



Disabled Members' Newsletter

No 4 ● November 2012 – Conference Special

Contents

- 1. Welcome!**
- 2. New UCU Guidance for Disabled Members**
- 3. UK Disability History Month 2012**
- 4. International Day of Persons with Disabilities**
- 5. Mental Health Update**
- 6. Holes in the Safety Net Report**
- 7. Disabled People March for a Future That Works**
- 8. Tribunal Win Could Plug Legal Gap for Disabled Agency Workers**
- 9. Commission Launches Final Disability Related Harassment Report**
- 10. Spartacus campaign release 'The People's Review of the Work Capability Assessment'**
- 11. Cuts to Courses for Disabled Staff and Students – Your Feedback**
- 12. Regional Equality Networks Survey**

1. Welcome

Welcome to all attending the UCU Disabled Members' Conference. Today we celebrate Disability History Month and take forward our work on reasonable adjustments, disability leave, collective negotiations and individual casework.

It's also a chance to share your experiences of being active in the union or learn what others are doing in their branch and their region. The conference is your chance to influence UCU policy and priorities.

To make sure you get further copies of this newsletter and other information, sign up to the UCU disabled members' e-network. Contact James Taylor (jtaylor@ucu.org.uk) to get your email address added.

Best wishes,

Pat Roche

Chair of the National Disabled Members' Standing Committee

2. New UCU Guidance for Disabled Members

The Disabled Members' Standing Committee in conjunction with the UCU Equality Unit have produced a number of new publications for disabled members since the last issue of the Disabled Members' Newsletter. Visit our disabled members' resources webpage to download a copy of all our resources.



<http://www.ucu.org.uk/disabres>

You can also ask for hard copies by emailing egadmin@ucu.org.uk

We have recently added new briefings on **Reasonable Adjustments** and **Disability Leave**, and earlier in the year launched a guide to **Disclosing a Disability at Work** that has proved extremely popular. UCU has also recently helped to negotiate a joint equality agreement for for all FE colleges in England and Wales that has been agreed with the Association of Colleges. You can download the agreement and guidance on how to get your college to adopt it at the Equality homepage.

Check the Equality homepage regularly for the latest UCU Equality publications and news.

<http://www.ucu.org.uk/equality>

3. UK Disability History Month 2012



22nd November - 22nd December

**Changing Lives, Changing Times:
Challenging the Ideas that Lead to Hate Crime**

UK Disability History Month runs from the 22nd of November to the 22nd of December. This year the theme is **"Changing Lives, Changing Times, Challenging the Ideas that Lead to Hate Crime"**. This covers HIV/AIDS Day (1st December), International Day of People with Disabilities (3rd Dec – see item 4) and International Human Rights Day (10th December). It also follows on directly from Anti-Bullying Week (19th to 23rd November).

UCU is encouraging its members to attend UKDHM events and to tell us about any events they set up of their own. You can find out about UKDHM and planned events at their website here:

<http://ukdisabilityhistorymonth.com/>

UCU also continues to promote its popular Disabled People's History Wallchart. You can download a copy here:

http://www.ucu.org.uk/media/pdf/4/h/ucu_disposter.pdf

or request a hard copy at egadmin@ucu.org.uk

4. International Day of Persons with Disabilities - 3 December 2012

The 3rd of December marks the United Nations International Day of Disabled Persons. The theme for 2012 is "Removing barriers to create an inclusive and accessible society for all" You can find out more about the day and how to commemorate the occasion on the UN website here:

<http://www.un.org/disabilities/default.asp?id=1597>

5. Mental Health Update

The Equality Committee has a working group looking at mental health with a view to producing a toolkit that can be used by branch officers. We are currently surveying UCU staff about the kinds of issues related to mental health they are encountering.

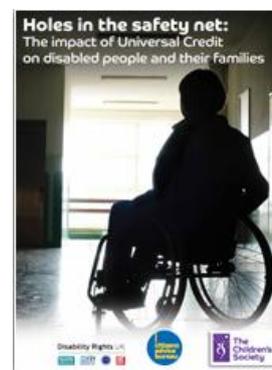
You can download UCU's case study briefing on supporting members with equality issues here: <http://www.ucu.org.uk/index.cfm?articleid=2306>

TUC Trade Unions and Mental Health Resource List

The TUC has added a Mental Health Resources List to its website. It includes recommended publications from the trade union movement, advice aimed at employers, an general materials of use to individuals. Access the resource list here: <http://www.tuc.org.uk/equality/tuc-21516-f0.cfm>

6. Holes in the safety net

A joint report on the impact of universal credit on disabled people by The Children's Society, Disability



Rights UK and Citizens Advice was published on October 17th.

Up to half a million disabled people and their families - including children and disabled adults living on their own - will be worse off under Universal Credit if current plans go ahead, found an inquiry led by Baroness Tanni Grey-Thompson and supported by The Children's Society, Citizens Advice and Disability Rights UK.

Disabled people and their families warned that cuts to the Child Disability Additions and to the Severe Disability Premium are likely to result in them struggling to pay for basic essentials such as food and heating.

Baroness Tanni Grey-Thompson said:

"The findings of this report do not make easy reading. The clear message is that many households with disabled people are already struggling to keep their heads above water.

"Reducing support for families with disabled children, disabled people who are living alone, families with young carers and disabled people in work, risk driving many over the edge in future."

You can access the report on the Citizens' Advice Website here:

<http://www.citizensadvice.org.uk/universalcredit>

7. Disabled People March for a Future That Works

Disabled people made up a significant number of the thousands who took part in the October 20th march for a Future that Works through London, Belfast and Glasgow. The new UCU Equality Banner was out in force and garnered many admiring comments along the route! There was positive and widespread media coverage of the event. One of our disabled members Rob Murthwaite was interviewed on the BBC News Channel on behalf of our affiliates Disabled People Against the cuts, where he gave an erudite account about why disabled people had come out to protest in their thousands. You can watch the interview here:

<http://www.youtube.com/watch?v=nILPstGiigI&feature=youtu.be>

Here are a couple of photos from the day.....



Sharon Sweeney (centre) of the DMSC Marches with UCU colleagues in Glasgow



National Head of Equality Helen Carr (right) proudly displays the new UCU Equality Banner in London

8. Tribunal win could plug legal gap for disabled agency workers

A disabled woman sacked by a council from her temporary post after taking time off with depression has won an employment tribunal case – after a three-year legal battle – that should help other disabled agency workers fight discrimination.

Camden Council had tried to argue that Corrie Pegg had no right to protection from disability discrimination laws because she had been signed up through a recruitment agency as a contract worker. But with the backing of the Equality and Human Rights Commission (EHRC), Pegg won an appeal that should clarify the law for other agency workers.

An employment appeal tribunal ruled in April 2012 that the council did owe her legal duties under the Disability Discrimination Act, which was still in force at the time she was sacked from her job as a school travel planning officer. Following that appeal win she finally had her case heard by an employment tribunal last month. Pegg had had depression since 2003 and had managed her condition well, but she became unwell after a series of bereavements. After seeking treatment in her own time, she spent a week in a mental health respite centre in June 2009. Two months later, she was admitted to hospital, and then received visits at home from the community mental health team. She was told 12 days later over the telephone that she had been sacked because of poor attendance and punctuality.

Last month, an employment tribunal concluded that the council had failed to make the necessary reasonable adjustments for her mental health condition, and that she had been subject to harassment through internal emails discussing her mental health.

An EHRC spokeswoman said: "This case could start to plug the current and worrying gap in the law in respect of agency workers' rights.

"There was an urgent need to be able to clarify the legal position of agency workers with regard to discrimination claims as so many people are affected and this case has now gone some way towards achieving that."

Download UCU's Reasonable Adjustment briefing here:

http://www.ucu.org.uk/media/pdf/2/1/Reasonable_Adjustments.pdf

9. Commission launches final disability related harassment report

The EHRC's 'Out in the open: a manifesto for change' report was published on the 23rd of October. This follow up report to 'Hidden in plain sight' includes a summary of agencies' (including UCU's) formal responses to the disability related harassment inquiry, and finalises those recommendations in 7 strategic areas. The report and formal responses can be found on the Commission's website at:

<http://www.equalityhumanrights.com/disabilityharassmentfi>

This 'Manifesto for change' sets out recommendations for action over the next five years. The first part of the inquiry, concluded in September 2011, highlighted systemic failures by organisations in preventing and responding to disability related harassment. It found that incidents were often dealt with in isolation; disability was often not considered as a possible motivation; barriers to reporting and recording were apparent across all sectors; with poor justice and redress for individuals and perpetrators facing few consequences. Out in the open: a manifesto for change summarises formal responses from relevant organisations and finalises these recommendations, following consultation with agencies, one year on.



Out in the open: a manifesto for change

Stopping harassment of disabled people

Harassment is when people are treated very badly

Easy Read

The original inquiry report, [Hidden in plain sight](#), set out draft recommendations to tackle the key issues it raised. Following the launch of the report these recommendations were consulted on to see whether they were the right ones and likely to be effective. Key relevant organisations were asked for a formal response to the recommendations, 81 formal responses were received and the three national governments published their commitments. Each response is a public statement by that organisation of what they have already done to make progress, and more importantly, what they plan to do. These responses, taken together, show how our recommendations are likely to be met in coming years. [The responses are published on the Commission's website.](#)

Ownership of the recommendations will sit with the authorities they are directed at and many have set out how they are taking the recommendations forward. The Commission will ensure that consideration of the findings, and the recommendations from the Inquiry inform our own work and where appropriate monitor the performance of organisations that have a specific responsibility to tackle disability-related harassment. The Commission will measure a key aspect of tackling disability related harassment, reporting,

recording and recognition, over the next 1, 3 and 5 years. The Commission will be looking for a reduction in the gap between incidence of disability related harassment and numbers that are reported, recorded and prosecuted.

10. Spartacus campaign release 'The People's Review of the Work Capability Assessment'

On November 12th the [Spartacus Campaign](#) released a new campaign report 'The People's Review of the Work Capability Assessment'. It analyses the failures of the Government's Work Capability Assessment and the Employment & Support Allowance system, which is supposed to support people who are too sick or disabled to work.

The report examines the stories of more than 70 people who have been inappropriately assessed, forced to go to tribunal, felt humiliated or treated inappropriately. It comes prior to the publication of the final review of the Work Capability Assessment by Professor Harrington, who steps down as advisor to the DWP this month, and whose resignation was announced in July, just days after the broadcast of two TV documentaries exposing the reality of claimants' experience of the assessment process.



It raises serious concerns about the number of people who have died after being told by the DWP they were 'fit for work' or have taken their own lives in circumstances where applying for ESA and going through the WCA appear to be factors in their deaths.

UCU member Professor Peter Beresford OBE, professor of social policy at Brunel University and chair of Shaping Our Lives, said:

"The work capability assessment is unreliable and unhelpful, as well as being arbitrary and cruel... No-one – not the doctors who make the assessment decisions, nor Atos which has responsibility for providing assessments, nor the Department of Work and Pensions which commissioned them – takes responsibility for the problems and failures in the system. It's a perfect storm of irresponsibility and unaccountability."

The report also includes an analysis of the position of a number of professional and regulatory organisations on the WCA, including the British Medical Association, the Royal College of Nursing, the General Medical Council, the National Audit Office and the Citizens Advice Bureau, as well as Government statements and background information on Atos, the company employed to carry out the assessments.

'The People's Review of the Work Capability Assessment' is available for download at: <http://wearespartacus.org.uk/wca-peoples-review>

11. Cuts to Courses for Disabled Staff and Students – Your Feedback

UCU would like to hear from members who have had courses or support for disabled staff or students cut at their institution. We have recently received notification of sweeping cuts to dyslexia provision in FE institutions, with entire teams being taken away. If you are aware of cuts to courses for disabled students of staff such as Dyslexia, British Sign Language or any other, please let us know by contacting jtaylor@ucu.org.uk

12. Regional Equality Networks Survey

UCU is surveying members about existing regional equality networks, as it looks to examine how these are currently working, and how they can continue to be developed and improved upon. The Equality Committee has requested the opportunity to review the progress being made with regional networks and to discuss whether to approach increasing participation and the voice of members with protected characteristics differently. Please respond to the survey online via the link you can find at this location

<https://www.surveymonkey.com/s/eqregionalnetworks>

Or request a hard copy from eqadmin@ucu.org.uk

If you would like to be added to the UCU Disabled Network and receive updates on disability issues, please contact eqadmin@ucu.org.uk with your email address.

Equality Home:

<http://www.ucu.org.uk/index.cfm?articleid=1868>

Disabled Members' Resource Centre:

<http://www.ucu.org.uk/disabres>