

From compliance to culture change

Disabled staff working in
lifelong learning

Commission for Disabled Staff
in Lifelong Learning

Chaired by Leisha Fullick

Summary Report

March 2008





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This is a summary of the report

From compliance to culture change: Disabled staff working in lifelong learning
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Preface

- P.1 This report sets out the major challenges we all face if the ambition for real inclusion for disabled staff is to be achieved. The situation we report on gives no grounds for complacency. There is a clear problem about the under-representation of disabled staff in lifelong learning, and we saw little evidence of organisations adopting a strategic approach to current and future disabled staff. At the very least this represents a huge loss of potential and is not a sound business approach. It is also an indication that, 10 years on, the legislation designed to reduce discrimination against disabled people in the workplace is not having a sufficient impact on employment practice in lifelong learning. This is in marked contrast to the very evident and positive changes that have taken place for learners and students in the sector over the same period.
- P.2 All this points to a systemic failure to address the issue seriously, which has led to widespread institutional discrimination against disabled staff. Our report seeks to explore in depth why this should be so and what the main issues are that need to be addressed to change this situation.
- P.3 There is nothing inevitable about what is going on at the moment. It is partly due to a real timidity at every level in tackling what are perceived as complex problems. If a more proactive and systematic approach was adopted confidence would grow and good practice would spread, creating more confidence and innovation in the system. A lot of the issues we have identified do not in fact require ‘rocket science’ – they require an anticipatory approach, energy and commitment, starting at the top. Leadership is a huge issue and is essential to the achievement of much needed cultural change – one of our key themes. We now call upon all leaders in the sector to take this issue seriously and to use our report to start to make real changes.

- P.4 Our recommendations call for a series of coordinated actions at every level which, if they happen, could eliminate institutional discrimination against disabled people in the sector. Many recommendations are addressed to education providers, who are, or should be, the main employers of disabled staff. But we also believe that government and the national agencies, particularly regulatory and inspection bodies, have a lot more to do in setting the framework that will ensure the right things happen at institutional level. This happened for disabled students and we recommend that there should now be equality of treatment between disabled students and staff. We also make recommendations that will enable and support disabled staff themselves in their drive to achieve equity on their own behalf.
- P.5 The stakes are high not only for disabled staff but for the sector as a whole. The report makes clear that an inclusive approach to disabled staff is a likely indicator of an organisation's wider health. Organisations paying careful attention to the reality of staff experience in this area are likely to be doing it in other areas also. For this reason we hope that the report will empower the sector in its drive to achieve excellence for the future.
- P.6 We commend this report to government, lifelong learning sector organisations and their staff, and organisations responsible for the infrastructure of the sector.
- P.7 The Commission for Disabled Staff in Lifelong Learning was established in March 2007, on the initiative of the National Institute of Adult Continuing Education, to investigate and report on current practices in the employment of disabled people in the lifelong learning sector and to make recommendations for improvement. It had the backing of government through the Departments of Innovation, Universities and Skills; Children, Families and Schools; and Work and Pensions – Office for Disability Issues. The Commission has also been supported by the Learning and Skills Council; Lifelong Learning UK; the Higher Education Funding Council for England; the Disability Rights Commission, the Association of Colleges, City and Guilds, the Equality Challenge Unit and the major professional and representative employer and union organisations in the sector. It is based on a considerable amount of evidence, written and oral, submitted to the Commission, on an extensive review of research and literature and on the deliberations of a team of committed and expert Commission members, to whom I am very grateful.

P8 The Commission intends that its work will positively influence culture and practice in the sector and will enable more disabled people to make a contribution. Informing all our work has been our passionate belief that enhancing the role of disabled staff in lifelong learning is not only important for equity and social justice, it is also an essential part of the human resources strategies the sector will have to adopt if it is going to achieve real excellence in teaching and learning in the 21st century.

Leisha Fullick

Chair, Commission for Disabled Staff in Lifelong Learning

March 2008



Terminology used in the report

- T.1 In this document we use the language of ‘impairment’ and ‘disability’ within the social model of disability. We use the terms ‘disabled staff’ and ‘disabled people’ to describe these very diverse people rather than ‘people with disabilities’. We refer to ‘non-disabled people’ rather than ‘able-bodied people’ as the latter term can have pejorative implications for disabled people. We take the view that a positive approach to disability rights focuses not on an individual’s impairment but rather on the ways in which society creates barriers and fails to make allowances and adjustments, excluding disabled people from work and social life – in essence an approach underpinned by the social model of disability.
- T.2 The Commission uses the term ‘impairment’ to refer to what the Disability Discrimination Act describes as ‘disability’, reflecting our social model approach. We use a broad definition of ‘impairment’ to include physical, sensory and cognitive impairments, mental health difficulties, long-term health conditions, learning disabilities and neurodiversity, and learning differences or difficulties such as dyslexia or dyspraxia. However, we do recognise that some people may describe their circumstances differently, such as with the terms ‘learning difference’ or ‘health condition’. People with epilepsy, HIV, cancer and so on may not consider these ‘impairments’. Where we quote our respondents directly or report the research of others, we retain the original wording. Our aim in using the term ‘impairment’ is to be both as inclusive and as succinct as possible. We refer to ‘apparent’ and ‘non-apparent’ impairments, the latter describing those impairments that may in the past have been described as ‘hidden’ or ‘unseen’.
- T.3 Whilst people may have impairments, disability is the outcome of the interaction between people with impairments and the environmental and attitudinal barriers they face. We have, therefore, used the phrase ‘disability’ to refer to the broader concept of disability that is the outcome of

interaction between impairments and barriers. We have also used it in the sense of a broad concept when referring to, for example, disability models, disability legislation, disability discrimination and disability equality.

- T.4 We follow conventional practice in distinguishing between deaf people, whose deafness may not be profound and whose first language is English, and Deaf people, for whom British Sign Language is their first language and who tend to refer to themselves as a linguistic and cultural minority. Many Deaf people do not regard themselves as disabled, and we recognise the anomaly of speaking for them. However, a good number of Deaf people have contributed to the report and found it a useful vehicle through which to express their views and the challenges facing them.
- T.5 We use the term ‘mental health difficulties’ as this is commonly used in the education sector and does not have medical connotations. However, we recognise that some individuals may prefer terms such as ‘mental health conditions’, ‘mental health issues’ or other phrases. Again, our aim was to be succinct and consistent.
- T.6 We use the term ‘reasonable adjustments’ in the sense that it is used in disability discrimination legislation.
- T.7 The ‘lifelong learning sector’ we interpret as consisting of the ‘further education system’ and higher education, with some museums, libraries and archives (MLA) clearly within the sector and some more independent. The further education system includes all sixth-form and further education colleges, local authorities and voluntary and community sector organisations delivering personal and community development (and other) learning, and work-based learning providers. Higher education consists of universities and university sector colleges, often collectively termed ‘Higher Education Institutions’ (HEIs). We acknowledge that boundaries within the lifelong learning sector can be blurred with further education colleges delivering higher education programmes and some HEIs offering further education courses and so on. Arrangements for governing organisations vary greatly across the sector. We use the phrase ‘those responsible for governance’ to take account of this.
- T.8 We are, of course, aware that the different ‘sub-sectors’ use different terminology, so we have adopted a generic approach in our report. We

refer to 'organisations' as this can cover universities on the one hand and small work-based learning providers on the other. We use the phrase 'learners and students' to recognise that these terms are used in the further education system and higher education respectively. We use the term 'infrastructure organisations' to describe organisations supporting the lifelong learning sector with funding, quality improvement and other work. Such organisations include the Higher Education Funding Council for England (HEFCE), the Higher Education Statistics Agency (HESA), the Equality Challenge Unit (ECU) and the Learning and Skills Council (LSC).

SECTION 1

Executive summary

- S1.1 This report tells the story of the systematic failure of public policy to address the needs of disabled staff in lifelong learning. We are all culpable. Despite the introduction of various pieces of disability legislation, in policy terms the sector's disabled staff remain invisible. This serious failure, mirrored in the declining prospects of disabled people in the wider working population, has contributed to widespread institutional discrimination. Many disabled staff members are reluctant to disclose impairments because they fear discrimination and few organisations employ disabled people in senior or strategic positions. In general, the Commission uncovered a troubling picture of low aspiration among disabled staff, exacerbated by a systematic failure to address their requirements and a lack of consistency in employment practice amounting to discrimination. Although we found evidence of 'reasonable adjustments' for disabled people, there was virtually no reference to the next transformational step – anticipatory measures to ensure disability equality.
- S1.2 Our recommendations are designed to address this situation and to show what needs to be done if we are to move from a culture of compliance with the law towards a culture of disability equality in which inclusion is automatic for all disabled staff, learners and students. The Disability Equality Duty, introduced to positively promote disability equality in public sector bodies, and subsequent Disability Equality Schemes are fundamentally important for achieving this, but effective, proactive and visible leadership and management will also be needed. The principal beneficiaries of a culture change for disability equality beyond legal compliance will be disabled staff, but we believe everyone in the sector will benefit whether or not they are disabled. A culture that promotes disability equality will bring improvements and dignity at work to all.
- S1.3 The report's remit covers the whole lifelong learning sector in England and Wales – the further education system (including further education colleges,

adult and community learning, work-based learning and sixth-form colleges) and higher education, with some museums, libraries and archives (MLA) clearly within the sector and some more independent. It is based on evidence, written and oral, submitted by non-disabled and disabled people working in all roles and at all levels. However, the majority of the evidence collected was from further education (specifically further education colleges and adult and community learning, in most cases) and higher education, and was from England. Evidence from disabled staff was primarily from those working directly with learners and students. We have tried to capture the richness of our respondents' comments by quoting them directly wherever possible. The situation they describe gives serious cause for concern and demands the urgent attention of sector leaders and policymakers.

S1.4 The specific outcomes we require are:

1. A formal disability equality implementation group to be convened and serviced by Lifelong Learning UK (LLUK);
2. A formal and sustained commitment by lifelong learning organisations and infrastructure organisations (including regulatory bodies such as Ofsted) to disability equality with accompanying disability equality schemes, 'road maps' or action plans as appropriate;
3. More disabled staff recruited to and working in the lifelong learning sector, and more successful disclosure procedures so that the data are more accurate (targets to be decided by the Department for Innovation, Universities and Skills (DIUS) in consultation with the lifelong learning sector and infrastructure organisations but with a timeline to achieve a proportion of disabled staff in the sector equal to the proportion of disabled people in the adult working population);
4. Targets to secure substantially more disabled staff in senior and strategic positions;
5. Funds to support disabled staff proportionately equal to those supporting disabled learners and students, addressing the obvious injustice that two groups supported by the same organisation are treated so differently;
6. Identification and encouragement of disabled staff to attend and complete leadership and management programmes;
7. Formal events and other means of celebrating disability equality achievement in the sector; and
8. A full disability equality training programme for staff at every level throughout the sector, and in particular for senior managers.

- S1.5 The recommendations that we believe will achieve these outcomes are set out in section 2. Action to carry them through will fully address the institutional discrimination we have identified, and help the sector as a whole move from mere legal compliance to a change in culture. We ask that lifelong learning sector organisations commit themselves formally to an 11-point set of recommendations for disability equality. Our recommendations for infrastructure organisations are about supporting and encouraging lifelong learning sector organisations in the process towards disability equality. We offer some prescriptive recommendations to infrastructure organisations but recognise that they will themselves develop detailed action plans and targets and consult with each other and the sector on the best means to achieve them.
- S1.6 The Commission's interim report, published in September 2007 (Commission for Disabled Staff in Lifelong Learning, 2007), stressed the inequitable treatment of disabled staff compared to learners and students, and identified seven main areas of concern overall: disclosure; mental health; recruitment and employment of disabled staff; support for disabled staff at work; learning and training opportunities; Access to Work; and workplace and workforce. Responses to the interim report, while affirming the original focus, added five further issues: attitudes and disabled staff; employment equity and working practices; disability leave and associated issues; the 'agency' of disabled staff in promoting disability equality; and disabled staff as role models. Taken together, the concerns raised under these issues demonstrate that we have far to go if we are to make a difference to how disabled staff working in the lifelong learning sector in England and Wales are treated.

■ Issue 1: Disclosure

- S1.7 Disclosure is crucial if improvements for disabled staff, and indeed all staff, are to be secured on an anticipatory basis. However, while the Commission found a number of examples of staff disclosing for positive reasons – such as to challenge stigma – there is still widespread unease and anxiety about disclosing other-than-obvious impairments. Some respondents reported that fear of discrimination prevented them from disclosing. Others felt their impairments were simply irrelevant. While we found evidence of some comprehensive good disclosure practice in a number of organisations, it

is not widespread. We advise that lifelong learning organisations, supported by infrastructure organisations, should review their policies, procedures and processes for disclosure, including the language used, in order to get higher rates of disclosure and therefore be able to work towards providing both 'reasonable adjustments' and anticipatory measures.

■ Issue 2: Mental health

S1.8 There was evidence that some types of impairment were considered easier to disclose than others. Responses from staff working in the sector suggest there is prejudice regarding mental health difficulties and that fear of negative or discriminatory attitudes and practices can deter people from disclosing. Prejudice and poor practice in employment are underpinned by a lack of knowledge about mental health. Employers are often unsure how they can support employees with mental health difficulties and what reasonable adjustments can be put into place. This lack of knowledge also means employers and colleagues may make assumptions about mental health difficulties based on stereotypes. Fear of saying or doing the wrong thing, as well as a lack of awareness, may stop some employers even broaching the subject of mental health let alone discussing what can be done to support members of staff with mental health difficulties. Because of this, responsibility for gaining support often lies with the individual, not with the organisation.

S1.9 Lifelong learning organisations can take practical measures to tackle issues to do with mental health: applying the advice of the Health and Safety Executive on managing stress; adopting a risk-assessment approach to mental health; and promoting well-being. Infrastructure organisations can also offer support. We believe that such measures will not only help disabled staff but also have beneficial effects for all staff, learners and students in the sector. That is one of the key messages of this report.

■ Issue 3: Recruitment and employment of disabled staff

S1.10 The Commission was struck by the 'fatalism' of many disabled staff about promotion and career progression. Many believe that it is their impairments that shape their careers rather than societal barriers. Consequently, the

aspirations of some disabled staff are very low, and there is an acceptance of less favourable opportunities and positions. Encouragingly, we encountered evidence of good practice and of 'reasonable adjustments' in recruitment, induction, employment and promotion practices. But there was also evidence of poor practice and some disabled applicants and staff reported unsatisfactory experiences. Above all, we found a lack of consistency in the lifelong learning sector – in terms of recruitment, induction, employment and promotion of disabled staff – that amounts to institutional discrimination. Achieving change is a leadership issue. Although we found some evidence of 'reasonable adjustments', there was virtually no evidence of anticipatory measures to ensure disability equality.

- S1.11 We believe that, in general, disabled staff are disadvantaged in the areas of promotion and career aspirations. There are few disabled staff in management roles in organisations and, consequently, few disabled role models in senior and strategic positions. Lifelong learning organisations should conduct a full review of their employment practices, from recruitment to promotion. Infrastructure organisations should consider commissioning, or conducting, research into employment practice that includes disabled staff.

■ Issue 4: Support for disabled staff at work

- S1.12 While in general responses in this section were positive, there was little evidence of an anticipatory approach and some evidence of budgetary constraints in securing 'reasonable adjustments'. With or without direct support from employers, many disabled staff are able to work effectively and have devised effective working and coping strategies, often acting as role models for learners, students and colleagues. Disabled staff outlined a range of measures that could support them. We received positive evidence of excellent organisational practices to support disabled staff, generally outweighing more doubtful practices. Practical support for disabled staff would include funding 'reasonable adjustments' from a central budget and trained disability equality officers or staff with a responsibility for disability equality.

■ Issue 5: Learning and training opportunities

S1.13 Disabled staff disclosed, sometimes disclosed or did not disclose their impairments for learning and training for reasons similar to those cited in the context of employment. Sometimes, disabled staff disclosed for altruistic reasons, usually to benefit their trainers. Respondents who did not disclose feared prejudice and labelling. There were many good examples of 'reasonable adjustments' and, beyond that, 'anticipatory measures' for disabled people in learning and training, though negative experiences too were not uncommon. Human resources (HR) and senior managers believed that disabled staff had the same learning and training opportunities as non-disabled staff but in some cases were aware of the difficulties of disabled staff in training situations.

S1.14 We believe that disability equality in learning and training will come from good leadership and sensitive management. It will be based on anticipating the requirements of disabled staff, including providing 'reasonable adjustments' for individuals. And it will develop out of the implementation of good Disability Equality Schemes. The effects of good practice will benefit all staff, learners and students.

■ Issue 6: Access to Work

S1.15 The Access to Work scheme provides help for disabled people and their employers in overcoming practical obstacles at work. The Commission found that respondents, focus group members and other contributors were not always aware of the scheme and that use was not universal. This is unfortunate as it has been of immense benefit to many. Criticisms tended to centre on its bureaucratic aspects. JobCentre Plus had taken steps to address some of the problems, appointing a National Delivery Manager, setting benchmarks and targets and working to eradicate the 'postcode lottery' of inconsistent support. With legislative and culture changes, Access to Work, whilst continuing its important function of responding to the individual needs of disabled staff, may become part of a more general, anticipatory approach.

■ Issue 7: Workplace and workforce

S1.16 In higher education (HE) many disabled staff stated that they struggled for promotion because of the criteria used. There was evidence generally that HE is not far advanced on the journey to disability equality. There appear to be different pressures in the further education (FE) system, associated with targets and learner achievement, though, as in HE, a 'long-hours culture' tends to disadvantage disabled staff. Our evidence suggests that there is a significantly lower percentage of disabled people working in the lifelong learning sector than in the working-age population as a whole.

■ Issue 8: Attitudes and disabled staff

S1.17 The Commission found widespread discrimination in attitudes to disabled staff, though some very good practice was identified in places. The relatively few instances of bullying and harassment identified occurred, we believe, in a culture that did not prevent it. Sometimes, wrong assumptions were made about certain impairments but learners and students were generally positive about disability, and disabled staff were often active role models towards culture change. Some policies and procedures influencing attitudes were innovative and worked towards culture change, though there was also evidence of merely compliant policies and procedures. Senior managers played an essential role in making policies meaningful but progress was inhibited when managers and others were uneasy about saying and doing the wrong thing.

S1.18 The main practical measure we suggest is disability equality training at all levels but with priority for senior managers. This addresses one of our key messages: the importance of effective, visible and proactive leadership and management for disability equality. Infrastructure organisations can facilitate this development. Organisations that successfully promote disability equality, transform attitudes, remove barriers and achieve culture change will win benefits far beyond those gained by disabled staff.

■ Issue 9: Employment equity and working practices

S1.19 Disabled staff with apparent and non-apparent impairments are disadvantaged by subtle and indirect discrimination in a range of working practices, and not just by physical barriers. To counteract such disadvantage, non-disabled people have to be more active in changing their practices. There has been some research in this area, especially in higher education, but more is required.

■ Issue 10: Disability leave and associated issues

S1.20 The ways in which sickness leave and disability leave (two very different concepts) are recorded and responded to are very important. Disabled staff who take time off because of their impairments but have to record it as sick leave are discriminated against. The Commission came across few examples of specific policies on disability leave. We take the view that all lifelong learning organisations could practically adopt the model guidance on disability equality agreed between the Association of Colleges and further education colleges, including its clauses on paid time off and recording disability leave.

S1.21 Our sample suggests that disabled staff do not have more time off for reasons related to their impairment than the national average of time off for sickness, but this requires more large-scale exploration. Occupational Health services were often helpful to disabled staff but could also be used less positively. Sometimes, capability procedures were wrongly applied to staff with acquired impairments. Absence because of impairment recorded as sick leave, and indeed absence for whatever reason, inhibited chances of promotion and career progression. We believe that attention should be paid to the possible role of the workplace in causing sickness or disability absence – for example, causing stress or triggering pre-existing mental health conditions. Good organisational practice relating to disability leave, stress and associated issues will have benefits far beyond those experienced by disabled staff.

■ Issue 11: The 'agency' of disabled staff in promoting disability equality

- S1.22 We received evidence of innovative work involving (and not just consulting) disabled staff in disability equality work, often through trade union activity. Some disabled staff were active and assertive on an individual basis. But some other staff who offered assistance (in being 'involved') had their offer rejected because the culture of involving disabled people had yet to reach all services in an education provider. We urge lifelong learning organisations to involve disabled staff in the full promotion of disability equality, both on an individual basis and through trade union representation. It is through this active involvement that most progress will be made.
- S1.23 The active involvement of disabled staff in implementing Disability Equality Schemes is one of our key messages. Exemplary organisations will want to do this not just to fulfil their legislative duties but out of a genuine wish to achieve inclusion. However, we recognise that where disabled staff are reluctant to be involved in promoting disability equality in their organisations, their wishes should be respected.

■ Issue 12: Disabled staff as role models

- S1.24 Some disabled staff have made a real difference as role models in promoting disability equality to colleagues, students and learners, but we received very little evidence of senior disabled staff role models. Whilst no disabled staff member should be expected to act wittingly as a role model unless they choose to, we believe that more development work is needed in this area.

■ Conclusions

- S1.25 The key message flowing from our findings and other evidence is that there is widespread institutional discrimination in the lifelong learning sector. Indeed, some organisations are not compliant with their Disability Equality Duty. This is in large part the result of the systematic failure in public policy to address the needs of disabled staff. Effective leadership and management will be needed to counter this and achieve disability equality. This will mean moving from simply providing 'reasonable adjustments' for disabled staff to

an anticipatory approach so that inclusion is automatic. Such a change will benefit not only disabled staff but all staff, learners and students in the sector.

S1.26 Specifically, we found:

- Inequity in the treatment of disabled staff compared to students and learners;
- A general failure of disclosure policy and practice in the sector;
- A lack of confidence in understanding mental health within the overall context of disability equality;
- Discrimination against disabled staff in the recruitment, employment and promotion process, and in learning and training;
- Inconsistency in attitudes towards disabled staff;
- Working practices that discriminate against disabled staff;
- A lack of clarity in the areas of disability and sickness leave;
- The existence of some good practice in involving disabled staff in promoting disability equality; and
- A lack of disabled staff role models, particularly at senior levels.

S1.27 Our recommendations are based directly and indirectly on our findings, key messages and conclusions, but are pitched at a national and strategic level. They are addressed to all parts of the lifelong learning sector, including infrastructure organisations, and will be of interest to external agencies such as the Equality and Human Rights Commission. Section 2 contains separate sets of recommendations for:

- Lifelong learning organisations – paragraph S2.6;
- Trade unions and employer organisations – paragraph S2.7;
- Lifelong Learning UK – paragraph S2.8;
- Lifelong learning infrastructure organisations – paragraph S2.9;
- Inspection and regulatory bodies – paragraph 2.10;
- English education ministries and Welsh Assembly Government – paragraph S2.11;
- National development organisations – paragraph S2.12.

S1.28 Action to carry our recommendations through will achieve the outcomes we require. They will fully address the institutional discrimination we have identified in the lifelong learning sector, promote disability equality, and help complete the journey of the sector as a whole from mere compliance to a change in culture. We are willing to discuss in further detail with individual organisations how the recommendations can be taken forward.

■ Summary of key messages

- S1.29 There has been a systematic failure in public policy to address the needs and requirements of disabled staff throughout the lifelong learning sector to the extent that there is widespread institutional discrimination, despite some beacons of good practice. Many organisations and individuals are culpable in this, but there is nothing inevitable about it. If our recommendations are adopted then there will be immense gains for disabled staff.
- S1.30 Effective, visible and proactive leadership and management are vital in the process towards disability equality. This is not a matter for leaders to delegate to others. They should take direct responsibility. For managers, it is not a 'bolt-on' activity: 'disability awareness' is not enough. They must understand the issues and the drive towards disability equality and play their full part. For everyone in the sector, confidence about 'saying and doing the right thing' is crucial in making progress to disability equality.
- S1.31 The concept of providing 'reasonable adjustments' to meet the diverse needs of individual members of disabled staff remains very important; however, lifelong learning organisations now need to take the next transformational step towards meeting their 'anticipatory duty' to ensure that inclusion is automatic for disabled (and indeed all) staff, learners and students.
- S1.32 The Disability Equality Duty and the Disability Equality Schemes are an excellent basis on which to make the journey from legislative compliance to genuine culture change. Successful and genuinely committed implementation of such schemes, which include full involvement of disabled staff and impact assessments, will hasten such cultural transformation. However, exemplary organisations will not be motivated solely by legislative requirements but by a genuine desire for inclusion.
- S1.33 The principal beneficiaries of our report will be disabled staff and potential disabled staff in the sector. But implementing its recommendations will benefit everyone in the lifelong learning sector, whether or not they are disabled, and goes beyond disability to the heart of ethical and effective organisational functioning. A culture that promotes disability equality will inevitably bring improvements and dignity at work for all.

SECTION 2

Outcomes and recommendations

■ What outcomes do we require?

S2.1 On the basis of our work, the Commission believes that there must be these specific outcomes:

1. A formal disability equality implementation group to be convened and serviced by Lifelong Learning UK (LLUK);
2. A formal and sustained commitment by lifelong learning organisations and infrastructure organisations (including regulatory bodies such as Ofsted) to disability equality with accompanying disability equality schemes, 'road maps' or action plans as appropriate;
3. More disabled staff recruited to and working in the lifelong learning sector, and more successful disclosure procedures so that the data are more accurate (targets to be decided by the Department for Innovation, Universities and Skills (DIUS) in consultation with the lifelong learning sector and infrastructure organisations but with a timeline to achieve a proportion of disabled staff in the sector equal to the proportion of disabled people in the adult working population);
4. Targets to secure substantially more disabled staff in senior and strategic positions;
5. Funds to support disabled staff proportionately equal to those supporting disabled learners and students, addressing the obvious injustice that two groups supported by the same organisation are treated so differently;
6. Identification and encouragement of disabled staff to attend and complete leadership and management programmes;
7. Formal events and other means of celebrating disability equality achievement in the sector; and
8. A full disability equality training programme for staff at every level throughout the sector, and in particular for senior managers.

■ Recommendations

- S2.2 We have identified a series of recommendations based directly and indirectly on our findings, key messages and conclusions, but pitched at a national and strategic level. They are addressed to all parts of the lifelong learning sector including infrastructure organisations. We believe they will be of interest to external agencies such as the Equality and Human Rights Commission. We acknowledge that some of them may already be being addressed and some already covered by the DDA legislation and codes of practice – though there is in many cases a gap between duty and practice. Some may need further refinement in consultation with the appropriate organisations. All will require conversion into energetic, committed action.
- S2.3 We ask lifelong learning and infrastructure organisations formally to accept and carry through these recommendations, including the ‘practical measures’ outlined in Part 2 of the full report. If they do, we believe that they will eliminate institutional discrimination against disabled staff, achieve disability equality and therefore deliver the outcomes the Commission believes there must be. Even those organisations that have achieved a change of culture can use them as a guide for gauging and maintaining progress.
- S2.4 In these recommendations we speak first to lifelong learning organisations themselves, then to those institutions and agencies which provide most of the support and frameworks within which they operate, and conclude with recommendations for government, which has an overarching policy role. Lastly, there are recommendations on research and development for national development bodies.
- S2.5 We urge immediate steps for implementation (whether as a ‘stand-alone’ or part of a ‘single equality’ approach), going beyond legal compliance and beyond merely providing a bare minimum level of ‘reasonable adjustments’. The sector has made great and praiseworthy strides forward to include learners and students. Now the neglect of disabled staff must end.
- S2.6 We recommend that lifelong learning organisations:**
embrace fully the Disability Equality duty, ‘even where that involves treating disabled persons more favourably than other persons’ in order to transform the organisation for staff as well as learners, by:
1. Clearly designating a senior member of staff with responsibility for disability equality and ensuring that all senior managers and every line manager are aware of their responsibilities with disability equality policies;

2. Ensuring that disabled people are encouraged to be trustees and governors and that bodies responsible for governance include disabled people;
3. Developing appropriate mechanisms to ensure that the voices of disabled staff are involved, heard and supported, such as through disabled staff groups, equality committees, liaison/focus groups and/or affiliation to national networks;
4. Reviewing and revising policies, processes and procedures for disclosure, and removing barriers to disclosure, to create a positive and secure culture for disclosure;
5. Ensuring that disability equality policies and schemes, staff appraisal schemes and impact assessments involve disabled staff and trade union officials, reporting to governing bodies/trustees annually, as the Disability Equality Duty requires;
6. Signing up to schemes such as the 'Mindful Employers' Charter', and the requirements of the 'Two Ticks' scheme;
7. Reviewing recruitment procedures in order to encourage applications from disabled people; guaranteeing interviews to disabled applicants meeting the job requirements; and adopting open and inclusive recruitment processes, especially for part-time and/or temporary staff;
8. Ensuring that each lifelong learning organisation sets out to achieve:
 - a. staffing which reflects the disability profile of the adult working population;
 - b. well-informed management and governance through training and appraisal programmes;
 - c. sound policies and practices on disability absence and on disclosure;
 - d. sharing good practice in supporting both disabled learners and disabled staff;
 - e. better promotion of disability equality in staff training for part-time and full-time staff;
 - f. full recognition of the need for individual responses to staff disclosure, with individual follow-up and support arrangements;
9. Financing reasonable adjustments centrally so that no section, department or faculty is disadvantaged, financially or otherwise, in meeting disability equality responsibilities;
10. Developing support for disabled staff, such as mentoring and work-shadowing, and a disability equality component in appraisal schemes

- to contribute to raising the achievement of disabled staff;

11. Ensuring that disability equality good practice is shared between organisations, between staff and learners, and including where possible contractors and agencies delivering goods and services.

S2.7 We recommend that trade unions and employer organisations:

12. At every level ensure their publicly stated commitment to disability equality is fully reflected in the actions of paid officials and lay officers, and ensure that there is facility for the involvement of disabled staff in their structures;
13. Although not legally required to produce a Disability Equality Scheme, comply with good practice by producing and implementing either a stand-alone disability equality scheme or a single equality scheme with specific sections on disability;
14. Incorporate disability equality into the formal negotiating and consultation arrangements nationally (for recommendation at local level where appropriate) and locally (where negotiations take place at that level);
15. Encourage implementation in further education colleges of the national joint agreement on guidance for disability equality between the Association of Colleges (AoC) and recognised trade unions, and consider its adaptation to other parts of the lifelong learning sector;
16. Ensure that paid officials and lay officers receive disability equality training, recognising the needs of disabled staff; and recognise the role of equality (or disability) representatives, recommending that appropriate facility time be provided;
17. Acknowledge the responsibility of human resource managers as equality and diversity professionals, and provide positive support for members challenging institutional and individual disability discrimination;
18. Disseminate good disability equality practice nationally, locally and through their networks, and examine jointly how lifelong learning organisations meet their duty of care in relation to stress prevention and the generation of ill-health – looking in particular at a preventative role for occupational health services.

S2.8 We recommend that Lifelong Learning UK, with its key role as Sector Skills Council for the sector:

19. Uses Priority 4 of the Workforce Strategy and its implementation plan to embed the ambitions and expectations of this Commission, and to provide strategic leadership across the whole lifelong learning sector, through the Sector Skills Agreement process, to support disability equality;
20. Supports the establishment of a sector-wide advisory group on disability equality, either through enhancing an existing group or by creating a new one, which will oversee implementation of the Commission's recommendations;
21. Gathers, interprets and publishes comprehensive and standardised data on disabled staff in lifelong learning, and similarly robust data on those who take and apply to undertake initial teacher training in the lifelong learning sector;
22. Identifies and addresses the needs of disabled staff in relation to entry routes, professional development opportunities and requirements to enable such individuals to access and progress careers in the sector;
23. Works with government and others to facilitate the development of recruitment strategies and careers guidance strategies to encourage disabled young people into careers in the lifelong learning sector;
24. Commissions research on career progression and access to training/development opportunities of disabled staff who have disclosed their disability.

S2.9 We recommend that lifelong learning infrastructure organisations:

('infrastructure organisations' include funding bodies, the Quality Improvement Agency, Centre for Excellence in Leadership, Higher Education Statistics Agency, Higher Education Academy, the Higher Education Funding Council for England, the Institute for Learning, the Learning and Skills Council, Lifelong Learning UK (as appropriate to their remit) and the Welsh Assembly Government)

25. Produce a Disability Equality Scheme, either as part of a single equality scheme or separately; carry out Equality Impact Assessments and develop action plans; and expect funded learning providers to do the same;
26. Ensure that their national and local councils, chief executives, national directors, local executive directors and other senior staff receive high quality disability equality training;

27. Design good disability equality training and encourage existing governors, council members and trustees in the lifelong learning sector to attend, and include the sharing of good practice;
28. Support action for targeted recruitment and training of disabled people in governance roles, and ensure representation from disabled people on advisory groups;
29. Recognise and promote best disability equality practice through existing award schemes and by other means;
30. Ensure that staff data collection includes all grades and pay levels, including hourly paid staff, so that the position, including subject specialism, and progress of disabled staff can be accurately measured – and where the data already exist, ensure that they are used as a basis for disability equality action;
31. Market careers in lifelong learning as desirable career options for disabled people; and ensure that the work of the Commission is embodied in the actions arising from the workforce strategy published by Lifelong Learning UK, including the monitoring of that Strategy through a named advisory group;
32. Work in partnership with the Equality and Human Rights Commission, Equalities Challenge Unit, Equality Forward and other appropriate bodies to issue definitive guidance to lifelong learning sector organisations on how to translate the requirements of the disability equality legislation into meaningful learner and staff recruitment targets.

S2.10 We recommend that inspection and regulatory bodies:

33. Include disability equality questions in inspection and regulatory frameworks (internal and external), report on this aspect and ensure that no lifelong learning organisation can be deemed excellent unless they have fully met their disability equality obligations;
34. Address the under-representation of disabled people in their staff at all levels so that they are able to provide inspection and regulatory teams reflective of the national population and of the local communities of the learning providers they inspect;
35. Ensure that inspection, inspection frameworks, inspection notes and regulatory reports (internal and external) comment on the implementation of equality policies and schemes for staff as well as learners, including those for disability equality, and highlight good practice where possible;

36. Ensure that inspectors and regulators understand their critical leadership role in promoting disability equality, and ensure that board members and trustees, as well as the executive and senior staff, receive disability equality training;
37. Offer mandatory annual disability equality training for inspectors and regulators so that they are fully equipped to identify and report on progress towards disability equality, for example within the revised Common Inspection Framework.

S2.11 We recommend that the English education ministries and the Welsh Assembly Government:

(The English education ministries are the Department for Innovation, Universities and Skills and the Department for Children, Schools and Families)

38. Encourage and support the commitments recommended to lifelong learning organisations listed above;
39. Impact assess and monitor remit letters from the Secretary of State to ensure their disability equality objectives are translated into ambitious and realistic targets, and implemented by publicly funded agencies and providers;
40. Hold publicly funded quality improvement, inspection, qualifications, workforce development and leadership and management agencies accountable for complying with statutory disability duties. This would help embed best disability equality practice in all their activities, ensure that their programmes equip participants to manage equality and diversity in the lifelong learning sector, and mainstream equality in all their advice, guidance, programmes, learning materials and actions;
41. Work with funding bodies to enable all lifelong learning organisations to set disability equality employment targets measured against appropriate benchmarks by July 2009, for incremental implementation by 2011;
42. Ensure that funding already available is used to support the Commission's agenda by enabling providers to 'take steps to remove barriers and to support disabled people, even where that involves treating disabled persons more favourably than other persons', and by bringing support for disabled staff to a proportionately equivalent level to support offered to learners and students;

43. Ensure that funding bodies review whether additional funding be made available to those providers who, in meeting their obligations to make reasonable adjustments, incur exceptional financial costs;
44. Take up with the Department of Work and Pensions issues arising from the implementation of job support programmes in the lifelong learning sector such as Access to Work and WORKSTEP. This would include extension of support to volunteers in certain parts of the sector; reducing bureaucracy in Access to Work; and more flexibility towards staff with changing (deteriorating) needs;
45. Encourage and develop initiatives such as mentoring and work-shadowing which may contribute to the raising of achievement of disabled staff;
46. Provide good management and progression training for disabled staff in government departments and provide leadership through secondments of disabled staff from the sector.

S2.12 We recommend that development organisations, including NIACE, responsible for research, development and dissemination:

47. Develop research and development programmes, building where necessary on previous work, in identified areas such as:
 - identifying effective strategies to recruit disabled staff onto leadership and management programmes, developing opportunities for disabled staff in senior management, and developing good role model practice and proactive/anticipatory practices;
 - researching good approaches to disclosure, including what makes disclosure effective, the extent of disclosure, appropriateness of language, and the accuracy of disclosure data;
 - exploring benchmarking and the development of proactive and anticipatory approaches to disability equality to identify what a truly inclusive organisation would look like;
 - writing exemplar disability leave policies and developing strategies to implement them (with the input of employer organisations and trade unions);
 - researching comparative data on disabled staff absence against non-disabled staff absence; on relating health and safety to stress management and disability; and on investigating and disseminating good practice on workplace equity and working practices.