

Up to the Mark?

How have Government Departments responded to the new Disability Equality Duty?



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How have Government Departments responded to the new Disability Equality Duty?

The Disability Equality Duty came into force in December 2006. It requires all public authorities to give due regard to the need to promote disability equality.

This duty to promote disability equality is intended to be transformative; to change the practices of government and public authorities and make equality for disabled people central to policy making and implementation. In many key policy areas failure to take account of the disability equality dimension jeopardises success:

- Of all people in Britain without any formal qualifications, over one third are disabled;
- Of all people of working age out of work, 40 per cent are disabled;
- One in three children living in poverty has a disabled parent;
- The aging population put a premium on designing environments and services which take into account the increased prevalence of disability associate with age.

The Duty is rooted in the principle of community empowerment. The transformation of public services is to be achieved by engaging disabled people as partners. Disabled people have historically been treated as the passive recipients of charity, and excluded from public life. The Duty sets out to change this.

A key purpose of the Disability Equality Duty is to provide transparency between public authorities and disabled people – so that authorities can inform disabled people about their actions to promote disability equality and that disabled people are thereby able to hold the authority to account in delivery.

These are ambitious goals. To achieve them will require strong leadership. Government Departments must lead by example and set a framework of expectation across the public sector.

This Report provides an early assessment of the performance of Government Departments on the Disability Equality Duty. All Government

Departments must produce and put into effect Disability Equality Schemes. These Schemes set out how each Department measures its performance on disability equality, and how it plans to improve its delivery for disabled people.

This Report assesses the Disability Equality Schemes of all fifteen Ministerial Government Departments. (Cabinet Office; Department for Communities and Local Government; Department for Constitutional Affairs; Department for Culture, Media and Sport; Department for Education and Skills; Department for Environment, Food and Rural Affairs; Department for International Affairs; Department for Health; Department for Transport; Department for Trade and Industry; Department for Work and Pensions; Foreign and Commonwealth Office; HM Treasury; Home Office; Ministry of Defence (Full assessments of each of these Schemes are available on the DRC website, alongside any comments which Departments have sent us).

It also draws on research commissioned from the Office for Public Management by the DRC. Directors General and other staff across five Government Departments (The Department for Communities and Local Government; The Department for International Development; Department for Skills and Education; The Department for Trade and Industry The Department for Work and Pensions) were interviewed to get their views of the benefits gained from developing Disability Equality Schemes. Unless otherwise indicated all quotations in this Report are from this research. (The full report is also available on the DRC Website).

It is of course far too early to attempt to assess the implementations of these Schemes, which have only been in force since last December. However, strong Schemes provide the indispensable foundation for strong promotion of disability equality.

Overview

Assessment of Schemes

Overall the picture is a mixed one.

We commend:

- Department for Communities and Local Government;
- Department for International Development;
- Department for Skills and Education; and
- Department for Work and Pensions

Another group of Departments are beginning positively to engage with the Duty:

- Department for Constitutional Affairs (now the Ministry of Justice)
- Department for Culture Media and Sport
- Department of Health
- Department for Trade and Industry
- Department for Transport
- Home Office
- Treasury

A third Group have yet to fully engage with the Duty's requirements:

- Cabinet Office
- DEFRA
- Foreign and Commonwealth Office
- Ministry of Defence

Even the weaker Schemes generally have some strong features from which others can learn. The DCMS, for example, led the field in terms of its positive approach to opening up public appointments to disabled people and in proactively engaging with the many influential bodies which it sponsors (such as the Arts Council and English Heritage).

Our assessments, nevertheless, revealed a number of common weaknesses responding to the Duty's requirements:

- Failure to involve external stakeholders
- Failure to clearly and transparently indicate how involvement had influenced the Scheme
- Failure to develop actions across the full range of Departmental functions (with a number focused exclusively on employment). For example, the Department of Health Scheme failed to include any actions regarding its responsibility for social care.
- Failure to show how they would use the information that they gathered. For example by adopting clear time based objectives across a range of relevant functions

Government Departments have overwhelmingly responded in a positive way to our comments and agreed to build in improvements as they develop and implement their Schemes, and to revise them where necessary. There is recognition that the publication of the Schemes marks the start of a long process of continuous improvement.

“The thing is this is an ever evolving process, we will constantly strive to educate ourselves and our policy colleagues, we are in for the long game. By 2009 DfES won't have cracked it but we will constantly strive to improve and the DES gives us the framework to do it. We can't change the world overnight but we've asked directorates to identify key policies to work towards. I think the key thing is that we are committed to do this.” Rosie Purshouse, Mainstreaming Advisor, DfES

From this perspective, viewed as the beginning of a process of cultural and institutional change, we consider the picture a positive one.

It is particularly encouraging where Departments have begun to appreciate the centrality of disability issues to their core business. The Treasury Scheme, for example, states:

“To be an excellent finance ministry we need to know how our work impacts on the economy, nationally and locally. When we advise Ministers, we need to be clear about impacts on different people, particularly those at a disadvantage in our society. The best advice will draw on a broad range of experience and analysis. To this end, the Treasury is developing its analysis of the impact of economic and fiscal policy on women, disabled people and people from ethnic minority backgrounds.” HM Treasury

Moreover, we know that they are taking forward this approach through their work with other Departments on the Comprehensive Spending Review.

Even at this early stage Departments feel that they have learnt lessons from the preparation of the Scheme, and particularly involving disabled people.

“The other spin off from the Duty is that we are now much more proactive in involving disabled people in our policy making processes. We ensure the impact of changes are considered before implementation which is a real win for us because there has been a tendency historically to develop policy and then ask key stakeholders to quality assure the process. Involvement is now early in the process and shapes the way forward.” Lesley Strathie, Chief Executive, Jobcentre Plus

“It’s not about doing something that gets in the way of what we’re trying to do, but thinking about how you can achieve what you’re trying to achieve effectively. So for example, by making information more accessible you’re improving the service for everyone, achieving the purpose the information was designed for, if it’s not accessible you haven’t achieved your objective.” John Alty, Director-General, DTI

Key findings from interviews

Benefits

Interviewees reported that disability equality had risen up the agenda of their Department. This new focus on disability equality had happened in an atmosphere of strong competing pressures.

The DED had led Departments to adopt a more integrated approach to disability equality, with these issues being considered more fully in relation to a wider range of departmental policies, strategies and services.

Departments have begun to appreciate the centrality of disability issues to their core business.

“It’s fundamental to our objectives to support people to change their lives and to promote work for those who can work. The Government has set itself a target employment rate of 80 per cent and there’s no chance of achieving this if we don’t address the needs of our disabled customers.”
Lesley Strathie, Chief Executive, Jobcentre Plus

People that participated in the interviews reported that the involvement dimension of the DED had helped them plan real improvements in delivery for disabled people.

“I think we found out that disabled people are the experts – they are the people experiencing these problems in their everyday lives. We can surmise what these problems are but we aren’t actually living that experience so it was really, really valuable. Bullying was a key finding in our involvement with disabled people from the disabled children right through to disabled adults who had experienced bullying. That was a key finding and as a result there will be new guidance on bullying for schools and also schools are required to keep a log book of incidents for race and the new guidance may well also encourage schools to keep a log for disability also. We are also speaking to schools about their own disability equality schemes – this is a key action for them – and they need the evidence about disability incidents so they can look at how to reduce it.”
Teresa Clark, Equality Mainstreaming Team Leader, DfES

There is a feeling in some Departments that involvement has led to more of an ongoing dialogue with disabled people.

“We’ve opened channels of communication particularly with disabled people’s organisations and children and young people who are now talking to us about policies and say ‘Have you thought about this and have you

thought about that?’ And we can feed this back in.” Rosie Purshouse,
Mainstreaming Advisor, DfES

There is an appreciation that the work of developing the DES has produced
a wealth of practical experience as well as a vision of what works.

Background – What is a Disability Equality Scheme?

Government Departments (like most public authorities) must produce a Disability Equality Scheme. In essence these Schemes are delivery plans, which must include an Action Plan setting out the steps they will take to give due regard to the need to:

- promote equality of opportunity for disabled people
- eliminate discrimination which is unlawful under the Act
- eliminate disability related harassment
- promote positive attitudes
- encourage participation by disabled people in public life
- take steps to take account of disabled people's disabilities even where that involves treating disabled people more favourably than others.

They must also set out how the authority will assess the impact of existing or proposed policies and practices on disability equality. Whilst the latter requirement is designed to 'mainstream' disability equality into the work of public authorities, the first requirement is designed to produce some immediate and tangible outcomes.

The Scheme must be evidenced-based, showing what evidence the authority is collecting regarding its performance on disability equality in relation to employment, education (where relevant) and other services and functions. (Regulations 2 (3) (d) (i) and (iii) provide that the scheme must include a statement of the authority's arrangements for gathering information on the effect of its policies and practices on disabled people and in particular its arrangements for gathering information on their effect on the recruitment, development and retention of its disabled employees, and the extent to which the services it provides and those other functions it performs take account of the needs of disabled persons.)

There is no point in collecting information if it is not used, and therefore Schemes must also set out how authorities are going to use the information which they gather to help them measure their performance on disability equality. (Regulation 2(3) (e) provides that the Scheme must include a statement of the authority's arrangements for making use of the information it gathers to assist it in the performance of its general duty and, in particular, its arrangements for reviewing on a regular basis the

effectiveness of the action plan, and preparing subsequent schemes.)

A novel, and very important, element of the Disability Equality Duty is its requirement that disabled people should be involved in the development of Schemes.(Regulations 2(2) and 2(3)(a) provide that the authority must involve disabled people who appear to that authority to have an interest in the way it carries out its functions in the development of the Scheme, and that the scheme must include a statement of the way in which such disabled people have been involved in its development.)

These requirements build on lessons from the race duty, being more outcome focused and leaving considerable scope for flexibility with a framework on common standards. They resonate with important themes of public sector renewal – such as community involvement, responsive services, evidenced based policies, and the importance of transparency and accountability.

The objective is that the development and delivery of Schemes will provide a framework for shared ownership and a shared vision of what Departments are trying to achieve.

DRC assessment of compliance with particular aspects of the duty

Involvement

As noted above, this is a key element of the Duty.

“Disabled people have rightly said that policymakers should do 'nothing about us without us'. None of us can improve opportunities for disabled people effectively unless we talk to disabled people and involve them in our decision-making. That is why I see involvement of disabled people as at the heart of the new Disability Equality Duty. Anne Maguire, Minister for Disabled People.

“Involvement” requires a more active engagement of disabled stakeholders than “consultation”. Large authorities such as Government Departments need to develop a range of methods of involving disabled people in the development of the scheme. It is also important to ensure that the diversity of disability experience is addressed.

DCLG, DFES, DFID, DFT and DWP had made particularly strong efforts in relation to involving disabled people. DFT, for example, supplemented their statutory Disabled Persons Transport Advisory Committee, and meetings with national disability organizations, with workshops with a wider group of disabled people, not belonging to formal disability organisations, covering a range of geographical areas, topics and types of disability. Questionnaires were also distributed to allow a wider group of people. Over 200 disabled people with a range of backgrounds, ages and disabilities took part.

Nevertheless, it was disappointing that the majority of Government Departments had failed to involve any disabled stakeholders other than their own staff in the development of their Schemes,

Some reported difficulty in identifying appropriate stakeholders, particularly where they provided no direct service to the public. A number explained that they had received no response to written invitations to get involved.

However, other Departments illustrated how, with dedication and creativity, disabled people can be effectively involved.

DTI for instance identified a number of national organisations with a particular interest in their functions such as Association of Disabled Professionals, Blind in Business Association, Breakthrough UK Ltd, as well as 10-15 small businesses from its internal database run by disabled people, or employing or provide services to disabled people. (These last

two categories whilst not satisfying the Duty could provide additional perspectives).

Paying for disabled expertise can contribute to resolving problems. DFID engaged two disabled external consultants to advise on the overall development of the Scheme. These consultants were used to facilitate three involvement workshops for disabled people – two for internal staff and one for external individuals.

DCLG commissioned RADAR to supplement other involvement mechanisms by organising two events with disabled people from the organisations which are part of their New Spirit Coalition with the addition of organisations representing disability and equality issues. Representatives either attended the events or provided written comments on the policy areas.

The best Departments employed a number of different mechanisms for involving disabled people.

DFES managed to hold focus groups for not only disabled adults but also disabled children. They supplemented this with: a focus group of disabled learners in one inner city school, convened to look at their priorities for change and at how the effective practice at their school helps overcome barriers; a critique, from the perspective of people with learning difficulties, of the DES; and in-depth interviews with disabled educationalists and with members of organisations run by disabled people.

Benefits of involvement

Where full involvement took place it was recognised as bringing many benefits. Bringing staff and disabled people together was seen as beneficial in educating staff and senior managers about disability related issues and helping some officials to take on board the complex and diverse issues related to disability.

“I think the event demystified disability for staff. It enabled disabled people to be seen for who they are, real people with real needs and feelings and not just a group to whom we acknowledge that we must do something for them but what can we do? There are a vast range of disabilities and a vast range of needs.” Rosie Purshouse, Mainstreaming Advisor, DfES

“At some events, senior managers attended from relevant policy areas. At the housing event we had the policy lead for Social Housing and other colleagues and where we were talking about building control we had those senior managers. I believe that by having had those managers attending

this encouraged them to agree the Lifetime Homes action so I think there was a direct benefit to having those staff involved.” Sheila Fletcher, Diversity Policy Manager, Communities and Local Government

A number of Departments (including DCMS, DCLG, DFES, DFID, DFT and DWP) have so much appreciated the benefits of involving external disabled stakeholders that they have set up continuing involvement mechanisms for disabled people. The DRC strongly encourages this approach which not only greatly increases the evidence base for developing and assessing programmes, but also contributes to cultural change.

Transparency

The involvement process should be both influential and transparent. People outside the organisation should be able to see how the involvement has affected the public authority’s plans. This will be essential if Departments are to maintain on-going commitment to involvement by disabled people: they need to know that it has been influential, not merely tokenistic.

Transparency requires reporting on the results of involvement. It does not mean that Departments can or should do everything that disabled stakeholders want. But Schemes need to indicate clearly what views and priorities for action were expressed by disabled people, indicating how these were acted upon, or alternatively giving reasons why they were not acted on.

The DFES’ Scheme, for example, succinctly reported the following issues having been identified as priorities:

- access to childcare for disabled children;
- bullying in schools of disabled children;
- transition from school into further education, higher education and employment (a particularly severe issue for disabled young people of Pakistani Muslim heritage in the North of England);
- invisibility of disabled people in the curriculum;
- planning, such as timing of college sessions, an issue that requires the education sector to liaise with other providers;
- exclusions of disabled pupils from school;
- need for training for school improvement partners, Ofsted and any

others involved in school and college evaluation.

And the Scheme contains significant actions on all these issues.

DCLG and DFID also had Schemes which clearly and transparently reflected their involvement of disabled people. However, in many other Departmental Schemes, even ones which had good involvement process, there were no clear links between involvement and actions.

Evidence gathering

The Scheme must also show what evidence the authority is collecting regarding disability equality in relation to employment and whether any services and other functions take into account the needs of disabled people.

Without comprehensive and accurate disability data, it is extremely difficult to establish where inequalities exist, to identify what needs to be done to improve performance, and to monitor progress. A sound, accessible evidence base can also be an invaluable resource for other public authorities working in the respective policy sectors of Government Department to draw upon.

A good evidence base will be particularly important for those Secretaries of State who will be required to report in 2008 on progress on disability equality within the policy sector for which they are responsible (see below).

We found the statements about the collection and use of evidence to be one of the most disappointing elements of Government Schemes. While Government Departments currently gather a range of disability-related statistics, a closer look at the data presented within the Schemes indicates that this information has a number of shortcomings.

In general the Schemes failed adequately to consider data collection in relation to services and functions. What is particularly absent is any attempt by Departments to draw together and use the valuable information which already within Government Departments to identify areas where disabled people experience particular difficulties and devise actions to address these. This is particularly disappointing given that in many instances the secondary analysis of existing data-sets offers a route to producing valuable disability research without being unnecessarily time-consuming or labour intensive.

There is a lack of a common approach to disability measurement. Harmonised approaches to the measurement of disability (including an

overall definition of disability, as well as categories of impairment) across the different data sources are needed in order to establish a consistent evidence base and facilitate integrated analysis on the issues across government. Currently, what exists is disparate pockets of evidence, based on different definitions and understandings of disability, which cannot be pooled together and are not directly comparable.

Secondly, in too many instances data only exists in a very crude form, based on a single, undifferentiated category of 'disabled people'. This masks the very different needs and experiences of different groups of disabled people (e.g. a person aged 85 with Alzheimer's Disease with a young person who is a wheelchair user). It will therefore have very limited use in terms of informing policy and practice and indicating the diversity and variation in service need across the disabled population.

Finally, existing data sources, in particular large scale surveys, are often not fully inclusive of the disabled population. They generally only cover private households, excluding disabled people in residential institutions and homeless people.

We are not suggesting the need for burdensome or expensive new systems of data collection, but rather the better use of existing data sources. The modification of existing data sources, by adding disability related questions, is a cost effective.

We also had concerns that many Schemes do not cover recruitment, career development (including training and appraisals) and retention of staff, as required by the Duty. Furthermore many Departments do not collect information in relation to all relevant aspects of the duty. For instance, few Departments produced figures showing the proportion of disabled public appointees, which would have measured compliance with the duty to encourage participation in public life.

Statistical data, irrespective of its quality, is not enough in itself to understand the nature or cause of disabled disadvantage. It will be extremely difficult to understand the barriers which cause unequal access and to assess fully the actual extent and nature of discrimination, purely through statistical mean. Qualitative research methods needs to be used to fill these knowledge gaps, and paint a considerably more comprehensive and reliable basis for action.

It is disappointing, therefore, that the majority of schemes reviewed had little or no mention of qualitative research. This is a real weakness since such research is often vital for understanding the barriers which cause

unequal access, and can lay the grounds for action in the absence of quantitative information. For example, the “hidden homelessness” of disabled people (adults with learning disabilities and other impairments living with their parents because of the lack of suitable accommodation, at an age when their able bodied peers will be living independently) is well established anecdotally as a problem. But local authorities do not capture information about the level of unmet need. This then means that provision can neither be made nationally, regionally or locally.

Nevertheless, there are areas of good practice which can be built upon and learnt from. The DFID scheme, for example, includes qualitative evidence as a key component of the evidence base on disability equality. In order to develop an in-depth understanding of the barriers faced by its disabled employees, they undertook a qualitative research study to examine in detail DFID’s approach to reasonable adjustments. A resulting report for senior management proposed major changes to the provision of reasonable adjustments, and the study also provided insights into the need for attitude change, management accountability and so on. Most of the report’s recommendations were accepted and are now reflected in the Scheme and Action Plan.

Other examples of good practice were DCLG’s steps to mainstream disability equality into research processes by involving disability representative groups where appropriate in project planning research projects and DfES work to identify a disability dataset for use across children’s services; (this disability information can then be linked to Pupil Level Annual Schools Census and Key Stage results and will be used to inform planning and monitoring of the DED by schools, local authorities and central government.)

Where Departments did take steps to fulfil the Duty’s requirements regarding evidence collection it was felt to bring benefits.

“The DES has highlighted that lack of evidence base and so I think that’s helped - the gender scheme has built on the disability scheme and that built on the race scheme to say, ‘look we just don’t know, we can’t say what the evidence is about these programmes’. So I believe it’s now easier to convince the statistics and research people that it’s important where as perhaps a year ago that have been more difficult.” Sheila Fletcher, Diversity Policy Manager, Communities and Local Government

In some cases evidence gathering produces very tangible direct benefits for disabled people.

“One of our big achievements in gathering data is that we managed to ensure that Social Housing will now have to capture accessibility data on all of its social properties so when a new person comes to present themselves as wanting housing they will have to define their access needs. These two things will be captured on two databases meaning that disabled people will be able to look for property anywhere in social housing. This has emerged as a result of the Scheme.” Sheila Fletcher, Diversity Policy Manager, Communities and Local Government

Using evidence

Schemes must also set out how authorities are going to use the information which they gather to help them measure their performance on disability equality.

The purpose of evidence gathering is, firstly, to inform the development of the Scheme, and in particular to identify what actions need to be in the Action Plan. In some schemes there were encouraging statements about using monitoring information to identify and address problems. However, the widespread failure to apply this approach to drawing up the Action Plan causes us to doubt how this will operate in practice. For example, the figures for one Department showed a worryingly low success rate for disabled applicants, as well as a very low rate of disabled staff participating in training. Neither of these issues were addressed in the Action Plan.

Secondly evidence gathering allows progress to be measured. In many instances this will be assisted by the adoption of targets. A number of Department mentioned targets in relation to employment – some neglected to say what they were! Others confined targets to senior staff.

Disappointingly, few Departments set any targets outside employment, and where such targets were set they were not ambitious enough. For example, the DFT set a target to increase bus and coach accessibility from the current baseline of 46% national accessibility to 50% by 2010. This is a very low target, and, given that all buses and coaches will legally need to be accessible in 2017, such a low target is likely to lead to difficulties in the run up to 2017.

Thirdly a strong evidence base provides the essential underpinning for effective equality impact assessment. Both quantitative and qualitative information needs to be considered. The absence of systematic reviews of the evidence of disabled people’s experiences will impede Departments’ ability to conduct meaningful disability equality impact assessments.

The Action Plan

Schemes must include a statement of the steps which the authority will take over the period of the Scheme towards the fulfilment of its general duty to give due regard to the need to:

- promote equality of opportunity for disabled people
- eliminate discrimination which is unlawful under the Act
- eliminate disability related harassment
- promote positive attitudes
- encourage participation by disabled people in public life
- take steps to take account of disabled people's disabilities even where that involves treating disabled people more favourably than others.

An Action Plan needs to address each of these dimensions of equality wherever relevant and to cover all relevant functions.

Many Departments failed to achieve this.

Nevertheless, there were many useful actions contained in the Departmental Action Plans.

DFID's Scheme, for example contains (amongst other things) actions such as exploring the issues around posting disabled staff overseas and how to possibly overcome these and sourcing external expertise to audit recruitment process to pro-actively seek applications from disabled people and identify and remove barriers, including current plans for e-recruitment.

"I think the biggest impact from the action plan will be the training. This will take time, we have 110,000 staff. The training will make people more aware of disability equality and this will have the most benefit. This was the clearest message which came out of our involvement of disabled people and it is now prioritised in the action plan." Debbie Heigh, Director of Diversity, DWP

The DCLG's Action Plan (despite having some significant gaps and areas which could be built on) provides a good depth and breadth of activity across Departmental responsibilities. The clarity of the Plan (and the attachment of named individuals who are responsible for actions) provides transparency for disabled stakeholders. The Action Plan contains a good

mix of actions which will deliver clear benefits for disabled people (from Accessible Housing Registers to low cost sprinkler systems to avert fire risks) and actions which will deliver more long term benefits by helping mainstream disability equality (for example, considering the impact of Housing Finance policy on disabled people).

The DFES also had a particularly strong Action Plan including, for example, funding the Council for Disabled Children to publish practical tools on how to support disabled children's access to children's centres and extended schools, strengthening tools to combat bullying of disabled pupils and seeking to make school transport more accessible.

Patchy coverage

However, where Departments failed to review evidence about disabled peoples' experiences, or to adequately involve disabled people, this led to a piecemeal and patchy set of actions to address disability equality.

Some Schemes, such as the Cabinet Office, focused almost exclusively on internal employment issues.

Often Schemes combined strong actions on particular issues with weak or non-existent activity in others. Many Departments failed to cover all relevant functions. Most striking was the failure of the DH's Action Plan to mention its responsibility for social care. The DEFRA Action Plan failed to include actions on either the Government's Rural Strategy (which is considering targeting of resources on the areas and people that most need them, better experience for customers and better accountability) or Rural Development Schemes.

In some Departments there were no actions in relation to functions which directly relate to key Departmental strategic objectives and specific elements of the duty. For example, there are no actions recorded regarding removing the barriers to disabled people voting although this clearly relates both to the DCA objective to "strengthen democracy and rights" and to the Duty's requirement to promote disabled people's participation in public life.

In DWP disabled pensioners are an important target group for the DWP in addressing low benefit take-up, seen as a major step in reducing poverty among pensioners. A recent DWP research study identified low awareness and knowledge of disability benefits as a key issue, and identified a range of barriers (e.g. administrative, communication, access etc) which can inhibit disabled people from claiming the benefits they are entitled to. We would have expected the action plan to include steps to address low benefits take up and hence poverty.

In other areas key functions were allocated only peripheral or highly generalised actions. For example, the Prison Service Scheme is entirely silent on the many and serious issues regarding disabled prisoners apart from the stated action: “ensuring the delivery of disability equality within prison service operations and offender management systems”, with no further information about how this will be done.

The Duty requires consideration of not just employment and service delivery but of the many ways in which Departments exert influence. For example, the structure of the transport sector is such that franchising and procurement issues are absolutely central to delivering disability equality. In this light, the lack of specific reference to issues such as rail franchising where disability issues are not currently part of the scoring process is disappointing.

Similarly there were no actions within the DCLG Scheme regarding their responsibility for regeneration. Government Offices are the key conduit between central Government and the regions. However, the sole action for Government Offices in the Scheme is an impact assessment of internal employment policies. (In contrast, their RES contains a number of actions which we have asked to be considered in the context of the promotion of disability equality).

Disappointingly, many Executive Agencies are neither covered by a Departmental Scheme nor have a Scheme of their own. (Depending on the status of an agency, it will either be legally required to produce its own Scheme or will be covered within a Departmental Scheme. Some Departments in turn require their Agencies to produce Schemes.) For example, whilst the DH’s Race Equality Scheme incorporates consideration of DH’s three Executive Agencies, its Single Equality Scheme is silent in relation to these. Aspects of the work of both the NHS Purchasing and Supplies Agency and NHS Connecting for Health Care are highly relevant for disabled people. Similarly the DH Race Equality Scheme includes consideration of its sponsorship of National Institute for Health and Clinical Excellence (NICE), but the SES is silent, despite strong relevance in relation to disability equality.

In contrast, all DWP agencies had well developed Equality Schemes.

There are a number of bodies which Departments sponsor and effective Departmental Schemes would set out the objectives and actions in relation to such bodies and roles. For example, Partnerships for Schools (PfS) is responsible for delivering Building Schools for the Future, but are not specifically required to produce their own Disability Equality Scheme. It

would have been helpful to see more information in DFES's scheme on PfS's progress so far and their course of action over the next three years to rebuild or renew England's 3,500 state secondary schools (bearing in mind the 15-year lifetime of the programme).

Many Departmental Schemes were silent on these influential bodies. In contrast the DCMS have a strong recognition of the importance of its leadership role in this regard:

"We recognise that we do not work in isolation but achieve our objectives in partnership with a wide range of Non-Departmental Public Bodies. Our role is to offer them leadership and to ensure that we share and learn from best practice. Most of our services are provided through other bodies rather than directly by DCMS. We shall investigate with our NDPBs the range of methods used to improve access to services with a view to sharing and learning from best practice." DCMS

Failure to address all aspects of the Duty

In general the specific dimensions on the Disability Equality Duty were overlooked, or given only inadequate attention.

In relation to the requirement to counter discrimination it was particularly disappointing to see some Departments struggling with actions which have been legal requirements for a number of years. For example, we are concerned with actions in the DH Action plan which state that suppliers be required to provide information for the 'Choice' strategy in accessible formats in 2008. However, providers of services have been required to make reasonable adjustments by the provision of information in alternative formats since 1999.

A few Schemes mention the promotion of positive images of disability in publications, and measures to tackle harassment in relation to employment. But generally Schemes failed to consider the manifold ways in which Government can promote positive attitudes and participation in public life, and counter harassment.

The DCLG Scheme, for example, fails to give consideration to the Respect agenda, or to tackle anti-social behaviour.

On positive attitudes, for example, the DTI could promote the benefits of design for all in the manufacturing sector and work to improve accessibility through European standards. In relation to public participation, it could take steps to ensure disabled people have equal participation as shareholders

The promotion of disabled people's participation in public life was the subject of few actions. Disabled people's participation is valuable not only in its own right but to assist with changing the culture of organisations. We would like to see actions across the broad range of community involvement from School Governors to prison visitors and engagement in regeneration and community activity. Where public appointments were mentioned it was sometimes solely in the context of not discriminating in appointments (DEFRA), rather than the more positive promotion of equality required by the Duty.

DFES most fully addressed the different dimensions of the Duty. For example, when it sets up a National Learner Panel to represent the views and improve the learning experience of learners across the FE system it will pay particular attention to those groups who face particular challenges, including people with impairments and learning difficulties.

Impact assessment

Schemes are required to set out the authority's arrangements for assessing the impact of proposed or current policies and practices on disability equality. Getting and acting on good disability equality impact assessments is key to the long term success of the Duty, and fits with broader Government goals.

"It fits into an initiative called 'better policy making'. The way we think about this is assessing the impact policies will have on business. The work that we've done on the DES will sit within the better policy making team, which is one way we'll try to mainstream it – it's something that's very important to people in DTI and part of their day-to-day work." John Alty, Director-General, DTI

As well as setting out how the impact of new policies and practices will be assessed, the way in which existing programmes impact on disabled people needs to be assessed. Schemes should set out a timetable for assessing the impact of their principal activities. Few Departments adequately met this requirement.

When reviewing the Schemes we looked to see whether those elements which we consider the indispensable building block for good equality impact assessments were in place. Firstly, whether assessments are clearly embedded in decision making processes. Secondly, whether staff have the skill necessary (and hence are being given training, guidance and evidence to draw on. We were pleased to see in a number of cases plans to involved disabled people in major impact assessments. This will assist in

producing meaningful results.

Whilst there is no legal requirement to publish impact assessments we looked for this as good practice, and particularly important for building the trust of disabled stakeholders.

The picture was a mixed one, with further work being required in many cases.

The point of impact assessments is to consider whether and how improvements can be made. It was encouraging, through the research to identify impact assessments leading to improvements.

Single Equality Schemes

A number of Single Equality Schemes seem to suffer from failure to address disability equality with any specificity. However, this is not inevitable as is shown by the DWP's Single Equality Scheme.

It was disappointing that no consideration is made, even in Single Equality Schemes, of the interaction between equality dimensions i.e. disability, gender, race, sexuality, age etc. Each of the equality areas are considered in separation. This is particularly unfortunate in the context of age – where many of the specific implications for older people arise from the increased prevalence of disability.

Leadership

It is clear that focused and high level leadership within Departments is critical to the success of the DED and the implementation of effective schemes.

It was encouraging to see a number of Departments established a high level steering group, chaired by the Permanent Secretary, involving senior officials from across the Department and its executive agencies and including representatives from the staff disability network.

DFT, for example, appointed a Director General and a non-executive board member as Disability Equality Champions, to drive forward and agree the development of this Scheme.

Secretary of State Duty

In recognition of the important role that Government Departments play in providing leadership in their respective policy sectors, and the importance of joined up action on this issue, there is an additional duty on ten

Secretaries of State.(Secretary of State for the Home Department; The Secretary of State for Constitutional Affairs; The Secretary of State for Culture Media and Sport; The Secretary of State for Education and Skills; The Secretary of State for Environment, Food and Rural Affairs; The Secretary of State for Health; The Secretary of State for Trade and Industry; The Secretary of State for Transport; and The Secretary of State for Work and Pensions). From December 2008, they will have to publish a report every three years concerning the policy sectors for which they have responsibility. The report must give an overview of the progress on disability equality in the sector, and proposals for improving performance. Are the critical disability issues in the sector being addressed? Are relevant authorities co-operating effectively?

To produce high-quality reports, Departments need to take action now to gather the evidence required. The weakness in evidence gathering and reluctance to address their Department's role in the wider public sector, revealed in some Schemes, will need to be remedied speedily to lay the ground work for these Reports.

Next steps

1. We will monitor and support the revision and development of Departmental Schemes. We will pass information to the Commission for Equality and Human Rights to enable it to follow through on this when it takes over our functions in October 2007.
2. We want to encourage Parliamentarians, and those concerned with equality for disabled people, to refer to these Departmental Schemes and our assessments of them which provide important information about Government plans in relation to disabled people.
3. The Discrimination Law Review will consider the future shape of public sector duties. We will feed these early positive indications of the positive impact of these duties, in particular the powerful impact of the involvement requirement, into that review.

The DRC and Office of Disability Issues will work with relevant Government Departments to help them prepare high quality reports by Secretaries of State about the state of disability equality in their relevant policy sectors in December 2008.