University of Leicester

Report to Equal Opportunities Committee 8th December 2010.

The Management of Disability in the University

Introduction

1. This report partly arises from minute 10/M26 of the last meeting of this Committee which reads as follows. The Committee received an oral report from the Equalities Adviser regarding the issues of disability access around the University. Concern was raised and it was proposed that an audit was necessary. The Committee asked the Equality Adviser to produce a report for the next Equal Opportunities Committee on the issue including cost data.

2. However there are wider aspects to the satisfactory management of disability and so this report attempts to both address the above minute and launch a strategic approach to access within a wider context of disability management. The report also represents a starting point for responding to a strengthened statute regarding equality of opportunity briefly described in paragraph 3 and 4 below.

3. The Equality Act 2010 retains the requirement for employers and education providers to make reasonable adjustments in order to nullify as far as possible the impact of disability. The Act also strengthens the pre-existing protection for disabled people by introducing a new protection, that of discrimination arising from disability. Also the public equality duty under the Act will retain the current duties that require public bodies to be proactive in the management of disability equality.

4. This public duty is important in that it expects public bodies to continually improve the equality of opportunity afforded to disabled persons. The general duties for instance currently require public bodies to promote equality of opportunity. The Equality Act strengthens this more by utilising the word advance instead of promote. The change in wording is purposeful in that the former relates to ways of approaching equalities (inputs) whilst the latter suggests that there is a duty to see meaningful advances in equality of opportunity (outputs).

5. In an attempt to make sense of some very different aspects of disability management I have categorised them under a few headings. Each aspect is briefly described and is placed into the context of the University’s current position and known intentions. Also I suggest further potential improvements that, together with existing work are intended to answer the call to advance the equality of opportunity for disabled students and staff.

6. In all these aspects the question of organisational culture looms large. The challenge of disability equality is huge and is bound to require the investment of much resource. At any time such investment will be critically evaluated (and probably none more so than against the current economic climate) and this sets a tone which presents great difficulty. Wherever the balance is found between degree of investment and speed of progress the statute at least requires that some progress be made. This means continuous improvement where for instance the notion of what constitutes a reasonable adjustment should continuously move in favour of disabled people where true equality has not yet been achieved. Such direction of
change can only be sustained within a culture that deeply and genuinely desires equality of opportunity to be attained. That is a great challenge for any organisation.

**Estate adaptations**

7. The minute reproduced in paragraph 1 of this report related to building and general estate adaptations designed to allow buildings to become more, or better still, fully accessible to all disabled people with a wide range of impairments. This is clearly a significant aspect particularly in relation to mobility and sensory impairments. The issues are often complex and not confined to matters of obvious access. For instance some conditions of the spine are adversely affected by a jolting lift. A building access that requires a long route and a special entrance to be negotiated can be undignified and fatiguing. It was suggested at the last meeting of this committee that an audit was necessary in order to fully appreciate the extent to which improvements are required across the University.

8. In the past a small working group, the DDA PIT, was established for the purpose of considering and prioritising adaptations to the University estate. This group has recently been reconstituted under the chairmanship of the Director of SSDS. At a recent meeting of this reconstituted group the Estates and Facilities Management Division have drawn attention to some direct funding from HEFCE. For this financial year a sum of £200,000. It was proposed that work on building adaptations be informed by an audit and carried out on a building by building basis. This funding (which must be spent by the end of March 2011) to be utilised to fund the audit and consequential work. The group agreed that the following buildings be prioritised for this work. The Adrian, Maurice Shock, Bennett, Ken Edwards, and Fielding Johnson Buildings. The choice of buildings was in part informed by a set of criteria established by this working group in the past. It is thought that the allocation of £200,000 is likely to be sufficient to complete the Adrian and Bennett buildings and make progress on the Maurice Shock building.

9. It is possible that a further £800,000 will be made available from HEFCE next year for similar work. The group provisionally agreed that it would further consider priority areas utilising the criteria mentioned above.

10. The Estates and Facilities Management Division have nominated one member of their team to act as the disability co-ordinator within the Division who will examine all refurbishment or new build proposals from a disability equality perspective. Suitable training is to be identified and provided to her. The DDA PIT exists to oversee this work.

**Car parking**

11. Currently there are designated spaces for Blue Badge disabled parking. Additionally disabled members of staff with Blue Badges automatically receive the ability to park on Campus (issued permits and barrier access). However there are a number of staff who do not hold Blue Badges and request preferential parking such as bays closer to their place of work or a reserved space. There is no established system to provide these staff members with a reserved space. It is currently recommended to individuals that an Occupational Health referral is sought which details the reasonable parking space adjustments required in terms of location and times required. The Security Staff will then arrange to provide a suitable space. There is currently work being undertaken by Estates to plan further disabled parking
bays to meet the requirements of the known University Blue Badge holders and also to see if a number of spaces could be allocated for visitors if required.

12. Disabled students may obtain a permit to park on campus via the AccessAbility Centre. No other students are granted parking permits. Permits give a right to search for a space but not a right to a space. Currently only blue badge holders may utilise disabled spaces. It is possible that a disabled person cannot find a vacant space even though they have a permit. The impact on them in such circumstances can be very significant.

13. It is current practice that special arrangements are made for disabled staff members, students and visitors to park near to entrances when they need to attend events etc. This has been kindly agreed on an ad hoc basis. Arrangements are made by various parties and in various ways. Unsurprisingly such arrangements quite frequently breakdown. When this happens the impact on the disabled person is not just limited to being unable to attend the event. Time spent at the entrance barrier confirming arrangements is often stressful, time consuming and can be undignified. Staff are helpful but because arrangements have not been put in place the degree to which they can help is limited and I have been alerted to several occasions when disabled staff have sought an accessible space but in vain.

14. This situation is exacerbated by the fact that demand for spaces in total outstrips supply. However the impact on disabled people is very significant and potentially far reaching if they are unable to access such things as training events.

15. I have also been asked to request consideration be given to making disabled spaces wider so that disabled users are better able to utilise them. A detailed reasoning for this is outside the scope of this report and I imagine such a change will require considerable planning. However I recommend it be considered.

16. There are other elements to the question of transferring from car to place of work or event. Such issues as drop off points where helpers can easily deliver a member of staff to a good point of access. Additionally thought needs to be given to the situation of those who become temporarily disabled or whose condition varies from time to time.

17. The following is the planned approach to new arrangements due to commence in September 2011. The new permit application system will allocate permits based on need. Blue Badge staff will automatically receive a permit to park and access to the Blue Badge spaces. Other staff with a relevant disability will be awarded a high level of points that should guarantee them a permit and space in a convenient car park; it will not however give them access to the Blue Badge spaces but as parking permits will be allocated more stringently the chances of finding a space will rise. Occupational Health or the AccessAbility Centre will be required to detail the specific reasonable parking adjustments required in the same way they advise on any other workplace adjustments.

18. There is a need to agree a clear policy and thereafter to establish new systems and processes for disabled car parking. Additionally there is also a need for those who are commonly involved in such processes to receive training in equalities and particularly disability equality. It is suggested that the process for achieving this be agreed with the Director of Estates and Facilities Management.

A suitable working environment

19. In addition to the need for rooms to be accessible there are often further adjustments required to enable working environments to be suitable for disabled users. Sometimes these
are specific to individual requirements such as a quiet or warm environment but others can
be anticipated and should be universally available. For instance lecture theatres should all
allow wheelchair users to access and deliver lectures from the podium. Additionally they
should be able to do so without being obscured by the audio visual control equipment. For
such universal provision there is a need for an informed audit and programme of
improvement. It is suggested that this aspect of disability adjustment be part of the
responsibilities of the DDA PIT.

**The identification and implementation of reasonable adjustment**

20. The provision of reasonable adjustments make a significant contribution toward achieving
equality of opportunity for disabled persons. The statutory provision in this respect extends
to both staff and students. It is helpful to regard reasonable adjustments as normal and
relatively frequent requirements and in the case of employees are primarily the
responsibility of the disabled person’s line manager. In the case of students the duty requires
the University to anticipate adjustments and in each academic department an AccessAbility
tutor is appointed to oversee adjustments for disabled student in conjunction with the
AccessAbility Centre.

21. It is worthy of note that the University manages the provision of reasonable adjustment in
different ways for staff and students. In particular the skill set of the AccessAbility Centre is
not available to those tasked with delivering reasonable adjustments for employees.
Attention was drawn to this during consultation for the Single Equality Scheme and within
the Scheme Action Plan which anticipated that the services of the AccessAbility Centre be
extended to provide for staff.

22. It is suggested that this issue be considered by a Working Group including a representative
from the AccessAbility Centre and HR and the Equalities Adviser. The group also to be
tasked with producing a guide to reasonable adjustment so that for both staff and students
knowledge can be shared and a consistent approach ensured against the need to advance
equality of opportunity and achieve the other broad equality objectives explicit in the public
equality duties.

**Information and services**

23. When a disabled member of staff or student first arrives at the University or even more
particularly when an existing colleague is experiencing a newly diagnosed or a developing
condition they have no choice but to commence an often painful voyage of discovery. Not
only is it necessary to cope with the psychological pain of living with new impairments or
existing ones in a new environment there is the need to find out, usually through bitter
experience, where they can work and where they cannot, which is a wheelchair friendly
route and which is not, which is the shortest route for those who walk with difficulty, which
meeting room works for them and which do not, the location of suitable lifts etc. The
difficulty of this experience cannot be under estimated.

24. The University subscribes to a website designed to provide much of this information
(Disability Go). This provides a good starting point from which to assess, with disabled
colleagues, what additional guidance might prove useful. It is considered that the provision
of information for disabled be reviewed and this committee is invited to consider how this
should be achieved.
Culture and training

25. Reaction to needs that are specifically requested is often very positive in the University but the fact that they are not readily and automatically available means that disabled people are often placed at a disadvantage in ways that may not be readily perceived or understood. For instance the need to request a non standard service can be embarrassing, sometimes undignified, time consuming and tiring.

26. Sometimes reaction to disabled people can be significantly negative and this experience has recently been identified by disabled employees of the University. Often it appears that such behaviours are thought as well intentioned but are not experienced as such. Whilst this may appear to some as a sensitive reaction it could well be that a disabled person is able to see all too clearly the playing out of unconscious prejudice. Hence their experience stands in sharp contrast to other’s conscious intent.

27. Every case must be judged on its merits in this regard but it is contended that training in the area of disability equality awareness has the potential to considerably assist in improvements to the experience of disabled people and reduce the University’s exposure to vicarious risk.

28. There are not currently identified resources available to deliver such training. The Committee is asked to consider the benefit of this approach and how it might be best achieved.

Conclusions and Recommendations

29. Under each section of this report there is a suggested way forward though in some cases it is accepted that this Committee is asked to deliberate on how that might be achieved. As indicated in paragraph 2 this paper intends to launch a strategic approach and thus this work would be expected to extend over several cycles of this Committee.

30. At the heart of what is done however lies the imperative that the views of disabled people must be central to the debate. The law requires the University not only to consult with disabled people but to involve them in decisions about disability issues. An additional task, identified in the University’s Single Equality Action Plan, is to establish a group of disabled staff and students who can be involved in all the areas highlighted in this report. Following consideration of this paper and using it as a starting point for their involvement, the Equalities Unit will establish such a group and that they, directly or indirectly, be involved in all streams of work identified in this report.

31. I recommend that this report be used as a basis for the strategic management of disability in the University and that the Committee consider how work in each identified area should be advanced.

Chris Sharp
Equalities Adviser
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