

Disability Discrimination and the DDA

Understanding the Amendment Regulations 2003

A Guide



The Disability Discrimination Act Amendment Regulations 2003 are in force from 1 October 2004. The regulations cover England, Scotland and Wales. The DDA Amendment Regulations were passed into law in Northern Ireland under The DDA Act 1995 (Amendment) Regulations (Northern Ireland) 2004. They came into effect at the same time as in Great Britain. The Northern Ireland Equality Commission is working on Codes of Practice which will give guidance on the changes for employers and others in Northern Ireland. For further information contact Equality Commission for Northern Ireland www.equalityni.org/

The ECU would like to thank all those who helped in any way with the production of this guide. In particular they would like to acknowledge the contributions of the Disability Rights Commission.

Where references are made in the text to organisations or publications fuller details are given in the further reading section.

www.ecu.ac.uk

This Guide should be read in conjunction with the ECU publication *Employing Disabled People in Higher Education* April 2004.

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The Disability Discrimination Act 1995 (Amendment) Regulations 2003 came into force in October 2004. They constitute the Government's response to the disability provisions of the European Union Equal Treatment in Employment and Occupation directive (2000) which outlaws discrimination in all aspects of employment and occupation on the grounds of religion or belief, disability, age and sexual orientation. (Discrimination on the grounds of race and gender is outlawed in other similar EU directives).

HEIs are already bound by the Disability Discrimination Act (DDA) which was last amended by the Special Educational Needs and Disability Act (SENDA 2001). The 2003 Amendment Regulations are best understood as a further step towards the Government's stated intention to bring in full civil rights for disabled people. For more information about new and more comprehensive disability discrimination legislation due in late 2004 see www.ecu.ac.uk

The Regulations make a number of changes to the provisions of the DDA, in particular to the **provisions regarding employment** (Part 2) and to a lesser extent the **provisions relating to the supply of goods and services** (Part 3). The most significant changes to Parts 2 and 3 of the Act are explained in this guide. The potential implications of these changes for HEIs are highlighted.

This guide should be read in conjunction with the April 2004 ECU publication *Employing Disabled People in Higher Education* which is free in hard copy from the ECU or may be downloaded from the ECU website.

DDA
1995

SENDA
2001

DDA
amendments
2003

Disability
Discrimination Bill 2004

Full
Civil
Rights
2006

Employers and employees covered by the employment provisions

- 1 The DDA Amendment Regulations 2003 came into force in October 2004.
- 2 The duties placed on employers by Part 2 of the existing Disability Discrimination Act are extended by the DDA Amendment Regulations to cover all employers, no matter how few employees they have in their organisation. The Government estimates that this will bring over one million more employers under the scope of the Act.
- 3 The Amendment Regulations make it clear that the employment provisions of the Act extend to **employment which is wholly outside Great Britain**, provided the employment has a sufficiently close connection to the host employer in Britain.
- 4 The Amendment Regulations also extend the existing employment provisions of Part 2 of the DDA to include the following occupations which do not currently fall within the definition of employment:
 - contract workers (i.e. people or organisations with whom an institution contracts out for services, as opposed to staff who are for example employed on specifically funded research projects and are often referred to within HE as 'contract researchers')
 - office holders, for example the lay chair of a governing body or other institutional advisory group
 - self-employed people who are contracted to work with an institution on a specific piece of work, for example freelance consultants engaged to work with the institution on specific projects or programmes
 - people undertaking work experience for a limited period for the purposes of vocational training, including students
 - trustees and managers of occupational pension schemes
 - organisations which provide employment services

Staff employed overseas

Many larger institutions now employ staff who are wholly or largely based overseas, for example as marketing and publicity and recruitment officers, or as agents in collaborative partnerships with overseas institutions and organisations. Part 2 of the DDA will now cover these staff.

Contract workers

The provisions in Part 2 of the DDA now apply to employees and agents of any organisation with whom institutions contract for services, whatever their size. The DRC Code of Practice on Part 2 of the DDA (Employment and Occupation) provides very useful guidance on the relative responsibilities of the institution and the contractor in relation to any disabled employee. This development may have implications for personnel practices in relation to any of the specialist functions which are contracted out by HEIs e.g. catering, cleaning, security etc.

Office holders

Any institution will have a range of office holders sitting on a number of groups, from the governing body through to central or special advisory groups, for example a Library Advisory Group or a group set up to raise funds for a specific development. Disabled people who are office holders on any of these groups now have the same rights and are due the same kind of consideration as disabled staff and disabled customers of the institution.

Self-employed people

Departments and service areas within institutions from time to time take on freelance self-employed staff to work with them on specific projects as consultants or evaluators, to carry out specific end-stopped tasks, etc.

From now on, the employment provisions of the DDA Part 2 will apply to organisations contracting with any disabled self-employed worker in this way.

Students on work placements

It is already the case that under Part 4 of the existing DDA, HEIs are under an obligation to ensure adequate preparation and support for disabled students whom they send on work placements. However, in legal terms, the student is not an employee of the host organisation and so the host organisation is not bound by the responsibilities of Part 2 of the DDA as it presently stands. This loophole in the law is now closed. From October 2004, all students undertaking work placements as part of a vocational training programme are protected by the DDA. It is expected that most HE courses that include a compulsory or recommended placement as part of the course will be covered by this amendment.

There are possible implications for staff working as dedicated or nominated placement officers on courses which include a vocational training element. They will already be active in ensuring that disabled students who require support both before and whilst on placement receive it; but they need to know that from October 2004 they can also expect their host employers to be aware of and compliant with their obligations to provide appropriate support to disabled students on work placement as well. If the host employer appears unaware or requires help to think through what this means for their workplace, then placement officers may need to inform them of their legal responsibilities and point them to sources of expertise available to them as employers.

The National Disability Team plans to produce guidance on the implications of the DDA Amendment Regulations for institutions as providers of

services to students. It has already produced a range of useful guidance for institutions on the management of work placements and has also published an informative set of leaflets on a number of specially funded HE-based projects which are looking at employability for disabled students.

The publication *Into Work Experience* from Skill: the National Bureau for Students with Disabilities gives helpful information and advice to students with disabilities.

Employment Services

Under Part 4 of the DDA, institutional careers services are already under an obligation to provide a non-discriminatory service to disabled students. Additionally, Part 3 of the DDA covers independent employment services as providers of goods and services.

However, at present, the trigger threshold for discrimination under Part 3 of the Act (that a provision, practice or criterion makes it **impossible or unreasonably difficult** for a disabled person to use a service) is more difficult to reach than the trigger threshold for employees under Part 2 (being placed **at a substantial disadvantage** compared to someone who is not disabled). The DDA Amendment Regulations effectively remove this discrepancy and ensure that from now on providers of employment agencies are under the same duties in relation to their customers as employers are in relation to their employees. This extension of existing legislation may have implications for any student-run or campus-based employment or job-counselling agency.

Extension of definition and scope of discrimination in employment

- 5 The definition of **disability** under the Regulations is the definition with which HEIs will already be familiar. A person has a disability if s/he has a 'physical or mental impairment which has a substantial or long-term adverse effect on her/his ability to carry out day-to-day activities'.
- 6 However, as of October 2004, the definition of what constitutes **disability discrimination** is further developed. The new regulations define three kinds of discrimination:
 - direct discrimination
 - failure to make reasonable adjustments
 - disability-related discrimination
- 7 In addition, it is unlawful under the DDA to victimise any person, disabled or not, by treating them less favourably because they have started or taken part in legal proceedings under the DDA or have alleged in good faith that someone else could be in breach of the Act.
- 8 Finally, new legislation specifically prohibiting harassment is introduced.
- 9 The **scope** of discriminatory activity in employment is also extended. Reasonable adjustments to the arrangements which employers put in place for employees and applicants are already required by legislation. From October 2004, reasonable adjustments are required to **any** provision, practice or criterion which puts disabled people at a substantial disadvantage in comparison to non-disabled people. Provisions, practices and criteria include both the arrangements for determining to whom employment may be offered and the terms, conditions or arrangements on which employment, promotion, a transfer, training or any other benefit is offered or afforded.

- 10 It is important to note that discrimination can occur in relation to any aspect or at any stage of the employment process and is now specifically defined as including both constructive dismissal and discrimination against a former employee (post-employment discrimination). The writing of references for past employees, for example, is an area where discrimination is now outlawed.
- 11 **Direct discrimination** occurs when a disabled person is treated less favourably on the grounds of their disability in comparison to a non-disabled person whose relevant circumstances, including their abilities, are the same as, or not materially different from, those of the disabled person.

Accommodation services are selecting applicants for cleaning posts in student halls of residence. One of the short-listed applicants, who meets all the requirements of the post, has a severe facial disfigurement. This candidate is discounted during the final decision-making as the supervisor conducting the interviews thinks that other employees would feel uncomfortable working alongside the applicant and that students may find it difficult as well. This would be direct discrimination.

It is clear that in comparison to all the non-disabled applicants who were also short-listed and who had met the requirements for the post, the disabled applicant has been discriminated against. Under the amended law, this less favourable treatment is not justifiable and would amount to an offence.

- 12 Direct discrimination does not need to be conscious or intentional; it may result from prejudices or from generalised and stereotypical assumptions about disabled people and their abilities. An example given in the *DRC Code of Practice on Employment and Occupation* (April 2004) illustrates this well.

A person who becomes disabled takes six months' sick leave because of his disability, and is dismissed by his employer. A non-disabled fellow employee also takes six months' sick leave (because he has badly broken his leg) but is not dismissed. The difference in treatment is attributable to the employer's unwillingness to employ disabled staff. It is the staff member's disability which has given rise to the employer's action of dismissal. The non-disabled employee is not dismissed. He is an appropriate person with whom to compare the treatment of the disabled employee because his relevant circumstances are the same as those of the disabled person. It is the fact of having taken six months' sick leave which constitutes the relevant circumstances in this instance. This is direct discrimination as the disabled person has been treated less favourably than the comparator.

- 13 It is important to note that under the amended law, direct discrimination can **never** be justified. It is also worth noting that comparators can be hypothetical.
- 14 **Failure to make reasonable adjustments** arises when any provision, practice or criterion applied by or on behalf of the employer, or any physical feature, places a disabled person at a substantial disadvantage compared with someone who is not disabled. In these circumstances, an employer has to take reasonable steps to prevent the disadvantage. The duty to make reasonable adjustments is owed specifically to individual disabled people. Whenever this duty arises, the employer is bound by law to consider what reasonable adjustments may be necessary. An employer is not able in these circumstances to justify a failure to make such adjustments.

Someone with dyslexia applies and is shortlisted for a post in the central administrative office of a university faculty. All shortlisted applicants are asked to do a timed exercise which involves writing a short report. The dyslexic applicant normally writes very well but under stress and extreme time pressure he finds it more difficult to maintain his usual standard. It would be a sensible reasonable adjustment for this applicant to be given extended time to take the test.

Failure to consider putting this adjustment in place or a failure to offer this adjustment would be unlawful. For the purposes of any legal case he might subsequently take, there is no need for the dyslexic applicant to find someone to whom to compare himself. The duty on the institution to consider making reasonable adjustments to any practice which puts a disabled person at a substantial disadvantage is owed to the individual disabled person.

- 15 The DDA Amendment Regulations explicitly state that the provision of auxiliary aids and services should be seen as one possible option in the range of reasonable adjustments which employers need to consider for a disabled employee or applicant.

HEIs will already be familiar with the idea that reasonable adjustments in relation to provision for students may entail the provision of auxiliary aids and services, for example the provision of speech-to-text software for someone who becomes unable to use a keyboard, or the rescheduling of early morning tutorials for someone who for disability-related reasons is unable to come in until later on in the morning. The rights to such reasonable adjustments are now explicitly extended to staff.

Potentially useful sources of advice and expertise in this area include institutional Disability Services staff, Occupational Health Service staff, Disability Employment Advisers and Disability Service teams in the local Jobcentre Plus service and the guidance produced by the Scottish Disability Team on *Auxiliary Aids and Services in Higher Education*, even though it was initially written with students and not staff in mind.

It is important to remember that disability is a relative and dynamic concept. For many disabled people, changes in their work environment as well as changes in the impact of their disability over time will mean that the process of making reasonable adjustments should be an ongoing one. It is good practice for human resources, managerial and supervisory staff to ensure that they consult regularly with and listen to their disabled employees and that they regularly record and review, in discussion with any of their disabled staff, the reasonable adjustments that are being made.

- 16 **Disability-related** discrimination is somewhat different from direct discrimination. It is a way of describing unjustifiable less favourable treatment of a person for a reason related to disability. In general, direct discrimination occurs when the effective reason for the discrimination is the disability itself. Disability-related discrimination occurs when the reason for the discrimination is not the disability itself but is disability-related.
- 17 Disability-related discrimination is determined by comparison with someone in similar circumstances but to whom the disability-related reason does not apply.

A disabled employee is advised by her institution not to apply for an internal promotion as she can no longer word process at speed, as a result of worsening arthritis. Any other employee interested in the post, whether disabled or not, who was unable to word process at speed, would have been given the same advice. However, in the case of this applicant, the reason why she can no longer word process at speed is clearly related to her disability. The correct comparator in this case is a person whose word processing speed is not affected by arthritis. Such a person would not have been advised not to apply for the promotion. The disabled applicant has been treated less favourably for a disability-related reason and this will be unlawful unless it can be justified.

- 18 If a situation arises where there has been less favourable treatment of a disabled person which does not in itself amount to direct discrimination, then consideration needs to be given to whether that less favourable treatment is in any way justifiable. In doing so, it is important to take into account the effect of any failure to make reasonable adjustments. If a reasonable adjustment would have made a difference, and there has been a failure to consider it, then the treatment could well not be justifiable and may amount to disability-related discrimination.

For example, take the case where a potential applicant for an administrative post could no longer work at speed due to her arthritis. If the applicant had been asked if training in the use of voice-activated software and adequate time allocation for that training would be helpful and she had indicated that it would, then that would have been a reasonable adjustment to consider in determining her overall potential suitability for the post. Offering that adjustment would have helped an institution comply with the legislation.

In cases where a reasonable adjustment would not have made a difference, it would be necessary to ask whether there was a material and substantial reason which could justify the less favourable treatment. Justification of less favourable treatment is possible in **very limited circumstances** and only when the situation involves disability-related discrimination. Section 6 of the *DRC Code of Practice on Employment and Occupation* (see further reading) is helpful as a reference here, particularly in relation to questions about health and safety.

- 19 **Victimisation** is already outlawed by the existing legislation and the Amendment Regulations make it clear it may be claimed by people who are not disabled as well as by those who are. The DDA Amendment Regulations also make it clear that, in addition, any employer who instructs others to discriminate, or puts others under pressure to discriminate, can now be found guilty of victimisation.

- 20 The Regulations introduce a framework in the form of a questionnaire-driven procedure to assist anyone who feels they have been victimised in this way. A similar framework applies to harassment cases.
- 21 **Harassment**, like victimisation, is also already outlawed as a discriminatory act under the existing legislation but the Amendment Regulations now separately define and separately prohibit it. They also make it clear that either a violation of dignity or the creation of an intimidating environment constitutes harassment. Only one of the two concepts needs to be demonstrated.
- 22 Existing case law already affirms that the perception of the recipient of harassment has to be taken into account in consideration of any harassment case.

In relation to harassment, in law the perception of the complainant is always taken into account. In harassment and in victimisation it is the Disability Rights Commission which has the power to take the institution and/or the individual to court. However, rather than focusing on the negative drivers of bad press and dangers to an institution's reputation, it is much better practice for the leadership of an institution to encourage all staff to work together across the institution to establish a culture where such discriminatory behaviour is not tolerated in the work environment.

- 23 From October 2004, institutional responses to questionnaires reporting either victimisation or harassment have to be completed within eight weeks of the receipt of the claim.
- 24 The Disability Rights Commission has produced a number of short, readable guides on this new legislation. They constitute useful and highly accessible briefing notes on the new legislation for any employer.

Burden of proof

- 25 The DDA Amendment Regulations 2003 have the effect of reversing the burden of proof in discrimination cases. From October 2004 onwards, once a complainant has shown a *prima facie* case that discrimination has occurred, it is for the employer to prove that unlawful discrimination has **not** occurred. This brings disability law into line with sex and race legislation.

The fact that the burden of proof in a disability discrimination case now rests with HEIs has major implications for operational practices and procedures. Any staff involved in managerial or supervisory roles need to make sure that they have in place adequate, transparent and well understood policies and procedures for dealing both with declaration of disability and recording and monitoring the institutional responses to that. They also need to have appropriate practices and procedures in place for dealing with, recording and monitoring complaints and grievances of any kind.

Extension of legislation relating to discriminatory advertisements

- 26 The introduction of the DDA Amendment Regulations means that, from October 2004, it will be against the law for an employer to publish a discriminatory employment advertisement.
- 27 It will be unlawful for employers to publish an advertisement that indicates, or might reasonably be understood to indicate:
- that the success of a person's application for the job may depend to any extent on not having any disability, or any particular disability, or
 - that the person dealing with the application is reluctant to make reasonable adjustments.
- 28 A discriminatory advertisement is one that explicitly states, or implies, that a company does not wish anyone with a disability to apply for the post advertised.

For example, an advertisement by an employer that appears to deny disabled people the opportunity to apply for a post, by stating that its offices are inaccessible to disabled people, would be unlawful as there is no mention of a willingness to make reasonable adjustments.

- 29 Other types of advertisements that are discriminatory, for example any advertisements for goods or services, are already outlawed under the DDA Part 3.

HEIs need to bear in mind that the term 'publishing' is likely to be interpreted in law to mean anything from the informal posting of handwritten notices in a Students' Union building, through posting on the web or via the email system, to formal advertisements in the local or national press. The word 'publishing' is a pivotal piece of wording and may be open to wide interpretation by tribunals.

New duties for qualifications bodies

- 30 In keeping with the spirit of the Part 2 of the DDA, which works to ensure that disabled people are not discriminated against in employment and the possibilities of employment, the Amendment Regulations extend Part 2 to cover trade organisations and qualifications bodies. Any organisation which can confer, renew or extend a professional qualification is deemed a qualifications body. The National Disability Team intends to produce a briefing for the sector on the implications of these changes for HEIs as providers of services to students.

Institutions should be aware that in response to the DDA Amendment Regulations a number of qualifications bodies are reviewing their competence standards. Admissions tutors and/or central admissions staff, faculty deans, administrators, and staff involved in recruitment events all need to be aware of these developments.

Next steps for senior managers

- 31 All employees and agents of an institution, as well as the governing body of the institution, are subject to these laws.
- 32 Senior managers in institutions need to take steps to communicate to their staff these new definitions of what is meant by discriminatory activity and to communicate the extended scope of the discrimination legislation. Anyone who is responsible at whatever level in the institution for employing and supervising staff should be made familiar with these changes to the law, with the reasons underlying the changes and with their associated responsibilities.
- 33 These redefinitions of discrimination and definitions of what constitutes harassment and what constitutes victimisation also need explanation and underpinning in policies, procedures and, perhaps most importantly, staff development programmes and publications.
- 34 Human Resources staff and staff in Staff Development Units in particular should consider the implications for their policies and procedures and for their future planning.
- 35 It is well recognised that there is significant under-declaration of disability by staff employed in higher education. There are many reasons for this, some of which are explored in publications listed in the further reading section at the end of this publication.
- 36 It is also well recognised that disabled people are much more likely than non-disabled people to be unemployed. That this is so means that people who are in work may not have that much experience or knowledge of working alongside disabled colleagues. As a result they may make incorrect assumptions about people's capabilities, they may harbour unconscious prejudices, and they may be limited in their knowledge of the many different ways there can be to complete day-to-day work tasks. In this context, the necessity of ensuring that adequate and on-going disability equality training is available to all staff, and especially to managerial and supervisory staff, should not be underestimated.

- 37 This new legislation is not just a human resources issue. Senior staff have a very important role to play in promoting good practice and an inclusive culture within an institution, especially in the light of forthcoming disability discrimination legislation, the Disability Discrimination Bill. The active building of an inclusive culture is a much better strategy and is also much more in keeping with the spirit of the forthcoming legislation than any focus on the negative drivers of possible litigation for non-compliance and the potential damage to an institution's reputation.¹

A checklist for senior staff

The DRC's *Code of Practice on Employment and Occupation* (Part I, Section 2) issued in the Spring of 2004 provides employers with the following checklist on how best to build an inclusive culture:

- Establish a policy which aims to prevent discrimination against disabled people and is communicated to all employees and agents of the employer.
- Provide disability awareness and equality training to all employees. In addition, train employees and agents so that they understand the employer's policy on disability, their obligations under the Act and the practice of reasonable adjustments. People within the organisation who have responsibility for managing, recruiting or training employees are likely to need more specialist training.
- Inform all employees and agents that conduct which breaches the policy will not be tolerated, and respond quickly and effectively to any such breaches.
- Monitor the implementation and effectiveness of such a policy.

¹ The Government has undertaken to review the name of the Bill. It is likely it will become known as the Disability Rights Bill to reflect the positive nature of the measures it will contain.

- Address acts of disability discrimination by employees as part of disciplinary rules and procedures.
- Have complaints and grievance procedures that are easy for disabled people to use and which are designed to resolve issues effectively.
- Have clear procedures to prevent and deal with harassment for a reason related to a person's disability.
- Establish a policy in relation to disability-related leave, and monitor the implementation and effectiveness of such a policy.
- Consult with disabled employees about their experiences of working for the organisation.
- Regularly review the effectiveness of reasonable adjustments made for disabled people in accordance with the Act, and act on the findings of those reviews.
- Keep clear records of decisions taken in respect of each of these matters.

- 38 Many of these recommendations, if implemented, will help HEIs anticipate the additional duties that will be brought in with the new Disability Discrimination Bill. A positive and inclusive approach in employment-related matters within an institutional community will not only help in the retention of good staff but will send out a powerful and a positive message to other key stakeholders in the institution: to students, to the local and the regional community, to the sector as a whole and to the pool of talent world-wide from which the institution will wish to draw both its future staff and its future students.
- 39 HEIs have until 1 October 2005 to address the accessibility of the physical features of their estate for disabled students (Part 4 of the DDA 1995). As providers of goods and services to the public however (Part 3 of the DDA 1995) HEIs are subject from 1 October 2004 to the duty to make reasonable adjustments to any physical barriers that may prevent access for disabled people.

The future of disability discrimination legislation

- 40 The Amendment Regulations are part of an incremental approach to strengthening and broadening civil rights for disabled people. The next step in the legislative process will be the Disability Discrimination Bill promised for the autumn of 2004. Under this Bill, the Government will place all public authorities, including HEIs, under a positive duty to promote equality for disabled people and eliminate discriminatory practices from the end of 2006.
- 41 In this context, it makes sense for HEIs to develop their response to the DDA Amendment Regulations in such a way that they are already well prepared to respond to the new positive duty.
- 42 The ECU will shortly be producing fuller guidance which will make some practical suggestions about first steps that HEIs may wish to take in anticipation of the new duty to promote equality. It will also explain the further extensions of the definition of disability (relating to people with mental illness and people with certain specific progressive conditions).

The work of the Equality Challenge Unit

- 43 The ECU website provides guidance and advice on existing and forthcoming legislation, including a range of publications and resources that are available to support the sector in working towards equality and diversity goals www.ecu.ac.uk
- 44 The ECU is a member of a reference group convened by the Disability Rights Commission to consider the implications of the forthcoming public sector duty on disability. The ECU is also participating along with other key bodies in the DRC working group looking specifically at the implications of the new duties for higher education. The ECU will keep the sector informed of the thinking and the work of these two important groups as they develop.
- 45 The ECU would welcome feedback on this guide. The ECU would also welcome suggestions from the sector for those areas in which they would like to see further guidance on employment-related disability issues. Please contact Liz Sutherland, Policy Adviser (Disability and Age) in the first instance.

Further reading and sources of help and advice

Understanding the Amendment Regulations should be read in conjunction with the ECU publication *Employing Disabled People in Higher Education* April 2004.

In collaboration with HEFCE, the ECU has produced guidance on impact assessment (October 2004). In April 2004 it also published, jointly with HEFCE, a guide on equality and diversity monitoring. Both of these publications, although published with HEFCE, are relevant across the UK. All ECU publications are available free as hard copies through the ECU office and can be supplied in whatever numbers are required. They can also be downloaded from the website.

All websites and guidance referred to in this appendix can also be accessed directly through the ECU website: www.ecu.ac.uk

The Disability Rights Commission has produced detailed guidance in the form of a *Code of Practice on Employment and Occupation* and a *Code of Practice on Trade Organisations and Professional Bodies*.

www.drc-gb.org/thelaw/practice.asp

The Disability Rights Commission has also produced a number of short, readable guides on the amendment regulations including:

Making Access to Goods and Services Easier for Disabled Customers:

www.drc-gb.org/open4all/publications/publicationdetails.asp?id=318§ion

Information for Smaller Employers About Changes to the Law on Employment of Disabled People:

www.drc-gb.org/businessandservices/bizdetails.asp?id=94&title=emp

Making your business Open 4 All:

www.drc-gb.org

The National Disability Team plans to produce its own guidance on the implications of the DDA Amendment Regulations for institutions as providers of services to students. The NDT is also supporting a number of HEFCE funded projects which focus on employability and students with disabilities but which could also be helpful to employers of disabled staff.

www.natdisteam.ac.uk

The Scottish Disability Team has a number of useful publications, written with institutions' duties to students in mind, but helpful in relation to employer duties as well. These include *Auxiliary Aids and Services in Higher Education – Guidance Notes* and *Disability disclosure, confidentiality and evidence in a Higher Education Context – Guidance Notes and Extended Guidance Notes*. The first deals with the kinds of aids and services that can assist staff who require reasonable adjustments to be made and the second deals with good practice in managing a disclosure of disability.

www.sdt.ac.uk

Skill: the National Bureau for Students with Disabilities is updating its publication *A Guide to the DDA 1995 for Institutions of Further and Higher Education*. The updated publication should be available in late October 2004.

www.skill.org.uk

The DfES publication *Finding Out About People's Disabilities* could be helpful to employers wishing to build a culture that encourages applicants and staff with disabilities to be confident about declaring their disability.

www.lifelonglearning.co.uk/findingout/finding.pdf

Although every effort is made to ensure that the information contained within this publication is timely and accurate, the Equality Challenge Unit cannot be held responsible for any unintentional errors or omissions. The information provided in this publication is not intended to be either legally binding or contractual in nature. Should you require more specific advice regarding the application of equalities legislation, it is recommended that you consult an appropriately qualified legal professional.



This publication is available on the ECU website www.ecu.ac.uk
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For readers without access to the internet, we can supply copy on 3.5" disk or in large print. Please call 020 7520 7060 for alternative format versions.

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