

Disability equality

Campaigning for accessible
and inclusive workplaces



A TOOLKIT FOR BRANCHES AND MEMBERS



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Unions must challenge this because it is a lie, and it divides us.

INTRODUCTION

UCU campaigns for a better future for all. This document is based on the TUC's *Manifesto for Disability Equality* which sets out policies to achieve real equality for disabled people.

There are 10 million disabled people in Britain. Recent government policies have made many disabled people poorer through a series of changes to benefits and other support, though disabled people have shown inspirational resistance. At the same time, too many employers fail to carry out their legal duty to make the adjustments some disabled people need to work.

Government and some of our media paint a picture of disabled people who need financial support as scroungers. Many people believe them. Unions must challenge this because it is a lie, and it divides us. This manifesto aims to equip union activists with the policies and the arguments to challenge division and campaign for change.

THE EXPERIENCE OF DISABLED MEMBERS

UCU's own survey of disabled members (2015) showed that members are positive about initially disclosing a disability to the employer, colleagues and students but:

- Once in work there is a lack of information or proactive work by employers on Access to Work and reasonable adjustments. There is lack of awareness, no anticipatory action by employers, delays in, or no implementation.
- Members feel disability has worked against them in terms of development and career prospects and has made them more likely to face performance management. Barriers to promotion and capability procedures linked to sick leave were identified as major disability discrimination issues.
- Only a few members had access to disability leave rather than it being recorded as sick leave so many are targeted for performance management and redundancy. Also a pressure to go part time rather than address the disadvantage.
- A significant group have been undermined by senior colleagues and experienced unfavourable treatment including bullying.

- In terms of measures to challenge disability discrimination, it is the harder measures that are favoured such as training for senior staff, effective sanctions against perpetrators and improved support for disabled staff rather than the softer approach of mentoring schemes and disabled staff groups.
- Legislative support for the social model would force employers to address disability differently.



ACTION IS NEEDED TO PROMOTE DISABILITY EQUALITY

In regard to legislation, we call for

- the reinforcement, and effective enforcement, of the Public Sector Equality Duty (EA), and its extension to all employers and service providers including third party providers
- proper interpretation of the duty in the Equality Act 2010 to make reasonable adjustments
- a British Sign Language Act to give legal recognition to BSL
- improved legal recognition of disability hate crime and training rooted in the social model for the judiciary and police
- all laws impacting on disabled people (including the Equality Act 2010) to be reviewed and amended to make them compliant with the obligations under the UNCRPD.

We call for improved legal recognition of disability hate crime and training rooted in the social model for the judiciary and police.

There should be properly funded support for independent living.

Measures to ensure support for disabled people and carers

- properly funded support for independent living
- effective employment rights and decent pay and working conditions for carers
- the National Health Service trained, funded and resourced to support disabled people and carer
- current assessment systems determining access to benefits replaced with a single assessment process designed jointly with disabled people.

Greater support for disabled people at work and into work

- ending caps on Access to Work grants and significant



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...but employers are often scared to employ them or are quick to get rid of them.

increases in budget combined with a programme to inform both employers and disabled people of its availability

- sustained support for other employment programmes proven to have been effective such as Work Choice.

Support for disabled workers and students in education

- meeting the needs of all disabled students within an inclusive education system
- reinstatement of a disabled students allowance
- proper additional learning support for students
- meeting the access needs of disabled workers within education.

Establishment and promotion of a national training standard based on the social model of disability for employers and service providers

- training based on the social model is essential if government, employers and service providers are to eliminate discrimination from their practice and achieve equality and inclusion for disabled people.

MAKING YOUR WORKPLACE ACCESSIBLE TO ALL

UCU has been campaigning on all these issues and wants to know from branches and members what is happening on the ground. We know members are not getting the adjustments they need or are struggling to maintain agreed adjustments. We know that Access to Work cuts are having a huge impact on the ability to stay in work. We know from our 2015 survey that training for managers and proper awareness training on disability is lacking. We want your views.

This section is divided into issues facing members at work.

1. Reasonable adjustments

The majority of disabled adults can work (sometimes with adjustments) and want to work but employers are often scared to employ them or are quick to get rid of them. The law (the

Equality Act 2010) is meant to prevent unfair treatment and requires employers to make 'reasonable adjustments' to allow disabled workers to start or retain work, but too many either fail to understand or find ways of avoiding this.

The reasonable adjustment duty means that sometimes it is necessary to treat a disabled worker more favourably than a non-disabled worker: but this is only because this is needed in order to overcome the greater barriers faced.

But the truth is that many employers are now making it more difficult for disabled workers to get the adjustments they may be entitled to. The employer may be breaking the law, but the government has made people pay fees before taking a case to employment tribunal so many have stopped trying, not because they don't have a claim but because of stress and the fear of costs.

- Has your employer organised training?
- Have you had difficulties getting adjustments agreed?
- Have you had to wait for adjustments to be implemented?
- If you have had to wait for adjustments to be made, how long was this?
- Have there been attempts to change or remove your adjustments?

2. Access to Work fund

The cost of adjustments is usually small but sometimes not. The government's Access to Work scheme can fund a wide range of adjustments. UCU believes Access to Work is cost-effective and increasing its budget significantly would benefit everyone: disabled people, employers, and the government's income from tax. Instead, the government is capping the maximum grant to make it reach further - at the cost of deaf workers who use sign language interpreters in particular. Meanwhile, many employers remain ignorant of the scheme.

- Does your employer know about the Access to Work fund?
- Have you had cuts made to your Access to Work support?



Many employers are now making it more difficult for disabled workers to get the adjustments they may be entitled to.

*Has your employer organised training?
Have you had difficulties getting adjustments agreed?*



The current system for assessing eligibility for disability benefits has been shown to be unfit for purpose.

The government's new Universal Credit scheme has also been cut and will leave some low-income households worse off.

3. Training standard

It is vital that training is carried out based on the social model of disability if discrimination is to be eliminated by employers, government and service providers.

- What training is in place that staff, managers and leaders receive on disability issues?

4. A fair assessment system for benefits

The current system for assessing eligibility for disability benefits has been repeatedly shown to be unfit for purpose. Further radical changes are underway and the stated purpose of them is to reduce the numbers of people able to claim them, or to reduce the amounts received, despite the evidence that all this achieves is to make people poorer.

The government's new Universal Credit scheme has also been cut and will leave some low-income households worse off.

- How have the changes to disability benefits affected you?
- Have you been unfairly penalised through the benefit assessment and review process?

5. Access to transport

Twenty years after the first disability discrimination legislation, most public transport remains inaccessible to many disabled people.

Without accessible transport, anyone with mobility problems may not be able to get to work in the first place (let alone enjoy a normal social existence). Progress is being made but it is much too slow.

Lack of parking on site has also affected disabled members access to work.

Just 160 out of 2,550 railway stations are being made step-free.

In London, just 67 of 270 tube stations are step-free (as of 2015).

Cuts in staffing mean less assistance for many travellers including disabled people.

The picture is better for buses, where 61 per cent are now compliant; but rural bus services have been badly hit by cuts.

- Do you have challenges with public transport to work?
- Has lack of parking spaces (disabled or non-disabled spaces) hindered your access to work? Please give details.

Note: UCU policy is for members to reduce car travel and use public transport but it is recognised that this is often not an option for disabled members.

6. Independent living, care and work

Many disabled people are able to work because their support needs are met by employing carers. Others are enabled to play a part in society. The costs of care have been squeezed by funding cuts with the result that increasing numbers of disabled people are now forced to turn to the National Health Service. Everyone knows the many pressures the NHS is under to deliver healthcare and it is a false economy to cut the money spent on care for elderly and disabled people at the expense of the health service.

It also prevents disabled people from playing a positive role in society, and means some disabled people who can work (with support) are denied that opportunity to contribute to the economy.

UCU calls for a properly funded care service and for proper employment rights, pay and conditions for care workers.

The decision to close the Independent Living Fund (ILF) was a backward step. The ILF enabled 20,000 disabled people to play a full part in society including being enabled to go to work. Its closure meant that many are now being forced to abandon their independence and to move into residential care - which is actually more expensive than independent living.

UCU calls for the reinstatement of support for independent living.



UCU calls for a properly funded care service and for proper employment rights, pay and conditions for care workers.

The decision to close the Independent Living Fund was a backward step.



UCU has provided guidance for branches on carers at work:
www.ucu.org.uk/equality

- Does your employer support carers or understand through surveys or consultation how many staff are carers?
- Is there a workplace policy?
- How have changes to care support and the closure of the independent living fund affected you?

How have the changes to disabled students allowance affected students at your institution?

7. Access to education

It was once thought that disabled people were not worth the cost of educating. Then, for a long time, many were placed in separate ('special') schools and received little education. Slowly, it was recognised that integrating disabled children into mainstream education was better both for them and for everyone, provided additional support was available when needed. This is 'inclusive education'. From 2015, changes in education law mean big cuts in education for disabled young people as a result of closing down SEN (special educational needs) facilities in mainstream schools, changes to additional support for learners and changing access requirements to the disabled students allowance. These steps reduce many disabled young people's access to education, affecting their life chances including of finding decent employment.

Are disabled students disappearing from your college due to lack of additional support or access to apprenticeship schemes?

UCU calls for the reversal of these policies and for compliance with the call of the UN Convention for inclusive education.

- How have the changes to disabled students allowance affected students at your institution?
- Are disabled students disappearing from your college due to lack of additional support or access to apprenticeship schemes?

WHAT YOU CAN DO!

Trade unions have linked up with organisations led by disabled people to fight for disabled people's rights and equality, and challenge government policies that hit disabled people hardest. Now is the time to step up the resistance, to reach out to fellow workers, to talk to neighbours in our communities, to challenge politicians, to get our messages into local media, and to support disabled people when they take action against cuts or closures.

In your workplace

- Organise a discussion on this manifesto for disability equality. Invite a speaker to a meeting to talk about the social model and why UCU supports it. You might have a member who can do this, or ask for someone from the union's disabled members' structures, or union head office; or the TUC regional office for someone from the disability network; or the TUC disabled workers' committee.
- Contact a local disability campaign and invite them to talk about their activities (and offer to help make it possible for them to attend). Find out how you can support them. Check if they wish to support the manifesto.
- Make full use of UCU's resources on disability equality. www.ucu.org.uk/equality
- Plan how to spread the message among union members. Make use of newsletters and social media.
- Write letters to your local paper on the rights of disabled people. If you know people there, get them to publish an article. Get your views onto their website and online materials.

In politics

- If you have links with local political parties, lead a discussion on this document in a party meeting, and invite them to add their names in support.
- Find out what your local politicians think (MP, MEP, councillors). Ask for a meeting and take along this document. Persuade



Contact a local disability campaign and invite them to talk about their activities.

Write letters to your local paper on the rights of disabled people.



Sharing good news as well as challenges supports other disabled members. Please let us know your experience at work.

Does your employer support carers or understand through surveys or consultation how many staff are carers?

them to add their names in support and persuade them to support local disabled people's campaigns.

In the community

- Discuss disability equality wherever you can because it is vital to challenge divisive myths with the truth.

LET US KNOW

Sharing good news as well as challenges supports other disabled members. Please let us know your experience at work or of progressing equality for disabled members. Helen Carr, National Head of Equality and Participation: hcarr@ucu.org.uk

Reasonable adjustments

- Has your employer organised training?
- Have you had difficulties getting adjustments agreed?
- Have you had to wait for adjustments to be implemented? If so, how long?
- Have there been attempts to change or remove your adjustments?

Access to work

- Does your employer know about the Access to Work fund?
- Have you had cuts made to your Access to Work support?

Training

- What training is in place that staff, managers and leaders receive on disability issues?

Benefits

- How have the changes to disability benefits affected you?

Transport

- Do you have challenges with public transport to work?

- Has lack of parking spaces (disabled or non-disabled spaces) hindered your access to work?

Independent living and carers

- Does your employer support carers or understand through surveys or consultation how many staff are carers?
- Is there a workplace policy?
- How have changes to care support and the closure of the independent living fund affected you?

Access to education

- How have the changes to disabled students allowance impacted on students at your institution?
- Are disabled students disappearing from your college due to a lack of additional support or access to apprenticeship schemes?



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