

Do the duty – now!!

'Do the duty' is the slogan of the Disability Rights Commission in relation to the imminent introduction of the Disability Equality Duty. UCU members have already received advice in various forms about this, but on the eve of the coming into force of the duty, it seemed appropriate to draw all the main advice together in the form of answers to some FAQs.

Q1. What is the disability equality duty?

This is a new legal duty, introduced by the Disability Discrimination Act 2005, which means that every public body (including colleges and universities) will need to look actively at ways of ensuring that disabled people are treated equally. It's about including equality for disabled people in the culture of public authorities in practical and proactive ways.

Q2. When does it come into force?

On 5 December 2006. By that date, all colleges and universities must publish their disability equality scheme.

Q3. What acronyms do I need to know in order to follow all the advice available?

Advice on 'doing the duty' is littered with acronyms. The following are the most common: **DRC** Disability Rights Commission; **DDA** Disability Discrimination Act; **DED** Disability Equality Duty; and **DES** Disability Equality Scheme

Q4. What does the DED include?

All public authorities are subject to 'the general duty' (see Q5). Most public authorities, including colleges and universities are also subject to a series of specific duties (see Q6).

Q5. What does the general duty require?

It requires public authorities to take the following six steps:

- promote equality of opportunity between disabled people and other people
- eliminate discrimination that is unlawful under the Disability Discrimination Act
- eliminate harassment of disabled people that is related to their disability

- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life
- take steps to meet disabled people's needs, even if this requires more favourable treatment.

Q6. What do the specific duties require?

- publication of a disability equality scheme
- the involvement of disabled people in the development of the scheme.
- within three years, take the steps set out in the action plan
- publication of an annual report which must include a summary of the steps taken, the results of its information gathering and the use to which the information has been put.

Q7. What should be in the DES?

The DES must include:

- a statement of the way in which disabled people have been involved in the development of the scheme.
- the action plan, with specific outcomes and a timetable
- information-gathering arrangements
- impact-assessment arrangements
- use of the information gathered.

Q8. Who is covered by the DED?

DED applies to England, Scotland and Wales. In relation to colleges and universities, it applies to everyone involved – staff, students, potential students, visitors, contractors.

Q9. What is the role of trade unions?

The DRC makes frequent reference in its advice and code to the desirability of involving recognised trade unions. Ideally, you should have been involved in drawing up your institution's DES. This appears not to have happened in many institutions.

Q10. What should the branch/LA do now?

The DES is intended to be dynamic. The action plan should be reviewed on a regular basis. If

you have not been involved already, ask for trade union involvement in the review process. Demand that disability equality training is provided to allow your members to meet their new duties to students and prospective students. Ask for disability equality impact assessments on any new policies or practices.

Look out for future training/briefing events on the DED provided by UCU.

Q11. What difficulties are colleges and universities likely to face in meeting the DED?

The active involvement of disabled people is at the heart of the DED. Only 2% of the academic work force in post-16 education has declared a disability, despite the fact that 20% of the working age population are covered by the DDA. There is likely to be a massive incidence of under-disclosure. You might want to discuss with management ways of convincing staff that it is both safe and in their interest to declare a disability and to get involved in the DED.

Q12. Where can I get more information?

The DRC's statutory code of practice can be found at: <http://www.drc.org.uk>.

All their advice, including some specific to post-16 education, can be found at www.dotheduty.org.

The UCU detailed information can be found at: http://www.ucu.org.uk/media/pdf/0/t/ded_guidance_1.pdf

The Equality Challenge Unit for HE advice can be found at www.ecu.org.uk.

Taking the race equality campaign forward

Following the successful launch of UCU's Race Equality Campaign on 16 November 2006, the campaign to help employers in FE and HE speed up implementation of the Race Relations Amendment Act (RRRA) has got under way.

More than four years after the introduction of the RRRA, race equality policies (if they exist at all – some institutions still do not even have one!) often fail to reflect the uniqueness of the college or university. Some institutions charge fees for a copy of the policy.

Race equality impact assessments are rarely conducted, and may be undertaken after rather than before a change in policy or practice.

Two initiatives are already underway. UCU is currently working on a joint project with the Commission for Racial Equality (CRE) to promote good employment practice. The CRE has written to fifty colleges, asking for copies of their race equality policy and examples of the race equality impact assessments carried out. The exercise will identify areas of non-compliance and highlight areas of best practice. A report will be produced in January 2007.

Meanwhile, the Equality Working Party of the Association of Colleges and the Joint FE unions has agreed to work on updating the Joint Agreement on Race Equality produced in April 2002.

In HE, the Framework Agreement should continue to be used to achieve better race equality. The JNCHES Equality Forum is working on updating the advice on equal pay reviews, which covers race as well as gender and disability.

Letters

Dear Editor

I wish to draw attention to two items from my university with a strong equality slant.

The University of Gloucestershire best practice guide *Working towards an Inclusive Educational Experience for Disabled Students: legal requirements and examples of good practice*, originally published in 2003, has just been reissued as a second edition.

The guide is the result of collaborative work between the university's Centre for Learning and Teaching, the UCU branch, UNISON representatives and Student Services.

The publication not only supports students, but also looks after the interests of staff. It has been used in training and seminar sessions across the university and the revisions respond to feedback from staff and the new legislative requirements. The guide incorporates the national guidance, for example, on the recording of lectures to support students but at the same time protecting the intellectual property rights of staff.

The guide may be accessed from the UCU branch website at <http://www2.glos.ac.uk/ucu/pubs/inclusiveeducationalexperience.pdf>.

Hourly paid staff at the University of Gloucestershire are now experiencing the gains of the national pay and gradings structures of the Framework Agreement.

From 1 August 2006 the hourly rate will be between £45.82 and £48.61 for a comprehensive teaching hour. Policy and procedures for automatic transfer to fractional appointments have been operational at the University for several years based on a trigger point of number of hours worked within the academic year.

The national framework agreement, implemented both in intention and spirit, has been a seriously good vehicle for improvement of the pay, terms and conditions of part-time staff (fractional and hourly-paid).

The key agreements which include the above arrangements may be found at <http://www2.glos.ac.uk/ucu/pubs/newphb.htm>.

Sandra Jeans, Branch Chair, University of Gloucester

Editor's Note:

We welcome contributions from members telling us of good and bad practice at particular colleges and universities.

Code of Practice for Gender Equality Duty finalised

The Equal Opportunities Commission (EOC) laid the final version of the Code of Practice on the Gender Equality Duty (GED) before parliament on 15 November. By law, it must lie there for 40 days before ratification, but it is very unlikely that it will change now. It is on EOC's website at www.eoc.org.uk/default.aspx?page=19689

There are a number of significant changes from earlier drafts of the code. Three changes stand out. It will now be a requirement to do a gender equality impact assessment on all policies and practices, current and proposed, and not just on new proposals as in the previous draft. There is now a requirement to 'consider the need to include objectives to address the causes of any gender pay gap.' A very roundabout way of saying that you probably need to do an equal pay review! Best of all, the code now makes explicit the legal requirement (which is in the regulations themselves) to consult with trade unions, something which is encouraged but not required in relation to the race and disability duties.

The code is the essential tool for beginning work on drawing up the gender equality scheme in your institution, and will be available in hard copy from The Stationery Office in January.

Although the GED comes into force on 6 April 2007, gender equality schemes will not now have to be published until 30 April, because of the short time that the code will have been available. UCU will be producing detailed guidance on the GED early in the new year.

Combating extremism on campus – or more Muslim-bashing?

There was much disquiet within UCU when a leak to *The Guardian*, published on 16 October, revealed that the government had drafted a document designed to counter what they described as Islamic extremism on campus. The proposals included asking lecturers to spy on 'Asian-looking' and Muslim students they suspect of involvement in Islamic extremism, and expecting university staff to inform on students to special branch. UCU's joint general secretaries held meetings with Bill Rammell, Minister for Lifelong Learning, and sought and obtained a common approach from like-minded organisations, such as NUS and the Equality Challenge Unit (ECU).

As a result, the document, when published on 17 November (under the snappy title *Promoting Good Campus Relations: Working with Staff and Students to Build Community Cohesion and Tackle Violent Extremism in the Name of Islam at Universities and Colleges*) was considerably less objectionable than the draft version leaked to *The Guardian*. It drops the demands for lecturers to report on students, and the tendency to negatively stereotype Muslim students has been much reduced.

A joint statement from NUS, UCU, UNISON, FOSIS (Federation of Student Islamic Societies) and ECU welcomed the improvements, but expressed caution.

The joint statement recognised the threat of terrorism, and the need to stop those who advocate or carry out attacks. However, it called for the guidance to concentrate more on concrete steps to improve good campus relations, and a recognition that demonising Muslims is unacceptable and dangerous. It emphasised the need for absolute respect for academic freedom, and opposed any criminalisation of legitimate debate. 'All institutions should have a robust strategy for defeating racism and Islamophobia and promoting better race relations on campus.'

The full text of the joint response is available on the website at www.ucu.org.uk/media/pdf/6/s/campusjstatement.

The full text of the government document can be found at www.dfes.gov.uk/pns/pnattach/20060170/1.txt.

The Equality Unit would be interested to hear from any members who feel they are being put under pressure to spy on students.

Quotation corner

'We have just enough religion to make us hate, but not enough to make us love one another.'
(from *Thoughts on Various Subjects*, Jonathan Swift, 1667-1745)

Delay to new sexual orientation regulations

The regulations to outlaw discrimination on the grounds of sexual orientation in the provision of goods and services should have come into force in October. Instead, their introduction has been delayed until the spring. It is believed that the delay was due to hard lobbying from Christian groups to seek exemptions, particularly in relation to schools and adoption agencies.

The Department for Communities and Local Government, responsible for the implementation of the regulations, is headed up by Ruth Kelly, whose religious affiliations are well-known, and there were calls for her resignation (including from UCU) if her religious views did not allow her to champion equality for LGBT wholeheartedly. However, the department said it was nonsense that anyone was trying to block the regulations, and the delay was simply caused by the large number of responses.

On 21 November the regulations for Northern Ireland were published, to come into force on 1 January 2007. At a quick reading, they appear to provide equivalent protection to the Employment Equality Sexual Orientation Regulations. The exemptions for religious bodies appear to be restricted only to doctrinal matters.

It is unlikely that the government would produce significantly different legislation for Northern Ireland and the rest of the UK, although the continued delay in publication is a matter for concern.

Cuts to ESOL provision

A new dimension has been added to the cuts in adult education funding. On 18 October, the government announced that the existing universal entitlement to free ESOL training up to level 2 (GCSE equivalent) is to be removed.

From 2007/8, fee remission will only be available to those receiving means-tested benefits and tax credits. Asylum seekers over 19 will also not be entitled to funding. In reality, most ESOL students are low-paid, do not receive benefits, and cannot afford to pay for courses.

This is an extraordinary measure to take for a government which is always going on about the importance of community cohesion and integration. Clearly one of the prerequisites of community cohesion is that everyone can communicate in the same language. The loss of skills to the labour market because of language problems could also be enormous. UCU will be making these changes to ESOL provision a major plank in its campaign against adult education cuts. The Equality Unit would welcome evidence from ESOL teachers of the effect of the cuts.

Get in touch

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