



# **University Disability Equality Scheme for the University of Nottingham: 2006-2009**

This scheme is available at: <http://www.nottingham.ac.uk/>

**For further information, contact:** [@nottingham.ac.uk](mailto:@nottingham.ac.uk)

This document is available in alternative formats upon request

## **Introduction from the Vice-Chancellor**

The University of Nottingham is committed to equality of opportunity and is keen to achieve an inclusive environment for staff, students and stakeholders, in which all its provision, policies and procedures, including the curriculum, are accessible.

The University has been a forerunner in the area of disability support for students and taken a pro-active approach to the responsibilities placed on universities by the Special Educational Needs and Disability Act (SENDA) 2001, by developing a University Disability Plan for Students 2005-2007. The development of this plan has provided a welcome opportunity to review all aspects of provision, to take stock of existing arrangements, to canvass the views of our students and staff and to identify any gaps in provision. We have now extended this work and I am pleased to introduce the University's Disability Equality Scheme and the associated Disability Plans for Staff and Stakeholders.

Whilst we believe that in many areas we have a good track record in providing accessible education and services, we recognise that more can be done to improve inclusivity across the whole University. As Vice-Chancellor, I am aware of the need to improve continually and to develop provision, and the process of developing the University Disability Equality Scheme and its Disability Plans for Students, Staff and External Stakeholders has enabled us to identify priorities for the future. I am particularly pleased to be able to share with you our plans for some of the ways in which we intend to improve access for students, staff and community members who are disabled.

**Professor Sir Colin Campbell**  
**Vice-Chancellor**

**Foreword**

The University of Nottingham is committed to excellence in the advancement and communication of knowledge and is aiming to consolidate its position as a world class institution, sustaining research and teaching of the highest standards. People are central to achieving this goal and consequently, the University wishes to recruit and retain staff and students of the highest calibre. Only by ensuring equality of opportunity can the University be confident that it is recruiting from the widest available pool of talented individuals. Our Equal Opportunities Policy sets out how the University will promote equal opportunities regardless of race, gender, disability, age, religion or sexual orientation, in the delivery of its services to students , in the employment of staff and in its relations with stakeholders.

This document is the University of Nottingham’s first Disability Equality Scheme (DES) and forms an integral part of the University Equal Opportunities Policy. While recognising the importance of formal policy documents, the University is acutely aware of the importance of ensuring that the principles and practice of equality of opportunity are firmly embedded in its cultures and systems.

The University is committed to ensuring disability equality in its service provision and in its responsibility as a provider of higher education to students, as an employer and as a member of the broader community. This Disability Equality Scheme (DES) provides an overview of how the University will promote equality of opportunity for its disabled staff, students and disabled external users of University services. It is an overarching document which is to be read in conjunction with a series of three Action Plans as is shown below (Figure 1).

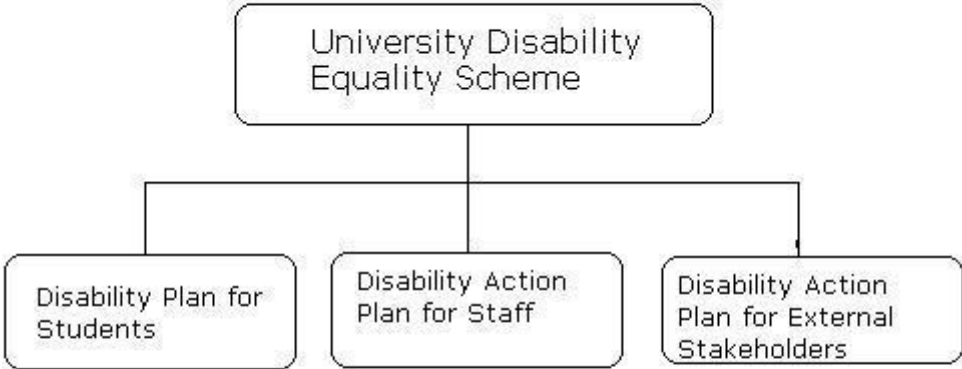


Figure 1: The University of Nottingham’s Disability Equality Scheme

The Disability Action Plan for Staff has been newly developed as part of the DES and covers the period 2006-09. It is a three year rolling plan which will be updated during the period as necessary and at a minimum, annually. The Disability Plan for Students is an existing university-wide document which is supported by a series of action plans at School and Unit levels. This document will be revised in 2007 for the period 2007-09. The Disability Action Plan for External Stakeholders is also newly developed for the purposes of formulating the DES and will cover the period 2006-09 and is also a three-year rolling plan with provision for updating. Each Disability (Action) Plan sets out how we intend to reinforce our commitment to equality of opportunity and identifies how objectives within the Plans will be delivered and how performance against target will be monitored.

## **1 Introduction**

The Disability Discrimination Act 1995, as amended by the Disability Discrimination Act 2005, places a statutory General Duty on all public authorities to promote disability equality. The 2005 Act provides an increasingly robust legislative framework which requires public authorities, including universities, to actively promote disability equality. This means that public authorities must, in carrying out all functions, have due regard to the need to:

- Eliminate unlawful discrimination.
- Eliminate unlawful harassment.
- Eliminate unlawful victimisation.
- Promote equality of opportunity between disabled persons and other persons.
- Take steps to take account of disabled persons' circumstances, even where that involves treating disabled persons more favourably than other persons.
- Promote positive attitudes towards disabled people.
- Encourage greater participation by disabled people on the life of the University and in public life more generally.

The University recognises that promoting equality is essential to its desire to achieve excellence in the advancement and communication of knowledge and to consolidate its position as a world class institution. Our aim, therefore, is to embed equality in the culture and systems of the University by ensuring that policy making, service delivery and employment practice are all equality oriented.

## **2 What is a Disability Equality Scheme?**

### **Statutory Requirement**

The Disability Discrimination Act 2005 imposes a number of specific statutory duties on the University. These duties are intended to assist public authorities in meeting the General Duty, in particular by setting out what public authorities should do to plan, deliver and evaluate action to eliminate discrimination and promote equality.

The core requirements are:

- The preparation and publication of a Disability Equality Scheme.
- Implementation of the Disability Equality Scheme (via an action plan in the scheme).
- Annual reporting.

The University's Disability Equality Scheme meets these requirements, contributes toward our aim of promoting good equalities practices and ensures that we will meet the needs of our disabled students, staff and external stakeholders. This Scheme sets out our overall objectives for improving and addressing disability inequalities and is supported by the Disability Action Plans for staff, students and stakeholders. It will therefore help us to achieve a number of things:

- Make sure that we are taking the needs and views of disabled people into account when we design or deliver services, make access improvements or develop policies.

- Continuously monitor and improve the ways in which we deliver services to disabled people.
- To meet the requirements of the Disability Discrimination Act 2005 and set out our plans to improve disability access to employment, education and services.

In addition to the Disability Discrimination Act 2005, this Scheme supports compliance with the Special Educational Needs and Disability Act 2001, the Building Regulations 2000 (including amendments 2003) and the Fire Precautions (workplace) regulations 1997 (as amended 1999). This Scheme also anticipates future disability legislation and recognises that, as a public body, the University's duties in this area are likely to expand.

### **Developing the University of Nottingham DES**

Responsibility for the development of the University's DES lay with a Disability Equality Scheme Task Force (DEST). The Task Force, chaired by a senior academic, comprised Heads of key service areas (Academic Office, Human Resources, Estates, Nottingham Hospitality, Information Services, Commercial Services), the chair of the Advisory Group on Disability and two disabled members of the University. The DEST was responsible for developing the broad framework for the DES, identifying key issues to be addressed and overseeing the process of producing the DES. Initial feedback on the draft documentation was provided by members of the DEST. Once an agreed draft was produced, all recorded disabled members of the University were specifically invited to comment on the contents. Comments were also invited from the broader University community and the draft document was posted on the University web site. Feedback from within the University was received from both disabled and non disabled people through both written and verbal communication. A summary of findings from the internal consultation exercise is contained in Appendix 3.

Ad hoc consultation with external bodies is to be complemented by the establishment of an external advisory group of disabled people and representatives of organisations of disabled people drawn from the local and national disabled community to provide feedback on the evolution of the DES. Feedback was also received from the HEFCE Equality Challenge Unit during the process of developing the DES.

Revisions were agreed with the DEST following this consultation exercise and the DES was passed for approval initially to the University's Equality and Diversity committee and thence to Senate and Council.

## **3 Implementation of the Disability Equality Scheme**

It is essential that this Disability Equality Scheme and its Disability Action Plans are implemented in an appropriate and timely fashion. A generic Action Plan for implementation is outlined in Appendix 2. More specific and detailed plans for implementation are associated with the individual Disability Action Plans for Staff, Students and External Stakeholders. Responsibility of the implementation and monitoring of the DES rests specifically with the University's Equality and Diversity Committee which is responsible to both the University Senate and the University Council. All members of the University have a responsibility for

promoting an inclusive environment within the University and for not discriminating, harassing or victimising individuals on the grounds of disability.

The DES specifically relates to the University and its operations within the UK. However, as part of its organisation wide commitment to equality of opportunity, the University is committed to ensuring that the principles and policies associated with this DES will, where possible, apply at the University's overseas campuses in Malaysia and China, although the University recognises that social and cultural differences may impact on the extent and speed of implementation of the DES in relation to non UK based staff and students.

#### **4 The Position of Disabled Staff and students within the University.**

The purpose of this section is to review the current position of disabled students and staff within the University, to understand their status and representation and to draw comparisons, where appropriate, across groups within and without the University. As contextual information, the disabled population within Nottingham is 7.1% and within the East Midlands is 5.3% based on figures from the Office of National Statistics (measured in relation to economic activity). Nationally, the comparable figure is around 8% and probably closer to 18% if dyslexia is included in the figures.

##### **4.1 Staff Data by Disability**

The University's statistics indicate that 135 members of staff have declared themselves as disabled. This represents 2.1% of the University's workforce. It should be noted that individuals are often reluctant to declare themselves as disabled. A recent survey of staff suggested that 2.8% is a more representative figure of disability across the workforce. This is low by comparison with national figures, although not out of line with the position for the University sector as a whole, as shown below.

**Table 1: Staff declaring as disabled (numbers)**

	No declaration	Declared as disabled	Total
Female Staff			
Research and teaching	977	24	1115
APM	1438	29	1489
Manual and Technical	736	18	828
Total	3151	71	3432
Male Staff			
Research and teaching	1694	34	1907
APM	393	8	410
Manual and Technical	778	24	849
Total	2865	66	3166

**Table 2: Staff declaring as disabled (percentages)**

	Female	Male	Total
Research and teaching	2.2%	1.8%	1.9%

APM	1.9%	2.0%	1.9%
Manual and Technical	2.2%	2.8%	2.5%
Total	2.1%	2.1%	2.1%

Table 3: Staff declaring as disabled in Staff Survey

Gender	Grade Group	Declared as disabled	Percentage	Total Staff
Female	Research & Teaching	29	2.6%	1115
	APM	40	2.7%	1489
	Manual & Technical	24	2.9%	828
Female Total		93	2.7%	3432
Male	Research & Teaching	44	2.3%	1907
	APM	12	2.9%	410
	Manual & Technical	39	4.6%	849
Male Total		95	3.0%	3166
Grand Total		188	2.8%	6598

**Table 4: Staff declaring as disabled – Nottingham compared with the University sector as a whole (2004-05)**

	% Disabled staff as for University of Nottingham	% Disabled staff for the University sector
Total all staff	2.0%	2.4%
Managers	1.3%	2.5%
Academic Professional	1.8%	2.1%
Non Academic Professionals	0.6%	2.5%
Laboratory, Engineering, Building, IT	2.3%	3.3%
Student Welfare Workers, Careers Advisor	3.1%	3.6%
Artistic, Media, Public Relations, Marketing and sports	0.0%	2.0%
Library Assistants, Clerks and General A	2.5%	2.7%
Secretaries, Typists, Receptionists	1.5%	2.1%
Chefs Gardeners Trades	0.9%	3.3%
Caretakers Sports Nursery Carers	0.0%	2.2%
Retails Customer Service	0.0%	2.2%
Drivers Plant Operatives	0.0%	2.2%
Cleaners Porters Security Manual	3.4%	2.9%

Source: HESA Statistics 2004-05 based on Disabled staff as a percentage of staff with known disability status

#### 4.2 Students by Disability

In 2004-05, the statistics indicate that the number of students declaring a disability at registration increased slightly from 5.2% to 5.7% of the student population (excluding University of Nottingham Malaysia Campus, University of Nottingham Ningbo Campus and students from the Schools of Nursing and Continuing Education not on the main campus). More detailed statistics are available at:

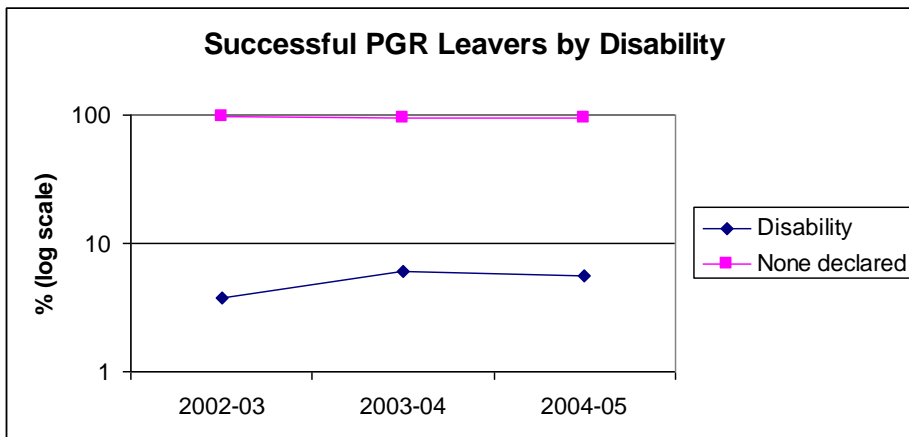
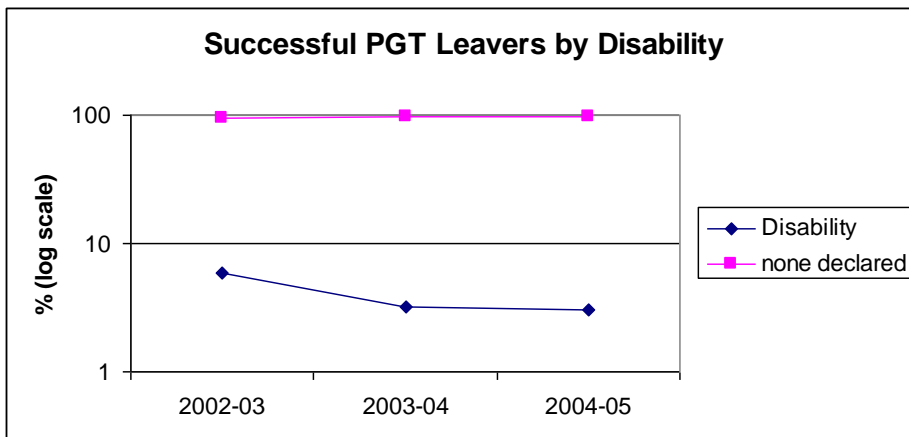
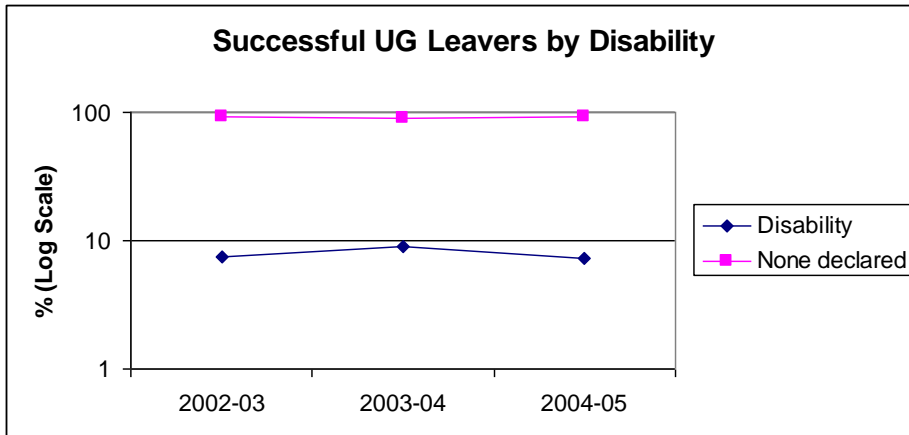
<http://www.nottingham.ac.uk/planning/statistics/2004-05/list-excel.htm>.

#### Distribution of Undergraduate Applications, Offers & Acceptances by Disability & Faculty

The number of offers made to candidates who declare as disabled are in line with the number of applicants from candidates declaring as disabled.

	<b>Declared Disability</b>	<b>No Declared Disability</b>
<b>Arts</b>		
Applications	5%	95%
Offers	5%	95%
Accepts	4%	96%
<b>L&amp;SS</b>		
Applications	4%	96%
Offers	5%	95%
Accepts	5%	95%
<b>Science</b>		
Applications	4%	96%
Offers	4%	96%
Accepts	5%	95%
<b>Engineering</b>		
Applications	5%	95%
Offers	6%	94%
Accepts	9%	91%
<b>Medicine</b>		
Applications	4%	96%
Offers	5%	95%
Accepts	3%	97%

#### Student Leavers Breakdown by Disability



## 5 Communicating the Disability Equality Scheme

Disability equality means different things to different people. Disability occurs because barriers hinder disabled people from taking a full part in the community. This is the social model of disability and is defined as;

*“the recognition that primarily it is the loss or limitation of opportunities, due to environmental and social barriers, that prevents people who have impairments from participating in society on an equal level with others.”*

The University subscribes to the social model of disability and accepts that disability is a social phenomenon. This Disability Equality Scheme clarifies the University's approach to eliminating disability discrimination and in particular, emphasises the need to focus attention on the elimination of the barriers to inclusion that create disability. These barriers may vary from the infrastructural (buildings, transport), through to the informational (access to text, electronic media), the organisational (inflexible policies and procedures) and the social (stereotyping and prejudice).

It is important that all staff across the University implement the same approach and form a common understanding of the social model of disability. This Scheme outlines the work that will be needed to develop this common understanding and our approach to customer care and service provision.

A detailed explanation of how the Disability Discrimination Act defines disability is available in *Appendix 1*.

## **6 Current Provision**

### **6.1 Staff**

The University has developed a range of policies, procedures and guidance documents in the area of disability and staff. Namely:

- Equality Code of Practice for the Preparation of RAE 2008 Submissions.
- Exceptional Performance Bonus & Special Contribution Recognition Bonus Policies.
- Disability Targets.
- Guidance on Chronic Illness at Work.
- Guidance on Equality & Diversity in Recruitment & Selection.

In addition, many of the initiatives undertaken as part of the development of the Disability Plan for Students, have direct impact on staff including those developments and policies relating to

- Ensuring greater accessibility to buildings
- Ensuring that circulation routes around campus are accessible
- Alternative Format Service
- Building Access Plans
- Emergency Evacuation for disabled people

At University level, the University Counselling Service provides a free confidential service available to undergraduate and postgraduate students and to all members of University staff. It offers an opportunity to individuals to talk in confidence about a range of problems including mental health issues, (both short and long term) and develop alternative ways of dealing with their situation.

The service works within the ethical framework for good practice as published by British Association for Counselling and Psychotherapy. All counsellors are professionally qualified and experienced. As part of good professional practice the Counsellors will discuss their work with external supervisors who also work within the BACP Ethical Framework.

There is a half-time HR Adviser and a half-time HR Assistant who support work in the area of diversity including disability.

Academic Support is a first port of call for information and advice for disabled students and for staff. Academic Support Tutors also provide training and awareness sessions for staff via SEDU. Academic Support recruits, trains and co-ordinates allocation of practical academic support workers (e.g. note takers, mentors, library support) and Disability awareness is a central part of this training.

The consultation undertaken as part of the development of the DES revealed that many members of the University were not fully aware of the extent of current provision in the area of disability and improved communications have been identified as a key action point.

## **6.2 Students**

The University has a **Disability Policy Advisory Unit** whose remit is to be responsible for promoting access for all disabled students and applicants by influencing the development of policy and procedures relating to disability, and ensuring their compliance with part IV of the Disability Discrimination Act (DDA) 1995. It does this by engaging in advisory, developmental, monitoring and evaluation work on a University wide basis and is specifically involved in overseeing the implementation of the University Disability Plan for Students.

There is also the **Academic Support** team who provide a personal and practical approach to academic study and opportunities for both undergraduate and postgraduate students to develop their study strategies. Academic Support is a first port of call for information and advice for disabled students and for staff. Academic Support Tutors provide advice and information to departmental and school staff about dyslexia and disability related issues, and individual student's needs. This includes alternative assessment arrangements and advice on supporting students in class, on field trips and on study abroad. Academic Support provides exam recommendations, timetabling referrals, parking referrals and are also piloting a Sports Centre referral scheme.

The Pre-Entry Disability Database (PEDD), which gathers information from a range of university services, is co-ordinated via the Academic Support Disability Team. This enables the university to provide information and advice to disabled students in good time, and to ensure that support is in place as soon as possible at the beginning of term.

Academic Support runs an annual Early Induction Programme (EIP) for some disabled home and International students. Working closely with academic schools and other services across the university, it offers students the opportunity to complete some administrative tasks, meet their tutors and settle in before the start of term. There is also a social element to this programme, which is informed by PEDD. EIP allows the institution to meet its responsibilities under DDA and SENDA. It also delivers specialist academic support for dyslexic students and

disabled students as well as having a recognised Assessment Centre for those who wish to apply for Disabled Students' Allowances.

A range of policies, procedures and guidance documents have been developed including:

a) University Disability Plan for Students

b) Quality manual requirement relating to students who have a disability. This short guide provides a brief summary of existing facilities and services for students who have a disability. The guide can be made available in alternative formats on request.

c) Policy

- Admissions Procedure for disabled applicants or applicants who have a long-term medical condition
- Examinations: Alternative Arrangements
- Recording of lectures
- Registration and Module Registration: Alternative Arrangements
- Teaching Timetable Arrangements
- Emergency Evacuation for disabled people

e) Resources

- Alternative Format Service  
The Service produces appropriate materials in braille and alternative formats for students with visual impairments or other learning difficulties.
- Building Access Plans
- HEFCE Disability Premium funds: made available twice per year to anyone who is a member of the University community interested in developing initiatives that improve provision for students/prospective students who have a disability, dyslexia or long-term medical condition. All applications must be approved by the Head of School or Head of Service. Bids are reviewed by a sub-group of the Advisory Group on Disability.
- University Counselling Service provides a free confidential service available to undergraduate and postgraduate students and to all members of University staff. (See above)
- University Space Management Committee has an annual budget to support continual improvement in the physical environment of the University, including enhancing accessibility.
- The University has commissioned special DDA consultants' access audit of all internal and external areas on all campuses.
- Work implemented and completed to date established a compliant standard within an operational framework for all campuses.
- Estate Office have pc based DDA technical specification and requirement software with all project officers/surveyors trained to implement new standards.
- External specialist access consultancy has been retained for specialist non-standard advice and refresher training as required.

- Specialist non-anticipatory adjustments are continuously addressed through funding provisions within Space Management Committee addressing identified needs of staff, students and users of University campuses.

f) Networks

- Disability Liaison Officer (DLO) Network: each School appoints a DLO to provide a point of reference, advice and guidance for members of staff and students in the School about disability issues and support. The DLOs are part of a network that meets regularly to share information and good practice. DLO's liaise with the Disability Policy Advisory Unit and Academic Support, as necessary, in relation to individual students and general policies and procedures.

### **6.3 External Stakeholders**

The University has a diversity of external stakeholders including casual visitors to the campus, conference delegates and suppliers of goods and services.

Developments in the physical environment of the campus which have been put in place with students and staff in mind have also served to improve accessibility for both casual and conference visitors.

- Nottingham Hospitality has developed systems and procedures to ensure accessibility for disabled conference delegates.
- The University's Procurement Policy and standard conditions of contract require suppliers to comply with Government legislation to prevent unlawful discrimination of any form and also to have staff who are fully trained in this area.
- As part of the Disability Action Plan for External Stakeholders, the University will continue to monitor its interactions with suppliers, with casual visitors and with conference delegates to ensure that it continues to promote accessibility and equality.

## **7 University's Commitment to Disability Equality**

The University's approach is to mainstream activities across all services in order to ensure that disabled people are able to access and use services, and are not discriminated against, directly or indirectly, for reasons of disability.

These aims, therefore, set the context of achieving equality of opportunity for all. We aim, in partnership with others, to deliver services of consistently high quality.

The Disability Equality Scheme forms an integral part of the University equality policy framework, and plays an important part in the University's commitment to equality issues.

The University has developed an Equality and Diversity Framework which consists of our Equality and Diversity Committee, a joint committee of Senate and Council, which is supported by our Advisory Groups on Disability, Gender and Race

Equality. These Advisory Groups have representation from both staff and students to help achieve the University's aim of improving and developing provision in the equality and diversity area.

The aim of the work of the Equality and Diversity Committee, which is chaired by a Lay Member of Council, is to co-ordinate and oversee the overall equality and diversity goals in appropriate areas of University activity, taking into account relevant legislation and good practice to meet the requirements of applicants, students, staff, including external contractors and visitors, so far as is reasonable. The Advisory Groups support the Equality and Diversity Committee in this objective. As of Academic year 2006-07, the Advisory Groups will co-ordinate their monitoring of equality and diversity issues to ensure that all relevant aspects of the University's activity are monitored on a consistent basis.

All staff involved in recruitment and selection activities are expected to undertake Equality and Diversity training. More generally, all staff at the University are encouraged to undergo Equality and Diversity training and awareness of equality and diversity issues is now an integrated part of the induction process for new staff. The courses reinforce the messages that the University values the diversity of the University community.

## **8 Review, Monitoring and Development of the DES**

The DES is subject to three-yearly review and this process will be managed via the University's Equality and Diversity Committee. Annual reviews on progress in relation to specified action plans will be provided to Equality and Diversity committee via the Advisory group on Disability. It is anticipated the existing Disability Plan for students and its associated action plans will be reviewed in 2007 and will refer to the period 2007-09 to bring its review cycle into line with that of the DES and its other constituent elements.

More generally, because the University recognises that the involvement of disabled people is critical to the success of this Disability Equality Scheme, the views of this group will be particularly actively solicited as part of the review and monitoring process and representatives of this group will be actively involved in the process. In particular, we will seek to establish networks through which disabled members of the University can raise issues of concern regarding University policy and practice and we will establish mechanisms for these networks to provide feedback to relevant committees within the University, thus ensuring that our management of disability equality is embedded within existing systems and procedures.

## **9 Monitoring For Adverse Impact**

The University recognises the need to collect, store, analyse and respond to data in order to:

- Highlight possible inequalities.
- Investigate the underlying causes of inequality.
- Remove any unfairness or disadvantage.

Many functions of the University are responsible for 'service delivery'. It is important to identify which groups are using the University's services as a first step to considering ways of reaching underrepresented groups, and making sure that services are targeted and provided fairly.

The University recognises that disabled people with different impairments can experience different barriers to service provision. It will be necessary at times to monitor outcomes according to impairment type to capture this information.

## **10 Impact Assessments**

The University recognises the need for carrying out impact assessments of proposed functions and policies as well as existing ones. The arrangements set out above for screening and monitoring existing functions and policies are essentially impact assessments in that they represent a systematic way of finding out whether a function or policy has a differential effect on some or all disabled groups. An impact assessment of proposed policies differs in that it helps the University to identify potential rather than actual inequalities and provides the opportunity to respond appropriately in advance fulfilling the anticipatory duty of the legislation.

The University acknowledges that impact assessments are an integral part of policy making, and that the assessment should begin as soon as a relevant new policy is considered.

The initial impact assessment will be carried out in the way described above, based on existing knowledge and data *and focus on areas of high relevance*. Where the impact assessment points to a possible differential effect on disabled groups, Schools/Departments/Central Services must develop a response to eliminate this differential impact along with the timescale for the intended action and the officers responsible.

Further guidance on Impact Assessments is available at:

<http://www.nottingham.ac.uk>.

## **Appendix 1**

### **The Disability Discrimination Act**

The Disability Discrimination Act (DDA) makes it unlawful to discriminate against a disabled person in relation to employment. The Act recognises that discrimination may occur in two ways:

- A University treats a disabled person less favourably than they treat (or would treat) non-disabled people, for a reason related to their disability, and the treatment cannot be objectively justified.
- A University fails to make reasonable adjustments for a disabled person, and this failure cannot be justified.

In the case of the latter form of discrimination, the nature of 'reasonable adjustment' is key. Where, for example, a physical feature (eg buildings, furniture, or fittings) or criteria and practices (for recruitment, selection or promotion, for example, in the case of staff or for enrolment and service provision, for example in the case of students) cause a substantial disadvantage to a disabled person (compared to a non-disabled person) the University has a legal duty to make reasonable adjustments. The following are stated in the Code of Practice as examples of reasonable adjustments:

#### Staff:

- allocating some of the disabled person's duties to another person
- transferring the person to fill another vacancy
- altering the person's hours of work or training
- assigning the person to a different place of work or training
- allowing the person to be absent during working or training hours for rehabilitation, assessment or treatment
- giving, or arranging for, training or mentoring (whether for the disabled person or any other person)
- acquiring or modifying equipment
- modifying instructions or reference manuals
- modifying procedures for testing or assessment
- providing a reader or interpreter
- providing supervision or other support

#### Students:

- acquiring or modifying equipment
- modifying 'carrier language' text
- modifying procedures for examination or assessment
- providing a reader or interpreter
- providing Personal Assistance in connection with academic matters
- making appropriate adjustments to course delivery
- assessing a students requirements in a timely manner

#### All stakeholders

- making adjustments to premises

Whether any particular adjustment is considered reasonable depends upon a range of factors which might include:

- the effectiveness of the step in preventing the disadvantage
- the practicality of making the adjustment
- the financial and other costs of the adjustment and the extent of any disruption caused
- the nature of the impact on other employees or students
- the extent of the University's financial or other resources
- the availability to the University of financial or other assistance to help make an adjustment the nature of the University's activities, and the size of its undertaking

## **DEFINITION OF DISABILITY**

### **What the Act means by disability**

Disability is defined as:

“A physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.”

Explanations of:

### **Impairment**

The definition covers physical and mental impairments. These include:

- physical impairments affecting the senses, such as sight and hearing
- mental impairments including learning disabilities and mental illness (if it is recognised by a respected body of medical opinion)

### **Substantial**

For an effect to be substantial, it must be more than minor.

The following are examples that are likely to be considered substantial:

- inability to see moving traffic clearly enough to cross a road safely
- inability to turn taps or knobs
- inability to remember and relay a simple message correctly.

### **Long-term**

These are effects that

- have lasted at least 12 months, or
- are likely to last at least 12 months, or
- are likely to last for the rest of the life of the person affected

Long-term effects include those which are likely to recur. For example, an effect will be considered to be long-term if it is likely both to recur, and to do so at least once beyond the 12-month period following the first occurrence.

### **Day-to-day Activities**

Day-to-day activities are normal activities carried out by most people on a regular basis, and must involve one of the following broad categories:

- mobility - moving from place-to-place
- manual dexterity - for example, use of the hands
- physical co-ordination
- continence
- the ability to lift, carry or move ordinary objects
- speech, hearing or eyesight
- memory, or ability to concentrate, learn or understand
- being able to recognise physical danger

The Government has issued guidance, under the Act, about whether impairment has a substantial or long-term effect. This guidance does not in itself impose legal obligations on an employer or service provider, but a tribunal or court must when considering a complaint about discrimination take into account any of the guidance which appears to be relevant.

### **Particular cases or conditions:**

#### **Severe disfigurements**

The Act's definition treats severe disfigurements as disabilities, although they have no effect on a person's ability to carry out normal day-to-day activities.

If, however, the disfigurement consists of a tattoo which has not been removed, non-medical body piercing, or an object attached through such a piercing, regulations have the effect of ensuring that this would not be treated as a disability.

#### **Impairments helped by treatment or artificial aids**

Medication or equipment (such as an artificial limb) which helps impairment is not taken into account when considering whether impairment has a substantial effect.

For example, a person who wears a hearing aid to improve their hearing is considered to have the hearing loss that would exist without the use of the aid. An exception is when people wear glasses or contact lenses - it is the effect on the person's vision, while wearing their glasses or contact lenses that is considered.

If, however, the treatment is likely to cure the impairment, this should be taken into account in assessing whether the impairment is long-term.

#### **Progressive Conditions**

The Act covers progressive conditions where impairments are likely to become substantial. Examples of progressive conditions include:

- cancer
- HIV infection
- multiple sclerosis
- muscular dystrophy

The Act covers people with these conditions from the moment that there is a noticeable effect on normal day-to-day activities, however slight.

For example, a person with multiple sclerosis would be covered from the time they first developed symptoms that affect their ability to carry out normal day-to-day activities. They would not be covered just because the illness had been diagnosed.

### **Genetic Predispositions**

The Act does not cover people with a gene that causes a disability unless they develop the disability. For example, people with the gene that causes Huntington's chorea are not covered if they do not have the condition. People are covered as soon as the first effects on normal day-to-day activities appear.

### **Past Disabilities**

The definition covers people who have had a disability in the past. If a person once had a disability which is covered by the Act, they are still protected if they have recovered. This applies even if they recovered before the Act came into force.

### **Fluctuating impairments**

If an impairment has had a substantial adverse effect on normal day-to-day activities but that effect ceases, the substantial effect is treated as continuing if it is likely to **recur**; that is, if it is more probable than not that the effect will recur. For example, a person with rheumatoid arthritis may have an impairment that has a substantial adverse effect, but which then ceases to be substantial (i.e. the person has a period of remission). In this case the effects should be treated as if they are continuing, and are likely to continue beyond 12 months, if:

- the impairment remains, and
- at least one recurrence of the substantial effect is likely to take place 12 months or more after the initial occurrence.

This would then be a long-term effect.

If an impairment has had a substantial adverse effect on normal day-to-day activities but that effect ceases, the substantial effect is treated as continuing if it is likely to recur; that is if it is more probable than not that the effect will recur.

### **Impairments which are excluded**

The following conditions are not to be treated as impairments for the purposes of the Act:

- Addiction to or dependency on alcohol, nicotine or any other substance (unless the addiction resulted from the substance being medically prescribed).
- Seasonal allergic rhinitis (e.g. hay fever) except where it aggravates the effect of another condition.
- A tendency to set fires.
- A tendency to steal.
- A tendency to physical or sexual abuse of others.
- Exhibitionism.
- Voyeurism.

## Appendix 2: Implementation of the DES

Making sure the Disability Equality Scheme is put into practice:			
<b>Purpose: To ensure compliance with our duty to promote equality of opportunity for all by ensuring that disability equality is mainstreamed into all policies, functions and procedures of the University.</b>			
<b>Objective</b>	<b>Action</b>	<b>Outcome/PI</b>	<b>Timescale</b>
To implement the Disability Equality Scheme	Prepare action/project plan(s) to review functions, policies and procedures, and all other elements of the Scheme	Completion of action/project plan(s)  Increased awareness of disability equality across the University	Ongoing from December 2006
Identification of managers' responsibilities regarding the implementation of the Disability Equality Scheme	The requirement to promote disability equality	Increased emphasis given to disability equality within all decision making across the University	Ongoing from December 2006
To provide assistance in the implementation of the Scheme to Schools, Departments and Central Services	Guidelines and advice to be developed and disseminated	Increased awareness of disability equality and the implementation of the Disability Equality Scheme	By April 2007
Review the Disability Equality Scheme in light of developments	The Scheme will be reviewed in full every 3 years with intermediate annual reviews	Revised Scheme  Continued updates to the Scheme	Annual assessment with full review in 2009
To raise awareness of the Scheme	Scheme made available via the University's web site and in alternative formats	Increased awareness of the University's commitment to eliminate discrimination	Ongoing from December 2006
To monitor the implementation of the Scheme	Annual monitoring and reporting of Disability Equality Scheme action plan tasks	Satisfaction across the University via Advisory group and EDC of the progress made under the Scheme  The Scheme is revised if necessary	Annual assessment and monitoring as part of the University Diversity Report

### **Appendix 3: Findings from the DES Consultation Exercise**

The internal consultation exercise has a particular focus on feedback relating to provision for staff, largely because of extensive earlier consultation around student provision which resulted in the development of the University's Disability Plan for students and its associated Action Plans.

The following is a representative sample of feedback from the consultation exercise:

- How can these policies be effectively implemented and then practiced throughout the very many different sections throughout the University?
- I would also be interested to know how some of the aims are to be put into operation, for example there is much mention of consulting with people with disabilities but no explanation as to how these individuals/groups are to be identified and encouraged to participate.
- We welcome the documents and overall believe them to be principled, well written and essential.
- We welcome the intention to statistically monitor provision of services. We would also like to see qualitative studies that provide information and evidence of the disabled student/staff lived experience at the University. Such data could be used to enhance knowledge and understanding not just at committee level and also to inform Uni staff devtpt courses.
- We hope there will be some mechanisms for communication between Schools and the Advisory Group ( EDC) so that any systemic issues can be addressed promptly.
- I really now sure everything has been covered in your policy because when I was having problems at work I did not feel supported by anyone at the University and in return joined the Union as they seemed to be the only people listening to me.
- In a survey that I made with my PGCHE learning set, on the easy of finding information for students with a disability in printed and web-based prospectuses, we ranked Nottingham in the middle of accessibility. Personal tutees with a disability have been confused by forms provided by the university and I think that while provision for learning impairments, such as dyslexia is good, this is not always the case for students with physical impairment. For example, not all lecture theatres have loops.
- On the issues of hiring, my own experiences were well managed. There appears to be transparent and coherent framework.
- One thing that I find alarming as a person with a slight vision impairment myself, is the increase of web-based information.
- Although it is mentioned briefly in the "Monitoring Employment" section, I don't think the "Detailed Action Plan" has enough explicit emphasis on

equality concerning promotions, neither concerning setting targets nor monitoring equal opportunities across the different points on the academic (and non academic) scales. I believe it is very important not only to follow good practice when hiring staff and training them, but also to ensure (with appropriate monitoring and may be setting of targets) that disabled people are, in practice, not discriminated against in their promotions/progression to the highest possible levels.

- I've looked through this, and there appears to be a pretty glaring omission. there is considerable attention to physical disabilities, but far too little in relation to mental or psychological ones. in particular, no stress management or monitoring policy appears to be spelled out
- I would like to make a comment about the draft DES. I noticed that the provision for training for staff on equal opportunities is not compulsory. Would it not be better to make staff training on equal opportunities mandatory? In that way, if issues of unfair discrimination arise then staff cannot claim that they were not given the appropriate information or training. Such an approach would also help reinforce the commitment the University has to equality at all levels.
- I am glad to see the concerns about disclosure in the work place, and associated concerns of promotion, are recognised. This is certainly the case I find myself in, and would find it beneficial if confidential training or discussion sessions in this area were offered.
- Associated with this is the need for information to be communicated more clearly to staff with disabilities.
- The importance of adequate resourcing if the plans are to delivered effectively and without unreasonable demands on staff and budgets
- The focus seems to be on physical disabilities and although unseen disabilities e.g. mental health) are acknowledged there seems less emphasis on facing what can be equally difficult issues.
- My main concern relates to the fact that although in the appendix it is clearly stated that disability includes mental illness, the report as a whole does not seem to address the issues raised by mental illness. In fact hidden disabilities in general do not seem to be sufficiently incorporated within the scope of the document.
- One implication of this is that insufficient attention is given to the need for sufficient staffing to create the kind of inclusive environment in which students with a mental health disability are not disadvantaged in terms of fulfilling their academic potential, and staff with a mental health disability are not disadvantaged in terms of achieving their career goals and making their full contribution to the life of the University.
- There are several good developments in terms of access to buildings, but I can find no mention of addressing mobility issues regarding getting from one building to another.

- You also say there is a half-time HR Advisor and a half-time HR Assistant who support work in the area of diversity including disability. I have worked on the University for over 20 years and I didn't know this. Who are they? And why don't you publicise their presence?
- The university frequently introduces drastic changes in access procedures which both make access to university resources harder and are introduced without consultation or warning, and apparently without concern for effects on people with disabilities. I have in mind things like the introduction of card access for libraries, the introduction of distance scanning of university cards, etc.
- The only point I have been asked to convey to you in this context is in connection with paragraph 6.2 (Students) of the University Disability Equality Scheme for the University of Nottingham. This describes the work of the Academic Support team, who we feel do an amazing job. We enjoy a very good working relationship with these members of the University's staff and can tell when talking to our students who access their services that they always appreciate their support.
- Use of the 'Positive about Disabled People' Two Tick symbol on web sites, publications and recruitment documents/advertisements again would provide a positive image towards disabled people.
- In addition subsection 2 of objective 3 could have the effect of marginalising disabled staff. Might it not be more appropriate to map the current networks and services for university staff in general and to ensure that they were fully inclusive and accessible before assuming that disabled staff need or want additional support.
- Who will have responsibility and ownership of the DES when it is posted up on the website? It will be this person/department/unit who will receive feedback and enquiries from outside of the University and possible representations in respect of perceived inequalities.