

Annex B (HEFCE 2006/28)

Disability Equality Scheme

Overview of disability equality at HEFCE

Our vision

1. The Council supports the Government's aim for disability equality as set out in its report 'Improving the Life Chances of Disabled People', namely that: 'disabled people in Britain should have full opportunities and choices to improve their quality of life and be respected and included as equal members of society'. We recognise that successful participation in higher education can be an important step in realising this aim.
2. Our vision for higher education is that disabled people face no segregation or unequal treatment. We also want to support an environment where disabled students have genuine freedom of choice in where they learn, based on their personal preferences and academic strengths. Our vision for disability in the sector more broadly is one where everyone has the opportunity to access higher education and fulfil their potential in a culture characterised by inclusiveness and respect.

Context

3. We understand the challenges that face the English higher education sector in implementing such wide-ranging legislation as the Disability Discrimination Act 2005, and we know there is much to be done at all levels. Some of the monitoring statistics we have collected and published illustrate the current position for disabled people studying or working in HE in England:
 - a. According to the British Labour Force Survey, there are 6.8 million people of working age (that is, men aged 16-64 and women aged 16-59) in Britain who have a disability, which represents 20 per cent of the working population. In England, there are 5.7 million disabled people of working age.¹
 - b. Of the 270,000 people employed in the HE sector in 2003-04, 2.3 per cent have declared a disability.²
 - c. In 2003-04, 4.8 per cent of first year students declared a disability (which equates to nearly 40,000 students out of a total first year student cohort of 845,000).³
 - d. Of these disabled students, 40 per cent have dyslexia and a further 20 per cent have an unseen disability.

¹ Source: Disability Rights Commission, Disability Briefing March 2006.

² Source: HESA Staff Record 2003-04.

³ Source: HESA Student Record 2003-04.

Aims

4. We aim to help the HE sector in England attract and retain more disabled students and staff. We will work with partner organisations such as the Equality Challenge Unit, the Higher Education Academy and the Leadership Foundation to support HEIs in this mission. We also wish to work closely in our advisory capacity with the Department for Education and Skills (DfES) and the Secretary of State for Education and Skills to raise the profile of disability equality issues within HE. Specifically, we have a key performance target in our strategic plan which aims for an increased proportion of disabled staff in senior positions in HE by 2010-11. We will measure this through the Higher Education Statistics Agency staff record, year on year, and report on progress against this target annually.

5. Our Disability Equality Scheme has been written with these aims in mind, and we have taken a rigorous and structured approach to the scheme. It is backed up by a detailed Equality Action Plan (see Annex D), which allocates responsibility to individuals across the Council for embedding disability equality throughout their areas of work.

Status of this Disability Equality Scheme

6. This scheme forms part of our overall Single Equality Scheme (SES). Therefore there is some cross-referencing between this annex and the overall SES. This is to avoid duplication and to streamline our equality processes as far as is possible and appropriate. While this scheme fulfils our statutory duties, it is meant to be read in the context of our SES.

Introduction

7. The Disability Discrimination Act 2005 - referred to as the DDA 2005 throughout this annex – places a general duty on public authorities to promote disability equality. Under the new duty, and through all relevant functions, public authorities are required to have due regard to the need to:

- promote equality of opportunity between disabled people and other people
- eliminate discrimination that is unlawful under the DDA
- eliminate harassment of disabled people that is related to their disabilities
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life
- take steps to take account of disabled people's disabilities, even where that involves treating disabled people more favourably than others.

8. The Council is subject to the DDA and is required to produce a Disability Equality Scheme by 4 December 2006. We have developed our scheme for consultation alongside our SES and Gender Equality Scheme. The final version of the Disability Equality Scheme will be published in December 2006. We have aimed to develop a scheme that includes:

- the values, principles and standards that guide our approach to disability equality
- the overall strategic aims and objectives adopted to promote disability equality

- clear timescales and actions (set out in the Equality Action Plan at Annex D)
- how often the scheme and action plan will be reviewed and reported on
- how complaints about the way we are meeting our duties or other complaints about disability equality matters will be dealt with
- our involvement and consultation strategy
- a prioritised list of HEFCE functions in relation to disability equality
- our primary sources of information for assessing the impact of our policies on equality for disabled people.

9. This Disability Equality Scheme forms an integral part of our overall SES and should be read in conjunction with it. It cross-refers to sections in the SES to avoid duplication. It is our aim to have a holistic and streamlined approach to our positive duties to promote race, disability and gender equality. We will as far as possible seek to implement this scheme in conjunction with our schemes for race and gender equality, but clearly it may be necessary or appropriate to take actions separately; disability discrimination can manifest itself in different places and in different ways to gender or race discrimination.

Legislative context

10. The Disability Discrimination Act (DDA) 1995 has been amended by the Disability Discrimination Act 2005 so that it now places a duty on all public bodies to promote disability equality. We recognise that the DDA 1995 was an important step towards achieving equality for disabled people, but disability equality has not had the same statutory emphasis or history as sex or race discrimination (the Sex Discrimination Act and Race Relations Act are both over 30 years old). The Government commissioned a Disability Rights Task Force which reported in 1999 ('Towards Inclusion: Civil Rights for Disabled People') and recommended a number of amendments to the DDA 1995. This resulted in the DDA Amendment Regulations (2003), which came into force on 1 October 2004.

11. This new positive duty marks another important stage as it requires public bodies to be proactive in promoting equality for disabled people, rather than simply to make reasonable adjustments for their staff and service users in order not to discriminate. The duty requires a root and branch overhaul of policy-making procedures within public authorities as well as demanding much greater openness.

12. We recognise that the duty builds on good work already done by higher education institutions (HEIs) to be proactive and anticipate the needs of disabled students under the Special Educational Needs and Disability Act 2001 (otherwise known as SENDA or DDA Part 4). We have much to learn from HEIs about the processes they used to achieve this, and see a role for us and our partners in helping to disseminate learning and good practice across the sector.

13. Our role both as a non-departmental public body and as the principal public funding body for higher education in England has been set out at paragraphs 12-14 of the SES. We have not been given additional duties to monitor any aspect of the HE

sector with regard to disability equality (such as our duty to monitor under the Race Relations (Amendment) Act 2000). We already analyse data on both staff and students with regards to disability and we will continue to publish this annually on our web-site.

14. We subscribe to the social model of disability, as it is described in the Statutory Code of Practice issued by the Disability Rights Commission (DRC):

'The poverty, disadvantage and social exclusion experienced by many disabled people is not the inevitable result of their impairments or medical conditions, but rather stems from attitudinal or environmental barriers.'⁴

15. The legal definition of a disability is:

'A person has a disability if he or she has a physical or mental impairment, which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.'⁵

16. We will use the social model and legal definition of disability in all our internal and external communications about disability. We will also promote the social model with partner organisations and the HE sector. We will await the results of the DRC's recent consultation on the definition of disability⁶ before refining our approach to the models or definitions of disability any further.

17. As already discussed, HEFCE is a key operator in the English HE sector, but other organisations – some partly funded by HEFCE and some not – also work at a national level to support various aspects of the HE system, for instance learning and teaching. We regard our key partners in implementing the DDA 2005 to be:

- Equality Challenge Unit (ECU)
- Higher Education Academy
- Leadership Foundation for HE
- Action on Access (the widening participation national co-ordination team)
- Higher Education Statistics Agency (HESA)
- Universities and Colleges Admissions Service (UCAS).

18. We will work proactively with these organisations to share information about disability in HE (for instance, with UCAS about the number of disabled applicants to HE) and to promote or co-sponsor initiatives in the sector.

⁴ The Duty to Promote Disability Equality: Statutory Code of Practice, England and Wales, Disability Rights Commission 2005, paragraph 1.6.

⁵ The Duty to Promote Disability Equality: Statutory Code of Practice, England and Wales, Disability Rights Commission 2005, Appendix B.

⁶ Available on the DRC web-site www.drc-gb.org

Local and national context

19. Our Disability Equality Scheme is situated within our local context (as a predominantly Bristol-based employer) and also within the national context for HE in England, where we have funding and policy-making responsibilities. We look to local information from the British Labour Force Survey to help understand this context, and note that there are 554,000 disabled people of working age in the South West region. This equates to 19 per cent of the working population in this region. HEFCE employs around 260 staff, of whom about 2 per cent have declared themselves disabled. In common with many organisations, we may have an under-disclosure issue which we will seek to address through this scheme.

20. In the English HE sector, 2.3 per cent of the 270,000 people employed in 2003-04 have declared themselves to be disabled. This compares unfavourably with the national estimates of 20 per cent of the working population in the British Labour Force Survey. It is likely that there is an under-reporting and under-disclosure of disability in HE, probably for a range of reasons. We have issued guidance on equality monitoring⁷ to the HE sector and conducted research on the attitudes and experiences of disabled staff in HE in 2005.⁸ An anonymous survey conducted as part of the research found that 5 per cent of staff declared a disability according to the legal definition, and 15 per cent declared health problems that did not constitute a disability.

Specific duties

21. The specific requirements in relation to our Disability Equality Scheme are as follows:

- a. To publish a Disability Equality Scheme, by 4 December 2006, which demonstrates how we intend to fulfil our general and specific duties.
- b. To involve disabled people in the development of the scheme.
- c. To include in the scheme a statement of:
 - the way in which disabled people have been involved in the development of the scheme
 - our methods for impact assessment
 - the steps which we will take towards fulfilling the general duty (the 'action plan')
 - our arrangements for gathering information in relation to employment, and, where appropriate, our delivery of education and our functions
 - our arrangements for using the information gathered, in particular in reviewing the effectiveness of our action plan and in preparing subsequent Disability Equality Schemes.

⁷ HEFCE 2004/14, 'Equality and diversity monitoring in higher education institutions'.

⁸ 'Non-disclosure and hidden discrimination in higher education' (HEFCE equal opportunities and diversity project two), Institute of Employment Studies 2005.

- d. Within three years of the scheme being published, to take the steps set out in our action plan (unless it is unreasonable or impracticable for us to do so) and to put into effect the arrangements for gathering and making use of information.
- e. To publish a report that summarises the steps taken under the action plan, the results of our information gathering, and the use to which we have put the information.

22. HEIs have an additional specific duty to assess the impact of their policies and practices on the 'educational opportunities' available to and the achievements of disabled students. The Disability Rights Commission has advised HEIs that 'educational opportunities' should be interpreted broadly, to include aspects across the breadth of activities made available by the HEI. It has also noted that the definition of disability under the DDA 2005 is different from the eligibility criteria for special educational needs provision.

23. This may mean HEIs need to gather information on the following (this list is not exhaustive and HEIs should determine their own priorities):

- attainment of formal qualifications
- gaining positions of responsibility
- numbers of disabled students in different subject areas or course types
- instances of bullying and harassment
- the extent to which positive attitudes towards disabled people have been promoted
- numbers of disabled staff recruited
- the extent to which disabled staff take up opportunities for training and professional development compared to non-disabled staff
- the extent to which disabled staff are retained compared to non-disabled staff.

The employment duty

24. The DDA 2005 requires employers to undertake specific information-gathering on the effect of an organisation's policies and practices on the recruitment, development and retention of disabled employees.

25. Therefore, we are committed to monitoring, analysing information and taking appropriate action with regard to the following:

- applicants (successful and unsuccessful) for jobs at the Council
- applicants for training and promotion opportunities
- workplace treatment generally, such as involvement in disciplinary and grievance procedures
- information related to termination of employment (such as redundancies, dismissals, resignations, end of fixed-term contracts).

26. Our Equality Action Plan highlights the areas where further information needs to be obtained or collected from scratch. We will undertake such monitoring and analysis to ensure there are no differential outcomes for disabled and non-disabled people. If there are differential outcomes, we will investigate the reasons for them and, if necessary,

implement remedial actions. We will build on work already undertaken by our human resources team under the RR(A)A 2000 to monitor these areas so as to ensure our processes are sufficient to capture disability information also.

Development of our Disability Equality Scheme

27. We have developed this Disability Equality Scheme and action plan in conjunction with our new Gender Equality Scheme and the revision of our Race Equality Scheme. This has enabled us to take a 'whole-system approach' to the process and to create a Single Equality Scheme which provides an overarching view of our three equalities schemes and shapes our overall equality and diversity strategy. The steps we have gone through to date are shown in Table 4.

Table 4 **Actions to develop our Disability Equality Scheme**

Date	Action
December 2003	Briefed our Chief Executive's Group about the forthcoming DDA and secured its agreement to produce a new scheme and action plan for the Council.
January 2004	Established contact with the DRC to jointly set up a higher education stakeholder group to discuss the requirements of the new public sector duty.
February 2004	Joined the DRC's public sector reference group to represent the interests of the HE sector in wider public policy discussions about the DDA 2005. Both this group and the higher education stakeholder group have engaged closely with the DRC about the format and content of the Code of Practice and other guidance documents.
January 2005	Briefed stakeholders such as HEFCE's human resources team and the HEFCE Board about their new responsibilities and duties under the DDA.
October 2005	Commissioned the Office of Public Management (OPM) to meet with every HEFCE team individually to brief them about the new duties and undertake initial equality action planning with them. OPM produced draft equality action plans for each team, which have fed into the Equality Action Plan, and a report for the Council, which summarises key themes and issues arising from the team meetings.
December 2005	Set up an internal HEFCE project team to take the equality schemes forward with representation from our leadership, governance and management (LGM), widening participation (WP) and regional teams.
February 2006	Established a working group with our counterparts at the DfES and the Learning and Skills Council (LSC) to ensure a joined-up approach to disability equality is taken across all three organisations.
March 2006	Met with the head of the Disabled Students Campaign of the National Union of Students (NUS) in February 2006 to get feedback on our approach to our Disability Equality Scheme and to hear about the key issues for disabled students currently in HE.
March 2006	Held a consultation seminar with representatives from HE organisations, such as the Higher Education Academy, as well as groups for and of disabled people to discuss key disability issues for HE and future involvement mechanisms.

May 2006	Consulted on the scheme with the Council's recognised trade union, the Public and Commercial Services Union (PCS).
May 2006	Held a meeting with the NUS Disabled Student Committee where they were involved in setting our priorities for impact assessment and in giving general feedback about their experiences in HE.
May 2006	Held a workshop where disabled members of staff and students from HEIs were involved in setting our priorities for impact assessment and in giving general feedback about their experiences in HE.
June 2006	Sought approval of the scheme and Equality Action Plan from the HEFCE Board.
July 2006	Published the scheme and Equality Action Plan for public consultation.

28. We have aimed to involve disabled people as meaningfully as we could throughout the development of our Disability Equality Scheme. In our role as a funding council we do not provide a direct service to the public, or even to individuals within the HE sector, so we have needed to proactively seek disabled volunteers from the sector who were willing to get involved with the content of the scheme. We have also involved a range of national organisations for and of disabled people in the development of the scheme, as well as disabled people who will be directly affected by it. By dealing with representative groups – for example the NUS's Disabled Students Campaign, whose chair is disabled and elected by disabled students – we are involving, in an appropriate way, the individuals and organisations that have the largest stake and recognition of our role in HE. We welcome feedback on this approach and we recognise the need to be flexible in how and when we involve different groups of disabled people and organisations.

Reporting on progress

29. We have set out in the SES at paragraphs 46-49 how all of our equality schemes will be published, consulted on and promoted both internally and externally. In relation to the specific duties of the DDA 2005, we will take the following actions:

- report on the Disability Equality Scheme annually to the HEFCE Board in conjunction with reports on the schemes for race and gender equality in December each year
- review and update the Disability Action Plan annually so that it properly reflects the priorities and pressures facing the Council, showing which actions have been completed and, if they have not, the reasons why. The outcomes of the actions taken will also be reported
- fundamentally review and re-issue the Disability Equality Scheme every three years. The first review is due to start in September 2009 and be completed in December of that year.

30. This consultation on our equality schemes has been published in hard copy, with alternative formats available via the HEFCE web-site and on request. We plan to publish

subsequent schemes and action plans on the web only (to better enable regular updating).

31. The HEFCE Chief Executive and Board have ultimate responsibility for ensuring this scheme is implemented. Day-to-day responsibility is shared between the LGM and WP teams. This is because equality for disabled people cuts across our policy areas for people management and participation in HE.

Disability Action Plan

32. Our Equality Action Plan (see Annex D) sets out all the actions we will be taking as a result of the analysis of our functions and policies. As this is our first Disability Equality Scheme, all the actions relating to it are for the future, but they are time-bound and have outcomes attached. The Action Plan will be monitored annually at the same time as our internal team plans are monitored and reported on.

Assessment of HEFCE functions

33. The assessment of our functions, to establish which are appropriate for inclusion within the scheme, is an important stage in its development and maintenance. We have involved disabled people in setting these priorities and have sought further feedback through a specific question in the consultation.

34. Our functions are designed to meet the requirements of central government stakeholders and to support the sector. While we have few dealings with the public, nevertheless our functions could have a significant impact on the capacity of the HE sector to meet the needs of its disabled students, staff and other users. A qualitative assessment of the relative priority of our functions is given in Table 5.

Table 5 The relative priority of our functions for the Disability Equality Scheme

HEFCE function	Priority level	Rationale
Corporate communications	High	Press and communications can have a high impact on the regard for HEFCE among stakeholders, staff, potential staff and the public. Therefore actions in this area can do much to enable us to fulfil our duty to promote positive attitudes towards disabled people and to encourage participation of disabled people in public life. Another way we could make a positive impact is to improve the accessibility of our communications.
Engaging with HEIs	High	Our direct interaction and support for institutions has a potentially high impact on our ability to promote disability equality in HE.
Human resources	High	This has a high impact on equality for disabled staff and potential staff at HEFCE.
Analytical services	High	Our Analytical Services Group specifies, analyses and reports on many aspects of equal opportunities data drawn from the HESA records of staff and students in HE.

Widening participation	High	Our WP activity aims to both widen and increase participation among under-represented groups in HE and to ensure that access to HE is open to everyone, whatever their background or disability status. The WP team also share lead responsibility for implementation of the Disability Equality Scheme.
Leadership, Governance and Management	High	The LGM team shares lead responsibility for implementing the scheme with the WP team and leads on policy related to equality for HE staff and all aspects of leadership, governance and management within HEIs.
Learning and teaching	High	Implementing policy to enhance learning and teaching in HE has a potentially high impact on supporting disabled learners through accessible curricula.
Information technology and systems	High	Like communications, our IT and systems function has a high potential impact on disability equality with regard to accessibility of IT services for HEFCE staff and for the accessibility of our web-site to both internal and external stakeholders.
Research policy	High	Work is being undertaken on the research careers of individual researchers in HE, but most of the policy work focuses on large initiatives such as the 2008 Research Assessment Exercise, which will need impact-assessing for disability equality.
Business and community	Medium	This policy area has a medium relevance to disability equality, particularly with regard to its funding streams which support community engagement and volunteering schemes within HEIs, but the business interaction side has a lower relevance.
Planning	Medium	The planning function has a medium impact on disability, as it assists with collating and monitoring of the equality action plans and is responsible for major corporate processes such as the HEFCE strategic plan and our submissions to the Government's Comprehensive Spending Reviews.
Procurement	Medium	To fulfil the duty we will re-examine our procurement processes and guidance to ensure they are promoting disability equality where necessary and appropriate.
Assurance (including audit, estates and institutional finance)	Medium	Some areas of this activity, eg estates, has a high impact due to the disability capital funding for HEIs to make adjustments to their physical infrastructure, but other areas such as audit and institutional finance have relatively low impact; so a net result of medium.
Finance	Low	The activities of distributing funds to institutions and processing payments and invoices are generally considered to be of low relevance to disability equality.
International collaboration and	Low	The function of engaging and liaising with colleagues from countries across the world, ie by undertaking visits and receiving

development		visitors to the UK, has a reasonably low impact on disability equality.
Knowledge management	Low	The knowledge management team's work has a minimal impact on disability equality, beyond its role in promoting information resources on disability to staff and to directing relevant queries from the sector to the right people.

Background to HEFCE's policy on disabled students

35. HEFCE has a long established policy to support disabled students to access, progress and succeed in higher education.

36. We provide funding to improve provision for disabled students, which is apportioned to the higher education institutions and further education colleges that we fund as part of their block grant. More information about how the allocation is calculated can be found at www.hefce.ac.uk under Widening participation/Disabled students. The allocation reflects the proportion of students that each institution recruits who receive the Disabled Students Allowance (DSA). In 2006-07, this will be a total of £12.6 million. The DSA is granted by the DfES; more information about this is available on the DfES Student Support web-site.⁹

37. Figures on the participation of students in higher education in receipt of the DSA are published by HESA on its web-site www.hesa.ac.uk. In 2003-04 there were 22,830 undergraduate students in England in receipt of the DSA, which represents 3.1 per cent of the total undergraduate student population.¹⁰

38. Between 1999 and 2005, we made available special initiative funding to HEIs and FECs to support provision for disabled students. In the most recent round (2003-05) we funded 54 projects. In particular, we funded work to produce resources relating to the learning and teaching of disabled students.

39. The outcomes of all the special initiative projects and many resources are available to all HEIs on the Action on Access web-site www.actiononaccess.org.

40. We have also helped HEIs to invest in their physical infrastructure and to make anticipatory adjustments to ensure that disabled students, staff and others (for example, members of the public) can access their facilities. In May 2003 we published 'Project capital round three: invitation to apply for funds'. Of the £494 million allocated to improve capital and IT infrastructure to support learning and teaching, £117 million was allocated to improve provision for disabled students. This money helped HEIs to respond to their new duties under the Disability Discrimination Act 1995 and its extension in the Special Educational Needs and Disability Act 2001.

⁹ www.dfes.gov.uk/studentssupport/students/stu_students_with_d_1.shtml

¹⁰ www.hesa.ac.uk/pi/0304/dsa.htm

41. The National Disability Team (NDT) was established by HEFCE in 2000 to monitor and manage the special initiative projects for disability and to provide general support to HEIs to enable them to better support disabled students. The NDT's contract came to an end in December 2005, and we redirected its resource into three organisations:

- Action on Access (the WP co-ordination team) to embed disability work into the WP agenda, including outreach
- the Higher Education Academy to support learning and teaching
- the ECU to ensure the embedding of disability provision in the context of broader equalities developments.

This arrangement has been called the 'Disability Equality Partnership'.

42. Through the Disability Equality Partnership, we feel we can continue to gather evidence to further understand the barriers faced by disabled students and encourage improvements to institutional policy and practice to address these barriers.

Impact assessment

43. A key area of activity to implement our scheme will be impact assessment of our policies on disability equality. Our overall approach to impact assessment for all our strategic aims and key policy areas is described in paragraphs 50-54 of the SES. We have categorised particular areas as 'high priority' (through our discussions with disabled people, as well as examining our own evidence) for impact assessment for disability in each of our strategic themes. These are described below, and link to the prioritisation of our functions for disability in Table 5 in this annex. Other policies, categorised as medium or low, are described in the Equality Action Plan at Annex D.

Table 6 Our priority policies for disability impact assessment, by strategic aim

<i>Enhancing excellence in learning and teaching</i>	
Priority policies for disability impact assessment	Rationale
Learning and teaching funding allocation	We allocate around 60 per cent of our overall funding through our formula funding for teaching (£4,228 million in 2006-07). This funding, while not ring-fenced, is benefiting all students in England and we must ensure that there is no negative impact on disabled people through our funding mechanisms.
Quality assurance	The Quality Assurance Framework includes guidelines on good practice in learning, teaching and student support. This has a potentially high impact on disabled students, as it is closely linked to their experience of HE.
Flexible, lifelong and work-based learning	The profile of students in HE is changing, with nearly 55 per cent of undergraduate students now aged over 21, and 45 per cent studying part time. We know there are

	correlations between increasing age and disability and that different modes of delivery for HE are likely to impact some disabled students, who are more likely to require greater flexibility or different modes of learning (eg, distance, work based or e-learning) to succeed in HE.
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Note: The key data sources for helping us to assess the impact on disabled people of these policies are:

- National Student Survey
- HESA individualised student record
- Youth Cohort Study
- Destination of Leavers from HE survey
- Labour Force Survey.

<i>Widening participation and fair access</i>	
Priority policies for disability impact assessment	Rationale
Increasing demand for HE through funding the national Aimhigher programme	Aimhigher aims to raise the aspirations and develop the abilities of people from groups that are under-represented in HE. Aimhigher builds cross-sector relationships which break down the barriers which institutions and systems can unwittingly create for learners. This programme has a potentially large impact on potential students who have a disability, especially with regard to raising their aspirations for HE and supporting HEIs to eliminate the barriers discouraging disabled applicants from entering HE.
Disabled students policy	Disabled students are a key part of our WP agenda. We provide funding (detailed at paragraphs 36-40 of this annex) to HEIs to support disabled students, and we provide funding to the Disability Equality Partnership to support institutions to develop provision and practice for disabled students.

Note: The key data sources for helping us to assess the impact on disabled people of these policies are:

- UCAS data about applicants to HE
- HESA individualised student record
- LSC individualised learner record (which relates to learners in the learning and skills sector)
- Aimhigher evaluation information, such as project outputs and case studies
- summer schools/European Social Fund information on participation (monitoring can be analysed by disability).

<i>Enhancing excellence in research</i>	
Priority policy for disability impact assessment	Rationale
2008 Research Assessment	The 2008 RAE is a major exercise for the UK funding councils

Exercise	and almost all HEIs. It also has a large potential impact on the amounts of research funding received by an HEI, as well as on individual members of staff and their research careers.
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Note: The key data source for helping us to assess the impact on disabled people of this policy is the HESA individualised staff record.

<i>Enhancing the contribution of HE to the economy and society</i>	
Priority policies for disability impact assessment	Rationale
Meeting new economic and social challenges – the social dimension	We want to focus more on our support to HE to contribute to wider social agendas. This includes its contribution to civic life and developing civilising values; social, community and environmental support; and regeneration. This wider social agenda could embrace disability equality issues.

Note: The key data source for helping us to assess the impact on disabled people of this policy is the HE-Business and Community Interaction survey.

<i>Sustaining a high quality HE sector</i>	
Priority policies for disability impact assessment	Rationale
Developing people and organisational culture	As a knowledge-based sector, the performance of the people who work in HE is critical. They represent its biggest cost and most significant asset. The actions we have set out to support the continuous improvement of leadership, governance and management will support the development of people and the organisational culture. We must ensure that the contribution and development needs of disabled staff are equally valued and nurtured.
Equality and diversity for people employed in HE	We have committed to working in partnership with HEIs on improvements in equal opportunities and diversity, as we do on other aspects of people development – although in these areas we also have legal responsibilities to monitor the sector. Equality for disabled people and our statutory duty to promote disability equality are high priorities here.

Note: The key data sources for helping us to assess the impact on disabled people of these policies are:

- HESA individualised staff record
- findings from the 2005 Equal Opportunities Research Programme¹¹
- 'The higher education workforce in England: a framework for the future'.¹²

¹¹ See HEFCE 2005/19, 'Equal opportunities and diversity for staff in higher education'.

<i>Enabling excellence</i>	
Priority policies for disability impact assessment	Rationale
People management	This links to HEFCE's role as an employer of 260 people, and we believe it is important for the organisation's effectiveness that we develop and reward high performance. Everything we do needs to take place within a supportive learning culture where there is a high respect for individual needs and diversity. Equality across all outcomes for disabled staff is our goal, and therefore our people management policies are a high priority for disability impact assessment.

Note: The key data sources for helping us to assess the impact on disabled people of these policies are:

- HEFCE's human resources database
- annual staff survey
- recruitment and selection monitoring data.

Evidence gathering

44. We have listed the key data and information requirements linked to the policy areas we have prioritised (through involvement of disabled people and our own assessments) for impact assessment. Where we do not have the data we need to undertake disability impact assessments, we may collect additional information. This is a situation where we would need to balance our requirements for impact assessment against the ongoing pressure we are under to reduce the accountability burden. There are ways of collecting the information and evidence we need which do not place a burden on the sector as a whole and we will seek to explore this. Examples of this might be:

- surveys posted on web-sites or mailbase groups used by disabled staff or students in HEIs
- focus groups of disabled people convened by the Council, perhaps jointly with other agencies such as the Learning and Skills Council or DfES
- structured interviews with disabled people
- use of a forum or 'think tank' of disabled people.

Involving disabled people

45. Our commitment to consultation is outlined in paragraphs 48-49 of the SES. We recognise, however, that the DDA requires us to go further than simple consultation and to actively involve disabled people in both developing and implementing our Disability Equality Scheme.

46. The DDA's specific duties require the Council to involve disabled people in writing our scheme. We must also include a statement about how we have done this: the

¹² HEFCE 2006/21, published in July 2006.

statement is in paragraph 28 above. In all our involvement activities, we aimed to find out:

- what barriers and unsatisfactory outcomes face disabled people in HE, including problems in accessing HEFCE information or services
- what our priorities should be for disability impact assessment
- how best to involve disabled people in the future.

47. We want to involve disabled people in the implementation and ongoing development of our scheme. We propose to do this in a number of ways, some of which are already described under 'Evidence gathering' above. We have convened a Disability Advisory Group made up of disabled people from the sector. The group has been involved in setting our priorities, and we hope to work with it on implementation issues. We want to keep the various organisations for and of disabled people involved in our work, but we are mindful of 'consultation fatigue' and therefore are formulating an approach with the ECU about how to utilise this expertise most effectively.

48. Our core commitments around our duty to involve disabled people are:

- involve disabled people in developing our Disability Equality Scheme and in any future changes to it
- involve disabled people in implementing the scheme, and to welcome challenges to our 'business as usual'
- ensure that all involvement activities are fully accessible and facilitated where appropriate
- ensure that involvement is timely, transparent and genuine.

Enforcement

49. If a public body does not comply with the general duty, its actions, or failure to act, can be challenged by a claim to the High Court for judicial review. A claim for judicial review could be made by a person or a group of people with an interest in the matter, or by the DRC (or the Commission for Equality and Human Rights from late 2007).

50. If the DRC is satisfied that a public authority has failed to comply with any of its specific duties, the DRC may serve a 'compliance notice'. This will require the public authority to comply with its specific duties, and to inform the serving body within 28 days of measures taken. The DRC can also require the public authority to provide written information verifying compliance. If, after three months, the public authority has not complied with the notice the DRC can ask the courts to order compliance.

51. Our arrangements for handling complaints against the Council are outlined in paragraphs 69-70 of the SES.