

Some FAQs on the Disability Equality Duty

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 did it come into force?

On 5 December 2006. By that date, all colleges and universities must have published 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
- 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/local association be doing 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:

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.