

## I. Barton Peveril College Disability Equality Scheme

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### ***A. Part 1 - Introduction***

The Disability Discrimination Act 2005 introduces a new duty to promote disability equality and requires organisations to become proactive agents of change. The new legislation encourages a systematic whole-organisation approach and imposes specific duties on listed public authorities, including education providers, to:

- Publish a Disability Equality Scheme by December 2006.
- Prepare and regularly review an action plan detailing the steps it plans to take to meet the new duties.
- Review, revise and publish the scheme every three years.

The major differences from previous legislation include the duty to 'take account of people's disabilities, even where that involves treating disabled people more favourably than others' and to actively involve disabled people in the design and implementation of the plan.

The Special Educational Needs and Disability Act of 2000 (SENDA), which came fully into force in September 2005, followed the Disability Discrimination Act 1995 (DDA).

Under SENDA, schools and colleges were required to make reasonable adjustment for people who have a disability (physical, mental, sensory or learning) which has a substantial, adverse and long-term (over a year) affect on their ability to carry out normal every day activities. In addition, the duty was anticipatory – i.e. provision should be part of normal policy and practice.

The new duty, to provide a Disability Equality Scheme, places a new emphasis on the provision, in that the college is not only to cater for the needs of, but actively to promote and encourage the participation of people with disabilities. Specifically, the new duties are to:

- Eliminate unlawful discrimination and disability-related harassment.
- Promote equality of opportunity between disabled people and other people.
- Take account of people's disabilities, even where that involves treating disabled people more favourably than others.
- Promote positive attitudes towards disabled people.

- Encourage participation by disabled people in public life.

This Disability Equality Scheme will run in conjunction with the college Equality and Diversity Policy and Action Plan, Staff Development Review, Course Review and College Self Assessment Review to ensure a systematic and robust whole college approach.

Under the terms of the Act, day-to day activities are defined as:

- Mobility
- Manual dexterity
- Physical co-ordination
- Continence
- Ability to lift, carry or otherwise move everyday objects
- Speech, hearing or eyesight
- Memory or ability to concentrate, learn or understand
- Perception (lack of) the risk of physical danger.

Barton Peveril was already strongly placed for the implementation of the DDA for several reasons:

- A level site which is favourable to physical accessibility
- A proactive Learning Support department centrally placed within the college, actively supported by senior management
- A culture of liaison between LS and partner schools to facilitate continued support for individual needs
- A culture of liaison between LS and all other departments to facilitate support for individual needs
- A programme of in-service training for all teaching staff which includes identification of and support for individual needs
- A process whereby students with specific difficulties are enabled to access courses even though they may not hold all the usual grade requirements
- Effective liaison between LS and Examinations to ensure appropriate access arrangements are made for disabled students (extra time, word processing facilities, accommodation, etc)

In the year 2000, in preparation for compliance with this act, Barton Peveril College underwent an accessibility audit carried out by the Southampton Centre for Independent Living. From their findings an action plan was drawn up and acted upon.

Results of this action include:

- As well as alterations and refurbishing of existing buildings and premises the findings were taken into account in new builds that were

completed in 2002 and 2006, resulting in an accessible and well-signed building with excellent facilities for the disabled.

- An on-going programme of mandatory staff awareness training exists, which has dealt with learning difficulties as well as physical and sensory impairment and mental health issues.
- Students are encouraged to disclose disability. There is space on the application form but also at interview, on a one to one basis, students are told about the support that is available and asked if they would require support for any reason, and encouraged to disclose these reasons. Staff are trained in this aspect of interviewing.
- Staff are aware of disability and strive to make all teaching materials as accessible as possible and use varied teaching methods to suit different learning styles.
- Disability issues are considered when college trips are being organised.
- Disability issues are considered when the college is open to the public such as open evenings.
- Disability issues are considered when students go on work experience and when they apply for jobs or university places.
- As an employer, the college has achieved the double tick 'friendly to disabled people' award from the local Jobcentre Plus.
- Applicants, interviewees and people appointed are monitored for Equality and Diversity purposes which include disability tracking.

In 2003, as part of a reorganisation of Equality and Diversity provision, an Equality and Diversity audit was completed which included disability issues. Another action plan with targets was drawn up and results of this include:

- College prospectus in larger font.
- Accessibility features on the college website and intranet.
- Overhaul of all college public documents to ensure accessibility.
- Awareness activities for students.

The 2001 UK census concluded that 1 in 8 (12.5%) of the working age population of the UK was registered as disabled. However, only 48% of those were employed, as opposed to 81% of non-disabled people. Currently at Barton Peveril 4% of all job applicants declared a disability, 40% of these were applying for teaching posts and 60% for support.

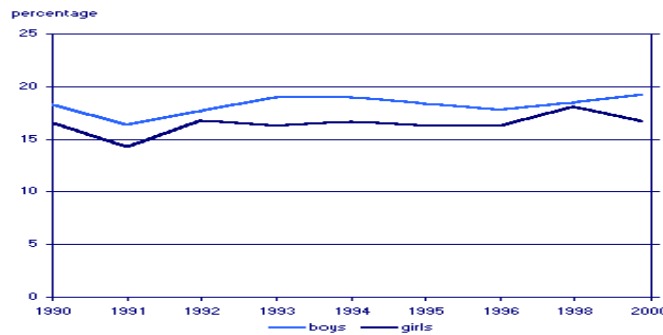
In 2000 19% of males and 17% of females under 20 registered a mild disability (see graph below). This included conditions such as asthma and diabetes, which would not be included in Barton Peveril's statistics at the moment. In the same age group 0.11% males and 0.05% girls registered a severe disability<sup>1</sup>.

At Barton Peveril the percentage of disabled students applying and taking up places is approximately 5% although more rigorous monitoring is part of the attached action plan. Retention for students with disabilities is 99 % compared to 94.6 % for the whole student population.

## Disability

### More boys than girls with disability

The Health of  
Children &  
Young People



Proportion of population aged under 20 years with longstanding illness or disability by sex, Great Britain

## ***B. Part 2 – Disability Equality Vision, Values and Principles.***

The College takes a Zero Tolerance approach to all discrimination and harassment and will continue to strive to eliminate these in all their forms, creating an inclusive environment for all who learn and work in the organisation. Everyone should feel comfortable and welcome here and able to enjoy and contribute to college life.

The college prides itself on being an extremely open and supportive organisation where all students and staff are encouraged to have high expectations of themselves and the college and to strive to achieve their aims.

The college celebrates and values the diversity brought to its workforce and student population by individuals. Diversity in the college brings fresh ideas

<sup>1</sup> Statistics and graph from [www.nationalstatistics.gov.uk](http://www.nationalstatistics.gov.uk)

and perceptions, nurturing creativity and innovation. Increasing opportunities for disabled people can only benefit and make a positive contribution to the college by widening the diversity.

The college is aware that people are disabled by society's failure to understand and cater for their needs. We therefore aim to provide a barrier-free environment, which will not discriminate against anyone on any grounds. At the same time we strive to cater for individual needs, to promote positive attitudes and to encourage participation in college life both in student and staff areas. We acknowledge that it is essential to consult individuals about their needs and not to make assumptions on the basis of stereotypical generalisations.

In three years' time The College aims to have a fully representative staff and student body with numbers of disabled participants at least matching local census figures. The intention is to be a centre of excellence, retaining the Double Tick Award as well as securing an Accessibility Achievement Award from Southampton Centre for Independent Living.

### ***C. Part 3 – Actively Engaging with Disabled people***

It is a requirement that the Disability Equality Scheme should actively involve disabled people, not just in a consultative capacity to develop an action plan. Therefore involvement was invited from the following sources:

- Southampton Centre for Independent Living
- Barton Peveril Equality and Diversity Group
- Barton Peveril College Staff and friends.
- Barton Peveril College Students (by invitation)
- Employment Officer for the Deaf, City Limits Employment
- Connexions – personal adviser, special needs.

From these sources a working group was formed. The group will meet on a termly basis to oversee the Scheme, approve the Action Plan and advise on implementation and reporting.

#### **1. Group Members,**

(physical disability, visual and hearing impairment are represented)

Alison Mulkerins - Connexions Personal Adviser (special needs)

Andy Ray - husband of staff member.

Debbie Hewett, staff member, Barton Peveril College

Françoise Carr - staff member, Barton Peveril College

Jane Hosmer – Equality and Diversity Co-ordinator, Barton Peveril College

Jim Alford - staff member, Barton Peveril College

Kim Harbut - Employment Officer for the Deaf, City Limits Employment.

Rachel Harrison - member of Equality and Diversity Group, Southampton Centre for Independent Living, and Eastleigh Disability Forum.

Sally West - staff member, Barton Peveril College

Geoff Woollan – Barton Peveril College Corporation

Representation from senior management team.

#### ***D. Part 4 – Leadership and Management***

During the academic year 2005-6 presentations on the new duty were made to the Governors and Strategic Planning Group (all senior managers). Senior staff and Governors offered full support from the beginning. Both groups have undertaken to undergo awareness training and to oversee the implementation of the Action Plan, taking the lead in challenging discriminatory behaviour and creating a positive, inclusive ethos.

Senior Management and Governor involvement from the start together with the involvement of all departments ensures that disability equality will be embedded across the whole organisation. The issue will be kept at the forefront of college activity by being a mandatory item on all meeting agendas, by being included in Staff Development Reviews, Course Reviews, College Self Assessment Review, and ultimately the College strategic Plan, and by the continuation of awareness raising and training for staff and students alike.

The internal audit revealed that staff realise their responsibilities in eliminating discrimination and promoting disability equality, and further tutorial activities will ensure that students also continue to assume their role in the cause.

#### ***E. Part 5 - Impact Assessment***

All college policies and procedures are updated on a two-yearly cycle as a matter of routine. The Personnel Officer, Cristine Spires, implements this

process. Policies and procedures are then agreed by the Staff Consultative Committee and ratified by the Corporation.

Throughout the next cycle all policies will be rigorously assessed for their impact on disabled staff and students. The purpose of this assessment will be to ensure that no college decisions or activities disadvantage disabled people, and also to identify opportunities to actively promote equality, considering where different parts of the new equality duty can be built into policies, procedures and practices.

The timetable for review is as follows:

Appeals Procedure	Jan 06
Appointments Procedure	Dec 07
Capability Procedure	Dec 07
Absence and Cover policy	Jul 06
Disciplinary (Misconduct) Procedure	Dec 07
Flexible Working	May 07
Grievance Procedure	Dec 07
Harassment policy	Dec 07
Ill Health Retirement Policy	Dec 06
Paternity Leave Policy	May 07
Redundancy Policy and Procedure	Dec 07

### ***F. Part 6 – Gathering Information***

1. In preparation for the publicity of the Disability Equality Scheme an internal audit was carried out where all departments of the college were consulted as follows on the five specific questions:

“In your area, what could you do to improve on the following with regard to disabled people and how could you measure the outcome”;

- Take account of disabilities, even where that involves treating disabled people more favourably.
- Promote positive attitudes
- Encourage participation
- Eliminate discrimination and harassment
- Promote equality of opportunity

The areas consulted were:

- Human resources – employment practice
- Corporation, Senior Management Team, Strategic Planning Group – policy making
- Publicity and marketing
- Enquiries – reception, welfare, transport, exams – anyone answering the phone
- Enrolments and Induction, Information Systems
- Academic staff
- Tutorial Staff
- Student services – catering, leisure (student committee), careers, counselling, learning support, IT support
- Work experience co-ordinator
- Premises
- Staff development and off-site activities
- Learning Resource Centre
- Contracted out services (including car park attendants and temporary security staff)
- Adult education
- The Equality and Diversity Group

The results of this internal audit form the initial basis for discussion and development into the Action Plan 2006-2007. The internal audit included a question on how impacts of changes could be measured and this will be included with every item on the Action Plan.

Currently there is very little reporting on disability issues on the college central information system, which makes tracking difficult. The implementation of monitoring disability issues would make statistical impact assessment possible.

2. In addition to this, a survey was carried out on students who accepted but did not take up places at college this year. Specific questions on disability were included and it is hoped that valuable information will be gained from replies.
3. Also, the college has commissioned another audit by the Southampton Centre for Independent Living, to ensure that items are highlighted from the disability perspective.

Items from point 2 and 3 above, together with results of the current action plan, surveys and monitoring will form the basis of a report in December 2007 and will inform the action plan for the following year.

### ***G. Part 7 – Implementing the Scheme***

The draft Disability Equality Scheme will be submitted to senior management in the week beginning 13<sup>th</sup> November 2006.

Action plans will be discussed in departments (curriculum departmental meetings Tuesday 14<sup>th</sup>) and named people assigned to take responsibility for encouraging implementation and tracking developments in each department or area. The aim is to complete this and return to Jane Hosmer as soon as possible.

The full draft Disability Equality Scheme will then be submitted to the Governors' Standards Committee for examination on November 23<sup>rd</sup>.

The draft Disability Equality Scheme and Action Plan will be published on the College Intranet Site by December 5<sup>th</sup>, to be submitted for ratification at the full Corporation meeting of December 14<sup>th</sup>, and then updated or amended on the published version.

A link will appear on the Intranet Home Page. This may also be accessed from the College website at [www.barton-peveril.ac.uk](http://www.barton-peveril.ac.uk)

Progress will be reported annually, to include:

- Results of all monitoring activities i.e.
  - % of disabled students applying and taking up places.
  - % of disabled students accessing trips and activities.
  - Retention rate and results for disabled students.
  - % of disabled people applying for and being appointed to posts.
  - % of disabled staff attending training.
  - Use of Resources by disabled staff and students.
  - Results of surveys of staff, students and those who did not take up places.
- Results of independent audit.
- Feedback from 2006-2007 action plan.

The report and updated Action Plan will be published on the Intranet and college website by December 2007.

Further developments and refining of the Action Plan will be reported by December 2008.

By autumn 2009, all impact assessments, monitoring and surveys will be used to inform a new, updated Disability Equality Scheme to be ready for publication by December 2009. The persons responsible for this will be Jane Hosmer, Equality and Diversity co-ordinator, and Nigel Groves, Vice-Principal (resources). All items to be approved by senior management and the corporation before publication.

## ***Action Planning (outline)***

### **1. Year 1 - December 2006**

1. Publish Disability Equality scheme.
2. Action Plan developed from results of internal audit. Each department to appoint a named person to be accountable for the implementation of each point on the action plan.
3. Set up disability monitoring as part of central information system.
4. External Audit of college policy, practice and provision.

### **2. Year 2 – December 2007**

1. Report on progress in year 1, using statistical evidence and qualitative comment. To be included in annual Equality and Diversity report to the corporation and published on college intranet.
2. New Action Plan based on progress in year 1 together with monitoring, surveys and results of Independent Audit.

### **3. Year 3 – December 2008**

1. Report on progress in year 2, using statistical evidence and qualitative comment. To be included in annual Equality and Diversity report to the corporation and published on college intranet.
2. New Action Plan based on progress in year 2.

Provision for re-audit to assess progress and inform development of new Disability Equality Scheme.

## ***H. Addendum (from the college Equality and Diversity Policy)***

### **1. Examples of Unacceptable Behaviour**

Each of these examples of behaviour refer to prejudice or stereotyping on the grounds of colour, race, nationality, ethnic or national origin, religion, political

belief, social or economic class, marital or parental status, gender, sexual orientation, age, and ability differences.

### **2.1 Verbal**

- 2.1.1 Derogatory or uninvited comments with reference to any of the above
- 2.1.2 Offensive jokes or nick-names
- 2.1.3 Unwelcome invitations
- 2.1.4 Promises or threats relating to any of the above
- 2.1.5 Non-co-operation or other unfavourable treatment for no reason other than the above

### **2.2 Non-verbal**

- 2.2.1 Looking, staring, threatening, gesturing, following or chasing a person with reference to any of the above
- 2.2.2 Displaying explicit or offensive material with reference to any of the above, including circulated e-mail material.

### **2.3 Physical**

Unwelcome and uninvited touching, pinching, caressing, kissing, hugging, tickling, slapping or punching

## **2. Learners are responsible for ensuring that:**

- They report any unacceptable behaviour to a trusted member of staff who will see that it is taken forward for investigation and if necessary that disciplinary action is taken.
- They are aware of the College's statutory duties in relation to Equality and Diversity legislation
- They embrace the spirit of this policy and behave accordingly
- They challenge unacceptable behaviour in their peers and adults and confront prejudice whether deliberate or unwitting, whenever it occurs.

## **3. Procedure for Dealing With Situations of Harassment or Discrimination (staff).**

Fairness at work and good job performance go hand in hand. Tackling discrimination helps to attract, motivate and retain staff and enhances the College's reputation as an employer. Eliminating discrimination helps everyone to have an equal opportunity to work and to develop his or her skills.

Legislation exists to protect people against discrimination and harassment on the grounds of sex, race, disability, gender reassignment, sexual orientation religion or belief and age. The following procedure will give you the steps you should take if you believe you are being subjected to discrimination or harassment at Barton Peveril College on any of the above grounds.

There are two types of discrimination you may believe you have suffered, one is **Direct Discrimination** and the second is **Indirect Discrimination**.

**Direct Discrimination** means you must not be treated less favourably on one of the grounds already mentioned in your work at the College, for example being refused training or denied promotion or even dismissed.

**Indirect Discrimination** means that you must not be subjected to less favourable treatment or disadvantaged because of your race, sex, disability, sexual orientation, religion or belief. For example, if the College placed an unjustified criterion upon a post which disadvantaged one group of people such as ability to lift heavy weights.

### **Harassment**

Behaviour which is offensive, frightening or significantly distressing will be considered to be harassment and will not be tolerated. This will include use of nicknames, teasing, name-calling or other behaviours, which may not be intended to be malicious but nevertheless is upsetting. Where necessary the College will use its Disciplinary procedure (Misconduct) in cases of harassment. Where a complaint of harassment or discrimination is made the College will instigate an investigation, if following investigation and use of the appropriate disciplinary interview harassment is proved, then it may be considered to be gross misconduct and the appropriate action may therefore be summary dismissal.

Staff should also be aware that under the Protection from Harassment Act 1997 a person found guilty of harassment faces a maximum penalty of 6 months imprisonment and/or a level 5 fine (currently £5,000). Those who suffer harassment can also claim damages for either the anxiety or financial loss caused by the harassment.

Where it is discovered that a complaint of harassment has been made maliciously or vexatiously, then the complainant will be subject to disciplinary action.

## **Procedure for Individuals**

### **What to do if you think you have suffered discrimination or harassment**

If you think you are being harassed or discriminated against it is a good idea to make it clear to the person who is harassing you that their behaviour is unwelcome and that you want it to stop. However, you do not have to do this, particularly if you are feeling bullied or intimidated.

Individuals may find it helpful to ask a friend or colleague or trades union representative to be with them when they speak to the person in question. If speaking to the person in question has failed to stop the problem, or you do not feel that you can do this, you should talk to your line manager or your trades union representative. If it is your manager or supervisor who is harassing you, speak to someone higher up. Your complaint will be dealt with quickly, thoroughly and sympathetically.

It is usually best to try and sort things out quickly and as close to the problem as possible. You may find it helpful to talk to the Personnel Officer or the Equality and Diversity Co-ordinator. Harassment can be unintentional. Often, once a manager understands the problem, he or she will be willing to try and put things right.

If your manager is unable to help you, or refuses to help you, you should use the College's grievance procedure (in which you have a right of appeal). You have a legal right to be accompanied by a trades union representative or a friend at any hearing into your grievance.

If you have tried all these things and the issue is unresolved, you may be able to bring a complaint to an employment tribunal. You do not have to hand in your notice to bring such a complaint under the appropriate regulations.

You have a right not be victimised for following up a grievance or complaining to an employment tribunal under the appropriate regulations.

Complaints to an employment tribunal must normally be brought within three months of the act that is the basis of the complaint.

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