



**Report of the Staff Disabilities  
Scrutiny Panel**

**May 2010**

**Staff Disabilities Scrutiny Panel**

**To support progress on staff disabilities issues**

**Panel Members**

**Councillor David Watkins (Chairman)  
Councillor Ian Davey  
Councillor Steve Harmer-Strange  
Councillor Mo Marsh**

## Chair's Foreword

The Council is committed to maximising the potential of disabled people and much work is on-going in different Council departments and with our partners.

The Scrutiny Panel on Staff Disabilities was set up to investigate and to support the areas of good progress helping staff with an existing disability, those who may become disabled for whatever reason whilst at work and disabled people applying for a job.

Amongst those giving us information are some council staff with a disability. They have helped inform this report by showing us something of the additional challenges that the workplace can present to employees with a disability impairment or medical condition, that may otherwise be hidden.

From some personal stories and from other witnesses, we have identified issues from monitoring, communications, training, recruitment and selection, to policy development and partnership working that we recommend will need further focus to achieve a greater cultural change towards inclusion and disability equality 'excellence.'

## EXECUTIVE SUMMARY

**'Lack of disability knowledge and expertise is widespread; the costs are unsustainable....1 in every 8 UK employee has a disability and in the population at large, 1 in 3 people are disabled or close to someone who is. Building an enabling environment for every employee and customer, regardless of disability is critical to success.'**

### ***[UK Employers' Forum on Disability]***

The Council is one of the largest local employers and the Panel is aware that it aims to be an employer of choice, promoting diversity and equalities and seen to be doing this. The Panel found a variety of work underway within the Council and in partnership and welcome the many areas of progress, good practice and support for disabled staff and disabled job applicants.

Even so the Diversity Peer Challenge of the Equality Framework for Local Government identified some issues for clarification around sickness management procedures, disability leave, and support for job applicants and disabled staff. Results from the 2009 staff survey (See Appendix 6) indicate that disabled staff members had a less positive view of their employer and work in some areas than non-disabled staff; and Brighton & Hove Federation of Disabled People and others are suggesting ways of making jobs more accessible for people with disabilities.

The Panel wants to raise awareness of the Council's responsibilities regarding disability equality and the reasonable steps that can be taken without difficulty – often at little or no cost - so that people with disabilities can fulfil their potential at work and are not needlessly disadvantaged in the employment market.

The Panel recognises the difficulties in detailed disability monitoring by any organisation, but with an estimated 1 in 8 of all UK employees having a disability and 1 in 3 people disabled or close to someone who is, the Panel would like to see more progress on data reliability.

This review shows that the Council has considerable existing expertise that can be coordinated and communicated to help overcome wrong assumptions at work and create a culture more inclusive for disabled people.

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## LIST OF SCRUTINY PANEL RECOMMENDATIONS

### 1 Coordination and Communication

The Panel welcomes some of the excellent working across the Council to support people with disabilities but recommends that ways are found to improve how this is coordinated and communicated.

### 2 Disabled Workers Forum

The Panel supports the DWF in its good work and recommends the DWF to continue actively to expand its membership with publicity, coordination and awareness raising and acting as standing consultee on Council Policy Equality Impact Assessments.

DWF is recommended to seek a disability champion, meanwhile to invite Directors/Commissioners in turn to meetings and support mentoring for disabled staff, building on the success of the Council's other mentoring and buddying schemes.

### 3 Communications Campaign

The Panel recommends a communications campaign on disabilities including information for managers, recruiting officers and staff, linked with the Social Model of Disability in the city as a whole.

#### Training

### 4 The Panel welcomes the DDA Masterclass event and recommends that similar sessions be kept updated and rolled out for both officers and Members more widely across the Council

The Panel recommends compulsory staff disability training for all new and existing managers including senior managers, with line management and recruitment/selection responsibility. Delivering on disability equalities for employees/service users is recommended to be a key part of all Manager Personal Development Plans.

#### Achieving Excellence

### 5 The panel recommends that the Council better publicises the guidance produced by the Employers' Forum on Disability (EFD) and considers taking part in the EFD Disability Standard.

### **Physical Accessibility**

- 6 The Panel recommends that to make good use of resources accessibly for disabled staff to Council-owned buildings is considered when carrying out routine maintenance or upgrade work even if not specifically required by a member of staff and that a cross-Council process be developed to expedite this.

The Panel recommends that when staff accommodation strategies and changes to work practices are being developed, the needs of disabled staff are sought and taken into consideration and that a cross-Council process be developed to expedite this.

The Panel requests that compliance with personal emergency evacuation policy be checked as a matter of priority.

### **Monitoring and evaluation**

- 7 The Panel recommends to progress monitoring and evaluation that when job applicants or staff are asked their disability status, the implications of 'ticking the box' are set out and where to get further advice.

The Panel recommend that disability monitoring regarding staff and job applicants be reported to Panel's parent committee OSC.

### **Recruitment and selection**

- 8 The Panel recommends the outcome of the review of the recruitment and selection process and training, taking into account suggestions to remove potential blocks for disabled applicants, be reported to Overview and Scrutiny Commission.

The panel recommends a question on career progression be added to the annual staff survey to help inform future good practice.

### **Equalities Impact Assessments (EqIAs)**

- 9 The Panel recommends that progress on Equalities Impact Assessment of policies, consultation and communication be reported back to the Overview and Scrutiny Commission.

### **Partnership Working**

- 10 The Panel recommends that the Council in its new Intelligent Commissioning structure continues to develop its role as city-wide Leader in disability and equalities in partnership across the City.

## 1. Introduction

- 1.1 The Staff Disability Scrutiny review was established by 8 September 2009 Overview and Scrutiny Commission (OSC)<sup>1</sup> following the March 2009 outcome of the Diversity Peer Review of the Equality Standard organised by the Improvement and Development Agency (IDeA)<sup>2</sup> and a regular update to the previous OSC meeting by the Head of Equalities and Inclusion<sup>3</sup>.
- 1.2 The Council achieved level 3 of 5 in the March 2009 external assessment and is now aiming to achieve the 'excellent' (top) rating in the next assessment in December 2010 taking place within the new Equalities Framework Review which supercedes the Equalities Standard.
- 1.3 The scrutiny review aims to support the Council in continuing to remove barriers to disability equality amongst staff and job applicants, so contributing towards achieving 'excellence' in equalities more widely by December.
- 1.4 The agreed remit has been:

Wishing positively to support officers in the good work already being done

- To ensure progress on the issues raised about staff disabilities from the Diversity Peer Challenge of the National Equalities Standard (as reported to 14 July 2009 OSC, then November 2009 Cabinet); *Disability Employment Officer; reasonable adjustments and Access to Work; sickness management/disability leave; support for disabled job applicants; and accessible staff bus*
- To investigate issues relating to performance under the Local Area Agreement
- To investigate action take by the council to encourage people with disabilities to apply for a job.

Note that: Progress from the Equalities and Inclusion Action Plan is being monitored via the regular reports within the existing OSC work programme. The Single Equality Scheme was the

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<sup>1</sup> Background Paper; Scoping report to 8 September 2009 Overview and Scrutiny Commission, Item 30

<sup>2</sup> Background Paper; Equalities and Inclusion Update report to 12 November 2009 Cabinet, Item 119

<sup>3</sup> Background Paper; Equalities Update report to 14 July 2009 Overview and Scrutiny Commission, Item 18

subject of an OSC workshop on 12 January 2010 and was agreed by 11 February 2010 Cabinet<sup>4</sup>.

- 1.5 Councillors Steve Harmer-Strange, Mo Marsh and Ian Davey served on the Panel, chaired by Councillor David Watkins.
- 1.6 There were two scoping sessions followed by two public meetings during which evidence was heard from representatives of Job Centre Plus, Brighton and Sussex Universities Hospitals NHS Trust, and City Council officers. Minutes of the meetings appear as Appendices 2 and 3 in Vol 2 of this report. The Brighton & Hove Federation of Disabled People gave a written submission. (Appendix 4)
- 1.7 Members wished to hear the individual experiences of staff with a disability to inform the review. Invitations to employees to take part in the Panel were posted on the Council's Intranet and sent via the Disabled Workers Forum. The Panel are particularly grateful to those employees who gave their information in writing and two who told their stories directly to a Panel member<sup>5</sup>. The Panel would like to thank everyone who attended a meeting and answered questions or wrote in. A summary of the main points raised is included as Appendix 5 to this report.
- 1.8 The Panel Chairman was pleased to be invited to speak about the Scrutiny Panel at the March meeting of the Disabled Workers Forum (DWF).
- 1.9 The time-limited Panel was unable to consider the impairments and conditions that may fall within discrimination legislation. A separate scrutiny panel is being established to investigate local services for people with Autistic Spectrum Condition.

## **2 THE 'SOCIAL MODEL' AND COUNCIL SUPPORT FOR COUNCIL STAFF AND JOB APPLICANTS WITH DISABILITIES**

- 2.1 'Disabled' is a term compatible with the social model of disability which is used in this report. In the social model of disability, people with impairments are disabled because of barriers caused by the physical and social environment, rather than by an impairment or medical condition.
- 2.2 In the Social Model disabled people are not defined by their disability but by their individual skills and experience. The Panel aims to promote

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<sup>4</sup> Background Paper; Single Equalities Scheme report to 10 February 2010 Cabinet, Item 179

<sup>5</sup> The Panel were aware, that the personal stories given in this review were not necessarily representative of all disabled staff but they formed an important part of the research.



moves towards the social model of disability in the City. Diagrams of the medical and social models are included at Appendix 12.

- 2.3 The panel wished to stress the good work that is under way. Recommendations of this scrutiny review are built on the current progress and existing areas of good practice which are spread widely across the Council.
- 2.4 In addition to Human Resources and partners such as Job Centre Plus, and the Bus Company Economic and Learning Partnerships of the Local Strategic Partnership, progress in supporting disabled staff and job applicants involve many teams in the Council including Equalities and Inclusion, Supported Employment, City Employment Initiatives, Learning and Development, Health Safety and Wellbeing, Communications, Architects and Building Surveyors, Estates, IT and Legal Services.
- 2.5 In relation to the Panel remit set out at 1.2 above, progress reported to the Panel has been:
- 2.5.1 A Disability Employment Officer is in post reporting to two managers; a staff working group is drafting guidance on Reasonable Adjustments; Equalities Impact Assessments of council policies, including sickness absence and home working policy are under way; and staff buses on the 11X service are to be Disabled Discrimination Act compliant.
- 2.5.2 The City Employment Skills Plan, Childrens' and Young Peoples' Plan and LAA delivery plan set out actions to address performance on unemployment in the Local Area Agreement.
- 2.5.3 The Council has been successful in gaining significant funding through the government's Future Jobs Fund to provide job opportunities for unemployed 18 – 24 year olds, some of whom may also have disabilities, who have been on Jobseekers Allowance for between 9 and 12 months.
- 2.5.4 Working with Job Centre Plus, a colourful easy to read brochure and poster has been produced. Pre-employment training was being done such as tours of the Council.
- 2.5.5 Regarding performance against Best Value Indicators on recruitment of disabled staff<sup>6</sup>: recruitment and selection processes such as the job application process are being reviewed; the City Council is being promoted as an employer through placing advertisements in the annual directory published by RADAR and is also working with Job

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<sup>6</sup> Background Paper; LAA and Organisational Health; 09/10 mid-year Performance Report to 9 December 2009 Cabinet, Item 132

Centre Plus via the Local Employment Partnership, LEP. RADAR is a UK disability campaigning organisation working to improve career progression opportunities for people living with ill-health, injury or disability. The LEP has received a national recruitment innovation award.

2.5.6 DiverseCity campaigns are encouraging applications from all minority groups.

2.5.7 Records have indicated gradually increasing proportions of job applications, interviews and job offers made by the Council to people with disabilities. As set out in Appendix 7 in the year to March 2008, the Panel heard that 3.3% of individuals albeit including 'unknowns' who had declared a disability in their application were successfully appointed to vacancies within the Council. Staff search providers for higher earners are being briefed to help increase the proportion of top earners with a disability within the Council.

2.5.8 To help retain staff with a disability; specialist equipment can be borrowed on a trial basis and an additional training session 'Disability Discrimination Act Masterclass' was arranged for HR practitioners at Hove Old Market.

- 2.6 Regarding day-to-day working in different departments the Panel found that: proactive managers are providing a wide range of practical support for individual disabled members of staff. This varies from part-funding a wheelchair to enable emergency evacuation from Council place of work, to providing RADAR keys to access disabled toilet, sound system in a Council office reception area plus computer software and other accessible equipment, some funded via Access to Work<sup>7</sup> scheme.
- 2.7 Other managers are using their discretion to enable different working patterns where possible which may be helpful for disabled employees (such as jobsharing, additional flexibility in hours, working from home) or providing mentoring or coaching and work experience for people with learning disabilities or other differences, and arranging apprenticeships or work placements.
- 2.8 The Council's Disabled Worker Forum holds regular meetings that are well-regarded, to help disabled staff to feel more empowered. Various types of publicity attract new members and raises awareness. Members of the DWF are particularly pleased to be consulted on the Council's Single Equality Scheme, Reasonable Adjustments Guidance and other council policies.

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<sup>7</sup> Access to Work can help you if your health or disability affects the way you do your job. It gives advice and may provide support with extra costs.

- 2.9 Accessibility to Council premises is being improved; recent examples being a library, Brighton Town Hall and Kings House. ICT provides individual assessment of needs and consultative and technical support for staff including a range of assistive computer software and other technologies
- 2.10 A range of training offerings are provided by the Council for staff and Members such as sensory impairment, equalities confidence and Equalities Impact Assessment (EqIA) courses. E-learning is also available.
- 2.11 The Council uses the Job Centre Plus 'Two Ticks' symbol; positive about disability, for its commitment to promoting employment opportunities for disabled people. The goals of Two Ticks appear in Appendix 8. Job Centre Plus describes its review of the documentation as very impressive. It is also a founder member of the local Leader Group (Local Employers Acting on Diversity, Equality and Race).
- 2.12 The Panel commented that staff and job applicants who are well-supported can work more fully to their potential or perform better at interview. A small amount of help or a minor change can make a big difference to anyone's abilities whether or not a disability or inequality may be involved.
- 2.13 Everyone's needs alter from time to time and such changes, or 'reasonable adjustments' whether they be more user-friendly equipment, improved access and working environment or different ways of working can be beneficial to all. Employers have a duty to consider reasonable adjustments for disabled employees to ensure they do not experience substantial disadvantage compared with others.
- 2.14 Bearing in mind the progress already being made the Panel investigated what more can the Council do to enable people to be comfortable to apply for jobs and talk to their manager about disabilities. By investigating the barriers that disabled people face, organisations can learn about changes that need not be costly but can benefit a range of different people.
- 2.15 The Council has joined the national Employers' Forum on Disabilities (EFD) which focuses on disability as it affects every aspect of an employer's business. The EFD describes the strategic, commercial, legal, societal ethical and professional benefits of disability awareness and confidence. Its annual Disability Standard Benchmark Report for 2009 summarised in Appendix 9, includes top priorities for action for employers wanting to deliver best practice:

Valuing disabled people including employees,  
Spreading ownership for disability equality,

Realising the potential of disabled employees  
Procurement and  
Tracking progress

- 2.16 The panel wanted to stress the areas of good support for staff and applicants with disabilities.
- 2.17 Taking into account the information received in the scrutiny review, the Panel has made a number of recommendations to encourage further progress in these areas and to enable the Council to develop its leadership role across the City. Members feel that better communication and coordinated use of the considerable expertise and awareness across the Council is key.

**Recommendation 1: Coordination and Communication**

**The Panel welcomes some of the excellent working across the Council to support people with disabilities but recommends that ways are found to improve how this is coordinated and communicated.**

**3 EMPLOYMENT AND DISABILITIES; AVAILABLE DATA**

- 3.1 At the 2001 Census, 18.6% of Brighton & Hove adults of working age considered themselves disabled or with a limiting long term illness which affected their activities<sup>8</sup>. A not dissimilar proportion, 16.7% (322 people) of those answering the question in the 2009 B&H Council staff survey said they considered themselves to have a long-standing illness

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<sup>8</sup> Under the DDA a disabled person is someone with 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. The Equality Act expands the meaning of 'disabilities' and 'day-to-day activities.'

Interpretation of 'disabilities' can be limited to obvious physical and sensory impairments. Awareness is often low about other conditions which may be 'hidden' but may fall within the legislation.

Examples of impairments include some medical conditions; sensory impairments, mobility difficulties, mental health conditions or learning differences. People in these circumstances and others such as people with a facial disfigurement may have legal protection from discrimination.

Similarly 'discrimination,' direct and indirect, can in legal terms have a wider meaning than generally understood. Unlawful discrimination against a disabled employee or job applicant can arise if an employer treats him or her less favourably without justification than others because of his or her disability; or if an employer does not make reasonable adjustments.

Some people are covered by disability discrimination legislation but prefer not to be regarded as disabled and do not disclose a disability; there is no requirement to do so.

or disability, broadly reflecting the make-up of the population as a whole.

- 3.2 These percentages contrast with just 5.5% or 271 of 4,937 Council staff (at March 2008 and excluding schools) who are on record as disclosing a disability by 'ticking the box' from the staff workforce profile<sup>9</sup>.
- 3.3 Even allowing for underdisclosure of a disability by staff, all employers face considerable challenges to remove employment barriers – that is, to match the proportion of disabled employees with the proportion of the total working population who are disabled.
- 3.4 The difficulties in evidencing, defining and tackling worklessness is set out in the City Employment and Skills Plan 2007/8 – 2010/11, which aims to improve employment and skills for all. It estimates that around 20,000 people in the City are workless *and want to work*, some of whom have a disability and therefore likely to face additional barriers to employment.
- 3.5 The Panel discussed the challenges for all organisations in monitoring information as required under the DDA and the 'Two Ticks' system, acknowledging that data relying on self-declaration will always be unreliable. Other methods such as tracking career progress and action on Access to Work or reasonable adjustments could be used as a proxy for reporting.
- 3.6 Encouragingly, a gradual year-on-year increase between 2003 and 2008 in the percentage of job applications, interviews and job offers made to disabled people was reported to the scrutiny panel (Appendix 7) but these excluded the 'unknown' category.
- 3.7 The Panel were aware of the off-target performance against two of the relevant LAA targets. These are NI 152: Working age people on out of work benefits for reasons including illness or disability and NI 117: Young people not in employment education or training. The latter had risen to 500, 42% of whom are recorded as having a learning difficulty or disability. Performance was reported to December 2009 Cabinet as 'off-target' against the two indicators. Benefits and allowances were paid to around 23,000 people who are out of work; some but not all of whom are out of work because of an illness or disability.
- 3.8 The Scrutiny review noted an 8-month time-lag in the data. Recognising the importance of up to date monitoring to evaluate fairness and progress against policies and recent initiatives, and highlight any issues, the Panel asked that further information be reported to the Parent Committee, the Overview and Scrutiny

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<sup>9</sup> Included in the Council's 2010 – 2011 Single Equality Scheme.

Committee as systems develop with partners to record disaggregated information on work and disabilities. (See recommendation 7)

- 3.9 The Federation of Disabled People told the Panel that deaf people are particularly excluded and asked what can be done to raise awareness of employment opportunities for this community and about provision such as British Sign Language. (See Appendix 4)
- 3.10 A review of the job recruitment and selection policy is under way in the Council. The advent of the Equality Act and new Council structure was a timely opportunity to update processes and training information for instance checking on appropriate access and questions for job applicants (see recommendation 8)

#### **4. DISABLED COUNCIL STAFF**

- 4.1 Regarding performance against the staff disabilities Best Value indicators BV016 and BV011c, at the end of September 2009 there were 268 Council employees who met the disability definition compared with 7,316 working disabled people in the City (except school staff). Thirteen of the top 363 earners in the Council have a disability. Achievements of 3.66% (BV016) and 3.58% (BV011c) respectively as reported to December 2009 Cabinet put the Council's performance against these indicators as red or off-target areas.
- 4.2 Records from Job Centre Plus indicate that people often do not want to declare or recognise a disability to the employer and were this to happen, performance against BV016 could be expected to be on target.
- 4.3 Members discussed the challenges in monitoring information on disabled staff and job applicants where there seems to be significant underdisclosure of impairment. The workforce equalities profile shows at 31 March 2008, of 4,937 of council staff 5.5% were known to be disabled, 78.8% non-disabled and 15.7% unknown.
- 4.4 The Panel received limited additional statistics on staff disabilities. Members investigated the views of disabled staff from a summary of the latest staff survey and by hearing some personal stories.

#### **Staff Survey 2009**

- 4.5 As shown in Appendix 6, the 2009 staff survey showed a tendency for staff considering themselves disabled to have different opinions about some areas of work, compared with non-disabled. The differences were sometimes small but there were statistically significant negative replies in a number of areas.

- 4.6 Disabled employees said they felt more subject to bullying at work, more discriminated against or harassed; were less likely to feel valued by the council or advocate the council, more often having different work demands that are hard to combine, and less confident that the employer would take action to tackle discrimination or harassment.
- 4.7 Disabled staff were less likely to reply that the council is well run, acts on the concerns of local residents, treats all types of people fairly and recognises the diversity of customers when delivering services.

### **Summary of some Personal Stories**

- 4.8 The Scrutiny Panel invited employees with disabilities to speak at a public or private meeting, give evidence in writing, speak to an individual member of the Panel or to a scrutiny officer. Members undertook to keep individuals' information private and received the personal stories of twelve disabled staff members; four members of the Disabled Workers Forum spoke as a group at the second Panel scoping meeting.
- 4.9 Disabled staff were asked; what is your experience as a disabled person of working for the Council and what if any changes would you like to see? For reasons of confidentiality, the Panel did not seek views of those employees' line managers nor their colleagues.
- 4.10 This was a relatively small number of staff taking part in the scrutiny review, who were not necessarily representative of all disabled staff or of all Council staff. However there seemed to be some recurring themes raised by other witnesses:
- a) To tackle negative attitudes and change 'culture,' is needed in the community and at work: especially for line managers and recruiting managers; more 'visibility' and openness about disabilities eg with national and local role models
  - b) Greater awareness/communications amongst staff and managers: to provide information on practical and legal disability issues and enable more people to feel comfortable about disclosing a disability if they wish
  - c) Easier access to reasonable adjustments for disabled staff; equipment, working environment and work patterns to encourage greater flexibility and 'kindness' at work. A disabled person has to be more persistent and this can be stressful
  - d) More progress on physical access for staff and applicants to council buildings, council bus on 11X service, lifts, toilets, work areas, parking and emergency evacuation
  - e) How can the Disabled Workers Forum and disabled staff be better represented within the Council? Would like to attend DWF but cannot do so because of work responsibilities

- f) Effect of the working environment eg a noisy office can affect people with different disabilities or none
- g) Accessible recruitment and selection processes; encouraging more disabled job applicants (flexibility in specifying type of jobs, requirement and criteria), format of information and applications, where are job adverts placed, guaranteed interview, enhanced disability training for interviewers, providing useful feedback to unsuccessful applicants)
- h) Help with training and career progression
- i) Closer data monitoring of staff disabilities including year on year staff survey, exit interviews
- j) Policies eg on reasonable adjustments, flexible working, absence management and adverse weather are not well known or acted upon by some line managers and recruiting managers

## **5. DISABLED WORKERS FORUM/ AWARENESS OF DISABILITY ISSUES**

5.1 The Council's Disabled Workers' Forum is one of the three staff Forums, supported by the Equalities and Inclusion team, the other two being BME and LGBT. Its vision is 'To enable all people whatever their impairment, to feel empowered and valued. We would like Brighton & Hove City Council to recruit and retain more disabled employees and ensure that they are able to develop career paths and maximise their full potential.'

5.2 The Disabled Workers Forum aim to support all disabled employees within the council, including those who become disabled during their working lives, by:

- Taking staff equality seriously and working towards a safe environment where all employees can disclose that they are disabled workers without fear of discrimination or victimisation, and are confident that reasonable adjustments will be provided in a timely and efficient way
- Raising awareness at all levels, considering needs of disabled staff and responding appropriately
- Supporting all staff forums by working together to challenge discrimination in all forms
- Providing a confidential environment to share the experience of being a disabled employee
- Being a focal point for sharing disability issues throughout the council

5.3 It meets every six weeks and dates are advertised on the Intranet, noticeboards and elsewhere. Any person who considers themselves to be disabled is welcome to attend and all disabled staff have the right to attend meetings during work time. It links with the other Forums and HR via the Human Resources Equalities Group. Regular publicity brings in new members. The Forum helps focus many areas of



disabilities and provide signposting to further support such as the availability of accessible equipment. Different speakers are routinely invited; recently the Technical Access Officer and the Disability Employment Officer.

- 5.4 The Scrutiny Panel were aware that the DWF is well regarded in its general support for disabled staff, its role being particularly important to help reduce inequality, increase opportunities and use staff resources well across all areas of the Council. Other minority staff groups, BME, LGBT may have a wider range of Forum Members. DWF attendees in comparison could tend to be in less senior job roles, have a wider range of issues and possibly feel more vulnerable and less confident.
- 5.5 Members suggested that more could be done to increase membership of the DWF amongst under-represented groups such as people with learning differences, staff on the autistic spectrum, and those who are unable to attend the meetings and also help people who feel unable to be 'heard' and speak up once there.
- 5.6 There appeared to be some unresolved issues raised at DWF meetings and members questioned the process for dealing with these.
- 5.7 At a national level Members were aware of recent campaigns such as the 'Time to Change' and 'Mind ' anti-stigma campaigns to end mental health discrimination and 'Radiate' launched by RADAR earlier this year following a study 'Doing seniority differently;' raising expectations of what disabled people can do. Brighton and Sussex Universities Hospital NHS Trust Equalities and Human Rights Manager gave evidence of links at a higher level of seniority within the Trust organisation (Appendix 3).
- 5.8 The Panel argued that DWF and its aims should be more prominent within the Council and that better coordinated use should be made of the considerable expertise and awareness within the Council including the Supported Employment and Equalities and Inclusion Teams.
- 5.9 An appointed 'champion,' a named senior manager taking responsibility for staff disabilities, would help achieve this. However it would be for a senior manager to declare his or her disability, rather than to have disclosure imposed. Therefore inviting all Directors in turn to meetings would be an interim solution.
- 5.10 The Council has had a successful LGBT Mentoring scheme in place for 4 years recognised as best practice at a national level by Stonewall. The BME Forum has a self-organised buddying programme. Therefore the Panel recommends that the DWF develop a form of mentoring scheme for disabled employees. This will contribute to a change in culture over time and for individual members of staff would help answer questions for individuals: should I disclose a disability? what support is available? where can I access support and advice?

### **Recommendation 2: Disabled Workers' Forum**

**The Panel supports the DWF in its good work and recommends the DWF to continue actively to expand its membership with publicity, coordination and awareness raising and acting as standing consultee on Council Policy Equality Impact Assessments.**

**DWF is recommended to seek a disability champion, meanwhile to invite Directors/Commissioners in turn to meetings and support mentoring for disabled staff, building on the success of the Council's other mentoring and buddying schemes.**

- 5.11 Managers need to be aware that they must provide reasonable adjustments and that information is available from HR. Staff need to know who they can go to for help and support.
- 5.12 The DWF has a central role to play in communicating information on staff disabilities policies throughout the Council. Greater awareness of disabilities and how the Social Model would work in practice would likely widen membership and profile of the Forum. Members suggested Factsheets and additional information for Managers on the Intranet would link in.

### **Recommendation 3: Communications Campaign**

**The Panel recommends a communications campaign on disabilities including information for managers, recruiting officers and staff, linked with the Social Model of Disability in the city as a whole.**

## **6. DISABILITIES AWARENESS/TRAINING/ACHIEVING EXCELLENCE**

- 6.1 Managers would already be helping all team members improve on their role and asking all staff 'are you getting all the help you need?' in the regular Personal Development Plans and one-to-one meetings; the Head of HR reminded the Panel that this was the primary route for discussion of staff development and performance for all the Council's employees. All line managers had scope to use their judgement based on an individual's aspirations, the needs of the Council and the working environment.
- 6.2 Courses on Equality Impact Assessments, Disability and Equalities Awareness and confidence have been arranged by the Council for officers and Members in recent years and e-learning modules on

equalities are available in the 'surf-to-learn' programme. However the Panel was disappointed that the number of trainees from the courses has been relatively low (appendices 9 and 10) which would indicate that knowledge and awareness is variable.

- 6.3 Higher attendance at courses would widen views about disabilities; such as the social model of disability and input into EqIAs of council policies. Effective communication, learning and development for both employees and Members is key to implementing the Single Equality Scheme and addressing potential discrimination. This includes training that enables staff to identify and challenge prejudice with regard to disability.
- 6.4 The Panel received evidence that some line managers and recruiting officers across the council do not have similar levels of people management skills nor up-to-date awareness of council policies, and legal requirements on disabilities. Even managers with high-level responsibilities in their own technical fields may need extra support in their knowledge and understanding of the main disability issues. Taking managerial discretion into account the approach to a number of the policies for example on reasonable adjustments and absence management should be more consistent.
- 6.5 A union representative said that more education and training on disability had been needed for some time to help towards deep-rooted cultural change in attitudes. Work stress can lead to disability and staff and managers can be surprised about their rights and responsibilities, according to the union representative (Appendix 3).
- 6.6 The Disability Discrimination Act Masterclass held in April was welcomed by the Panel. This was well attended by officers and a timely update from EFD prior to the Equality Act 2010 commencing in August.
- 6.7 The Panel recommends that similar sessions be repeated and staff disability training be made compulsory at induction and for existing line managers and recruiting/selecting managers including senior and long-standing officers. Priority of place at training sessions should be given to managers with disabled employees in their teams and recruiting officers.

#### **Recommendation 4: Training**

**The Panel welcomes the DDA Masterclass event and recommends that similar sessions be kept updated and rolled out for both officers and Members more widely across the Council**

**The Panel recommends compulsory staff disability training for all new and existing managers including senior managers, with line management and recruitment/selection responsibility. Delivering**

**on disability equalities for employees/service users is recommended to be a key part of all Manager Personal Development Plans.**

- 6.8 As a member of the regional South East Employers (SEE) and the national Employers' Forum on Disability (EFD) which shares best practice amongst employers, the Council has access to a range of good practice training materials and toolkits. The Panel was of the opinion that better use overall could be made of the SEE and EFD which has a direct advice line for individual queries.
- 6.9 The EFD Disability Standard recognises excellence and enables assessment of performance on disability as it affects business, to put in place action plans to deliver business improvement. Typically membership of the EFD comprises commercial companies; however some public sector organisations take part in the Standard.
- 6.10 A main element is taking a strategic approach to understand and evaluate how disability affects every aspect of people, communities, suppliers and key stakeholders in the City.
- 6.11 In view of the of the City's well-known cultural reputation as diverse and inclusive, and achievement of the national Stonewall accreditation, the Panel is of the view that the city has the ability formally to achieve excellence in disability confidence within the EFD as well as in the Equalities Framework.
- 6.12 Therefore Members recommend that the Council considers taking part in the EFD disability standard.

#### **Recommendation 5: Achieving Excellence**

**The panel recommends that the Council increases publicity on guidance produced by the Employers' Forum on Disability (EFD) and considers taking part in the EFD Disability Standard.**

#### **7. PHYSICAL ACCESSIBILITY**

- 7.1 Works to Council buildings open to the public are being made to enable improved access for disabled citizens in compliance with the Disability Discrimination Act. This also improves the environment for disabled staff if they are working in the same areas and performance is recorded against indicator (BV 156 – disabled access to local authority buildings open to the public)
- 7.2 Disabled staff are increasingly asking about adjustments such as doors, lifts, ramps, toilets and work spaces in buildings not open to the public. Parts of some council-owned properties formerly 'staff-only,' are

now also open to the public. Access to parking spaces and training rooms/facilities is an issue for some staff.

- 7.3 The Council is not required to make adjustments *in anticipation* of employing disabled staff; however there is a duty to consider specific adjustments to suit disabled employees and prospective employees. Nevertheless the DDA Best Practice Guide for Employers recommends 'mainstreaming some reasonable adjustments' pointing out that planning ahead could be cost-effective and the Panel wanted accessibility to be considered when carrying out routine maintenance or upgrade work even if not specifically required by a member of staff.
- 7.4 Members were not aware of a process to bring together this range of expertise across Council teams and agreed that a coordinated approach to works at Council-owned buildings would enable good use of resources.
- 7.5 Members are aware of changes during the current council restructuring and recommends that when staff accommodation strategies and new work practices are being developed, the needs of disabled staff are taken into consideration; for example where selecting fixtures and fittings, furniture and finishes, positioning controls, choosing colour schemes and providing signage.
- 7.6 Members asked for more clarity and awareness of fire policy regarding evac chairs and evac buddies as these appeared not to be well-known in all Council buildings. The panel recommends that checks on equipment, systems and Personal Emergency Evacuation Plans be made as a matter of priority.
- 7.7 The Budget Council resolved to ensure the buses that operate on the Council bus, service 11X, are Disabled Discrimination Act compliant.

### **Recommendation 6: Physical Accessibility and Fire Policy**

**The Panel recommends that to make good use of resources accessibly for disabled staff to Council-owned buildings is considered when carrying out routine maintenance or upgrade work even if not specifically required by a member of staff and that a cross-Council process be developed to expedite this.**

**The Panel recommends that when staff accommodation strategies and changes to work practices are being developed, the needs of disabled staff are sought and taken into consideration and that a cross-Council process be developed to expedite this.**

**The Panel requests that compliance with personal emergency evacuation policy be checked as a matter of priority.**

**8. DATA/MONITORING/PERFORMANCE**

- 8.1 In addition to the Council's performance against LAA targets NI 152 and NI 112 (see section 3 above) Members noted the 'Red' off-target Best Value indicators BV011c; percentages of top earners with a disability; and BV016; percentage of employees declaring they meet the DDA definition compared with the percentage of working disabled people in the City. These were reported to November 2009 Cabinet.
- 8.2 As there is no obligation to do so, disabled staff and job applicants including those who apply via Job Centre Plus do not always disclose a disability to the employer by 'ticking the box.' The Panel were reassured that if this were to happen, it can be shown that from aggregated data from Job Centre Plus, the Council's performance on BV016 would be 'Green' and on target.
- 8.3 With the exception of the performance indicators, and year-on-year gradual increase in job applications received from disabled people excluding unknowns between 2003 and 2008 the Panel received only limited staff disabilities data. The Council's workforce profile forms part of the Single Equality Scheme.
- 8.4 Some disabled staff in information to the Panel said they were reluctant to tick the box for fear of being at a disadvantage or singled out in some way.
- 8.5 The Panel considered why some disabled staff and applicants were reluctant to self-declare and considered the advantages and disadvantages of doing so. For instance additional support such as Access to Work funding could be available in some cases. Some people may not know that they have a characteristic that is covered by discrimination legislation. In evidence to the Panel, representatives of Job Centre Plus advised in favour of declaring. General guidance was published on the direct.gov website.
- 8.6 Job Centre Plus representatives described BSUH NHS Trust as a local example of good practice. Speaking to the Panel the BHUS NHS Trust Equalities and Human Rights Manager described the pro-active measures taken by the Trust in encouraging staff to declare in updating their HR information including disability status.
- 8.7 She said 85% of new staff do declare whether or not they have a disability and in some cases the manager of someone who does not wish to self-classify would select on their behalf. Improved knowledge of the workforce helped ensure disabled staff were not suffering detriment. BSUH staff had to understand their duties so their open-mindedness was challenged. Capability procedures were being

checked to see if there had been any links with a disability status and a review of reasonable adjustments was to be done.

- 8.8 Some Panel Members felt that disclosure was not necessarily in the personal interest of someone who did not regard themselves as disabled or did not wish to acknowledge an impairment. Others felt that the Council should more actively encourage disclosure.
- 8.9 On balance the Panel agreed that recommendations elsewhere in this scrutiny report would help remove barriers to disclosure, and create a more positive and secure culture for disclosure. This is itself would progress more accurate monitoring and evaluation, help empower staff with disabilities by demonstrating the wider extent of disabilities and speed culture change more towards a social model of disabilities.
- 8.10 To strengthen employment monitoring within the Council when job applicants or staff are asked their disability status, such as during routine updating of Human Resources records, the Panel recommended that the implications of ticking the box and where to get further advice should be set out.
- 8.11 As the Council is seeking level 3/‘excellent’ accreditation in the Equalities Framework Review by December 2010, the Panel asked that monitoring data and progress towards performance targets be reported to the Overview and Scrutiny Commission.

### **Recommendation 7: Monitoring and Evaluation**

**The Panel recommends to progress monitoring and evaluation that when job applicants or staff are asked their disability status, the implications of ‘ticking the box’ are set out and where to get further advice.**

**The Panel recommends that disability monitoring regarding staff and job applicants be reported to Panel’s parent committee OSC.**

## **9. RECRUITMENT AND SELECTION**

- 9.1 Disabled people are less likely than non-disabled people to have a job; many want to work and come off benefits. Job Centre Plus suggested closer engagement with Pathways to Work<sup>10</sup> providers and offered to facilitate a meeting.

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<sup>10</sup> Pathways to Work is a JobCentre Plus programme to help people who are claiming Employment and Support Allowance or incapacity benefits to get work. Partner organisations from the private and voluntary sectors, called ‘providers,’ include the Royal British Legion Industries (RBLI) and Action for Employment (A4E)

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- 9.2 The Panel heard examples of support for disabled people from City Employment Initiatives and Supported Employment Team, to prepare for and gain employment, for current disabled staff and those who become disabled whilst at work.
- 9.3 Unlike other organisations, local authorities cannot advertise for disabled applicants to the exclusion of non-disabled people. But the Panel heard that more awareness and flexibility is needed in the processes for recruitment and selection with updated training for recruiting officers.
- 9.4 The Council's processes and training for recruitment and selection are under review and the Panel asked that review take account of the suggestions made for instance:
- a) Tasks/jobs could be arranged to be suitable for people with particular kinds of impairments
  - b) There could be more detail in adverts and interview packs about the location, size of team and general working environment of jobs
  - c) Some disabled people would benefit from fewer than 16 hours per week
  - d) Job specifications, qualifications and requirements could be considered carefully that would disqualify disabled people who would otherwise perform the job well
  - e) Adverts could be placed where more disabled people are likely to see them
  - f) It could be easier to access information in easy to read format about jobs and to get application forms, on the Council's website and by other methods
  - g) Positive images and words could be used in adverts to be particularly welcome to disabled people – eg accessible, supportive
  - h) Central support could be provided for people in completing application forms in venues or with organisations that disabled people may associate with and publicise this
  - i) Applicants should be asked whether any specific requirements are needed for the interview
  - j) Making sure that appropriate questions are asked at interview.



- k) Good quality training for managers in recruitment and selection from shortlisting to arranging interview type and space including working interviews, interview technique and interview feedback.
  - l) Training on how to avoid unfair discrimination and the responsibilities of line managers; reasonable adjustments should be considered in the current Reasonable Adjustments project.
- 9.5 The Panel recommends the review of the recruitment and selection processes and training, taking into account suggestions received from the Supported Employment Team and Federation of Disabled People removing potential blocks for disabled applicants, be reported to Overview and Scrutiny Commission.

## **10. CAREER PROGRESSION**

- 10.1 The Panel wanted to show that disabled employees have equal access to training and development opportunities, are encouraged to put themselves forward for training and development opportunities and given additional support in accessing these. They were concerned that disabled staff should not be disadvantaged by inaccessible training rooms.

### **Recommendation 8: Recruitment and Selection**

**The Panel recommends the outcome of the review of the recruitment and selection process and training, taking into account suggestions to remove potential blocks for disabled applicants, be reported to Overview and Scrutiny Commission.**

**The panel recommends a question on career progression be added to the annual staff survey to help inform future good practice.**

## **11. COUNCIL POLICY DEVELOPMENT**

- 11.1 Equality Impact Assessments of Council policies are in progress to help identify any trends in unequal impact on groups including disabled staff or areas.
- 11.2 Progress in completing EqlAs was generally on target for 2008 – 2009. An update on planned EqlAs completed during 2009 - 2010 is to be published shortly. The Panel asked that this performance be reported back to the Overview and Scrutiny Commission.

**Recommendation 13: Equalities Impact Assessments**

**The Panel recommends that progress on Equalities Impact Assessment of policies, consultation and communication be reported to the Overview and Scrutiny Commission.**

**12. PARTNERSHIP WORKING**

- 12.1 As part of the work underpinning the City Inclusion Partnership Equality and Human Rights Charter the Council supports a sub-group to focus on HR issues which can share best practice in the area of disability equality.

**Recommendation 10: Partnership Working**

**The Panel recommends that the Council in its new Intelligent Commissioning structure continues to develop its role as city-wide Leader in disability and equalities in partnership across the City.**