged by particular arrangements that prevent them from taking part in meetings, social events or training because of particular practices, criteria or provisions, particular physical features, or lack of auxiliary aids (especially software systems), including:

- = moves towards open-plan offices that are not accessible
- = information provided in inaccessible formats (not electronically)
- = unhelpful parking systems
- = an expectation to network, which is difficult for some
- = disadvantage from academic pressure
- = difficulties in accessing development opportunities or new positions, particularly for part-time staff
- = lack of policies regarding working from home
- = points-based leave systems that do not always take account of impairments (see [7.5 Disability-related leave](#))

'My employer is very big on large, open-plan offices. These are very disability unfriendly. They can be noisy and it is hard to concentrate a lot of the time.'

Many respondents appeared to have experienced disability-related harassment – that is, unwanted contact that is hostile, humiliating or offensive. They reported forms of harassment that include hurtful and offensive jokes and banter (with, when challenged, the response 'it's only a joke' and 'that's life'). They reported encountering comments and actions that are rude, sarcastic, humiliating, hostile and bullying. They felt there was gossip (such as that job promotion was due to special treatment). Some disabled staff felt there were implications that they were fraudulent. Frequently these behaviours originated from line managers and colleagues, but students and senior managers were also reported as responsible.

'I was told by one senior colleague that, as a deaf person, I should get down on my knees and thank God that I had a job, rather than try to get concessions.'

While some staff reported matters of discrimination to their HEI, they often received poor responses, delays in action, and being made to feel a nuisance. Staff tended not to report harassment (some felt it may seem trivial or there was a lack of evidence; others because of fear of the consequences). There was a feeling that institutions will not respond, and that senior management teams and HR are on one side, against one individual, and matters are 'covered up'. One described it as a 'David and Goliath' situation. There was little evidence of good reporting processes with investigations and action.

Clearly, instances of discrimination and harassment in HEIs need to be addressed and eliminated. If disabled staff and their representatives (including trade union representatives) are familiar with, and confident about, the legislation that protects them, it need not amount to a legal stick with which to beat employers, or a means by which they and their representatives stand on their rights. It need not launch a flood of litigation and legal challenges. In the same way, if line managers of disabled staff, HR staff and strategic managers are familiar with the legislation, that can pre-empt difficulties.

There may be instances where official channels, processes and procedures continue to be needed to secure reasonable adjustments, counter discrimination and eliminate harassment. However, what is likely to secure culture change, for the benefit of all and not just disabled staff, is knowledge of and ability to apply equality legislation creatively and imaginatively to maximise staff efficiency and effectiveness. To comply with legislation and to go beyond compliance does not have to be expensive or complex. Disabled staff in particular will benefit if they are more knowledgeable about the law and move away from the fatalism that sometimes affects their situation.

10.1 Recommendations

- = Embed a tough, zero-tolerance stance on discrimination and harassment relating to all protected characteristics, including disability.
- = Introduce a network of trained members of staff to act as harassment contact officers, who can provide support to staff members who may be experiencing harassment or discrimination. Harassment contact officers are outside the individual's line management chain, and can act on behalf of that person by acting as a liaison with human resources, unions, and so on.
- = Consult trade unions when reviewing and reissuing bullying and harassment or dignity at work policies. Provide briefings to support putting them into practice.
- = Include clear systems for reporting discrimination and harassment, and clear responsibilities on the HEI to investigate allegations.
- = Work to ensure that complaints are acted upon promptly and staff are not made to feel a nuisance for raising issues.
- = Undertake equality impact assessments on policies, procedures and processes to ensure they are fair and take account of disabled people's circumstances.
- = Issue all staff – including disabled staff and their managers – with clear guidance on rights and responsibilities under the Equality Act, to ensure everyone is working within the same framework and with the same expectations.
- = Promote disability pride. Run or support campaigns and events that celebrate difference and diversity and reinforce impairment as a positive part of personal identity.

Like many universities, Edinburgh Napier University is going through a restructuring process. The diversity partner – a full-time member of staff employed by the university to lead on equality and diversity – has conducted equality impact assessments at key stages of this process to ensure disabled staff (and other protected groups) are treated fairly. The diversity partner was sent details of restructuring proposals from each department across the HEI, and analysed the data to ensure there were no worrying trends. Had anything worrying been uncovered, the diversity partner would have alerted the appropriate authorities.

10.2 Resources

- = ECU (2010) *Equality Act 2010: implications for higher education institutions*.
www.ecu.ac.uk/publications/equality-act-2010
- = ECU (2011) *Equality Act 2010: public sector equality duty: England*. Online resource.
www.ecu.ac.uk/publications/psed-england
- = ECU, UCU and UNISON (2007) *Dignity at work: a good practice guide for higher education institutions*.
www.ecu.ac.uk/publications/dignity-at-work-guide-for-he
- = EHRC. Equality Act guidance downloads. Equality and Human Rights Commission.
www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/equality-act-guidance-downloads
- = EHRC. Equality Act Codes of Practice. Equality and Human Rights Commission.
www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice

11 Engagement: involving disabled staff

There was considerable evidence from the research of the importance of involving and listening to disabled staff, both individually and collectively.

Involving and listening activities may take place with individual disabled employees, through dialogue about removing barriers in relation to particular impairments and accessing assistance or reasonable adjustments. Where organisational policy and culture are of more concern, activities may also take place with groups or networks of disabled staff.

In general, respondents urged organisations to be proactive in communicating with disabled staff on an individual basis. They advocated asking individuals about their requirements, and then listening and responding. Disabled staff are, after all, the experts on their impairments and requirements. Replication and standardisation of this culture of inclusion and responsiveness is very important.

Some respondents also praised the benefits of anticipatory adjustments, which were put in place before dialogue about individual reasonable adjustments. However, important as an anticipatory approach is, it should not be considered a substitute for involving, listening to, and directly meeting the reasonable adjustment requirements of disabled staff on an individual basis.

'It would help if you were listened to. If you have a problem and need things to change, it would help if management would listen to you and take things seriously enough to change things.'

The evidence about involving and listening to disabled staff through groups and networks indicated that this collective activity is also a positive development. However, disabled staff groups and networks need formal systems in order to report to high-level committees, to ensure discussions have an impact on organisational policy and practice.

'The institution supports a network of disabled students and staff (and others who have an interest in disability) to discuss issues that concern them and to put forward practical solutions that the relevant university department can then implement ...The agenda is set by the group and invites are sent to those who can usefully inform the discussion, as well as the group being open to any member of staff.'

Unfortunately, not all arrangements were so positive.

'[The] staff disability forum group was set up – and able to voice concerns over some specific campus issues regarding disabled access to buildings (voiced – but not addressed!)

It should be noted that disabled staff networks are not a replacement for trade union self-organisation. Consultations with disabled staff networks do not replace traditional consultation processes with trade unions, but are complementary to them, and help to embed disability equality as a central organisational objective.

11.1 Recommendations

- = Be proactive in communicating with disabled staff on an individual basis: ask what requirements they have (if any), listen and respond.
- = Create mechanisms for involving and engaging with disabled staff collectively. Explore a wide range of communication methods – face-to-face groups, virtual groups, social networking sites. Seek trade union support and advice in setting up disabled staff groups and networks.
- = Identify the responses from disabled people in your staff surveys.
- = Ensure notes are kept of disabled staff meetings – and anonymise these if staff prefer.
- = Create systems for reporting upwards the outcomes of staff networks.
- = Ensure all issues are responded to, even if the answer is that 'the issue cannot be resolved at the moment, because ...'
- = Involve disabled people to ensure their views are reflected when setting the institution's legally required equality objectives, priorities and plans. Seek support from trade unions to involve staff.
- = Through involvement and consultation with disabled staff, consider establishing a code on the employment of disabled staff.
- = Work in partnership with disabled staff regarding planned adjustments to buildings, accommodation and ICT.

- = Ensure disabled staff involvement is seen as an activity that is beneficial to the entire HEI, providing value to the development of policies and practices.
- = Review existing engagement strategies and consider how they can be improved.
- = Highlight how the perspectives of disabled staff have been acted upon in decision-making, and feed this back to staff so that they can see the impact of their inputs, to avoid engagement fatigue.

Liverpool John Moores University, like many universities, has a disabled staff network. The network meets three or four times a year. All new starters are informed about the network at the start of their employment through details provided in the university's staff handbook, which is issued at induction.

The network has an active role in policy development, and has formal links to the equality steering group and the disability equality working group. It has a representative on the new build working group to give advice on accessibility and buildings.

The HEI is currently working to develop a scheme whereby disabled staff in the network receive training in mentoring, coaching and mediation, to enable them to support managers in assisting their disabled staff.

11.2 Resources

- = ECU (2011) *Effective equality surveys*.
www.ecu.ac.uk/publications/effective-equality-surveys
- = UNISON (2010) *Staff networks in higher education*. Online resource and factsheet.
www.unison.org.uk/education/higher/pages_view.asp?did=10004

12 Conclusion

Achieving equality for disabled staff that is embedded in organisational culture is not simple or undemanding.

The evidence from disabled people working in the higher education sector frequently highlighted the complex nature of staff members' circumstances, and complexities associated with the size of HEIs.

Nonetheless, while achieving cultural change for inclusion can be challenging for institutions, taking practical measures as advised in this guide, in a natural and incremental way, is straightforward and can play a significant part in advancing cultural and attitudinal change.

The inconsistencies and poor practices that some disabled staff experience are tantamount to 'ableism' and urgently need addressing. Doing so will not only benefit disabled staff, but will have far-reaching, positive consequences for all staff, for the wider organisational culture, and for the productivity and success of HEIs.

Equality Challenge Unit

ECU works to further and support equality and diversity for staff and students in higher education across all four nations of the UK.

ECU works closely with colleges of higher education and universities to seek to ensure that staff and students are not unfairly excluded, marginalised or disadvantaged because of age, disability, gender identity, marital or civil partnership status, pregnancy or maternity status, race, religion or belief, sex, sexual orientation, or through any combination of these characteristics or other unfair treatment.

Providing a central source of expertise, research, advice and leadership, we support institutions in building a culture that provides equality of both opportunity and outcome, promotes good relations, values the benefits of diversity and provides a model of equality for the wider UK society.



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