Council	Agenda Item 54
16 December 2010	Brighton & Hove City Council

Subject:		**Overview & Scrutiny Report: Staff Disabilities**		
Date of Meeting:		**16 December 2010**		
Report of:		**Strategic Director, Resources**		
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Wards Affected:	All			

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 The Council's Constitution requires that the findings of scrutiny panels, together with the executive response, be submitted to Full Council for information.

1.2 This report presents a summary of the Staff Disability Scrutiny Panel findings and recommendations (Appendix 1) along with the Executive response (Appendix 2).

2. RECOMMENDATIONS:

2.1 That Member's note Appendices 1 and 2.

3. BACKGROUND INFORMATION

3.1 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.

3.2 Amongst those giving evidence were council staff with a disability, whom helped inform the recommendations by highlighting the additional challenges that the workplace can present to employees with a disability impairment or medical condition, that may otherwise be hidden.

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

3.1 The full scrutiny panel report along with the evidence base is available in Members rooms and on the overview and scrutiny webpages.

3.2 The Executive response to the Scrutiny recommendations is attached as Appendix 2.

4. CONSULTATION

4.1 No formal consultation has been undertaken in relation to this report. The Scrutiny Review undertook extensive consultation.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 No specific implications as this report is purely for the Council to note.

Legal Implications:

5.2 As indicated in paragraphs 1.1 and 2.1 above, and in accordance with the council's procedure rules on overview and scrutiny, this report is purely for Council to note. There are no further legal implications arising directly from the report.

Lawyer consulted: Oliver Dixon Date: 25 November 2010

Equalities Implications:

5.3 No specific implications as this report is purely for the Council to note.

Sustainability Implications:

5.4 No specific implications as this report is purely for the Council to note.

Crime & Disorder Implications:

5.5 No specific implications as this report is purely for the Council to note.

Risk and Opportunity Management Implications:

5.6 No specific implications as this report is purely for the Council to note.

Corporate / Citywide Implications:

5.7 No specific implications as this report is purely for the Council to note.

SUPPORTING DOCUMENTATION

Appendices:

1. Summary of the staff disability scrutiny review.
2. Executive response to the scrutiny recommendations.

Documents in Members' Rooms:

1. Full Scrutiny Panel report and evidence base

Appendix 1

Staff Disabilities Scrutiny Panel

1. Background

'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."[1]

1.1 Councillors Steve Harmer-Strange, Mo Marsh and Ian Davey served on the Panel, chaired by Councillor David Watkins.

1.2 The Staff Disability Scrutiny review was established by the Overview and Scrutiny Commission (OSC) following the March 2009 outcome of the Diversity Peer Review of the Equality Standard organised by the Improvement and Development Agency (IDeA.

1.3 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.

1.4 The Panel agreed its terms of reference as:

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;*
    - *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.

1.5 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. The Brighton & Hove Federation of Disabled People gave a written submission.

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[1] UK Employers' Forum on Disability

2. Findings

2.1 Members heard 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 Council is one of the largest local employers and the Panel was 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 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 suggested ways of making jobs more accessible for people with disabilities.

The Panel sought 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 recognised 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.

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.

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.

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.

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.

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.

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 which would indicate that knowledge and awareness is variable.

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.

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)

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.

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 accessibly to be considered when carrying out routine maintenance or upgrade work even if not specifically required by a member of staff.

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.

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 providers and offered to facilitate a meeting.

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.

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.

3. Conclusions and Recommendations

3.1 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.

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.

Appendix 2 – Executive Response

Scrutiny Panel's Recommendation	Formal Management response	Recommended decision
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.	The Diversity Peer Challenge review also identified this as an area for improvement. In order to address this, it is proposed to develop an internal equalities communication plan. This is set out in the Single Equalities Action Plan. In the last year, we have set up cross-council working groups bringing together a range of people with expertise to develop: • a Reasonable Adjustments Guide for Managers • an Assistive Technology User Site on The Wave.	Agreed.
2. Disabled Workers Forum		
a. 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.	The council provides both practical and financial support to the Disabled Workers Forum (DWF). A member of the Equalities and Inclusion team not only provides support but also provides an informal route through which the Forum can raise issues of concern with the council. The council currently gives the Forum £5,000 per year to support its training and development, publicity and social networking activities. It is down to the Forum's Executive to decide how to use the funding and, each year, it produces a budget forecast that is signed off by the Equalities and Inclusion Team. The Staff Forums, including the DWF, will continue to be consultees on council Equality Impact Assessments.	Agreed.

b. 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.	This is a matter for the DWF. However, the council would fully support the DWF in finding someone within the organisation to act as a Disability Champion. Managers, including some senior managers, already attend Forum meetings by invitation. The council's mentoring scheme is open to all staff including disabled employees.	Agreed.
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.	We will continue to provide information to managers and staff on disability issues through the council's magazine and the HR site on the intranet. This will include information on: • recruitment and selection including interviewing/testing of disabled candidates • making reasonable adjustments for employees in the workplace • useful contacts to approach for help and advice on disability issues.	Agreed.
4. Training		
a. 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.	Subject to financial resources being available, the council intends to run similar sessions in the future.	Agreed.

b. 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.	Equalities, including disability, issues will be embedded within the new corporate learning and development programme and will be delivered through: • e-learning • skills workshops • information toolkits • action learning sets. Due to the availability of resources, training will be targeted at those where a need has been identified through the PDP process. A foundation level diversity e-learning module is also being developed that will be mandatory for all new staff. New managers will also be required to complete a supplementary module.	Agreed.
5. Achieving Excellence		
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.	The Council has recently strengthened its links with the Employer's Forum on Disability (EFD) by inviting Bela Gor, its Legal Director, to speak on disability issues at the DDA Masterclass training session. We will continue to promote the EFD as a useful source of information on the HR site on the council's intranet. The Disability Standard is currently being redeveloped by the EFD. The council will consider participating in the new standard once it is available.	Agreed.
6. Physical Accessibility		
a. The Panel recommends that to make good use of resources accessibility for disabled staff to Council-owned buildings	The council's Health, Safety & Wellbeing team already work with Architects when work is being planned to ensure this happens.	Agreed.

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.		
b. 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 needs of staff, including those with disabilities, is assessed at the time any new accommodation layout is being designed or working practices changed.	Agreed.
c. The panel requests that compliance with personal evacuation policy be checked as a matter of priority.	Compliance with the personal evacuation policy has been checked and is fine.	Agreed.
7. Monitoring and Evaluation		
a. 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.	Whilst we try to encourage as many job applicants and employees as possible to provide this data, we must recognise that they are under no obligation to do so. The roll out of employee self-service will enable individuals to update their own personal information directly onto the system. This may encourage individuals who have not yet provided this information, to do so. We also send a Workplace Adjustments Form to all prospective employees so that they can let us know, before they join us, if they need any reasonable adjustments to carry out their job.	Agreed.
b. The Panel recommend that disability monitoring regarding staff and job applicants	This information is already available to the Overview and Scrutiny Commission as part of the Head of Communities and Equality's	Agreed.

be reported to Panel's parent committee OSC.	Single Equality Scheme update report.	
8. Recruitment and Selection		
a. 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.		Agreed.
b. The panel recommends a question on career progression be added to the annual staff survey to help inform future good practice.	The staff survey has asked staff, for some time now, about how they rate opportunities for career progression within the organisation.	Agreed.
9. Equalities Impact Assessments		
The Panel recommends that progress on Equalities Impact Assessment of policies, consultation and communication be reported back to the Overview and Scrutiny Commission.	The Overview & Scrutiny Panel will receive progress reports as appropriate from the Head of Communities and Equality.	Agreed.
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.	The council will continue to work with other organisations both within and outside the City to promote and share best practice on equalities, including disability, issues.	Agreed.