NADSN National Association of Disabled Staff Networks

Select Committee on the Equality Act 2010 and Disability
House of Lords
London
SW1A 0PW

11th September 2015

Dear Baroness Deech and Members of the Select Committee,

1. We submit this written evidence to the Select Committee on behalf of the National Association of Disabled Staff Networks (NADSN, http://nadsn-uk.org).
2. NADSN is an independent, self-determining, non-governmental organisation.
3. NADSN is an umbrella "super-network" that brings together disabled staff networks, groups and fora across the United Kingdom and beyond, focussing on institutes of higher and further education (i.e. universities, colleges, etc), but open to any interested organisation (public, private, social or voluntary). NADSN is a collective platform to share experiences and good practice, and to examine challenges and opportunities.
4. We use the words "disabled" and "disability" in their widest possible senses, and endorse the social model of disability.
5. We welcome the establishment and purpose of this Select Committee and appreciate the opportunity to contribute to its work.
6. We asked members of the Association at the 46 organisations across the UK involved in NADSN to provide their views and experiences of the areas that this Committee is interested in. The timing of this inquiry has been unfortunate for us as many colleagues at universities and colleges have been away on their summer holidays and are only just starting to return. This has meant that we have not received as many responses from members of NADSN as we would have otherwise. Nevertheless, we represent the responses we have received here:

The achievements of the Equality Act 2010 in harmonising disability discrimination law:

7. The experiences of disabled colleagues since the introduction of the Equality Act 2010 have been mixed. For instance, there appear to be some improvements in the physical access to some public buildings, but little or no recognition by local councils of the need to keep transport routes, such as pavements, accessible to enable travel to and from places of work and recreation; pavements in major cities remain an obstacle course for disabled people manoeuvring their way around shop signs and shop furniture, disabled people face risks attempting to cross roads safely, trying to access dropped kerbs often blocked by vehicles and facing difficulties getting around major building projects that impact on our roads and pavements. This lack of joined

up planning is reflected in a feeling that change is sporadic, slow, and inconsistent.

8. There is little or no information in the public realm informing disabled people of their rights and providing information about what they can expect. Where information exists, it is often online and requires a considerable amount of time to find. Unfortunately, staff working in public bodies are not proactive in sharing information with customers.

9. Although there is some evidence that public bodies, such as local councils, are thinking about the Equality Act 2010, there is disappointment about the overall implementation of the Act. It is felt that the Equality Act 2010 is not yet embedded into UK culture.

How effective the public sector equality duty has been in practice:

10. Although information is required to be collected by public bodies (including universities and colleges) about their disabled staff, openness and collaboration in looking at the information gathered for future planning is not yet common practice. The opportunities disabled staff networks offer for real collaboration with employers often remains unrecognised and underutilised. As a result, planning for disabled staff in meeting employer's obligations and duties is often decided by management only. This leads to disabled staff being left feeling frustrated and ignored.

Reasonable adjustments, and how well this concept is understood and implemented:

11. The experiences of colleagues in the Association in relation to reasonable adjustments have been mainly negative.

12. A colleague with a brain injury and visual impairment required reasonable adjustments, i.e. a large-screen monitor and magnification software in the workplace. They informed their prospective higher education employer about their disabilities and the adjustments they required and accepted the job. Even though the employer had three months to organise the adjustments before the start of this employment, the adjustments were not organised. Using their own determination and persistence, our colleague contacted the Disability Advisor in the workplace. This resulted in the magnification software being installed online with a month free trial, obviously one month was not long enough for them to continue doing the job. Due to this, they had to leave. This example demonstrates how the onus can fall on the disabled employee to manage the organisation or realisation of their own adjustments, in addition to managing their impairments, and how this can lead to the disabled employee losing their job beyond their control.

13. A colleague with similar disabilities worked in a university library and had their reasonable adjustments organised by their employer. However, this colleague wasn't guaranteed access to the PC with the adjustments they required installed. Their colleagues in the library felt uncomfortable asking other staff to leave the PC available. This led to considerable stress and a period of absence due to ill health. On returning to work, our colleague was told that managers couldn't stop other staff from using the PC that had the necessary adjustments, but that they didn't have to work if they didn't have access to that PC!

Understandably, this colleague felt very upset that their employer didn't understand disability, and in practice didn't offer the support and reasonable adjustments required. Ironically, a number of courses on disability equality are run at that university!

14. The view was also expressed that disabled people do not want non-disabled people to feel sorry for us. Disabled people want the necessary tools and conditions provided as reasonable adjustments so that we can do our jobs, get to work, pace activities, use a PC, etc. Disabled people experience too many non-disabled people treating them inappropriately, taking over and doing the work for them. Disabled people often find themselves discounted on the basis of assumed inability when opportunities to engage in new activities arise, rather than being asked if they would be interested in exploring with them how reasonable adjustments might be used to support them. One colleague mentioned that it felt ironic that the focus appears to be on the institution's public image, being perceived to understand disability equality by running disability-awareness courses, but in practice not actually understanding the practicalities of access at all and not providing reasonable adjustments to their disabled staff.

15. It is reasonable for university students to expect accessible teaching, but for disabled teaching staff it is difficult to get adjustments in place to access the resources to make it possible for them to teach!

16. Reasonable adjustment rights and duties are not fully understood by disabled people and employers in higher education. In higher education, the development of services to improve the implementation of reasonable adjustments for students has grown but understanding reasonable adjustments for employees and managers has remained poor. "Reasonable" has been insufficiently defined, which allows for too little clarity over what is "reasonable". This leaves the workplace open to debates and discussions about what is or is not "reasonable". This can be very off-putting to disabled employees and prevent them from requesting reasonable adjustments in the first place.

17. Managers are unsure where the knowledge and responsibility for the judgement of what constitutes "reasonable" lies within higher education institutions, or elsewhere (e.g. the government). Employees are unclear about what their rights are and who can help them with information and resources relevant to assessing reasonable adjustments in their employment. This environment leads to the situation that employees do not always feel comfortable making a request for fear of being viewed as a "problem".

18. Even when there is full commitment to fulfilling the legal requirement to be "reasonable", the lack of definition as to what this means can work against cultural change. Since the law focusses on individuals, there has not been a cultural shift yet towards structurally embedding the Act in practice and into a day to day awareness. Hence, there is a lack of progress in the implementation of the anticipatory duties of the Act.

19. The experiences of our colleagues is that there are discrepancies between how different employees are treated in the workplace. For example, in some cases full-time staff appear to receive better treatment in comparison to part-time staff. This is experienced across sectors, not just in higher education.

20. Within higher education there is a strong and positive focus on students and much expertise in supporting disabled students. Unfortunately, this expertise is

not applied to disabled staff. As a result the development of inclusive workplaces and learning spaces for employees has not yet emerged.#

21. Further, the focus on students being required to declare a disability in order to access "reasonable adjustments" for their studies, ensures they access specialist departments where the knowledge about "reasonable adjustments" is held by specialists and experts. This is not available to disabled employees and, as such, acts as a block to wider cultural changes that would benefit disabled staff.

22. The imbalance between support for disabled students and disabled staff results in a negative impact on those disabled students who look to transition into employment in higher education. Such students go through their education with good support, reasonable adjustments, etc. Then, as soon as they become members of staff in higher education, they find themselves without that same level of support.

23. PhD researchers have a particularly complex and confusing position, as they often are student and staff at the same time. This requires attention.

24. There is a "tick box" culture. For example, lots of higher education institutions have disabled staff networks, but the institutions do not support these groups with adequate resources (financial or other forms). This results in the situation that network chairs and convenors often attend meetings and work on behalf of networks in their own time, using annual leave to attend conferences paid for with their own money. Employers are, on the one hand, keen to have access to disabled staff to consult in relation to their equality strategy action plans and to demonstrate that they are meeting their legal obligations. On the other hand, employers are not fully supporting disabled staff working for and representing the networks and the institutions.

25. The lack of resources also leads to the situation that networks are good for disabled staff to provide and receive peer support but that it can be very difficult to get colleagues to engage with them. If disabled staff networks were to receive better resources, support and time to attend meetings etc. in the workplace, disabled staff networks could offer better support to disabled colleagues and be a forum of expertise for employers. For instance, when there are issues in the workplace related to disabilities and reasonable adjustments, networks can offer a useful channel for issues to be progressed, escalated and resolved internally by reporting them to Equality & Diversity Committees etc. Networks can also help disabled staff access training towards confidence building, developing leadership skills, create opportunities to meet with disabled colleagues from other sectors to challenge poor practice at work and share experiences of good practice, to mention just some.

26. There have been positive experiences where employers/managers have been proactive in implementing "reasonable adjustments". As well as the positive practical impact of being able to work, Association members also indicated that they found the practical implementations helped them to feel valued and seen as equal. Sadly, these experiences are outnumbered by the negative ones. Worse still, when things go wrong, disabled staff tend to feel unable to access tribunals, often exhausted from the process they leave, in addition to their existing disabilities.

27. When considering the journey to work, there are mixed experiences with public transport. Although bus and taxi companies in major cities appear to be making progress, train providers remain far behind in showing an understanding of their

responsibilities for implementing reasonable adjustments. For instance, the "priority seating" in train carriages might lack clear directions to passengers as to the purpose of these seats, apart from a sign requesting these seats are given up for people who need them. In effect this means that disabled passengers do not have access to seats at busy times as non-disabled passengers voluntarily decide to "give up the seat". This can create a humiliating experience for a disabled person as they have to request the whole carriage or particular individuals to vacate a priority seat, which is particularly difficult for people with invisible disabilities as they are then judged by the non-disabled passenger as deserving the seat. This is an example in public transport that understands disabled people as second class citizens who are not actually given priority, or are not expected to be travelling at peak times. Before arriving at work, disabled people already face many obstacles.

28.   We hope the evidence above will contribute usefully to your inquiry and look forward to your report.

Many thanks in anticipation.

Yours sincerely,

Dr Hamied A Haroon   &   Ms Jacquie Nicholson
for the Founding Steering Group
National Association of Disabled Staff Networks (NADSN)
http://nadsn-uk.org/