

Response from UCU to the public consultation on 'Improving specialist disability employment services'

UCU [the University and College Union] represents nearly 120.000 lecturers and academic related staff in post-school education. It is a matter of major concern that in both the further and higher education sectors, the number of lecturers declaring a disability is very low – between 2 and 4% of the workforce. UCU is striving to improve the position of disabled academic staff who work, or seek to work, in our sectors. It has become very clear to us that one of the key factors in keeping our disabled members in employment is the Access to Work Scheme. [ATW] Therefore this response will focus entirely on Chapter 5 of your consultation document, and will primarily be an answer to Questions 23 and 25.

This response is based on points made by our national Disabled Members' Committee, and on e-mail messages received from our Disabled Members' electronic network.

Firstly, it is clear that for many of our members, continuing in work would be impossible without the packages of support [taxi fares to work, human facilitation, specialist equipment etc] substantially funded by Access to Work. Here are two of the comments I have received.

“If funding for essential equipment from Access to Work disappears, I do not think I would ever get any extra equipment without having to fight for years with the university. I am working and being an active member of society because I use certain equipment to facilitate my work.”

“The specialist equipment provided for me under the Access to Work scheme in 1996 was key to my being able to retain my job after my sight problems developed. The fact that ATW paid for this equipment removed entirely from

the equation a significant layer of costs and risks and eliminated a major range of frictions that might otherwise well have arisen between my superiors and myself.”

While it is true that there are frustrations with the scheme, in particular the bureaucracy involved, and the waiting time before equipment is provided/ adjustments made, overall our members’ main problem with the current arrangements is that the employers don’t understand the scheme, have to be chivvied into making use of it, and in some cases are unaware of its existence. ATW needs to be much more highly advertised than it is.

In colleges and universities which are constantly obsessed with their budget, even an initial outlay of £300 is a disincentive for appointing a disabled applicant rather than one whose employment would require no particular expenditure. Therefore, the suggestion that the current level of employer contributions be increased would exacerbate the problems. We wonder who would be included in your suggestion in paragraph 20 that the largest employers might be “encouraged” to pay the entire costs. If this were to include the large universities, we think we can see the end of employment for any disabled academics who require expensive specialist equipment or substantial physical adaptation of the premises in order to work effectively, thus worsening the already deplorable record of employing disabled staff in HE.

As for the suggestion in paragraphs 23 – 25 that there is consideration being given to removing Access to Work from the public sector altogether, and that funding for disability adjustments for staff be met from general running costs, our disabled members reaction to this suggestion can only be described as one of horror. Nobody believes for one moment that employers would not find ways of avoiding having to employ or retain staff who need expensive equipment or adjustments to enable them to do their jobs.

Here are some of the comments I have received:

“At the meeting of our Disability Equality Advisory Group a couple of weeks ago, much was being made of the need to publicise the Government funding,

and the university's commitment to ensuring improved practice in recruitment and for existing staff. I don't for one moment think this enthusiasm would survive loss of funding. It is my view that any pretence at best practice will just vanish without the funding support."

"If equipment will depend only on the funding of the employer, the employer will find ways of employing other people so they can save the expenditure"

"If ATW funding were withdrawn, colleges would inevitably become more reluctant to accept that adjustments requested by disabled lecturers were "reasonable"

The assumption in paragraph 24 that public sector employers will willingly take responsibility for funding workplace disability adjustments for their staff because "the public sector must strive to be exemplar employers of disabled people" seems to us to be na_ve [or cynical] beyond belief. It is very clear to us that unless there is some compulsion, or real compensation such as the provision of totally water-tight ring-fenced funding to institutions, then they will simply find ways of not employing staff on whom they will have to spend money.

You will be aware of the major report released earlier this week by The Commission for Disabled Staff in Lifelong Learning, in which all the major stakeholders in the sector were involved. The report has a section on Access to Work, and I will include copies of the relevant pages, which contain more evidence of the views of staff, with the hard copy of this response, which I will post. One of the report's major premises was that recruitment of and provision for disabled students had improved immensely in recent years but that the same was not true for disabled staff. Clearly the difference is funding. Colleges and universities see disabled students as a source of extra funding. They see disabled staff as an expense – and that will be much more the case if ATW is withdrawn from the public sector.

There is no denying that staff with certain types of impairment require extra funding in order to be able to work. What possible justification is there for saying that private sector employers should be helped with the costs through

ATW whereas public sector employers, who are usually struggling with their budgets anyway, will not be helped with the costs? It seems particularly unfair in that public sector employers, but not private sector ones, have to meet their responsibilities under the Disability Equality Duty, increasing significantly their need for support from ATW just at the time when that support might disappear.

Not only is the possibility of withdrawing ATW funds from the public sector fundamentally unfair. It is also very bad business sense. ATW is good value for money, keeping workers in employment and paying taxes, rather than receiving benefits. The Government has embarked on a new drive to encourage disabled people back into work. How will this be helped by increasing the disincentives towards employing disabled people faced by the public sector employers? There is already concern over the time and money spent in taking DDA cases through the Employment Tribunal system. Removal of ATW is likely to significantly increase the litigation over what is a “reasonable adjustment”, and thus increase the costs on the tribunal system.

If the public sector is to do as the Prime Minister’s Strategy Unit’s report recommends, and lead the way on the employment of disabled people, it needs the help and support of a better ATW scheme. ATW needs to be fully funded, with no need for employer contributions. It needs to be much better advertised, as there is strong evidence that many disabled people and indeed, many employers, do not know about it. It most certainly does not need to be withdrawn from the public sector. Such a step would be little short of a disaster.

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