



Rhagoriaeth i bawb – Excellence for all

Arolygiaeth Ei Mawrhydi dros Addysg
a Hyfforddiant yng Nghymru

Her Majesty's Inspectorate
for Education and Training in Wales

Disability Equality Scheme Report 2006 – 2009



INVESTORS | BUDDSODDWYR
IN PEOPLE | MEWN POBL

- 1 This report provides an overview of the progress Estyn has made in the implementation of our Disability Equality Scheme (DES) between December 2006 and December 2009.

Background

The Disability Equality Duty

- 2 The Disability Discrimination Act 1995, amended by the Disability Discrimination Act 2005, places a statutory General Duty on all public authorities to promote disability equality. When carrying out its functions, under the new duty, Estyn is required (where relevant) to have due regard to the need to:
 - promote equality of opportunity between disabled people and other people;
 - eliminate unlawful discrimination;
 - eliminate harassment of people that is related to any disability they may have;
 - promote positive attitudes towards disabled people;
 - encourage participation by disabled people in public life; and
 - take steps to take account of disabled people's disabilities, even where that involved treating disabled people more favourably than others.
- 3 Estyn also has specific statutory duties, which require us to publish a DES and an annual report containing a summary of:
 - the steps we have taken to fulfil our disability equality duty; and
 - the results of any information gathering we have carried out and what use has been made of the information gathered.
- 4 This report provides a summary covering the period 2006-2009.
- 5 We published our first DES in April 2007, which sets out Estyn's commitment to disability equality and the steps that we will take to meet our disability equality duties over the period from December 2006 to December 2009. The scheme includes an action plan which sets out how we aim to deliver and promote disability equality in our work.
- 6 We are mainstreaming equality and diversity both in-house and in the service that we provide for learners across Wales. This is particularly evidenced in our inspection work by the key questions in our Common Inspection Framework relating to equality issues and more generally in our Disability Equality Scheme.
- 7 Our DES is available on our website: www.estyn.gov.uk.

Progress

Inspection

- 8 Estyn provides an independent, high-quality inspection and advice service in relation to education and training in Wales. We promote disability equality through our inspection and remit work, by drawing the attention of providers to their own duty to promote disability equality (where relevant).
- 9 When we inspect we use our Common Inspection Framework for education and training in Wales (except for the inspections of local authority education services).
- 10 The majority of our inspections are risk based, allowing us to target more resources at those providers that require closer inspection, while reducing the need to inspect consistently good performers.
- 11 In line with our Common Inspection Framework, we report on issues of inclusion including equality of access for learners to all aspects of provision and the monitoring of outcomes for all learners. Of the seven key question (KQ) in our framework, All seven key questions in our framework address disability equality matters:

Standards

KQ1 Here we judge the outcomes in terms of standards for all learners and the extent to which all learners demonstrate an awareness of equal opportunities issues and a respect for diversity within society. In addition we ask our inspectors to note if there are any groups where there is evidence of underachievement.

The quality of education and training

KQ2 Here we judge whether teaching ensures that all groups, regardless of their background or ability, are receiving appropriate teaching that is targeting at their needs, aptitudes and abilities. We ask whether teaching treats all learners equally, regardless of their race, gender or disability.

KQ3 Here we judge whether the curriculum meets the diverse needs of all learners.

KQ4 We ask whether or not there is good provision for equal opportunities and judge whether or not the provider is promoting equality and challenging stereotypes in learners' choices and expectations. We also report here on how well learners are cared for, guided and supported.

Leadership and management

KQ5&6 We report here on the extent to which management and leadership ensure that the provision has explicit aims and values that promote equality for all.

KQ7 We look at the adequacy, suitability and use made of staffing, learning resources and accommodation, including access for disabled people. For inspections where provision takes place in community venues that are not owned by the provider, we will comment, for example, on physical access issues.

12 Each inspection also asks to what extent the provider addresses:

- the quality of provision for equal opportunities; and
- to what extent the provider has positive and constructive attitudes to learners from a variety of backgrounds and those with learning disabilities.

13 We ask specific questions, including:

- Does the provider give additional support to meet individual needs, including those for learners with learning and/or physical disabilities, sensory impairments and other special needs?
- Does the provider secure equal treatment of disabled learners and make reasonable adjustments to avoid putting them at substantial disadvantage?; and
- Does the provider recognise and respect diversity?

14 We also check and, if necessary, discuss and comment on providers' policies for inclusion and anti-discriminatory practice.

15 Our pre-inspection letters and questionnaires invite parents/carers of pupils in a school to a meeting, or to complete a questionnaire, to give their views about the school and how it works so that these views can be included in the inspection.

16 Estyn's inspection findings are published in our inspection reports which are available on our website.

17 Since 2007, we have continued to review our inspection guidance, handbooks and documentation in respect of the general duty and where required, the guidance has been updated. Our guidance for the following areas was updated between 2006 and 2009:

- Independent schools;
- Special schools and Pupil Referral Units;
- Primary and nursery schools;
- Secondary schools;
- Initial teacher training;
- Education provision for children before compulsory school age in settings;
- Custodial establishments in Wales;
- Local authority education services in Wales;
- Youth Support Services;
- Providers of work-based learning and Jobcentre Plus programmes;
- Careers companies;
- Area inspections; and
- Education and training in HM custodial establishments in Wales.

18 We also produced supplementary guidance for the following areas:

- Independent and additional inspectors: More able and talented learners;
- Inspecting Learning Pathways 14-19 in secondary schools and special schools;
- Inspecting in the Foundation Phase; and
- Policy and procedures for safeguarding 2009.

Remit work

19 We also contribute to the development of education and lifelong learning policy in Wales, providing high-quality advice on themes agreed with the Welsh Assembly Government. Our advice provides evidence of the effect of the Welsh Assembly Government's strategies, policies and initiatives on the education and training of learners.

20 Since 2007, the following remit reports have looked at issues related to, or include elements which looked at disability equality:

- 2007**
- Disability Discrimination Act (1995). The practice of schools and local education authorities in implementing their duties (February).
 - Evaluating outcomes for children and young people with additional learning needs (February).
 - Values education: an evaluation of provision of education for the promotion of social responsibility and respect for others (February).
 - Participation of children and young people (3-11 year olds) in local decision-making issues that affect their lives (March).
 - Local education authority practice in monitoring the location of pupils being educated outside the school setting and those missing from education (May).
- 2008**
- Having your say – young people, participation and school councils (February).
 - Education in children's homes (March).
 - Best practice in the reading and writing of pupils aged 7 to 14 years (May).
 - Joining in (June).
 - Impact of the Better Schools Fund on curriculum development (June).
 - Merging the boundaries in adult community-based learning (July).
 - Local authority placements of pupils with additional learning needs in independent special schools with linked 52-week residential provision (October).
- 2009**
- An evaluation of post-18 offender learning in Wales (February).
 - Inspecting Participation. Mapping the Common Inspection Framework against the National Children's and Young People's Participation Standards for Wales (February).
 - Physical Education for pupils with learning difficulties: Identifying good practice (February).
 - Using data to plan strategically for children and young people (February).

- Best practice in the reading and writing of pupils aged five to seven years (March).
- The impact of unlocking the potential funding on promoting the use of special schools as community focused resource bases (April).
- Food and Fitness in Schools: An update (April).
- Good practice in parental involvement in primary schools (April).
- Local authorities and schools causing concern (May).

- 21 The full reports are available on our website and a summary of the findings are included in The Annual Report of Her Majesty's Chief Inspector of Education and Training in Wales 2006-2007, 2007-2008, and 2008-2009 which are also available on our website.
- 22 To view the Welsh Assembly Government's response to our recommendations made in the majority of the reports detailed above, visit:
www.wales.gov.uk/topics/educationandskills/publications/estynremit/estynreports.
- 23 At the request of the Minister for Children, Education, Lifelong Learning and Skills, in 2008 we undertook a review with the Care and Social Services Inspectorate for Wales (CSSIW) following the decision of Denbighshire County Council to close Hyfrydle children's home, a 52-week residential care home for children with autistic spectrum disorder. The full 'Report of the CSSIW-Estyn review of the development and subsequent closure of the Hyfrydle Children's Home' is available on our website.
- 24 In November 2009, we were involved in producing a joint report with Healthcare Inspectorate Wales, the Wales Audit Office, and Care and Social Services Inspectorate Wales on the review of the provision of mental health services for children and young people. The report, 'Services for children and young people with emotional and mental health needs' identifies the need for urgent improvements in mental health service for children and young people in Wales and is available on the Wales Audit Office website (www.wao.gov.uk).

Working groups

- 25 Our staff continue to be involved with, and contribute to, a large number of external forums, policy working groups and advisory panels with key stakeholders, the purpose of which ranged from sharing information and good practice to developing advice and guidance to inform national policy in relation to education and training in Wales.
- 26 Our staff played a central role in over 35 working groups and committees throughout 2008-2009. These working groups include the Inclusion Policy and Performance Framework and Ministerial Advisory Group – Special Education Needs and Disability Sub Group.
- 27 We also regularly host various forums and conferences on areas of improvement.

Engagement

- 28 Stakeholder engagement is a requirement of the Disability Equality Duty.

Estyn 2010

- 29 In 2007, we initiated the 'Estyn 2010' project, aimed at reviewing the way we inspect education and training in Wales, and developing a new inspection methodology and framework.
- 30 In 2008, we sought the views and opinions of the general public and our stakeholders on:
- the type of inspection service Estyn should provide;
 - the type of information the general public need;
 - the way in which this information can be delivered to ensure people make informed choices; and
 - the way in which this information can be delivered to ensure people have more of a say in the quality of services they receive.

The findings from this national consultation formed the basis of our new inspection framework.

- 31 We then carried out an internal review and analysis of the current inspection process along with the development of a new inspection framework. As part of this process, a series of forums and workshops were held to gain views, opinions and ideas from other inspectorates, public bodies and staff. At the end of 2008, a draft set of proposals was presented to Ministers for feedback.
- 32 In January 2009, we launched a three-month consultation to seek the views of the general public and our stakeholders on the new inspection proposals. We worked closely with CRG Consultancy, who were responsible for undertaking the research and promoting the consultation throughout Wales. A media campaign was designed and implemented in early January 2009, aimed at providing information about the consultation and encouraging members of the public to play their part in shaping the future of inspection.
- 33 The success of this campaign is evidenced by the very high response rate to the consultation with over 280 responses received. The findings and feedback have been used to shape the development of the new framework.
- 34 Our response to the 2009 consultation is published on our website along with the full CRG research report.
- 35 The findings were analysed, and a draft inspection framework was developed. Pilot inspections began in autumn 2009 and will continue into spring 2010 ahead of the implementation of the new inspection framework from September 2010.
- 36 The new inspection arrangements contain many significant changes including:
- more streamlined, proportionate inspection models which involve less engagement with stronger providers and more engagement with weaker providers;

- stronger focus on evidence produced by providers themselves through self-evaluation;
- a stronger role for peer inspectors on all inspections;
- a much shorter notice period before inspections;
- an enhanced focus on learners' needs and experiences; and
- much shorter and clearer reports than in the past.

Fuller details of the changes are available on our website.

Involvement

- 37 Central to carrying out our work and delivery of the new inspection framework has been ensuring that we engage effectively with learners, political and professional stakeholders and the general public to hear firsthand what matters to them in the delivery of education and training, and to discuss how they think inspection can drive improvement. Details of some of the conferences, workshops and forums which we organised over the last twelve months to promote such engagement have been outlined in our 'Annual Report and Accounts 2008-2009', which is available on our website.
- 38 We use feedback from questionnaires returned by education and training providers and the Welsh Assembly Government to improve the inspection process and the quality of our reports. We have begun introducing new mechanisms which encourage feedback on all aspects of our inspection and remit work from the Welsh Assembly Government and an appropriate range of providers and stakeholders, and monitoring the impact of our recommendations to change outcomes for learners.
- 39 We have also begun to open a dialogue with a wider range of young people, and have strengthened our links with young people through Funky Dragon and Youth Forums. Funky Dragon worked with Estyn during 2008, featuring links to our website and actively promoting our consultation work, particularly in relation to our 'Estyn 2010' consultation.

DES Consultation

- 40 Our DES was widely consulted on during the first quarter of 2007. We have continued to address the key issues for disabled people raised through our consultation on our Disability Equality Scheme. These include the importance of accessible information to facilitate communication and involvement; awareness training for staff, physical access; reasonable adjustments; and the importance of confidentiality when undertaking monitoring. Further details of developments in these areas over the last three years (where applicable) are provided below.

Inspector Training

- 41 We provide training for those who undertake inspection activity with us or on our behalf. Modules one and two of the initial training for independent and additional inspectors covers disability equality.

- 42 A particular example of how Estyn is providing opportunities for disabled people to participate in the inspection process is where we have trained a blind peer assessor to participate in the inspection of adult community-based learning providers.

Monitoring

- 43 Estyn recognises that each person brings different skills and experience with them when they work for us. As an organisation, we support and welcome diversity and value these differences.
- 44 We first asked staff to declare any disability as part of our equality monitoring in 2007. Although the response rate of 56 per cent was quite low, it was encouraging that 4.8 per cent of staff who responded to the question on disability were prepared to declare they are living with a disability.
- 45 In 2009 we achieved a response rate of 87.3 per cent to the question on disability, with 5.6 per cent of staff who responded to the question on disability prepared to declare they are living with a disability.
- 46 We continue to ask applicants to provide equality information on our equal opportunities monitoring form, during the recruitment process and on appointment.
- 47 Our full equality report for 2008/09 is available on our website. It contains information regarding the number of permanent staff in post, leavers, and recruitment and training requests by declared disability, gender and ethnicity for the last three years.
- 48 Due to the relatively small number of staff employed and recruited by Estyn and the need to ensure confidentiality, it is not always possible to publish in detail the results of our equality monitoring information; however the information gathered is used to meet our duties as an employer. It should be noted that the sample on which these statistics are based is relatively small and the monitoring data should be viewed in the context that small numbers of people can significantly influence the monitoring results.

Recruitment

- 49 It is Estyn's policy that all employees and job applicants should have equal opportunity for employment and advancement on the basis of their ability, qualifications and suitability for the work.
- 50 Our recruitment and selection policy and associated procedures are underpinned by the principles of:
- a. openness;
 - b. fairness; and
 - c. appointment based on merit.
- 51 Estyn follows the Civil Service Code of Practice on the employment of disabled people, which aims to ensure that there is no discrimination on the grounds of

disability, and that access to employment and career advancement within Estyn is based solely on ability, qualifications and suitability for the work.

- 52 We give due consideration to how and where we advertise vacancies, the composition of selection panels and the integrity of our procedures.
- 53 Estyn has maintained its commitment to the 'Two Ticks' scheme which demonstrates to disabled job seekers and disabled employees that we are committed to the fair recruitment, employment, retention and career development of disabled people. We operate a guaranteed interview scheme in respect of all vacancies, for applicants living with a disability who meet the minimum criteria for the post. We also offer to provide access, equipment or other practical support, where it is reasonable to do so, to ensure that disabled people can compete on equal terms.
- 54 In addition to advertising in the national press and other job specific publications, we circulate our vacancies via local disability organisations and networks and advertise our vacancies via various equality websites in order to reach a wider audience of disabled people. We have also aimed to raise our profile as an employer through advertisements in the Equality Britain Directory of Opportunity in 2009 and demonstrate to job seekers from different backgrounds our commitment to equal opportunity.
- 55 We have continued to monitor and analyse recruitment information in respect of disabled people throughout the recruitment process. For recruitment exercises completed during 2008/09, 2.2 per cent of applicants declared a disability compared to 3.1 per cent in 2007/08. The return rate of declarations of any disability in 2008/09 was 92.9 per cent compared to 93.3 per cent in 2007/08. Analysis of the results has not identified any significant areas for improvement.

Training

- 56 As part of our commitment to training and development and in relation to our general duty, we continue to review staff training needs and provide appropriate training.
- 57 We take care to arrange times and locations for training that take into consideration the different working patterns of staff, and use venues that are fully accessible.
- 58 In March and April 2007 we organised a programme of Diversity Awareness training for all permanent and seconded staff to ensure they are more aware of and have the necessary skills and knowledge to ensure that equality becomes part of our day to day activities. Ninety six per cent of our staff attended the training and the feedback was very positive with nearly all respondents commenting that the opportunity for discussion had helped to raise awareness of diversity issues.
- 59 In April and May 2009 we organised a programme of Equality Impact Assessment training for staff with responsibility for developing policies and designing/delivering services to ensure the consistent integration of equality considerations into our day-to-day business.

Reasonable adjustments

- 60 Estyn has made a number of reasonable adjustments to the work environment for employees over the last three years to enable staff to undertake their work effectively, in conjunction with Access to Work (where applicable). These can include the provision of specialised chairs, wrist pads, telephone equipment, bespoke keyboards and flex-desks.

Statement on Bullying and Harassment

- 61 In October 2007, Estyn set out its commitment to ensuring that bullying or harassment does not take place, and is not tolerated, in our organisation.

Impact Assessment

- 62 We have developed impact assessment guidance to assist staff in completing equality impact assessments, and provided training to staff who will be responsible for undertaking impact assessments.
- 63 Over the last three years, we have begun to review and impact assess employment and corporate issues as they refer to the general duty. A summary of the impact assessments undertaken since 2008 is provided in the Appendix.

Our website

- 64 In order to establish whether our website meets the needs of our customers and what changes might be appropriate, we added a short customer satisfaction survey to the homepage in February 2007. The information collated was used, in conjunction with the outcomes of wide-scale consultation, both within Estyn and with some of our external stakeholders, to inform a report collated by external consultants who were engaged to help review and refresh Estyn's Information Systems (IS) strategy.
- 65 Early in 2008 we adopted a new Information Systems Strategy. The strategy identifies a number of key developments which will underpin the delivery of Estyn's objectives, including consideration of our technical communication requirements, and arrangements for internet services. Interim changes have been made to our website to improve the design of the website and make it easier to find information, prior to the launch of an improved website in 2010.

Reports

- 66 The Annual Report of Her Majesty's Chief Inspector presents the findings from inspections in almost every aspect of education and training in Wales. It describes standards, the quality of education and training, and leadership and management in the sample of education providers we inspected (one-sixth of all providers) during a specific period in Wales. The report highlights strengths in the quality of provision, offers advice on trends and issues and points out the areas for continuing development in the progress towards excellence for all learners.

- 67 Since 2007 we have continued our work to encourage a wider readership of Estyn's reports by publicising them better in the press and making sure that they are more accessible to a wider range of reader. All Estyn reports are available on our website and summary documents of our larger reports are available presenting the key messages. In 2009, for the third year, a summary version, 'Excellence for All' presented the main findings from 'The Annual Report of Her Majesty's Chief Inspector 2007-2008' in a more easily accessible format. For the first time, the Chief Inspector presented the main findings in a webcast. All of these versions of the report are available on our website.
- 68 Our Estyn 2010 consultation highlighted that the majority of citizens want more accessible reports. In response to this, we have developed new requirements for short and clear reports, supported by more full professional dialogue in oral feedback to the providers themselves. We are developing new formats for our inspection and advice work so they are more attractive and accessible and better publicised via an improved range of mechanisms, including an improved website, in order to encourage wider readership, influence more audiences and ensure better outcomes for learners.

Promoting disability related issues in Estyn

- 69 In November 2008 we promoted the United Nations International Day of Persons with Disabilities, and the events planned by the Welsh Assembly Government in Cardiff to mark the event on 3 December 2008, to all staff.

Procurement

- 70 Where we have a contract or other arrangement with others to carry out any of our functions and the general duty applies to those functions, we are responsible for ensuring that that duty is met.
- 71 The general duty does not override the regulations on public procurement, under which we buy or obtain services from outside organisations. Our procurement documentation includes reference to disability equality in the standard terms and conditions for goods and services and requires all contractors to comply with all current statutory obligations, including the disability equality duty. We also ask that contractors evidence in their business statement any equal opportunities policies/strategies they may have in place.
- 72 We also require contractors of school inspections to provide a quality statement with their submission for contracts. Our guidance to contractors on completion of the quality statement includes a section on the need for contractors to have an appropriate equal opportunities policy that shows that they take account of the need to consider these issues in training and in drawing up and deploying teams of inspectors.

**Human Resources
February 2010**

Appendix – Summary of equality impact assessments

Since 2008 we have completed equality impact assessments in respect of:

- Recruitment and selection;
- Internal communication;
- Travel and subsistence;
- Risk management; and
- Maternity.

A summary of the conclusions drawn from these assessments is provided below.

Recruitment and selection

In 2008 we undertook an impact assessment of our recruitment and selection guidelines.

Our recruitment and selection guidelines take account of good practice and relevant legislation on disability and other protected characteristics and set a fair, consistent approach to recruitment and selection. While the impact of the recruitment and selection guidelines could be different based on the unique needs of each group, there is no evidence to say that any individual or group is, or will be, disadvantaged as a result of the procedures or guidelines as long as they are followed consistently by those undertaking recruitment and selection activities.

The ongoing monitoring of recruitment data will enable us to monitor the application of our recruitment and selection procedures and guidelines, identify if there are any adverse effects on any particular individual or group of applicants and help to ensure that we pick up on any issues in a timely manner. If we identify adverse effects as a result of such monitoring, this would lead to a further review of the procedures and guidelines in order to address any issues raised.

The impact assessment highlighted the following points for consideration which fed into a wider review of recruitment and selection in Estyn in 2009:

- providing refresher training for recruitment board members which covers equality;
- ensuring testing methods are appropriate for all applicants; and
- reviewing penetration of advertising among under-represented groups.

Internal communication strategy

In March 2009 we undertook an impact assessment of our internal communication strategy.

Our internal communication strategy takes account of good practice policy and procedures and consideration was given to equality issues and the potential impact of the strategy on different individuals or groups. The strategy was developed following a full consultation with all staff and secondees and their feedback was used to shape the development of the strategy.

The strategy is a working document and proposes regular consultation with staff in order to benchmark the success of the implementation of the strategy and identify any issues or requirements which we may need to address, as and when they arise.

Issues relating to equality will be considered in proposals for revised and new channels of internal communication as they are developed.

Travel and subsistence policy

In June 2009 we undertook an impact assessment of our travel and subsistence policy.

The policy was developed in consultation with staff, trade unions and external parties and provides discretion for individuals to take responsibility for determining their own requirements with regards to travel and subsistence.

The impact assessment identified that the policy was likely to have a different impact on disabled people. As a result, the policy was amended to positively enhance aspects of the policy, particularly with regards to disability equality. For example, the policy contains specific information for disabled drivers.

Interpretation and usage of the policy will be monitored to identify any potential equality issues or concerns.

Risk management policy

In August 2009 we undertook an impact assessment of our risk management policy.

The aim of the policy is to embed robust risk management processes throughout Estyn. The impact assessment identified that the policy was of low relevance to disability equality.

Interpretation and usage of the policy will be monitored to identify any potential equality issues or concerns.

Maternity policy

In November 2009 we undertook an impact assessment of our maternity policy.

Our maternity policy takes account of good practice and relevant legislation on disability and other protected characteristics and establishes a fair, consistent approach to maternity leave and pay. The policy was developed following a full consultation with all staff and their feedback was used to shape the development of the policy.

The policy has a neutral impact on disability with little or no potential for unequal access of impact between different groups due to the nature of the policy, which meets and exceeds legislative requirements. There is scope for flexibility to meet

individual's particular needs, experiences or priorities and all provisions are equally applicable to all employees irrespective of their background.

The ongoing monitoring of the implementation of this policy and monitoring of developments in employment law will help us to identify if there are any adverse effects on any individual or group of people.

The impact assessment highlighted the need to consider additional policies to cover adoption, paternity and to encourage more people to declare their disability as part of employee equality monitoring.