Government Review of the Equality Duty

Introduction
Ten percent (10%) of the British population are dyslexic; 4% severely so. Dyslexia is identified as a disability as defined in the Equality Act 2010. Many of the dyslexic people across the UK, whether adults or children, are unable to fulfil their potential as a large percentage of the population still do not understand what dyslexia is, the difficulties which the condition presents and do not know how best to support them. Dyslexia is not an obvious difficulty; it is hidden. As a result, dyslexic people have to overcome numerous barriers to make a full contribution to society.

The British Dyslexia Association (BDA) campaigns for a dyslexia friendly society where barriers to dyslexic people do not exist. The BDA works to ensure that ALL people with dyslexia fulfil their potential. To achieve this we need to create change, set standards and support and enable people. It is the voice of dyslexic people; it listens to their views, represents their agendas and presses for long lasting sustainable change.

How well understood is the Equality Duty and guidance?

Our National Helpline receives around twenty thousand calls each year. Around half of these are from adults and a significant proportion relate to difficulties experienced at work. Although we do not collect data on the sector or industry of enquirers, those from the public sector make a substantial proportion of these enquiries. We also receive requests for help from public bodies themselves, including local authorities, the civil service and National Health Service. It is clear that the level of understanding of employer equality duties is relatively limited. This includes whether dyslexia is considered a disability at all and what if anything can be done to support employees affected.

Undoubtedly the situation has improved enormously in recent years. Yet the number and frequency of calls we receive demonstrates that this is not in decline. Employees often go without support because they are too worried about the negative impact to declare this disability. In addition reactions by supervisors and co-workers and often ensure an atmosphere of disbelief, resistance and hostility towards any employee who seeks help. The public sector is unique in this regard as costs of reasonable adjustments have a direct impact on service budgets, which are already being reduced through austerity measures.

Despite these difficulties we strongly support the duty and do not agree that this should be considered as an additional paper-exercise. Rather a focus on accessibility and inclusion is an essential element of the planning and delivery of any public service.

What are the costs and benefits of the Equality Duty?

Given the relative infancy of integrated Equality Duty, any conclusions drawn about the costs and benefits are limited. We do believe that organisations particularly those who are publically funded should make due regard for all members of society. The benefits of this should mean that organisations are more accessible for and accountable to all.

The PSED should form the basis of any public sector organisations' mission statement, suitably embedded in to organisational culture. The duty should not be regarded as a paper exercise, but rather an organisational value. To ensure the greatest possible impact senior organisational leaders need to understand its importance and the impact on services, functions, structures and procedures.

The strengthening of structural or procedural elements will help to ensure delivery of PSED priorities. As such there is likely to be some costs associated with the development and implementation of relevant policies. However the costs of engaging with the ethos of PSED are likely to be relatively small, as a cultural artefact. Engagement by senior leaders can ensure a heighten awareness of any such change. Indeed employee consultation is vital to the successful implementation and enactment of organisational change.

Communities are also likely to see benefits in this regard as public sector organisations are duty-bound to consider the needs of local people. Accessibility of information is one such area where some public bodies routinely fail to acknowledge the needs of people who cannot readily access printed matter. People with dyslexia and other Specific Learning Difficulties (SpLD), regularly contact us regarding help with completing administrative processes, especially in relation to welfare claims and housing issues. Many of these individuals are unemployed and in need of public or government assistance. We have received many calls from individuals who have not received assistance from JobCentre Plus for example. Staff are often too busy or lack adequate information or training to provide appropriate information. At times we have heard that these employees will not even give people sufficient time to ask questions or seek advice.

In times of austerity we are very concerned about the many changes in public sector organisations. The withdrawal or relocation of many services, either internal or

external, means that far fewer people have access to appropriately trained professionals. Human Resources departments are one such example. This means that not only are employees routinely delayed in gaining support, but supervisors are being given considerably more personnel related work. Needless to say these employees lack the knowledge and skills to identify dyslexia-related issues or offer information or advice on reasonable adjustments.

It is especially important that the PSED is given adequate consideration in a time of austerity. The PSED can help public sector organisations identify areas of priority and ensure these meet the needs of people with protected characteristics. We appreciate that organisations have to make difficult decisions about service provision and that this is inextricably linked to cost. However acknowledging the needs of people, particularly those with disabilities, is in itself likely to be low cost yet effective in addressing their needs.

How organisations are managing legal risk and ensuring compliance with the Equality Duty

The enquiries received by our national helpline demonstrate that organisational processes are often ineffectual because of bureaucracy or lack of vision. When disclosing dyslexia employees are often met with resistance, suspicion and disbelief. Having appropriate support provided to such employees is at times a slow process. Supervisors and even human resource professional question the validity of dyslexia as a disability and therefore covered by the Equality Act and PSED.

People with dyslexia are often reluctant to disclose through fear of negative attitudes and what this might mean for their job security, development and advancement. We know of instances in the National Health Service, Police, Fire and Ambulance services and local authorities whereby employees have had tremendous difficulty in this regard. Quite often disclosure does not occur until after a performance management review is undertaken. Rather than taking this opportunity to provide support and understanding to an employee, supervisors or HR professionals view this negatively. Even when reasonable adjustments are put in place more intense supervision is made to an employees performance. This places them under additional stress, which may exacerbate the difficulties they experience due to dyslexia, as well as have negative consequences for their health and wellbeing.

In addition employers' often view employees with dyslexia as being less competent and therefore a risk. This is compounded by fears of the high costs, inaccurately associated with reasonable adjustments. This may have a negative impact on recruitment and selection procedures, ensuring dyslexia people are either not hired or promoted consummate to their knowledge and skills and abilities.

The Government's decision not to make it possible for the EHRC to publish a Statutory Code of Practice Equality Duty is regrettable. All public authorities need support and guidance in implementing the duty and the lack of authoritative guidance from the EHRC actually creates burdens for public authorities as they try to implement the Equality Duty on their own. A Code can save time if it is authoritative and provide information from a wide range of sources.

What changes to the Equality Duty framework would ensure better equality outcomes?

The most important factor in ensuring the most effective implementation of the duty is leadership and direction from the senior organisational and political leaders. The rhetoric of some senior political leaders undermines these efforts. Suggestions that equality considerations are 'red tape' or some kind of luxury are wholly inappropriate. Legal duty is an essential framework to ensure public sector organisation consider structural or procedural barriers to disabled people. People with dyslexia are especially disabled by negative attitudes and stereotypes of below average intelligence or laziness. Yet this is easily overcome through training and the availability of information.

We therefore advocate the following points to strengthen the current framework:

- Positive and visible leadership from elected and management leaders that focuses on goals and outcomes that will advance equality of opportunity.

- Decision making that takes robust but proportionate account of the likely impact of a decision on the three goals of the Equality Duty.

- Action to make sure that organisations have the capacity to implement the Equality Duty effectively. This capacity would usually need to include staff understanding and awareness, up to date information to aid consideration of equality issues and policy and decision making processes that enable equality implications to be considered **before** decisions are made. This can be achieved through awareness training, diversity champions, CPD activities and consultation processes of a range of stakeholders.

- Active engagement with various stakeholders, including service users, residents and employees, particularly those from a wide range of protected groups. This is likely to ensure a wider consultation and representation from people with a range of protected characteristics, such as dyslexia.

- The appropriate and accurate use of current research to inform policy and the implementation of PSED plans. Such evidence should not only be drawn from central government or the civil service, but also from charities and advocacy groups and academia.

- Openness and transparency, including clear and publicly available information about progress a public body is making towards the Equality Duty's three goals. This should include indications or directions to other internal or external policies whereby service users and employees can access information consummate with their needs, e.g. the availability of information in accessible formats, procedures for obtaining reasonable adjustments etc.

In conclusion the British Dyslexia Associations wholly supports the PSED. We would like this to be strengthened for the benefit of the whole of society, particularly those affected by dyslexia and SpLD. We believe such changes are entirely feasible, even in the current economic climate, and appropriate to ensure equal and fair access.

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