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Equality Commission

FOR NORTHERN IRELAND

**EVALUATING THE EFFECTIVENESS OF THE
DISABILITY DISCRIMINATION (NI) ORDER 2006
DUTIES:
RESEARCH REPORT – FINDINGS**

November 2009

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INTRODUCTION AND METHODOLOGY

The Equality Commission for Northern Ireland (hereinafter the 'Equality Commission' or 'the Commission') has a duty to review the effectiveness of the disability duties and must do so by 1 January 2010. To help prepare for that, this research was contracted by the Commission.

This report presents findings of an **evaluation** of the effectiveness of the disability duties, and associated **recommendations**. Effectiveness was measured against an evaluation framework that was developed as part of this research.

Detail of the information gathered and used to inform the development of that evaluation framework is contained within the associated research report, entitled "**Evaluating The Effectiveness Of The Disability Discrimination (NI) Order 2006 Duties: Developing a Framework**"

This section introduces the review and describes the methodology used.

1. INTRODUCTION

The Disability Discrimination (Northern Ireland) Order 2006 made a number of changes to the Disability Discrimination Act 1995 as it applies to Northern Ireland. The changes include extending the definition of “disability” to cover more people, extending the scope of who must comply with the Disability Discrimination Act to include district councils in relation to district councillors, and public authorities in relation to all of their public functions as well as private clubs with more than 25 members. It also extends the provisions in the Disability Discrimination Act in relation to transport.

The Disability Discrimination (Northern Ireland) Order 2006 also inserted section 49A and 49B into the Disability Discrimination Act 1995 to create the disability duties. These sections came into effect on 1 January 2007.

Under Section 49A, public authorities when carrying out their functions must have due regard to the need to:

- promote positive attitudes towards disabled persons; and
- encourage the participation of disabled persons in public life.

The Disability Discrimination Act defines a disabled person as anyone who has a physical or mental impairment which has a long-term affect on his or her ability to carry out day-to-day activities.

Section 49B states that “*a public authority to which this subsection applies shall prepare and submit to the Commission a plan (referred to as ‘disability action plans’) showing how the public authority proposes to fulfil the duty imposed by Section 49A in relation to the relevant functions*”. These disability action plans (or revised disability action

plans) must as regards form and content, conform to Commission guidelines¹.

Public authorities must report annually on progress towards achieving their disability action plan targets. They must also carry out a review of their plans every five years and forward a report of this review to the Commission together with, if requested by the Commission, a revised disability action plan.

The Equality Commission has a specific range of powers and duties relating to Section 49A of the Disability Discrimination Act 1995, (as amended by Article 5 of the Disability Discrimination (Northern Ireland) Order 2006) including keeping under review the effectiveness of the disability duties. In relation to this duty the legislation states that “the Commission must prepare and publish a report on the effectiveness of the duty not later than 3 years after the appointed day”². The Commission also has a duty to offer advice to public authorities and others in connection with that duty.

The Commission is required to report a public authority to the Assembly in a range of circumstances including where an authority has failed to submit a disability action plan or revised plan within the required timescale. If a public authority does not comply with the disability duties, its actions or failure to act can be challenged by means of a claim to the High Court for judicial review.

¹ ECNI (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI.

² 1 January 2010

These duties sit within a framework of other equality legislation in Northern Ireland, notably Section 75 of the Northern Ireland Act and the Disability Discrimination Act 1995. Section 75 of the Northern Ireland Act created a statutory duty on public authorities in Northern Ireland to have due regard to the need to promote equality of opportunity across the nine protected grounds, including disability. Under Section 75 all designated public authorities are required to produce equality schemes stating how they will meet these obligations.

The Equality Commission has contracted this research in progressing its duty to report on the effectiveness of the duty. The aim of this research is to provide an evaluation of the effectiveness of the disability duties which can be used to inform the Commission's statutory review of the disability duties which will be completed by 1 January 2010.

The review seeks to address the following objectives:-

- **Objective 1: Develop a framework for evaluation and related indicators** of impact; outcome; output; and action/ process, that will be relevant to this and any future evaluations “to keep under review the effectiveness of the duties”.
- **Objective 2: Evaluate progress to date** by the Equality Commission for Northern Ireland and public authorities against the above framework.
- **Objective 3: Make recommendations**, based on the above evaluation, with regards to improving the implementation and impact of the duties and/or changes to the legislation which might further enhance its efficiency and effectiveness.

This report follows the structure of these objectives. It begins with the methodology for the review, then moves onto the first objective, including a discussion of the legislative intent behind the introduction of the duties and how these link with the statutory duties under Section 75. It goes on to consider briefly disability provisions in other jurisdictions and highlights key areas, relevant to the lives of disabled people in Northern Ireland, including good practice in consultation. This information was used to inform the development of indicators to measure the effectiveness of the disability duties.

The report then discusses definitions of impact, outcomes, output, action and process in the context of this assessment and sets out a suite of indicators to measure the effectiveness of the duties and the work of the Commission.

For the second objective the report applies these indicators to the evaluation of implementation by public authorities and the Equality Commission for Northern Ireland.

Finally, in relation to the third objective, the collated information is used to evaluate the effectiveness of the disability duties and to make recommendations in relation to ensuring their effectiveness.

2 METHODOLOGY

The methodology used in the preparation of this report included: literature reviews; a review of a sample of public authority disability action plans and corresponding 2007-2008 annual progress reports; questionnaires distributed to a sample of public authorities and bodies representing disabled people; interviews (either face-to-face or by phone) with a sample of public authorities that had sought guidance from the Equality Commission about their disability action plans; interviews with representatives of disability organisations: and discussions of this with the Commission.

2.1 Objective 1 – Developing the Framework

Objective 1 was to establish an evaluation framework. This was done by:

- Establishing the legislative intent of the disability duties and, through desk research, identifying any comparable good practice elsewhere which might serve as a guide.
- Identifying any relevant input from stakeholders. (At the same time the stakeholders were also asked about implementation issues as part of the subsequent evaluation.)
- Developing indicators based on input from the above and on the key actions required by the legislation and guidance.
- Developing an evaluation framework

Desk Research: Legislative Intent and Evaluation of Comparable Duties

Desk research was undertaken to establish the legislative intent in developing the duties and to identify and assess disability duties and/or relevant strategies in other jurisdictions. Sources of information included

Hansard relating to the passage of the legislation through the House of Lords, Commission guidance and reports, evaluation of similar duties in GB and of other legislation, for example, section 75 of the Northern Ireland Act 1998. The desk research considered how other duties were implemented, monitored, evaluated and reviewed and sought evidence of effectiveness of implementation these other duties.

Stakeholders Expectations and Understanding

Stakeholders in relation to the disability duties included: disabled people, to whose lives the duties can make a substantial and tangible difference; the public authorities at whom the duties are targeted, including OFMdfM and the Equality Commission; voluntary and community organisations; people associated with disabled people, such as family, friends and carers; and finally society as a whole. In this project the researchers have focused on the first three groupings of stakeholders as being those with primary interest in the effective implementation of the duties. The researchers contacted a sample of different stakeholders during this research.

- To ascertain disabled people's expectations, understanding and evaluation of the Disability Duties, questionnaires, together with covering letters and explanatory notes, were sent to a representative sample of 38 voluntary and community organisations. This sample was selected to include a range of national and local disability organisations in Northern Ireland, as well as other equality organisations and umbrella organisations. The organisations selected were those which represent, or are

associated with, people with disabilities. These organisations were also asked to disseminate the questionnaire more widely.

- Four organisations responded to the questionnaire, and one of these declined to complete it but wished instead to register a protest that the Disability Discrimination Order did not adequately recognise that particular disability. Therefore, to provide more feedback, four key organisations were approached for further information which led to three direct face-to-face meetings or telephone discussions following a semi-structured interview process. The other organisation contacted in this way was an umbrella organisation which explained that it had referred the questionnaire to a member organisation to respond, and indicated that the umbrella organisation endorsed the response which the member organisation had made in its own right.
- As a further means of obtaining disabled stakeholder views a focus group with disabled people was held, facilitated by a disability organisation, which was attended by 6 disabled people. Despite the range of methods adopted to ascertain the views of stakeholders the sample size was not increased beyond this. Further exploration in the course of this research indicated a potential issue around consultation fatigue.

As indicated above the response rate was low. It seemed to the researchers that there were three factors which might explain this. The first was that the organisations concerned might feel that they were now being over-consulted i.e. consultation fatigue. The second is that they may assume that others will respond on their behalf. For instance one respondent, who had not responded to the original questionnaire but was contacted by phone, explained that that organisation, as a matter of

policy, filters what it termed ‘consultation requests’ and only responds to those directly relevant to the focus of the organisation. Another organisation stated that it was happy to adopt the response of one of the other organisations who had responded. The third reason was that there also seems to be a considerable degree of cynicism about the duties amongst those contacted and, in the views of disabled stakeholders, little evidence of any difference they were making³. If this explanation is correct then the low rate of response is itself relevant as it suggests issues regarding how the duties are already viewed by disabled stakeholders, and indicates challenges which public authorities will have to address effectively in implementing the duties.

Public authorities are also stakeholders in the disability duties. All public authorities in Northern Ireland were contacted initially by the Commission to notify them of the research project. Those public authorities selected as a research subject were subsequently contacted directly by the researchers. Finally, a sample of public authorities who had interacted with the Commission was further contacted by the researchers in the context of stakeholder evaluation. Further information about the methodology in relation to selection of public authorities is provided in Section 2.2.

Developing Indicators

Developing indicators for a project requires an understanding of the project process and its declared methods and purpose(s). The terms impact, outcome, output, action, process and objectives are frequently used across the public sector in this context but without one agreed

³ Even in the short time period since the duties were introduced it could reasonably be expected to see some evidence of actions or outputs being taken towards achieving the outcomes of the duties.

definition. As the first stage of developing indicators, suggestions were therefore made for definitions of these terms consistent both with their use to date by the Commission and with H M Treasury's *The Green Book*, and these were discussed with the Commission. The agreed definitions were then used to describe the processes in the implementation of the disability duties and it was then possible to list the actions required for each part of the process and the corresponding outputs and desired outcomes (both impacts and results). Finally appropriate indicators could then be suggested for each of the outputs and outcomes listed.

Developing the Framework

The outputs from the project elements of developing indicators, desk research and stakeholder expectations were then used to develop an agreed framework for evaluating effectiveness of the disability duties including progress in relation to attitudes towards disabled people and encouraging their participation in public life.

2.2 Objective 2 – Evaluating Progress to Date

Evaluating Public Authority Progress

Method of selection

To evaluate the progress made by public authorities in implementing the disability duties those authorities subject to the duties were classified into sectors. From this a random sample of public authorities proportionate to the size of the sector was selected. The classifications and proportions are highlighted in table 2.1. Where necessary the sample number was rounded up to ensure that each sector was sampled.

The classification of public authorities was agreed with the project advisory group prior to selection of the sample. Two reserves were also listed for each public authority selected in order to allow for any inability or unwillingness to participate in the research.

The selected public authorities were then contacted by letter and were provided with information about the project, contact details for the project team, and the option to consent or refuse to participate in the research. Five public authorities from the initial sample contacted the team to suggest that they should not be included in the sample. The reasons given were:

- Exemption from the disability duties (3 public authorities)
- Covered by another public authority's plan (1 public authority)
- Recently merged body (1 public authority)

Table 2.1: Public authority sample by sector

Sector	Total number of Public Authorities	Number in sample	Number sampled⁴
Culture and Sport	13	1	1
Economic and Enterprise	13	1	1
Education	31	3	3
Environment	12	1	1
Health and Social Care	39	4	1
Housing	39	4	4
Justice	46	5	5
Local Government	28	3	3
Transport	6	1	1
Central Government	17	2	2
Total	244	25	22

⁴ This reflects the number of public authorities actually sampled, taking account of agreement to sample only one health trust due to the similarity of their disability action plans.

One of the public bodies which stated it was exempt was not listed as being exempt therefore was included in the sample. Reserves were utilised for five of these public authorities to ensure a full sample. Where necessary, for example where disability action plans were not available on a website, the public authorities selected were contacted to request a copy of this plan. This is commented on in the evaluation section.

In evaluating the health sector it became apparent that the health trusts in the sample had very similar disability action plans, therefore it was agreed with the project advisory group that only one would be sampled⁵. A similar situation arose in relation to local government, however the researchers felt that there was sufficient difference between their disability action plans to merit separate consideration. Therefore the total number of public authority disability action plans/annual reports evaluated was twenty-two. The researchers had anticipated discussing with public authorities their experiences of the Commission in regard to its duty to provide advice and guidance to them where requested. However, only two of the sample were also identified as having had substantial contact with the Commission, therefore a separate sample was created (this sample is described below in the methodology for evaluating Commission progress).⁶

⁵ The five new health trusts identified similar strategic work streams and so had worked collectively to seek advice from the Commission to develop their disability action plans. Hence the similarity between their plans, developed from a common base.

⁶ Substantial was defined by the researchers as having phone, email, or face-to-face contact with the Commission regarding a specific query(ies) on the disability duties. This was to ensure that the public authority concerned would be able to give a reasonable judgement of their experience of the Commission.

Collating information

Public authorities' disability action plans and annual reports were the key sources of information on their intended and achieved actions in relation to the disability duties. The publication of these is a statutory requirement (unless granted exemption by the Commission) therefore they should be readily available.

The public authority disability action plans were retrieved from their websites. Where this was not possible the public authority was contacted to request a copy. Three public authorities who were contacted in this respect did not respond. The Commission was able to provide a copy of these disability action plans in all but one instance⁷.

The public authority annual progress reports for 2007-2008 were all provided by the Commission.

Where appropriate, further information sources such as websites, were examined, and this is discussed in the relevant sections below.

Method of Evaluation

Information on each public authority's implementation of the duties was gained from the public authority's disability action plan and disability annual report. These were assessed against the indicators listed in the framework section.

It should be noted that, although the researchers have used a model going from process to outputs to outcomes, taken overall, the implementation of the duties is still at the output phase. Outcomes would not yet be expected to be apparent, particularly since progress

⁷ Due to non-submission of a disability action plan to the Commission by this public authority.

could only be assessed in relation to the 2007-2008 year. The researchers did, however, expect to find evidence of intended outcomes (results and impact) and measures in place to monitor progress toward their achievement.

Evaluating Commission Progress

To evaluate Commission progress, interviews were held with the relevant Commission staff regarding:

- What actions the Commission has taken to promote awareness of disability duties.
- What actions the Commission has taken to support implementation of disability duties (including publications produced).
- What requests for support the Commission has received and provided.
- The strategy the Commission has taken for implementing and supporting the disability duties.

The disability duties empower the Commission to provide public authorities with advice and guidance if they request it and, therefore, this aspect of the Commission's work was also reviewed. After discussion with the Commission, a sample of twenty-four public authorities was identified as having had substantial contact with the Commission.

The twenty-four bodies identified were:

Northern Ireland Audit Office

Belfast City Council

Civil Service Commissioners

Covenanter Housing Association

The Department of Health, Social Services and Public Safety
(DHSSPS)

The Department for Social Development (DSD)

Education and Skills Authority

Northern Ireland Employers Forum on Disability

Heritage Lottery Fund

Northern Ireland Housing Executive

Northern Ireland Judicial Appointments Commission

Labour Relations Agency

The Office of the First Minister and Deputy First Minister (OFMdfM)

Northern Ireland Prison Service

Postcomm

South West Regional College

Western Health Trust; and

The Department of Agriculture and Rural Development – DARD

The Department of Culture, Arts & Leisure – DCAL

The Department of Education – DE

The Department for Employment and Learning – DEL

The Department of Enterprise, Trade and Investment – DETI

The Department of Finance and Personnel - DFP

The Department for Regional Development - DRD

Contact with the relevant person could not readily be made within one organisation and two others were being sampled in relation to their implementation of the duties, therefore initial contact was initiated with twenty-one of the sample. However, in five cases, despite multiple attempts to make contact, no interview was achieved. Successful contact was made with thirteen of the remaining sample, comprising of nine organisations and four of the other government departments, thus obtaining responses from over 50% of the total sample.

Each of the public authorities contacted was asked:

1. Have you had direct contact with the Equality Commission about the DDO?
2. Before the contact were you aware that the Commission produces guidance and that it can be contacted for support and feedback?
3. What was the nature of the contact:
 - a) Who initiated it?
 - b) If you initiated it, why?
 - c) When was the contact?
 - d) What means of communications was used: face-to-face, telephone, e-mail?
 - e) What, if anything, did you ask for in the contact (e.g. guidance, support feedback etc)?
4. What was the result of the contact?
5. What did you think of the response and any guidance, support or feedback you received (quality, quantity, manner of delivery etc)?
 - a) Was it helpful?
 - b) Was it effective?
 - c) Was it accessible?

- d) Was it supportive?
 - e) Was it timely?
6. If you have a parent body/ department, what guidance, if any, have you had from it?

2.3 Objective 3 - Making Recommendations

At each stage in the review recommendations were noted both for the Commission and for Public Authorities with regards to improving the efficiency and effectiveness of the implementation of the duties, based on good practice and lessons learned through this project; and for legislative change (where necessary) to more effectively and efficiently deliver the intended aims of the legislation.

In making recommendations the review took note of the realities and practicalities of implementing the duties and the resource limitations on public authorities and the Commission.

The recommendations thus identified are listed after the conclusions to the relevant sections and at the end of this report.

OBJECTIVE 1

DEVELOPING THE FRAMEWORK⁸

The aim of this project was to evaluate the effectiveness of the disability duties. The first objective was to develop a framework, including related indicators, that would be relevant to this and any future evaluation undertaken “to keep under review the effectiveness of the duties”.

To assist with the development of an appropriate framework and indicators, the context and legislative intent of the duties and the relationship between the duties and Section 75 were considered. Further, disability provisions in other jurisdictions were reviewed for possible examples. The issues involved in promoting positive attitudes and participation in public life were then considered, as these are the key aspects of the disability duties, and the main components of the implementation process were defined.

Additionally the researchers engaged with disabled stakeholders and non-governmental organisations to ascertain their ideas and views on the disability duties, and on the public authority and Commission implementation of the duties.

Finally, based on this background information, an evaluation framework was developed incorporating appropriate indicators.

⁸ Details of the information gathered and used to inform the development of the framework are contained within a separate document entitled Evaluation of the Disability Discrimination (NI) Order 2006 Duties – Developing a Framework.

9. Indicators of the Effectiveness of the Disability Duties

Project Indicators

The purpose of the framework is to facilitate evaluations of the effectiveness of the disability duties in Northern Ireland, namely:

“public authorities, when carrying out their functions must have due regard to the need to:

- *promote positive attitudes towards disabled people; and*
- *encourage participation by disabled people in public life.”⁹*

The framework should therefore cover the component parts of the duties, identified from the legislation and guidance, which are the implementation by public authorities and the implementation and support provided by the Commission, together with the effectiveness of the duties themselves.

For ease of reference the indicators are numbered and are also labelled according to their subject as follows:

Implementation by Public Authorities – PA

Implementation by the Equality Commission – EC

The Effectiveness of the Disability Duties - DD

This chapter presents a series of tables that provide summaries of the process, outputs and outcomes (both results and impacts) together with appropriate indicators, for the following:

Implementation by the Public Authorities

⁹ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI.

Has the public authority implemented the duties effectively?

PA1 The creation of a disability action plan.

PA2 The provision of training on disability equality legislation and disability awareness.

PA3 The provision of guidance by the public authority.

What evidence has the public authority presented in relation to promoting positive attitudes towards disabled people?

PA4 The promotion of positive attitudes towards disabled people.

What evidence has the public authority presented in relation to encouraging disabled people to participate in public life?

PA5a Recruitment to public life positions.

PA5b Participation in public life

PA6 Encourage others to promote the participation of disabled people in public life.

Implementation by the Equality Commission

What evidence is there of the Commission supporting the implementation of the duties?

EC1 The provision of guidance on the duties (statutory).

EC2 The provision of other information/support.

EC3 Responding to requests for support.

EC4 Following good practice and acting in keeping with the spirit of the duties.

What evidence is there of the Commission keeping duties under review?

EC5 Keeping the legislation under review.

EC6 Keeping implementation by public authorities under review.

EC7 Compliance and enforcement.

The Effectiveness of the Disability Duties

What indication is there of the overall effectiveness of the duties?

DD1 Effective implementation of the duties by public authorities.

DD2 Effective fulfilment of the duties by the Commission.

DD3 Legislators consider the Commission's papers and review legislation.

9.1 Implementation by the public authorities

9.1.1 Has the public authority implemented the duties effectively?

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>PA1 The creation of a disability action plan:</p> <p>a) <u>Consultation Activities</u>. A wide range of disabled people from across society (e.g. people with different disabilities, from different genders, ethnicities, sexual orientation, ages etc) are consulted on the drafting of the public authority's disability action plan.</p>	<p>The publication and dissemination of an accessible disability action plan which takes into account the views of disabled people and which complies with Commission Guidance as indicated by:</p> <p>a) An introductory statement</p> <p>b) An outline of appropriate and effective action measures, including measure to provide training and guidance to</p>	<p>The needs of disabled people are met, indicated by survey evidence.</p>	<p>More disabled people participate in public life, indicated by participation statistics</p> <p>Improved attitudes towards disabled people, indicated by</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>b) <u>Involvement Activities</u>. A wide range of disabled people from across society (e.g. people with different disabilities, from different genders, ethnicities, sexual orientation, ages etc) are involved in the drafting of the public authority's disability action plan.</p> <p>c) <u>Creation of the disability action plan</u>. An action plan is created in keeping with Commission guidance.</p> <p>d) <u>Publication Activities</u>. Disability action plan is published / made</p>	<p>employees and office holders on the disability equality legislation and disability awareness</p> <p>c) An outline of the timescale for implementation of the action measures</p> <p>d) Meaningful outcome focused performance indicators or targets</p> <p>e) Details of how the disability action plan will be published including it is clear how it can be found / acquired and these sources are accessible.</p> <p>f) An outline of previous measures</p>		<p>survey evidence.</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
publicly available	<p>taken (recommended)</p> <p>g) Commitment to consulting with disabled people when implementing and reviewing the plan (recommended)</p> <p>Additionally</p> <p>h) Availability of disability action plan in accessible formats.</p> <p>i) Monitoring progress and outcomes</p>		
PA2 The provision of training on	The delivery of appropriate training		

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>disability equality legislation and disability awareness:</p> <p>a) Individual training sessions.</p> <p>b) Monitoring and evaluation of the training.</p>	<p>indicated by:</p> <p>a) The number of the training sessions held and the number and type of attendees e.g. employees, officer holders, volunteers etc.</p> <p>b) Level of training (e.g. awareness raising, basic, advanced, focused on equality generally or disability duties specifically etc).</p> <p>c) Frequency of the training e.g. are updates available & used.</p> <p>d) The quality of the training (as independently assessed e.g. through external quality</p>	<p>Increased awareness in the PA of the needs of disabled people and (e.g. of the range of impairments, models of disability, legal duties) and of the obligation to them, and</p>	<p>The public authority addresses the needs of disabled people, indicated by survey evidence</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
	assurance) e) The monitoring of training outcomes.	improved attitudes in the public authority towards disabled people, indicated by survey evidence.	
PA3 The provision of guidance by the public authority e.g. for staff: a) The production of individual guidance publications.	a) Content of guidance. b) Distribution of guidance. c) Publicity for guidance. d) Procedures to monitor the outcomes.		

9.1.2 What evidence has the public authority presented in relation to promoting positive attitudes towards disabled people?

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
<p>PA4 The promotion of positive attitudes towards disabled people:</p> <p>a) A review of internal and external communications to ensure that disabled people are included where appropriate (e.g. in images etc); and that they are portrayed in a positive manner.</p> <p>b) A review of language to ensure it is inclusive, not offensive and</p>	<p>Appropriate measures are taken to promote positive attitudes as indicated by examples and/or evidence of:</p> <p>a) Promoting positive attitudes towards disabled people among staff, office holders, volunteers and partners.</p> <p>b) Internal and external communications e.g. press releases, publications, emails,</p>	<p>Disabled people are included and portrayed in a positive manner in internal and external communications and policies, processes and functions,</p>	<p>Improved attitudes towards disabled people, indicated by survey evidence.</p> <p>More disabled people can identify with the</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
<p>promotes positive attitudes towards disabled people.</p> <p>c) Providing disabled staff, office holders and volunteers with appropriate support as required.</p> <p>d) The contribution and value of disabled staff, office holders, volunteers and partners is recognised and rewarded appropriately in keeping with other staff, office holders and volunteers.</p> <p>e) The contribution of disabled</p>	<p>letters etc, all utilise appropriate language and do promote positive attitudes towards disabled people.</p> <p>c) The support provided to disabled staff, office holders, volunteers etc.</p> <p>d) Recognition of the contribution and value of disabled people in and outwith the organisation.</p> <p>e) Actions to promote interaction between disabled people and non-disabled people e.g. social events.</p> <p>f) Other activities which can contribute to promoting positive</p>	<p>indicated by examples.</p>	<p>organisation, indicated by survey evidence.</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
<p>people outwith the organisation is recognised and rewarded appropriately</p> <p>f) Policies, procedures and practices are regularly reviewed to ensure that they promote positive attitudes towards disabled people and that they are implemented in a manner which also does this.</p> <p>g) The contribution of staff, office holders, volunteers and partners who are also associated with disabled</p>	<p>attitudes towards disabled people</p>		

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
<p>people e.g. as partners, parents, carers etc, is recognised and rewarded and they are given appropriate support as required.</p>			

9.1.3 What evidence has the public authority presented in relation to encouraging disabled people to participate in public life?

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
<p>PA5a Recruitment to public life positions:</p> <ul style="list-style-type: none"> a) Measures to encourage disabled people to apply for public life positions, such as <ul style="list-style-type: none"> • The publicising of opportunities in appropriate places and in appropriate formats, and the quantity of adverts / contacts and range of formats. • The provision of information 	<p>Appropriate measures are taken, as indicated by examples of:</p> <ul style="list-style-type: none"> a) The publicising of opportunities. b) The provision of information sessions. c) The provision of appropriate application materials, including the number of requests for accessible formats (disaggregated by disability and by other protected ground). 	<p>Disabled people are aware of opportunities to apply for public life positions.</p> <p>Disabled people have the knowledge and skills to gain</p>	<p>More disabled people apply for public life positions as see it as being relevant to them. This is indicated by:</p> <ul style="list-style-type: none"> • An increase in the number of disabled people

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
<p>sessions targeted for disabled people and people who may have disabilities but do not identify as disabled, also considering range of identities.</p> <ul style="list-style-type: none"> The provision of application materials in a range of accessible formats and this information is publicised to potential applicants. <p>b) Removing barriers to selection process.</p> <p>c) Monitoring outcomes.</p>	<p>d) The application support provided e.g. by organisation or through capacity building with VCS (see below).</p> <p>e) Capacity building with VCS groups to support disabled people.</p> <p>Barriers are removed as indicated by:</p> <p>f) Examples of specific barriers which have been removed.</p> <p>g) Review of documentation related to selection and identification of barriers.</p> <p>h) Review of wider materials /</p>	<p>public life position.</p> <p>Disabled people are supported to apply for public life position.</p> <p>The reduction or eradication of barriers to selection process for all disabled people (i.e. not just physical barriers</p>	<p>applying for public life positions</p> <ul style="list-style-type: none"> An increase in number of disabled people selected for interview. An increase in number of disabled people appointed.

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
	<p>documentation to ensure that positive attitudes about disabled people are promoted.</p> <p>i) Information provided regarding support for disabled people in applying and holding public life appointment including induction, mentoring shadowing etc.</p> <p>j) Training of those involved in selection process to ensuring positive attitudes towards disabled people.</p> <p>k) Use of positive action measures</p> <p>l) Provision for monitoring the</p>	<p>but attitudinal and operational barriers).</p> <p>Disabled people see that others participate.</p> <p>All the above indicated by survey evidence and/or examples.</p>	<ul style="list-style-type: none"> • Increase in number of disabled people taking up roles in public life. • Increase in number of disabled people remaining in roles in public life (retention rates)

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
	outcomes.		increase) <ul style="list-style-type: none"> • More disabled people hold public life positions.
PA5b Participation in public life: a) Remove barriers to participation in public life. b) Create opportunities for disabled people to participate	Barriers removed as indicated by: a) Examples of specific barriers which have been removed. b) Review of support and adjustments provided for disabled	Reduction or eradication of barriers to participation in public life for all disabled people	Increase in number of disabled people participating in public life, indicated by

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
in public life.	<p>people.</p> <p>c) Publicising availability of support, including induction and adjustments for disabled people e.g. timing and location of meetings.</p> <p>Opportunities created as indicated by:</p> <p>d) All opportunities are available to disabled people due to appropriate provision of support and publicity for this.</p> <p>e) Additional specific opportunities for disabled people to participate</p>	<p>(not just physical barriers but attitudinal and operational barriers) (Actual barriers removed or reduced will depend on the public authority's remit).</p> <p>More disabled people are</p>	<p>relevant participation statistics.</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
	<p>in public life are identified and promoted e.g. Disabled people's forum.</p> <p>f) Types of public life position made available / publicised to disabled people is reviewed and all positions are available to disabled people subject to having the requisite skills, knowledge etc.</p> <p>g) Provision for monitoring the outcomes.</p>	<p>aware of the opportunity to participate in public life.</p> <p>More disabled people have the knowledge and skills to participate in public life.</p> <p>More disabled people participate in public life.</p>	

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
		<p>Disabled people are supported (where necessary) to participate in public life.</p> <p>Improved attitudes towards disabled people.</p> <p>All the above indicated by survey evidence &/or examples.</p>	

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
<p>PA6 Encourage others to promote participation of disabled people in public life:</p> <p>a) Promotion of positive attitudes with partner organisations.</p> <p>b) Encouraging partner organisations to promote the participation of disabled people in public life e.g. through use of procurement or grant / funding conditions and the provision of training and capacity building.</p>	<p>Appropriate promotion and encouragement, as indicated by:</p> <p>a) Grant / funding conditions which require those funded to demonstrate how they will promote participation of disabled people in public life and positive attitudes towards disabled people.</p> <p>b) Procurement criteria, selection process and contracts which require the promotion of participation of disabled people in public life and positive attitudes towards disabled people, therefore</p>	<p>More disabled people are aware of the opportunity to participate in public life.</p> <p>More disabled people have the knowledge and skills to participate in public life.</p> <p>More disabled people</p>	<p>An increase in number of disabled people participating in public life, indicated by relevant participation statistics.</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
	<p>awards are only made to those who comply with the duties.</p> <p>c) Ongoing monitoring of funded or contracted bodies to ensure maintenance of activities to promote participation of disabled people and positive attitudes towards disabled people</p> <p>d) Training and capacity building by public authority open to funded or contracted organisations e.g. disability awareness raising</p> <p>e) Public authority leads by example on promoting participation of</p>	<p>participate in public life.</p> <p>Disabled people are supported (where necessary) to participate in public life.</p> <p>Improved attitudes towards disabled people.</p> <p>All the above</p>	

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
	disabled people in public life and encouraging public attitudes towards disabled people e.g. through use of positive language, images etc; and uses their influence with others	indicated by survey evidence and/or examples.	

9.2 Implementation by the Equality Commission

In order effectively to evaluate these duties the project will also need to evaluate the effectiveness of implementation by the Commission and therefore it has adopted the following indicators.

9.2.1 What evidence is there of the Commission supporting the implementation of the duties?

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>EC1 The provision of guidance on the duties (statutory):</p> <ul style="list-style-type: none"> a) Drafting of guidance b) Involvement of disabled people and data from involvement of disabled people is used to inform guidance. c) Consultation with public 	<p>The publication of guidance which takes into account the views of disabled people and which is fit for purpose (i.e. proportionate, transparent, appropriate and useful for public authorities as well as accessible to others, such as disabled people) and which is indicated by:</p>	<p>The guidance leads to improved attitudes towards disabled people, indicated by survey evidence</p>	<p>The needs of disabled people are met, indicated by survey evidence. More disabled people participate in public life,</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
authorities	a) The appropriate availability of the guidance (for example, in clear language, free from jargon, fit for purpose, accessible). b) Data from involvement of disabled people compared with information provided in guidance		indicated by participation statistics.
EC2 The provision of other (non statutory) information / support: a) Provision of briefings. b) Provision of seminars. c) Provision of conferences.	The provision, as appropriate, of briefings, seminars, conferences and other awareness raising activities to support public authorities in an appropriate and effective manner, indicated by:	Public authorities' and disabled people's awareness of the duties is raised, indicated by	The needs of disabled people are met, indicated by survey evidence.

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>d) Awareness raising activities e.g. adverts, media work.</p>	<p>a) Records of the relevant events/activities, and, where relevant, material from them.</p> <p>b) Records of disabled people's involvement in the design and delivery of such information / support as appropriate</p>	<p>examples of their relevant actions.</p>	<p>The information / support leads to improved attitudes towards disabled people, indicated by survey evidence</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>EC3 Responding to requests for support:</p> <ul style="list-style-type: none"> a) Commission responds to query. b) Commission follows up on query. c) Commission monitors public authority. 	<p>The provision of appropriate responses to queries, indicated by:</p> <ul style="list-style-type: none"> a) The number of queries received. b) The number of queries responded to. c) Whether the Commission provided the public authority enquiring with a named person to liaise with? If not would this have been beneficial to the public 	<p>The responses lead to improved implementation of the duties, indicated by survey evidence</p>	<p>The needs of disabled people are met, indicated by survey evidence.</p> <p>More disabled people participate in public life, indicated by participation</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
	<p>authority or to the Commission?</p> <p>d) The timescale of responses to queries (should be promptly)¹⁰.</p> <p>e) The accuracy of response to queries.</p> <p>f) If a follow-up was required for the query, did this happen? What was the timescale and accuracy of the follow-up? Was it deemed effective by the public authority and the Commission?</p> <p>g) The satisfaction of the enquirer</p>		<p>statistics.</p>

¹⁰ If a definition of reasonable timescale is required the researchers suggest 7 working days for an acknowledgement stating the timescale for full response.

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
	<p>with the guidance and responses to any interaction with the Commission.</p> <p>h) Would the public authority contact the Commission for support / guidance in this area again?</p>		
<p>EC4 Following good practice and acting in keeping with the spirit of duties:</p> <p>a) All actions comply with guidance.</p> <p>b) Commission information provision is reviewed for</p>	<p>Good practice is followed and the Commission acts in keeping with the spirit of the duties , as indicated by:</p> <p>a) The Commission uses clear, accessible language and formats and promotes positive images of disabled people</p>	<p>The Commission's adoption of good practice and its acting in keeping with the spirit of the duties in indicated by:</p>	<p>Public authorities are supported to implement the duties effectively</p> <p>More disabled people participate in public life e.g.</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>language, format and structural accessibility.</p> <p>c) Commission consults / involves disabled people in its work (not just on disability duties but across the board).</p> <p>d) Staff training on disability duties and disability awareness.</p> <p>e) Commission engages with public authorities.</p> <p>f) Commission engages with NGOs.</p>	<p>b) The delivery of training and monitoring of training e.g. quality, content, effectiveness, implementation of knowledge, impact; as well as numbers participating, frequency etc</p> <p>c) The Commission has a clear understanding of:</p> <ul style="list-style-type: none"> - the needs of public authorities, the challenges they face and the concerns they have, - the expectations of NGOs and of how they can contribute to meeting the duties and 	<ul style="list-style-type: none"> • Commission outputs are understandable to its target audience. • Commission activities promoting positive attitudes towards disabled people and encouraging 	<p>work of Commission</p> <p>Attitudes towards disabled people are more positive e.g. within the Commission and externally</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>g) Commission engages with disabled people e.g. has disabled Commissioners, staff, volunteers, committees, seminars, focus groups etc with disabled people as members; also proactive work to meet and engage with disabled people e.g. via NGOs, attending conferences etc.</p>	<p>concerns they have,</p> <ul style="list-style-type: none"> - the expectations of disabled people, their concerns and any barriers they face, <p>and this is indicated by staff feedback, specific monitoring and the Commission's work in this area.</p> <p>d) The Commission benefits from the knowledge and expertise of disabled people, as indicated by specific examples.</p>	<p>disabled people's participation in public life.</p> <ul style="list-style-type: none"> • The Commission providing appropriate support to public authorities (based on evidence rather than 	

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
		<p>presumed need).</p> <p>Public authorities feel supported, that they have been listened to and that their needs are being met, indicated by:</p> <ul style="list-style-type: none"> • Public authorities feeling that the duties are 	

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
		<p>being effectively implemented (based on their interaction with other public authorities and with the Commission).</p> <p>NGOs feel involved and engaged in</p>	

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
		<p>implementation of duties and that their contribution is recognised, indicated by:</p> <ul style="list-style-type: none"> • Feedback from the NGOs. <p>Disabled people are involved and engaged in the implementation of the duties and feel that their</p>	

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
		contribution is recognised, indicated by: <ul style="list-style-type: none"> • Feedback from disabled people. 	

9.2.2 What evidence is there of the Commission keeping duties under review?

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>EC5 Keeping legislation under review:</p> <ul style="list-style-type: none"> a) Research undertaken to review duties. b) Engagement with disabled people regarding legislation. c) Engagement with NGOs regarding legislation. d) Engagement with public authorities regarding legislation. e) Engagement with Commission 	<p>The duties are reviewed, as indicated by:</p> <ul style="list-style-type: none"> a) Research reports. b) Recommendations. c) Information on disabled people's, NGOs, public authorities and Commission staff views on the legislation. d) Effectiveness review report delivered by 2010 	<p>Duties are amended as required to ensure meeting aims, as indicated by comparison with legislative intent to implementation and effect of duties</p>	<p>More disabled people participate in public life</p> <p>Attitudes towards disabled people are more positive</p> <p>As indicated by survey and statistical evidence</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
staff regarding legislation.			
<p>EC6 Keeping implementation by public authorities under review:</p> <ul style="list-style-type: none"> a) Actions taken to review implementation of duties. b) Number of PA's reviewed. c) Number of exemptions granted. 	<p>The implementation by public authorities is kept under review, as indicated by:</p> <ul style="list-style-type: none"> a) Exemptions b) Reports on review of disability action plans c) Reports on review of annual reports. d) Recommendations. e) Other relevant communications. 	<p>Public authorities are held to account for implementation of duties and achieving the purpose of the duties, as indicated by reviews by Commission, independent</p>	<p>More disabled people participate in public life</p> <p>Attitudes towards disabled people are more positive</p> <p>As indicated by survey and statistical evidence</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
		research and evaluation; and surveys	
<p>EC7 Compliance and enforcement etc:</p> <p>Number of public authorities requested to submit a revised disability action plan.</p> <p>Number of public authorities submitting a revised disability action plan.</p> <p>i) Formal letters.</p> <p>ii) Referral to Assembly.</p>	<p>a) The Commission carries out its compliance and enforcement duty, as indicated by records of the relevant actions it takes.</p> <p>b) The Commission reports to Assembly on compliance (schemes and annual reports received or granted exemption)</p>	<p>Public authorities who do not comply are held to account</p> <p>Public authorities who comply are given credit</p>	<p>More disabled people participate in public life</p> <p>Attitudes towards disabled people are more positive</p> <p>As indicated by survey and statistical evidence</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
iii) Judicial reviews instigated and followed through		Disabled people's rights are upheld As indicated by formal letters and responses;	

9.3 The Effectiveness of the Disability Duties

9.3.1 What indication is there of the overall effectiveness of the duties?

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>DD1 Effective implementation of the duties by public authorities.</p>	<p>The public authorities comply with the duties as indicated by:</p> <ul style="list-style-type: none"> a) The indicators highlighted in the public authority sections above. b) Disability action plans and annual reports published by the public authorities and lodged with the Commission. c) The number of public 	<p>The duties fulfil the legislative intent, indicated by survey evidence showing that disabled people’s needs are met.</p>	<p>More disabled people participate in public life, indicated by participation statistics</p> <p>Improved attitudes towards disabled people, indicated by survey evidence.</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
	authorities deemed to be compliant by the Commission and by independent evaluation.		
DD2 Effective fulfilment of the duties by the Commission.	<p>The Commission fulfils its duties effectively as indicated by:</p> <p>a) All indicators highlighted in the Commission sections above.</p> <p>b) Independent evaluation.</p>	<p>Disabled people are aware of their rights as indicated by surveys, interviews etc</p> <p>Public authorities are supported as indicated by Commission publications and papers / notes of interaction with public authorities</p> <p>Legislation is kept under review, as indicated by</p>	<p>More disabled people participate in public life, indicated by participation statistics</p> <p>Improved attitudes towards disabled people, indicated by survey evidence.</p> <p>Legislators read the Commission's papers and then start new process (see</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
		papers provided by Commission e.g. reports to Assembly	below).
DD3 Legislators consider the Commission's papers and review the legislation.	The legislation and duties are updated to reflect the changing needs of disabled people and the changing context of society, as indicated by revisions to the legislation and guidance.	The duties fulfil the legislative intent and disabled people's needs are met, indicated by the views of disabled people, NGOs, public authorities and the Commission on the legislation and whether the duties and intent are being fulfilled, as ascertained by	Disabled people participate fully, meaningfully and effectively in public life, indicated by survey and statistical evidence and independent research. Continued improvement in attitudes towards disabled

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
		<p>surveys and independent research.</p> <p>The duties and legislation remain relevant to society in Northern Ireland, indicated by the views of disabled people, NGOs, public authorities and the Commission on the legislation and the duties and whether they are relevant, as ascertained by surveys and independent research.</p>	<p>people, indicated by survey evidence, and reductions in incidents of hate crime and of harassment, fewer complaints to police, to the Commission or to others, and fewer legal cases and conciliation.</p>

OBJECTIVE 2

EVALUATING PROGRESS TO DATE

The aim of this project was to evaluate the effectiveness of the disability duties. The first objective was therefore to develop a framework, including related indicators, that would be relevant to this and any future evaluation of the disability duties. The second objective then was to evaluate progress to date by the public authorities and the Commission using the indicators developed for the first objective.

This section reports the results of the second objective outlined above and presents an assessment of the progress made by the public authorities and by the Commission in implementing the duties and, overall, of the duties themselves.

10. Introduction

Under the legislation both public authorities and the Commission have specific duties. The evaluation framework described in section 9 identifies the specific processes required by those duties and recommended in the Commission's guidance; and for each process, lists the anticipated outputs and outcomes (results and impacts) and the means by which their achievement might be indicated. For objective 2 those indicators were then used to evaluate the progress made by the public authorities and the Commission.

The assessment of progress made by public authorities was based on their Disability Action Plans and their annual reports for 2007-2008. As much of this progress was still only at the 'output' stage, the weight of the evaluation centred on process and output indicators. The evaluation did consider outcome (result and impact) indicators or progress towards the same, and while evidence was not anticipated at this early stage in the process the research did expect to find processes in place to collect evidence.

The legislation requires that the Commission "*keep under review the effectiveness of the duty imposed by [section 49A of the Disability Discrimination Act 1995]*". In addition, the Commission is required to "*prepare and publish a report on the effectiveness of the duty*" by January 2010.

11. PUBLIC AUTHORITIES EVALUATION

This section provides the analysis of the public authorities who were assessed in relation to evaluating the implementation of the disability duties in Northern Ireland. Section 2.2 sets out details of the methodology used in this evaluation of public authorities. In brief, the evidence base comprised mainly of public authority disability action plans and associated annual reports for 2007/08, a review of their website and associated material, and discussion/questionnaire feedback.

The evaluation framework summarised the processes the public authorities are required to undertake under the following headings:

- PA1 The creation of a Disability Action Plan;
- PA2 The provision of training on disability equality legislation and disability awareness;
- PA3 The provision of guidance by the public authority;
- PA4 The promotion of positive attitudes towards disabled people;
- PA5 Encouraging disabled people to participate in public life;
 - PA5a Recruiting to public life positions;
 - PA5b Participation in public life;
- PA6 Encouraging others to promote the participation of disabled people in public life.

In the sample of twenty-two public authorities, one public authority had not produced a disability action plan despite being required to do so. Therefore all references to the sample from this point onwards refer to

the twenty-one public authorities in the sample which did produce a disability action plan.

PA1 The creation of a Disability Action Plan

The Commission's guidance requires that a Disability Action Plan contains certain content as detailed in Chapter 4 of the guidance. The researchers were therefore looking for publicly available, easily sourced, accessible disability action plans which met with the Commission's guidance and recommendations on good practice in relation to content, in particular consultation with disabled people. Compliance with this requirement is indicated by:

- a) An introductory statement;
- b) An outline of appropriate and effective action measures, including measure to provide training and guidance to employees and office holders on the disability equality legislation and disability awareness;
- c) An outline of the timescale for implementation of the action measures;
- d) Meaningful outcome focused performance indicators or targets;
- e) Details of how the disability action plan will be published including if it is clear how it can be found / acquired and these sources are accessible;
- f) An outline of previous measures taken (recommended);
- g) A commitment to consulting with disabled people when implementing and reviewing the plan (recommended).

Additionally the researchers were looking for the accessibility of the disability action plan, in keeping with requirements under the Disability Discrimination Act and good practice, as indicated by:

- h) Its availability in accessible formats;

i) Monitoring progress and outcomes.

Each of these indicators will now be considered in turn.

As noted above, one public authority reviewed did not produce a disability action plan, despite being required to do so and not having a valid exemption. This is a serious concern as any public authority which does not produce a disability action plan, unless it has been given exemption by the Commission, is not fulfilling its requirements under the duties. The form and content varied extensively between the action plans. The majority followed the Commission guidance template to some extent and had, for example, an introductory statement, previous measures and future action measures with indicators and timescales. However, the information on previous and future measures often related to general equality matters or to Section 75 or other Disability Discrimination Act compliance measures – mainly anti-discrimination measures – and therefore could not be said to meaningfully contribute to meeting the positive duties specifically.

Some public authorities appeared simply to have filled in the blanks in the template without providing many examples of intended actions or reporting progress in relation to these actions in their annual report. Others, who appeared to have used the template as a guide only, did provide examples of actions that were relevant and appropriate to their role and remit and reported progress on these in their annual report.

a) An introductory statement

The Commission guidance states that the introductory statement should include:

- *An outline of the disability duties and the purpose of the disability action plan.*
- *A **brief summary** of the range of functions of the public authority.*
- *An outline of the range of public life positions over which the authority has responsibility for (for example, government public appointments etc), where applicable.*
- *The public authority's commitment to the disability duties and to the effective implementation of the disability action plan. This should include a commitment to the allocation of all necessary resources (in terms of people, time and money) and to ensuring that appropriate internal arrangements are in place, in order to ensure that the duties are complied with and the plan effectively implemented. There should also be a commitment to the effective communication of the plan to staff and to providing all necessary training and guidance for staff on the disability duties and on implementing the plan. The statement of commitment should be signed by the Minister and Permanent Secretary in the case of Government departments or the Chair and the Chief Executive in the case of other public authorities.*
- *An outline of the internal arrangements put in place for dealing with and reporting on the disability action plan and a point of contact for people who may seek further information in relation to the plan and/or the disability duties.*
- *The public authority's commitment to submitting an annual report on the implementation of its disability action plan to the Equality Commission.*

- *The public authority's commitment to carrying out a five yearly review of its disability action plan.*¹¹

The researchers were looking for evidence that all of the above were being met in a meaningful way i.e. that the public authority had not just filled in the template but had given due consideration to the requirements of the duties as evidenced by the actions in their plan.

All of the disability action plans assessed included an outline of the disability duties, the purpose of the plan and a summary of their functions. However, as most did not elaborate in any of these areas, it was difficult to evaluate how many authorities were complying meaningfully with the spirit of the duties rather than the letter of the guidance template.

The outline of the range of public life positions for which the public authority is responsible is dealt with in more detail in the section on promoting participation in public life below. All twenty-one disability action plans assessed made a statement relating to these positions.

All twenty-one of the plans also made a statement of commitment to the duties and to the effective implementation of the plan. However, few provided further information on this. One public authority notably stated its commitment to providing resources for the implementation of the plan (in the form provided in the template), but then cited the lack of resources as the reason for not achieving year one actions. This raises the issue of how seriously such public authorities are committed to the implementation of the disability duties.

¹¹ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p40

Commitments in relation to communication, training and guidance are dealt with elsewhere in this report.

Whilst the majority of disability action plans had the space for the Chair and CEO signatures, fifteen of the electronic plans assessed did not have these signatures in place. Seven of the twenty-one plans assessed had the signature of the Chair and CEO on the electronic plan¹².

Fourteen public authorities provided a named contact for further information about the plan. Seven public authorities provided no contact information.

All of the plans included statements that the plan would be reviewed annually.

b) An outline of appropriate and effective action measures

The researchers were looking for action measures which would contribute to the effective implementation of the duties. The content of the action measures is commented on under the other indicators (PA2-6) as these relate directly to the actions. An appropriate action measure would be one which would contribute to the implementation of, or achieving the outcomes of, the duties and which would be specific, measurable, achievable, realistic and time-limited (SMART).

Of the twenty-one plans assessed:

Nine public authorities included ten or fewer actions in their plan.

Nine had between eleven and twenty actions.

¹² Where disability action plans were submitted electronically they were required to be signed electronically.

Three had more than twenty actions.

The number of actions is not, of itself, an indicator. It would be acceptable for a public authority to set only a small number of very challenging, outcome focused, measurable actions and deliver on these. Conversely, it would be acceptable to set a large number of less challenging but equally outcome focused and measurable actions and deliver on these. A concern, however, is raised where a public authority sets lots of actions, and then fails to deliver on most or all of them. In this circumstance questions must be asked as to whether the public authority has been realistic. Public authorities must strike a balance between: having extensive lists of actions; maintaining a focus on their outcomes; having appropriate performance indicators; and the resources that are available to deliver.

In terms of content, many of the actions could be said to relate to compliance with either Section 75 or with the Disability Discrimination Act rather than specifically meeting the disability duties. For example, whilst providing information in accessible format or making premises more accessible may increase disabled people's participation in public life, it is already a requirement under the Disability Discrimination Act. As stated previously the content of the actions is commented on further under indicators PA2-6.

The number of actions in a plan was further highlighted as an issue when examining the annual reports, where public authorities were reporting progress on, for example, three or four out of twelve actions, or were reporting progress where objectively little could be said to exist; for example, having sourced a list of training providers was reported as progress towards the action of delivering training for all staff and

appointed members. In the view of the researchers this indicates that the public authorities had either not created realistic actions, outcomes and timescales or had not invested sufficient resources or effort into their delivery.

It should be noted that the Commission guide provides that actions should be prioritised.¹³ This could explain why public authorities were reporting progress on only some actions, however none of the action plans assessed provided any comment on prioritisation of actions.

c) An outline of the timescale for implementation

The researchers were looking firstly for each action measure to have a specific timescale attached to it, for example, 'September 2009', rather than "this year", or "asap". Without a specific date it is not possible to measure whether the action is on track for completion or whether slippage has occurred. A specific timescale also assists in planning delivery and in monitoring progress. In the researchers' experience it can help to provide an indication both of how long the action may take and the estimated completion date. For example, a recruitment campaign may take 4 months, so if the start date is delayed the action can still be monitored regarding whether it is taking the estimated time to complete, or whether it is taking longer or shorter.

Of the public authorities who had more than ten actions in their plans more than half had not indicated appropriate timescales. For example timescales were either very vague, i.e. '2007-2008', or stated as 'ongoing'.

¹³ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p43

In addition the researchers were looking for the timescale to be realistic e.g. not stating that public attitudes towards disabled people would be changed overnight.

The information recorded in the disability action plans was not sufficient for the researchers to assess whether timescales were realistic. The provision of information on how long an action might take and when it is scheduled to take place would be good practice to enable assessment of timescales.

d) Meaningful outcome focused performance indicators or targets.

The Commission guidance states:

“When considering what measures to include a public authority should always keep in mind the impact that the measure will have on disabled people and the degree to which the measure will be effective. The focus should therefore be on outcome (in terms of the extent it will promote positive attitudes towards disabled people and encourage their participation in public life) rather than outputs.”¹⁴

The researchers were therefore looking for evidence of outcome focused performance indicators e.g. the change to attitudes which training would make, rather than the number of people trained or the number of training sessions held. The researchers were looking for the actions and associated outcomes to be related to the effective implementation of the duties. The researchers were also looking for the outcomes to be specific, measurable (either qualitatively or quantitatively), achievable

¹⁴ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p45

(i.e. within the power of the public authority to achieve), realistic and time limited (SMART).

The lack of a focus on outcomes was noticeable. Only three public authorities had produced outcome indicators. For example, in relation to training, fifteen public authorities had provided an output indicator (training had been completed), but no outcome indicator (attitudes towards disabled people had been changed or would be changed).

Overall, the focus was still on outputs, rather than outcomes, and on quantity rather than quality, e.g. providing the numbers of people trained (five public authorities provided information on this). However, they did not provide information on content or the quality of the training. One public authority stated that its training had been independently verified by a disability organisation. This would be a good practice quality measure for all public authorities to adopt. The provision of appropriate performance indicators as required by Commission guidance would aid the assessment of compliance with the duties and should be encouraged.

None of the twenty-one public authorities assessed reported having systems in place regarding the monitoring or evaluation of the disability action plan as a whole. One public authority concluded that “*our size militates against any formal measures*”. This raises real concerns around attitudes towards the duties, as even the smallest organisation can set itself some level of quantifiable measurement which can be monitored and achieved. The measurement of effectiveness of actions towards achieving outcomes, and the quantification of outcomes are essential to ensuring the effectiveness of the disability duties.

- e) Details of how the disability action plan will be published including it is clear how it can be found/acquired and these sources are accessible.

The researchers were looking for the disability action plan to be published i.e. made publicly available, and disseminated, in a range of formats (including Easy Read, tape / CD, hard copy, electronic copy) and languages (e.g. English, Irish / Gaelic, sign language, Braille and other community languages). The researchers expected publication to include availability on the website, but also from the public authorities' office, and potentially elsewhere e.g. community centres, libraries etc. The researchers expected dissemination of the disability action plan to include staff, officer holders, volunteers, partners and stakeholders of the public authority. Dissemination could also include placing adverts or articles in local, community, regional or national media, or conducting awareness raising campaigns around the plan, or other promotional activities to ensure that the plan reached the widest possible audience of disabled people and other stakeholders.

Publication

In this section the researchers considered the ease of finding or accessing the publication and the publication media e.g. website or hard copy. The researchers also considered the accessibility of the publication media.

In relation to websites the Commission guidance states:

“A copy of the disability action plan should be available on the public authority’s website (where one exists). Public authorities

*should ensure that their websites are accessible to disabled people.*¹⁵

Therefore the researchers were looking for industry standard approved accessibility i.e. Bobby, W3CAAA etc; or websites which were dynamic i.e. the size of the font and the colour scheme could be changed, written in non-serif font e.g. Arial, with tagged images (images with descriptions of the image) and the ability to change between HTML and text only formatting. The researchers were also looking for good practice such as the use of BrowseAloud, or video clips providing information in sign language.

Of the twenty-one websites viewed, all except one were written in non-serif font such as Arial, and were dynamic so that the font size could be increased or decreased. Of the twenty-one websites viewed:

One public authority had the facility to change the colour scheme and five provided BrowseAloud or text only versions. Although one other public authority reported the provision of BrowseAloud as a previously completed action measure the facility was not available on the website at the time of writing (August 2009).

The best example found was a public authority website that was dynamic, including a specific button to increase font size, and which also provided a text only option. This is good practice and should be encouraged. In relation to publishing the action plan on a website, the researchers expected to find the disability action plan clearly signposted on the website (ideally from a link on the homepage) regardless of where it was located.

¹⁵ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p49

Eighteen of the twenty-one public authorities had the action plan available on their website.

Three of the twenty-one public authorities did not have the action plan available on their website.

Those who did not have the plan on their website were contacted by email and asked for a copy. However, after 8 weeks none had responded, and so these plans were accessed via the Commission records. Of the eighteen who did have their disability action plan on their website, the ease by which disability action plans could be found on websites varied greatly, as follows:

One authority provided a direct link at the top of each page, including the home page. This is an example of good practice for making the plan easily accessible and should be commended.

Five public authorities had links to their plans from the equalities page on the site, and all of these had links to the equalities page from the homepage.

Nine public authorities, however, had located their plans in places other than their equalities page, making it more difficult to find. This is a concern as it sends out a message that the disability action plan is seen as separate from equality. For four of these authorities the plan was found on the corporate or policy pages which could be an attempt to mainstream the plan. However, one had located it under “human resources”, which is not appropriate as the duties do not relate solely to employment; and two other authorities had it only under publications.

Three public authorities' disability action plans had to be retrieved via the search function, A-Z list, or external search engine. In two instances this then allowed the breadcrumb trail to be traced back to the home page, but in one it did not appear to be possible to find it other than via a search.

In relation to the publication of the disability annual progress report, the Commission guidance states:

“A copy of the annual report should be available on the public authority’s website (where one exists). Making this information available will inform the authority’s employees and the wider public of its progress as regards implementing the disability duties”¹⁶.

Therefore the researchers also expected to find the disability annual report on public authorities' websites. None of the twenty-one public authorities had posted their annual report on their website as required by the Commission guidance.

The researchers also observed that three public authorities had no information whatsoever, including anything relating to the disability duties, on their equality page. The lack of any information on equality is a serious concern.

Dissemination

The Commission guidance states:

“The disability action plan must be published widely. This may include press releases, and direct mail shots to disability

¹⁶ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p32

organisations or representative groups. Public authorities must consider how they can best use their resources to ensure maximum coverage.”¹⁷

The researchers have included this as part of dissemination.

Sixteen public authorities made no reference to the dissemination of their disability action plan and five public authorities made some reference to this as follows:

Four public authorities reported providing copies of the disability action plan to their staff or those holding public appointments within the organisation. Two of these also said how their plan would be disseminated and publicised, such as through press releases, advertisements and meetings with people with disabilities, carers, disability organisations and representatives groups.

One other authority planned to make the public aware of their plan via its national umbrella body; however they did not provide information on how or whether this was achieved.

f) An outline of previous measures taken (recommended).

The Commission guidance states:

*“It is therefore **recommended** that previous measures taken are set out in the authority’s **first** disability action plan. They should be set out **briefly** and in **bullet form**. It should be noted that these*

¹⁷ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p49

*measures must be included in the first disability action plan only.*¹⁸

Therefore the researchers expected to find some description of the previous measures undertaken.

Seventeen of the twenty-one disability action plans assessed made explicit reference to previous measures, however four did not. The majority of previous measures undertaken appeared to be in relation to Section 75 or Disability Discrimination Act compliance, for example Equality Impact Assessment, screening or monitoring. Three public authorities did report more specific measures such as promoting concessionary rates, engaging a disability representative to carry out awareness training and asking disabled people about their experiences of the service.

g) Commitment to consulting with disabled people when implementing and reviewing the plan (recommended)

The Commission guidance states:

*“Consultation between public authorities and disabled people should be viewed as a two-way process. It is an opportunity for disabled people to provide feedback in a constructive manner on how public authorities can best implement and are implementing the disability duties. It also enables public authorities to use this feedback to improve how they meet their obligations.”*¹⁹

¹⁸ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p39

¹⁹ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p27

Whilst consultation is a recommendation, rather than an obligation under the duties, it is considered good practice. The comparable GB Disability Equality Duties require the involvement of disabled people in the creation of disability action plans. The (former) Disability Rights Commission guidance on involvement states:

“involvement’ requires more active engagement of disabled people than ‘consultation.’”²⁰

Therefore this could be considered exemplar practice.

The researchers were looking for evidence that the public authority had consulted and / or involved disabled people in the development of their disability action plan. The researchers expected this to include a wide range of disabled people from across society, not solely representative groups, such as those with different disabilities, from different genders, ethnicities, sexual orientation, age groups.

There was a variety of information relating to consultation and involvement included in the disability action plans and annual reports.

Fifteen of the twenty-one public authorities assessed provided some information on consultation. Of these fifteen public authorities:

Eight public authorities stated explicitly that they consulted with disabled people specifically or with groups working with or representing them. Two of the eight conducted consultation exercises and six of the eight stated that they held consultation events. Three of the eight identified the number of participants (one said that a *‘wide range of stakeholders was contacted’* and a

²⁰ Disability Rights Commission. (2006). *The Disability Equality Duty and involvement*. Manchester: Disability Rights Commission

total of 36 contributed 'ideas and suggestions', another reported "450 individuals and organisations" participated); two others identified the number of invitees but not the number of participants. Two of the eight identified the organisations and names of the people it consulted, the organisations included Disability Action, Mencap, RNIB, RNID, and Leonard Cheshire amongst others, as well as named local groups. Two of the eight also posted a report of the consultation on their websites separately to their disability action plan. Of the eight, three public authorities stated that they had considered or included other equality groups in their consultation exercise - age, sexual orientation, gender, race, religion or belief - but none provided further information on this.

Another seven public authorities gave some information but not enough to indicate whether or not any disabled people were consulted or involved. Of these seven:

Two public authorities referred to consultation activities but provided no information in relation to them. One of these talked about a closing date for consultation and stated that it "*will be happy to meet with interested individuals or groups*", but provided no information on whether it was contacted by anyone or the outcome of any such contact. The other made reference to "*our first consultation*", but did not provide details of what this consultation was or who it was with.

Two public authorities made reference to consulting with staff or internal working groups but provided no information on the composition of staff teams or working groups.

Three public authorities stated that they would consult with stakeholders generally. Two of these three identified service users and the other one identified “individuals, representative groups and a working group on equality and good relations” however none of these mentioned disabled people.

The other six public authorities of the twenty-one public authorities provided no information. Of these six, three did not comment on consultation and involvement at all and three just included the recommended statement from the Commission guidance that they were committed to consulting with disabled people when implementing and reviewing their plans but did not provide any evidence of who they intended to consult, how and when they would do this and what they would do with the data.

The lack of evidence on consultation and involvement is a concern as these are key means by which: to gather data to help develop actions that will meet disabled people’s needs; to assess that these actions are achieving their intended outcomes; and to ensure that the disability action plan is accessible. In addition to this the Commission guidance notes;

“Importantly, by consulting, public authorities are also providing disabled people with an opportunity to participate in public life; by enabling disabled people to contribute to public policy decision making or decisions relating to the way in which they carried out their functions.”²¹

²¹ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p28

Those public authorities who tried to consult or involve should be commended; however further work could be done by most of those assessed, both in terms of the activities undertaken and by reporting in more detail on these activities such as the numbers of people invited to engage, numbers engaged, topics of discussion, actions taken and any changes made to disability action plan. The provision of consultation reports, is good practice and should be commended.

In consulting with stakeholders during this research the researchers detected some elements of consultation fatigue. Public authorities will need to take steps to ensure that they do not create or perpetuate such fatigue and that they address it wherever possible.

h) The disability action plan is available in accessible formats

The Commission guidance states:

“The plan must be in written form and be both comprehensible and accessible.”²²

The researchers looked for publication of the plan to be in both Word (which is accessible for text readers but can lose its formatting if enlarged) and PDF format (which is not always accessible for text readers but does retain its formatting if enlarged). The researchers were also looking for a minimum of 12 point Arial (or other non-serif font), the minimum recommended by the RNIB, with 14 point Arial being good practice.

The researchers considered whether there was a commitment to produce the disability action plan in other formats and languages, and if

²² Ibid, p38

so whether these had been made available and how many requests had been made. The researchers also considered the use of plain English, and the structure and layout of the disability action plan.

Of the twenty-one action plans assessed, seventeen action plans were in PDF format only and four were in word format only, none were provided in both formats. All twenty-one plans assessed were written in a non-serif font, mostly Arial, and in 14 point.

Of the twenty-one plans assessed:

Three public authorities gave no information about accessing their disability action plan in other formats.

Five public authorities said that their plan was available in alternative formats but did not give examples of what these were.

Two public authorities provided examples of the formats available but included no information on who to contact to access these.

Eleven public authorities included the recommended statement from the guidance regarding availability of accessible formats or a similar statement and provided a named contact for requesting these.

Two of these eleven also included the provision of the plan in Daisy format.

Eight of the eleven did not provide information in their action plan or, with one exception, annual report on whether or not they had been asked for accessible formats. Therefore, it was not possible to evaluate whether they were meeting these needs in practice. It may be that this statement is

included as a matter of course, rather than because there is a commitment to providing accessible information.

However, one of the eleven should be commended for providing statistics in their annual report on the number of requests they had received for accessible information. This is good practice and should be encouraged.

Two public authorities had an action measure to develop an approved list of providers of alternative formats, preferably to be procured from the voluntary sector. However this action was reported by both as 'ongoing' rather than 'achieved' in the annual report.

In relation to languages other than English, three of the twenty-one public authorities provided information on this as follows:

One public authority provided information in ten minority languages on how to obtain copies of the disability action plan in those languages;

One public authority said that the plan was available in Irish and that '*consideration will be given to requests for the documentation in other minority languages;*'

One public authority provided information at the start of its plan in a range of minority languages.

The provision of a disability action plan in other languages is a good practice measure which also helps meet the Section 75 duties and should be encouraged.

i) Provision for monitoring progress and the outcomes.

Monitoring progress towards the outcomes is key to ensuring effective implementation of the duties, without such monitoring actions can slip which will impact on progress towards the outcomes. The researchers were looking for public authorities to have in place appropriate mechanisms to monitor and report on progress.

None of the public authorities commented on monitoring any of the parts of the duties specifically, of those who commented on monitoring at all, their comments were general.

Three public authorities provided comment on monitoring tools. One public authority stated that no monitoring tools had been put in place however "*there will be more personal contact with employees families with disability to ensure duty of care to employees are met*", no explanation of this statement was provided. Another public authority commented on evaluation and feedback and provided quantitative evidence in its annual report. It included information on the number of people trained, number of documents requested in alternative formats and number of complaints received, however it did not provide qualitative data on these. The other public authority stated that it was attempting to develop monitoring processes.

As monitoring is a key element of assessing progress it is essential that appropriate systems are in place and that actions are measurable, particularly as implementation of the duties progress. Public authorities should seek to prioritise the creation and implementation of monitoring processes.

PA2 The provision of training on disability equality legislation and disability awareness

The provision of training on disability equality legislation and disability awareness would involve both individual training sessions and the monitoring and evaluation of the training and the output from this should be the delivery of appropriate training indicated by:

- a) The number of the training sessions held and the number and type of attendees;
- b) The level of training;
- c) The frequency of the training;
- d) The quality of the training;
- e) The monitoring of training outcomes.

Each of these indicators is now considered in turn.

- a) The number of the training sessions held and the number and type of attendees

The researchers were not looking for a specific number of training sessions. However, they expected to see actions to ensure that all staff, office holders, volunteers and partners had received or would be receiving some training in relation to the duties and the disability action plan, appropriate to their role.

Seventeen of the twenty-one public authorities listed provision of training as an action measure as follows:

Five of the twenty-one public authorities assessed quantified the number of staff taking part in training but did not provide further information as to the type of staff or appointed members participating;

Four other public authorities provided information on the type of training participants - which ranged from officers, frontline staff and new employees, to board members - but did not quantify the number of people trained;

One other public authority noted that it was giving consideration to the idea, raised during its consultation activity that its training is delivered by disabled people;

Four public authorities provided information on the number of training sessions held. This varied between four and twenty sessions;

Eight stated that a number of training sessions had been held or that staff had participated in external training; but did not quantify this further.

In summary, many of the public authorities reported the provision of training, both in their previous measures and in their current actions. But, whilst these public authorities stated that board members (or equivalent) and staff would be trained, the majority had only provided training to staff.

The quantification of the number and type of staff and Board members attending training, along with a qualitative assessment of the training undertaken, and monitoring in relation to changing attitudes would all contribute to providing evidence of meeting the disability duties.

b) The level of training

Training can be a key means of challenging prejudice and helping to change attitudes. The researchers expected that the training would be of a level appropriate to the role of the participants in the training, e.g.

those involved in recruitment of office holders would have training specific to addressing barriers to the participation of disabled people in public life. Training could cover disability awareness raising, challenging prejudice and stereotypes, the disability duties and disability action plan, the context of the duties including links with Section 75 and the Disability Discrimination Act.

Of the seventeen public authorities listing training as an action measure:

Six public authorities provided information on the nature of their training. This included: deaf awareness level 1; disability awareness; disability legislation; mental health awareness; recruitment and selection; meeting the needs of disabled people; customer care; complaint handling; special needs in aquatics; values and attitudes; equality monitoring; making adaptations; protection of vulnerable adults; producing disability action plans; bullying and harassment; and equality screening. None, however, gave any further details on the actual content of the training.

Three listed training as an action for the year under consideration, but reported that it had not been achieved.

c) The frequency of the training.

The researchers were looking for evidence that public authorities had processes in place to update staff, office holders, volunteers and partners as changes to law, policy or practice were made and to ensure that everyone had received or would receive training appropriate to their current role within a reasonable timescale. They were not looking for a specific frequency of training.

None of the public authorities assessed provided information on the frequency of the training.

d) The quality of the training.

The quality of the training is important to ensure that is useful and meaningful rather than ineffective or a tick-box exercise. The researchers were looking to find evidence of assessment of quality of the training e.g. internal and external evaluation, and whether such evaluation was positive. Some voluntary organisations offer provision of training and would suggest that the input of disabled people into development and delivery of disability training would be good practice, following the mantra of the disability movement “Nothing about us without us”.

Only one public authority indicated that training would be evaluated (in this case by another part of the organisation); however, no information on this evaluation was provided

e) The monitoring of training outcomes.

The monitoring of outcomes is an important part of ensuring effectiveness of actions. In relation to the outcomes of training the researchers were looking for evidence that outcomes included improved attitudes towards disabled people, which would in turn assist in challenging or removing barriers to participation in public life. Given the short-term over which the research was focused (2007-2008) it could not be reasonably expected that such outcomes would have been fully achieved. However the researchers were looking for evidence that such outcomes were anticipated and means by which these would be measured in the future e.g. survey of attitudes or review of practice pre- and post-training.

None of the seventeen public authorities listing training as an action measure provided any information on whether the training had changed attitudes towards disabled people, most citing delivery or completion of training as the indicator, rather than relating this back to the duties. Information on whether participants felt that their attitudes had been challenged at the training could be included. Whilst it would be difficult to demonstrate that attitudes had changed more permanently within one year, this could still be included as a medium to longer term indicator. Action measures could be included in subsequent action plans to follow up or provide refresher training and to measure any changes in attitudes over time, perhaps by way of a staff survey.

A number of public authorities said that participants' training evaluation was positive, but again provided no further detail. There is a question about how meaningful this is as an indicator if participants have not previously been aware of the issues and therefore have no frame of reference to judge whether the training is appropriate and effective.

PA3 The provision of guidance by the public authority

The Commission guidance requires that public authorities provide guidance on the disability equality laws and disability awareness. It states:

“Such training and guidance is vital for a variety of reasons. Firstly it is an outward sign of the authority’s commitment to the disability duties. It is also a means by which an authority can ensure that its staff and office holders are aware of the disability duties and its disability action plan. Crucially, the provision of such training and guidance is an example of a measure that both promotes positive attitudes towards disabled people and by removing attitudinal

*barriers to appointing disabled people, can encourage participation of disabled people in public life.*²³

The researchers were, therefore, looking for guidance which might include the disability equality laws, including the disability duties, disability awareness, the disability action plan or other associated guidance. The provision of guidance by the public authority would involve the production of individual guidance publications, indicated by:

- a) The content of guidance;
- b) Distribution of the guidance;
- c) Publicity for the guidance;
- d) Procedures to monitor the outcomes of the guidance.

Of the twenty-one public authorities assessed:

Eleven public authorities made no reference to the provision of guidance, although two of these reported producing it in their annual report.

Five other public authorities included guidance under the heading of training but made no further reference to provision of guidance

Five other public authorities made specific reference to the provision of guidance.

- a) The content of guidance.

In keeping with the suggestions in the Commission guidance, the researchers expected to find public authorities guidance covering the

²³ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life.* Belfast: ECNI. p52

disability duties, disability equality law, disability awareness and how each of these apply to the public authorities and to particular departments, functions or individuals within that public authority.

As stated above five of the twenty-one public authorities assessed made specific reference to the provision of guidance, of these:

One public authority stated that it will be provided to staff but provides no further information;

One public authority reported creating an information point to distribute advice and guidance to stakeholders but does not make reference to staff;

One public authority had an action measure to create a manager's guide but reports this as not achieved;

One public authority reported providing guidance and information to staff via staff meetings, the staff magazine, email and the intranet;

One public authority reported providing guidance on a range of disability related policies.

Content of the guidance provided by these five public authorities included:

- promoting equality for disabled people;
- accessible services and venues;
- a corporate style sheet to ensure accessibility of communications;
- reasonable adjustments;
- establishing a Disability Assessment evaluation process;

- rewarding disabled people for their participation in public life (reported as not achieved);
- procurement (reported as not achieved);

All five public authorities should be commended for supporting their staff and board members by providing guidance. It is notable, though, that none of the public authorities assessed report providing guidance specifically in relation to the disability duties, as required by the duties.

b) Distribution of the guidance.

The Commission guidance states that public authorities must provide guidance to their staff and office holders, therefore the researchers were looking for evidence of how the public authority had done this.

Of the five public authorities that reported providing guidance only one provided information on how it would be distributed, this included through staff meetings, the staff magazine, email and the intranet.

c) Publicity for the guidance.

As well as disseminating the guidance, it can be useful to publicise it so that new staff and office holders and stakeholders are aware of it. This contributes to the outward signs of the public authority's commitment to the duties. The researchers were looking for evidence that the public authority had highlighted the availability or existence of the guidance to staff, office holders, volunteers, partners or stakeholders.

No public authority provided evidence of any publicity relating to the provision of guidance.

d) Procedures to monitor its outcomes.

Similar to the indicator in relation to training, the researchers were looking for evidence that outcomes relating to the provision of guidance included improved attitudes towards disabled people. This would in turn assist in challenging or removing barriers to participation in public life. Given the short-term over which the research was focused (2007-2008) it could not be reasonably expected that such outcomes would have been fully achieved. However the researchers were looking for evidence that such outcomes were anticipated and means by which these would be measured in the future e.g. survey of attitudes or review of practice pre- and post-training.

No public authority provided evidence of procedures being considered/in place to monitor outcomes relating to the provision of guidance.

PA4 The promotion of positive attitudes towards disabled people

The Commission guidance highlights the importance of promoting positive attitudes as a means of counter-acting prejudices, stereotypes and other negatives attitudes towards disabled people such as pity, contempt, fear and lack of respect. The Commission guidance is flexible on how public authorities should meet the requirement to promote positive attitudes towards disabled people. This allows for public authorities to develop responses that are relevant and proportionate to their remit. Therefore the indicators which were developed for this assessment were necessarily broad and non-exhaustive. It should also be noted that some of the actions and outcomes examined elsewhere in this research, for example in relation to provision of training or guidance, can also contribute to promoting positive attitudes.

It can be difficult to demonstrate a change in attitudes over just one year. The researchers therefore considered whether the public authorities assessed had put in place actions which would promote positive attitudes towards disabled people as detailed in the framework section and contribute to outcomes as indicated by:

- a) Promoting positive attitudes towards disabled people (among staff, office holders, volunteers and partners);
- b) Internal and external communications;
- c) The support provided to disabled staff, office holders, volunteers etc.;
- d) Recognition of the contribution and value of disabled people in and outwith the organisation;
- e) Actions to promote interaction between disabled people and non-disabled people;
- f) Other activities which can contribute to promoting positive attitudes towards disabled people.

These indicators are now considered in turn.

It should be noted that the researchers were were looking for evidence that the public authorities had actions and outcome indicators in place which would promote positive attitudes towards disabled people.

- a) Promoting positive attitudes towards disabled people (among staff, office holders, volunteers and partners).

This indicator could cover everything in relation to this outcome. However, there are actions which could relate specifically to this indicator, particularly in relation to the culture of an organisation and

relationships within the organisation, e.g. challenging negative attitudes such as jokes or negative comments.

With the exception of the training measures described, only four of the twenty-one public authorities reported on any action measures relating to promoting positive attitudes towards disabled people among staff, office holders, volunteers and partners. These were as follows:

One public authority did conduct activities themed around disability, to demonstrate that the rights of disabled people are the same as the rights of non-disabled people and to encourage and support them to exercise those rights. The same public authority undertook a campaign to change the law relating to people with mental health issues so that they would have the same access to rights in a particular setting as people without mental health issues. It ran media campaigns to highlight this work and reported using these to promote positive attitudes towards disabled people, although it did not provide evidence of any outputs or outcomes.

Another public authority said it had worked with others to promote positive attitudes and had hosted events to promote interaction between disabled and non-disabled people but, again, did not provide any further information about either of these activities. A joint seminar with Section 75 groups was also listed as a means to promote positive attitudes toward disabled people but no detail was given on this.

One public authority planned to conduct a staff survey on attitudes towards disabled people but this was reported as not being completed, as was another authority's action measure to encourage public appointees to declare a disability. Staff surveys

are useful tools to test attitudes and perceptions and can help in setting benchmarks for future action measures.

One public authority planned to require those seeking its funding to indicate how they would engage with disabled people. However, the annual report provided no evidence on whether this had been achieved. The inclusion in funding contracts of a requirement to indicate how an organisation would engage with disabled people, or indeed how it would promote positive attitudes towards disabled people or encourage the participation of disabled people in public life; and the monitoring and evaluation of the effect of such a provision, is an example of good practice and should be encouraged.

Policies, procedures and practices can also contribute to negative or positive attitudes towards disabled people, e.g. policy which portrays disabled people in a negative light will contribute towards negative attitudes towards them. Reviewing policies, procedures and practices to ensure that they encourage positive attitudes towards disabled people and portray them positively e.g. showing their contribution to the organisation or to society, can be useful. It can also be linked to the Equality Impact Assessment which is a key element of Section 75.

None of the twenty-one public authorities assessed included actions relating to reviewing current policy, although some made reference to this in previous measures.

Only one of the twenty-one public authorities assessed took steps to engage with disabled people in relation to policy formulation. In that case it engaged with disabled people regarding sustainability and recycling, and provided appropriate communication support to ensure their full

participation. This is a positive example of a public authority engaging with disabled people on general business matters, not simply on disability or other equality issues. The same public authority also reported hosting three visits from disability groups to facilitate their access to decision makers, but does not indicate how, or if, these visits contributed to meeting the duties. Again this engagement with disabled people on general policy, not just disability or equality, matters is good practice and should be encouraged. It refutes the stereotype that disabled people will only be interested in disability issues and recognises that they are interested in the same variety of issues which non-disabled people are interested in and have equally valid contributions to make to these.

b) Internal and external communications.

The Commission guidance recommends that public authorities should review internal and external communications to ensure that disabled people are included where appropriate and that they are portrayed in a positive manner in all publications. It also recommends that public authorities should review internal and external communications to ensure disabled people are included where appropriate. The researchers were looking for evidence that public authorities had conducted such a review and any actions which they had taken arising from that review.

Only one public authority, out of the twenty-one assessed, reported an action to review internal and external communications policies, practices and procedures. However it reported this as only partly achieved with only a review of its website being complete.

The Commission guidance states:

“[W]here it is appropriate, public authorities should have regard to the need to include images of disabled people in their promotional material etc. and ensure that such images portray disabled people in a positive role. They should also ensure that the inclusion of images of disabled people is not tokenistic.... [S]imply the absence of any representation in public images; can also have a very negative impact on disabled peoples’ lives.”²⁴

The researchers were looking for evidence that public authorities had included images of disabled people appropriately in their publications.

The researchers noted that many of the public authorities focused on the use of appropriate images of disabled people and access to websites, communications and premises. They also viewed their training activities as measures which would promote positive attitudes towards disabled people. Whilst this can be beneficial, there are many other steps which public authorities can take to meet this duty, for example review all internal and external communications to establish and utilise options to promote positive attitudes towards disabled people, include positive images of disabled people in all, appropriate communications, actively challenge negative attitudes, promote positive attitudes through language used and taking a zero tolerance approach to inappropriate or negative language.

Almost all public authorities stated that they would include pictures of disabled people on their website or in their publications as an example of promoting positive attitudes. This commitment ranged from having ‘one or two’ pictures of disabled people on a website, to incorporating

²⁴ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. pp67 and 12

pictures of disabled people into all publicity. The Commission guidance is clear that inclusion of images of disabled people in publicity material should be appropriate and not tokenistic²⁵. The evidence provided in relation to this indicator raises questions about whether the public authorities understand why this action promotes positive attitudes. For example, one public authority's performance indicator was to put '*two photographs of disabled people*' on its website; however, this was not done because it did not want the publicity to be seen as being staged. This view misses the point which is that actions such as this can help to show disabled people that they are part of the public authority's thinking, that the authority wishes to be inclusive and that their participation will be welcome and encouraged.

A spot check, including the homepage, equality page and a number of other random pages, of the sample of twenty-one public authorities, identified no images of visibly disabled people on any of the websites. This raises the question of whether what is in the disability action plan and annual report is rhetoric rather than action.

One of the twenty-one public authorities assessed described the publication of a booklet for disabled stakeholders and increased accessibility of information as measures to promote positive attitudes. This illustrates a potential misconception that this duty is about disabled people's attitudes, when it is actually about promoting positive attitudes of non-disabled people towards disabled people.

Another public authority cited an increase in the number of stakeholder newsletters distributed as improving their involvement but it provided no

²⁵ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p67

information on how many disabled stakeholders it has, how it has promoted positive attitudes towards them, nor how the newsletter has helped to increase anyone's involvement.

One other public authority took out a full page advertorial in a local newspaper in relation to its disability action plan, but did not provide evidence of the outcome of this. It would have been beneficial for the public authority to evaluate this measure and provide evidence of that evaluation. The same public authority also made its corporate publications available in Braille, large print and audio. Although no evidence is provided on the outcome of the advert and only one person requested information in an alternative format, this type of promotional activity and monitoring are good practice and should be commended.

Language is important in conveying and promoting positive attitudes. The use of inappropriate language can be offensive to disabled people and others such as family, friends, or carers. It is important that public authorities are aware of and sensitive to this. The researchers were looking for evidence of good practice in positive language used or poor practice in negative language used e.g. use of stereotypes, patronising or paternalistic language²⁶.

None of the twenty-one disability action plans or annual reports assessed made any reference to the use of language; however there were also no obvious instances of inappropriate use of language in the publications assessed.

²⁶ For further examples of inappropriate language see Capability Scotland "Plain Talking"
<http://www.capability-scotland.org.uk/disabilityequality.aspx>

c) The support provided to disabled staff, office holders and volunteers.

The provision and publication of appropriate support is a key action to promoting positive attitudes towards disabled people. It can help to reduce negative and incorrect assumptions and stereotypes about disabled people and remove the stigma surrounding the provision of support or requesting such support. The researchers were looking for evidence of the support which public authorities had available, how this was publicised, allocated, provided and reassessed, and what measures were in place to encourage positive attitudes towards requesting and using support and to challenging any negative attitudes towards this or towards people who use support.

Only one public authority of the twenty-one assessed provided specific information in relation to this area which went beyond the requirements of the Disability Discrimination Act, as follows:

One public authority highlighted the review of their code of practice on bullying and harassment as contributing to this, but went on to state that the lack of complaints from disabled people meant that there were no negative attitudes. A lack of complaints can mean many things, including the fear of complaining, a reluctance to draw attention to oneself, fear of further actions against the complainer, fear of retribution or stigma etc.

d) Recognition of the contribution and value of disabled people in and outwith the organisation.

Recognising the contribution and value of disabled people and highlighting this is a means by which positive attitudes towards disabled people can be promoted, for example challenging the stereotype that

disabled people cannot contribute to society. The researchers were looking for evidence that the contribution and value of disabled people to the organisation was recognised, for example through payment of expenses for participation in consultation exercises or creative and supportive implementation of policies such as flexible working to enable parents or carers of disabled people to meet their family responsibilities as well as their work commitments.

Only one of the twenty-one public authorities assessed provided any information specifically in relation to recognition of the contribution of disabled staff, office holders, volunteers or partners as follows:

One public authority includes an action to *'recognise the contribution of disabled employees and appointed members firstly, by determining the numbers of disabled people in the workforce and on the board as well as those who care for disabled family members, and secondly, by publicising their contribution.'* It also notes that such activity needs to be conducted with *'extreme sensitivity'*. However, it reports that the action has not been achieved. If this had been achieved the recognition of the contribution of disabled people would have been good practice and should be encouraged.

However three other public authorities from the sample made reference to actions to support the contribution of disabled people to the organisation as follows:

The provision of work placements or volunteer opportunities for disabled people can contribute to the promotion of positive attitudes, although efforts must also be made to help people with disabilities to move beyond this and into real jobs. One public

authority sought to secure placements for disabled people as part of its volunteering strategy and to find ways to recognise and reward their contribution. However, progress on this action was not provided in the annual report. Another public authority reports that one disabled person undertook a summer placement with the organisation.

In relation to employment, another authority had an action measure to continue to implement its policy on the employment of disabled people. That authority cited its work with the Ulster Supported Employment and Learning Initiative in its previous measures; no update on progress on this action was provided. It is arguable whether this goes beyond the requirements of the Disability Discrimination Act to implement the disability duties.

Many public authorities rely on disabled people to contribute to their work e.g. through consultations. However, this contribution is not always acknowledged, which can lead to the perception that the contribution is not valued. Following good practice in community engagement and participation, as outlined in Objective 1, can help with this. The researchers were looking for evidence that public authorities had acknowledged any contributions from disabled people outwith the organisation.

Only one of the twenty-one public authorities assessed noted an action to reward the contribution of disabled people outwith the organisation; however it reported this action as incomplete. The other twenty public authorities made no reference to recognising or rewarding the participation of disabled people.

Attitudes towards disabled people can sometimes be reflected onto people associated with them, e.g. friends, family, carers, colleagues etc. Therefore actions which are taken in relation to people associated with disabled people will also help to contribute to promoting positive attitudes towards disabled people. The researchers were looking for evidence that public authorities were promoting positive attitudes towards people associated with disabled people.

Only one of the twenty-one public authorities assessed made any reference to people associated with disabled people. This public authority intended to include this group in its staff survey; however the survey was not completed during the year under review.

e) Actions to promote interaction between disabled people and non-disabled people

The Commission guidance states that actions to promote interaction between disabled people and non-disabled people can help promote positive attitudes towards disabled people²⁷. Prejudice can sometimes be based on fear or ignorance therefore activities which address this can assist in challenging such prejudice and promoting positive attitudes and understanding.

None of the twenty-one disability action plans or annual reports assessed made any reference to actions taken specifically to or which would contribute to promoting interaction between disabled people and non-disabled people.

²⁷ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p69

f) Other activities which can contribute to promoting positive attitudes towards disabled people

As noted above the list of indicators in this section was not exhaustive, to allow for flexibility and creativity of public authorities in meeting this duty.

Other action measures identified by public authorities as contributing toward the promotion of positive attitudes, although these appear to relate more towards compliance with the Disability Discrimination Act included:

- Three public authorities improving the accessibility of premises, although not all stated that these improvements had been achieved;
- The provision of a dedicated mobile number to ensure access for deaf people;
- Commissioning art work from disabled people (reported as not achieved);
- An employer achievement award and sports participation.

The overall impression in this area is that only a few of the twenty-one public authorities have identified constructive actions. However, very few of these actions have been implemented or completed. There was also little evidence as to how the public authorities thought or intended the action measures to lead to the improvement of attitudes toward disabled people. These are issues of key concern as without actions being achieved or robust outcomes to work towards it is less likely that the disability duties will be implemented effectively.

PA5 Encouraging Disabled People to Participate in Public Life

The requirement to encourage disabled people to participate in public life encompasses two elements: the removal of barriers to that participation; and the creation of opportunities to participate. The Commission guidance makes it clear that the definition of public life is wider than solely public appointments, but includes “*government public appointments; the House of Lords; public bodies’ focus or working groups; community associations of fora; community police liaison committees; neighbourhood watch committees; citizens panels; Local Strategic Partnerships; school Boards of Governors, school councils; youth councils; user groups for a service provided by a public authority.*”²⁸ However, this is not an exhaustive list and public authorities are encouraged by the Commission to be creative and innovative in how they encourage disabled people to participate in public life. This creativity could extend beyond the definition of “public life” considered in the guide to use a broader definition. For example public authorities may wish to consider that to be a member of a user forum, one must first be a user of a service, therefore actions which promote use of services by disabled people can, by extension, be said to be contributing towards promoting disabled people’s participation in public life.

This duty has been considered in two parts, firstly the process of recruitment to public life positions (numbered here PA5a), and secondly the process of participation in public life more generally (numbered here PA5b). Whilst the majority of public authorities assessed had considered this first part, few had commented on the second part, despite this also being highlighted in the Commission guidance. Based on the action

²⁸ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p10

plans assessed, the majority of the public authorities saw participation in public life as being only about formal public appointments, and not about wider public life positions as detailed in the Commission guidance.

Three of the twenty-one public authorities assessed provided no information in relation to encouraging disabled people to participate in public life.

PA5a Recruiting to public life positions

As highlighted in the Commission guidance a public life position can be everything from a formal appointment, such as those governed by the Office of the Commission for Public Appointments in Northern Ireland (OCPANI), to participation in a community forum or school council. It does not include employment as a staff member. However, regardless of the type of position, the measures which can be taken to encourage disabled people to apply for it, and to break down barriers which might prevent their application, are the same.

Ten of the twenty-one public authorities assessed made no reference to, or state that they have no responsibility for, public life positions. This can be summarised as follows:

Six of the public authorities made no reference to public life positions which they are responsible for.

Four public authorities stated that as Non-Departmental Public Bodies (NDPBs) they had no responsibility for the public life positions within their organisation as these were the responsibility of their sponsoring department. One of these public authorities reported that its board membership is defined by role rather than

individual characteristic i.e. board members are there due to being CEOs of member organisations.

None of the public authorities above identified the recruitment of public life positions as an opportunity to encourage disabled people's participation in public life, despite the organisation having probable input into the appointment process. This could include, for example, advising on role descriptions, highlighting the benefits of being involved in the organisations' work directly to disabled people, information around capacity building. Such opportunities to develop the participation duty are not currently being evidenced.

Eleven of the twenty-one public authorities assessed make some reference to public life positions as follows:

Five public authorities state that as Non-Departmental Public Bodies (NDPBs) they have no responsibility for the public life positions within their organisation. However, they highlight taking measures to encourage disabled people to apply for these roles or to participate in other aspects of the organisation e.g. forum, working groups etc.

Six public authorities clearly stated the positions they were responsible for. These positions included elected representatives, Board member, good relation forum, "sportability" committee, household panel, non-executive directorships, volunteering and mentoring, arbitrator, independent expert, fuel poverty group and an arts trust.

The above public authorities' practice in promoting all aspects of public life participation (e.g. working groups, forums, committee etc as well as

appointed positions) highlights that they are following the definition of “public life” provided in the Commission guidance.

Disabled people should be encouraged to participate in public life by their recruitment to public life positions through a number of actions leading to the outcome of appropriate measures being taken and the removal of barriers. The taking of appropriate measures is indicated by:

- a) The publicising of opportunities;
- b) The provision of information sessions;
- c) The provision of appropriate application materials, including the number of requests for accessible formats;
- d) The application support provided;
- e) Capacity building with VCS groups to support disabled people.

The removal of barriers is indicated by:

- f) Examples of specific barriers which have been removed;
- g) Review of documentation related to selection and identification of barriers;
- h) Review of wider materials / documentation to ensure that positive attitudes about disabled people are promoted;
- i) Information provided regarding support for disabled people in applying and holding public life appointment including induction and other support e.g. mentoring, shadowing;
- j) Training of those involved in selection process to ensuring positive attitudes towards disabled people;

k) Use of positive action measures;

l) Provision for monitoring the outcomes.

a) The publicising of opportunities.

To be able to apply for a public life position, potential applicants must first be aware that the vacancy exists. Therefore, steps taken to publicise vacancies are an important means by which to broaden the pool of applicants. The researchers were looking for evidence that public authorities had sought to bring vacancies to the attention of disabled people e.g. through highlighting the vacancies to disability organisations, to putting adverts in media read by disabled people or in places used by disabled people. The researchers were also looking for public authorities to make clear in their publicity that applications from disabled people were encouraged and welcomed.

None of the twenty-one public authorities assessed provided information relating to this indicator.

b) The provision of information sessions.

A barrier to application or appointment can be lack of information regarding the potential role, or lack of information sessions where participants can find out more about the role and what it is like to perform it. This could be provided through speaking to existing appointees. Such actions can assist decision making regarding whether or not to apply for a particular public life position. The researchers were looking for evidence that public authorities had undertaken such positive action measures.

None of the twenty-one public authorities assessed provided information relating to this indicator.

c) The provision of appropriate application materials.

The accessibility of application materials can be a barrier to application, as an individual will be unable to apply if they are provided with application materials in a format which they cannot read. The researchers were looking for evidence that public authorities had considered the accessibility of their application materials and were able to provide different accessible formats as required. The provision of accessible materials would also include the provision of materials in community languages as well as formats such as on tape / CD, EasyRead etc. The monitoring of such requests and provision would be a matter of good practice for which the researchers were also seeking evidence.

None of the twenty-one public authorities which were assessed reported any information relating to the provision of appropriate application materials.

None of the twenty-one public authorities which were assessed reported any information relating to the number of requests for the provision of accessible application materials.

d) The application support provided.

The provision of support in completing the application may assist some people in submitting an application, for example the provision of someone to type up an application form submitted on tape. The researchers were looking for evidence that public authorities had facilities to provide such support and had monitored any requests for it.

None of the twenty-one public authorities assessed provided information relating to this indicator.

e) Capacity building with VCS groups to support disabled people.

One means of supporting disabled people to apply for public life positions is to build capacity within the voluntary and community sector to deliver such support. The researchers were looking for evidence that public authorities had carried out activities to build capacity within the voluntary and community sector to achieve this.

None of the twenty-one public authorities assessed provided information relating to this indicator.

f) Examples of specific barriers which have been removed.

The barriers to recruitment to a public life position in any organisation may vary depending on the organisation. Therefore the researchers were looking for evidence that the individual organisations had understood what might constitute a barrier to a disabled people, and had considered where barriers might exist and what those barriers might be.

None of the twenty-one public authorities assessed provided information relating to this indicator.

g) Review of documentation related to selection, including selection criteria and identification of barriers.

The selection criteria e.g. role description and person specification, may present barriers through the language they use or the assumptions they make. Reviewing such documentation to identify and address any potential barriers is important both to encouraging participation in public life, and to promoting positive attitudes towards disabled people. The researchers were looking for evidence that public authorities had reviewed their documentation and identified and addressed any such barriers.

Four of the twenty-one public authorities assessed made reference to reviewing selection documentation or practice.

One public authority included an action to review the appointments process for governors to remove any barriers to participation. However, this action is reported as incomplete.

Two other public authorities included an action to review corporate and departmental practices and procedures in relation to groups and committees, and to determine the number of people involved. However neither provided evidence of this in their annual report.

Another public authority included an action for year 2 to carry out an audit of public life participation and to identify actions that will further promote the participation of disabled people in public life and existing groups.

h) Review of wider materials / documentation to ensure that positive attitudes about disabled people are promoted.

As stated above documentation may create barriers through the language used or the assumptions made. Therefore, reviewing such documentation to identify and address any potential barriers is important, both to encourage participation in public life, and to promote positive attitudes towards disabled people. For example an annual report which does not mention disabled people or which does so in a negative manner may be a barrier to a disabled person applying for a public life position. Such an annual report may give out the message that disabled people are not valued or respected by the organisation. The researchers were looking for evidence that public authorities had reviewed their documentation and identified and addressed any such barriers.

None of the twenty-one public authorities assessed provided information relating to this indicator.

- i) Information provided regarding support for disabled people in applying and holding public life appointments, including induction, mentoring and shadowing.

Providing clear information regarding the support for disabled people in holding a public life position can send a clear message that disabled people are valued by the organisation and can also reassure them that their needs will be met and that lack of support will not be a barrier to their participation. The researchers were looking for evidence that public authorities had publicised the support available for disabled people in applying or holding a public life position e.g. putting information in application packs which explain how reasonable adjustments might be made.

None of the twenty-one public authorities assessed provided information relating to this indicator.

- j) Training of those involved in selection process to ensuring positive attitudes towards disabled people.

The attitudes of those involved in the selection process, from the person who greets the applicants, to the chair of an interview panel, are important in providing messages about the organisation's attitude towards disabled people. If the attitudes of people involved in the selection process are negative it may be assumed that the organisation will also be negative. Therefore this may act as a barrier to disabled people applying for or accepting a public life position with the organisation. The researchers were looking for evidence that public

authorities had specifically considered the attitudes of selection staff and had addressed these appropriately e.g. through training and guidance.

None of the twenty-one public authorities assessed provided information relating to this indicator.

k) Use of positive action measures

Positive action measures can be taken to address historic or institutional inequalities. For example, where an organisation is aware that there is a low proportion of disabled people holding office within the organisation they might take positive action measures such as advertising in specific places, stating and demonstrating that they welcome applications from disabled people. The researchers were looking for evidence that public authorities were utilising positive action measures as appropriate.

One of the twenty-one public authorities assessed included an action to encourage disabled stakeholders to apply for and participate in the governance of the organisation. However this action is reported as incomplete.

l) Provision for monitoring the outcomes.

As stated previously, monitoring is an important part of measuring success towards outcomes. In relation to encouraging recruitment of disabled people to public life positions, monitoring of the number of applications from disabled people, the number of disabled people being short-listed, interviewed and appointed would all assist in measuring success in relation to this indicator. Additionally, qualitative measures such as surveys of applicants regarding their experience of the process, and surveys of office holders regarding the provision of support would also assist in measuring this indicator. The researchers were looking for

evidence that outcomes relating to recruitment to public life positions were being achieved.

One of the twenty-one public authorities assessed included an action to monitor progress in relation to board members, but did not provide further information on whether this action was achieved.

PA5b Participation in public life

This process relates to more general participation in public life and includes the actions of removing barriers and creating opportunities in relation to public life.

The removal of barriers is indicated by:

- a) Examples of specific barriers which have been removed;
- b) Review of support and adjustments provided for disabled people;
- c) Publicising availability of support, including induction and adjustments for disabled people e.g. timing and location of meetings to ensure accessibility.

The creation of opportunities is indicated by:

- d) All opportunities are available to disabled people due to appropriate provision of support and publicity for this;
- e) Additional specific opportunities for disabled people to participate in public life are identified and promoted e.g. disabled people's forum;

- f) Types of public life position made available / publicised to disabled people is reviewed and all positions are available to disabled people subject to having the requisite skills, knowledge, etc.;
- g) Provision for monitoring outcomes.

These indicators are considered now in turn.

a) Examples of specific barriers which have been removed.

The barriers to participation in public life in any organisation may vary depending on the organisation, therefore the researchers were looking for evidence that the individual organisations had understood what might constitute a barrier to a disabled people and had considered where barriers might exist and what those barriers might be, examples of such barriers might include the timing or location of meetings, language used, attitudes of other forum members.

One of the twenty-one public authorities stated that they would act to remove barriers to participation and to promote participation in public life. It did not provide any further information as to how it would achieve these, nor did it report on any progress in relation to these actions.

b) Review of support and adjustments provided for disabled people.

The provision of support or making reasonable adjustments can help promote participation in public life, for example the provision of a notetaker or palantypist could assist a d/Deaf member participate in a user forum²⁹. The researchers were looking for evidence that the public authorities had reviewed the provision of support currently available and

²⁹ The term “d/Deaf” is used to note the self identification of some people as “deaf” i.e. those who regard their hearing loss in medical terms, and others as “Deaf” i.e. members of the Deaf community – who are sign language users and who are culturally Deaf.

utilised, and that they had also considered what future support might be required.

Two of the twenty-one public authorities assessed provided information relating to support for disabled people as follows:

One public authority reported an action measure to improve accessibility through regular audits. This would be useful, however the annual report provides no evidence of progress on this.

Another public authority included an action to support staff to identify needs to ensure that the take-up of opportunities was monitored and to provide training for managers and others on how to develop appropriate support. However this action appeared to be limited to issues around access during training or during the application process rather than to wider opportunities or take-up.

c) Publicising availability of support, including induction and adjustments for disabled people.

Whilst the provision of support is important, it is only useful if disabled people are aware that the support exists. The provision of induction is good practice for anyone joining an organisation, the provision of induction may be additionally beneficial for disabled people. Making adjustments to the timing, length or location of meetings may assist some disabled people in attending and participating in the meeting / forum. The researchers were looking for evidence that the public authorities had taken steps to publicise the support that is available and that they would consider making adjustments to support participation.

None of the public authorities assessed provided information on how they publicise available support and adjustments for disabled people.

d) All opportunities are available to disabled people due to appropriate provision of support and publicity for this.

For disabled people to be able to participate in public life positions, these positions must first be open to everyone with the relevant skills and knowledge to apply. Secondly, there must be no barriers created by the practice of the public authority which might prevent a disabled person applying for or holding such a position. This would include ensuring that appropriate support was in place for disabled people who hold the position, and that the availability of such support is publicised. The researchers were therefore looking for evidence of all opportunities being available to disabled people through appropriate provision of support and the publicising of the support available.

Three of the twenty-one public authorities assessed provided information relating to opportunities available to disabled people due to provision of support and publicity for this as follows:

One public authority provided an action to create participation opportunities. However it did not report on progress on this. The same public authority provided an action measure to improve confidence levels. However, it did not provide evidence of why it felt disabled people required confidence building, and could therefore be seen as pandering to stereotype. However if relevant evidence showed that lack of confidence was a barrier for disabled people participating in its work, this would be a valid action. The public authority did not report on this action in its annual report.

One public authority reported that it has met with staff with responsibilities for equality and for sports, with a view to “developing and promoting programmes of activity which involved

people with a disability”. It also reported hosting visits for disability groups to inform them of services it provided e.g. assisted bin collections.

One public authority reported actions which support disabled people to participate in elections, as exercising the right to vote is a key part of being a citizen this could be said to be participation in public life.

e) Additional specific opportunities for disabled people to participate in public life are identified and promoted.

The identification of opportunities for disabled people to participate in public life is important to implementing the duties, as the opportunities available will be different in each organisation. The researchers were looking for public authorities to identify what specific opportunities might exist or be created for disabled people e.g. a disabled person’s forum.

Five of the twenty-one public authorities assessed make reference to the identification and promotion of opportunities for disabled people as follows:

One public authority reported an action to secure placements for disabled people as part of the organisation’s volunteering strategy and to find ways to recognise and reward their contribution. However, progress on this action was not provided in the annual report. It did not provide information on how these opportunities would be publicised.

One public authority linked its participation action measures to the groups for which it is responsible, with the stated intention that disabled people have a direct input into policy. This is a useful

measure; however the public authority states that the action has not been achieved due to administrative delays.

One public authority stated that it is the Disability Liaison Officer's responsibility to provide participation opportunities for disabled people and concessionary leisure facilities. However there is no evidence provided of any disabled people being involved in any groups or of the numbers taking up the concessionary fees.

One public authority reported that it informs consultees of its consultative forum and that it anticipates that this will encourage them to participate more fully. It is questionable whether this is sufficient to promote participation in public life, or whether further measures would be necessary to support and encourage participation in such a forum.

One public authority provided an action to support two outreach projects relating to disabled people. However, it did not report on progress in relation to these projects. The same public authority also provided two further actions in relation to youth work and participation opportunities. It reported these as not achieved and that the work is ongoing, without providing information on progress to date.

f) Types of public life position made available / publicised to disabled people is reviewed and all positions are available to disabled people subject to having the requisite skills, knowledge etc.

The existence of historical assumptions about people who may get involved in public life, how they may do this or where such opportunities are publicised can create barriers to participation. The researchers were looking for public authorities to demonstrate that they had considered all

of the public life positions for which they are responsible at all levels and had reviewed these to make sure that they are all open to disabled people and that this is publicised.

None of the public authorities assessed provided information relating to how they publicise available public life positions.

g) Provision for monitoring the outcomes.

As with other indicators, monitoring the outcomes is essential.

Monitoring in relation to participation in public life would include recording who participates in public life and at what level, e.g. working groups, user forum, consultation events etc, and a demographic breakdown of this e.g. by other protected grounds as well as by disability.

None of the public authorities assessed provided information on how they would monitor the outcomes in relation to participation in public life.

PA6 Encouraging others to promote the participation of disabled people in public life.

Public authorities are required to promote positive attitudes towards disabled people with partner organisations and to encourage partner organisations to promote the participation of disabled people in public life. This should have the outcome of appropriate promotion and encouragement, as indicated by:

- a) Appropriate grant / funding conditions;
- b) Appropriate procurement criteria, selection process and contracts;
- c) Ongoing monitoring of funded or contracted bodies;
- d) Training and capacity building by public authorities;

- e) Public authorities leading by example on promoting participation of disabled people in public life and using their influence with others.

These indicators are now considered in turn.

Very few public authorities reported any activities which encouraged others; thirteen public authorities provided no information in this section at all. Three public authorities reported activities such as partnership work, or being part of work done by others. However, neither of these activities could really be described as taking steps to encourage others. Two other public authorities reiterated actions included in other sections.

a) Appropriate grant / funding conditions.

Public authorities can use grant or funding conditions as a lever to effect change, in this instance to promote positive attitudes towards disabled people or to encourage the participation in public life, for example requiring any organisation receiving funding to demonstrate that they are meeting these duties. The researchers were looking for public authorities who award grants or funding to show how they were using these to encourage others to promote the participation of disabled people in public life.

One of the twenty-one public authorities assessed developed an action measure to require everyone seeking funding to indicate how they will engage with disabled people. However, the annual report provided no evidence on whether this has been achieved.

b) Appropriate procurement criteria, selection process and contracts.

Procurement criteria, the selection process and contracts are all levers which can be used to effect change. The researchers were looking for

public authorities to show how they were using their procurement processes to encourage contractors to promote the participation of disabled people in public life.

One of the twenty-one public authorities assessed reported advertising all tenders publicly as an additional action measure. however no further information is provided as to how this contributes to promoting positive attitudes towards disabled people or to their participation in public life.

c) Ongoing monitoring of funded or contracted bodies.

In addition to monitoring the award of contracts or funding, an organisation must follow-up by monitoring contracts or agreements to ensure that it continues to adhere to the standards it has agreed to. For example, one public authority in Scotland used a contract which included the requirement to comply with the GB Disability Equality Duties to take action against a contractor who repeatedly blocked the disabled parking bays when making deliveries. The researchers were looking for public authorities to show that they had processes in place by which they could monitor and enforce such contracts and agreements.

No public authorities assessed provided any information in relation to the monitoring of grants or contracts.

d) Training and capacity building by public authorities.

As identified previously in this research, training and capacity building can be instrumental in promoting positive attitudes towards disabled people. The extension of training and capacity building opportunities to others e.g. the local voluntary and community sector or to contractors, or the provision of joint training with such organisations or providing them with specific opportunities are all means by which public authorities can

encourage others to promote participation of disabled people in public life. The researchers were looking for public authorities to show that they were making such opportunities available.

No public authorities assessed provided information in relation to providing training or capacity building for grant-funded, contracted or partner organisations, nor to making their own training or capacity building activities open to them.

e) Public authorities leading by example on promoting participation of disabled people in public life and using their influence with others.

As stated in the Commission guidance “the successful implementation of the disability duties by public authorities requires strong leadership”.

Therefore the researchers were looking for evidence that public authorities were leading others by example through not just complying with the duties, but implementing and developing good practice³⁰.

One of the twenty-one public authorities assessed had an action “to use Members’ influence to ensure that transport providers respond effectively to the needs of disabled customers, particularly in rural areas”. However this has not yet been achieved. None of the other public authorities assessed had any similar actions.

³⁰ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p34

11.1 Conclusion and Recommendations

11.1.1 Conclusion

Evaluation of the public authorities sampled indicated that, in relation to the implementation of the disability duties, the process could, at best, be described as being at an early stage and, at worst, as indicating a low level of compliance.

One public authority out of the initial sample had not at the time of writing produced a disability action plan despite being required to do so. The other twenty-one public authorities had produced a disability action plan in some form, with most containing the key provisions required. However nineteen of the twenty-one public authorities had not signed their action plan despite a requirement for electronic copies to have electronic signatures. Whilst two-thirds provided a contact, one-third provided no contact details.

The majority of public authorities had followed the Commission guidance template to some extent. However, not all of the resulting actions could be said to be meaningful, none were outcome focused, some had no indicators and more than half had vague timescales.

The Commission's guidance states that action plans and annual reports should be made available on the public authority's website. While the majority of public authorities were compliant, three did not have their action plan available on their website. Notably, none of the public authorities assessed had an associated disability annual report on their website.

The Commission's guidance also recommends that public authorities monitor progress on the implementation of the disability duties.

However, none of the twenty-one action plans provided information in relation to monitoring implementation of the duties, although two public authorities planned to develop this, and one public authority provided information on monitoring training.

The provision of training and guidance are required action measures. While many of the authorities reported the provision of training, the majority appeared to have provided training only to staff, not board members. Furthermore, there was little evidence on the level, frequency and quality of that training, and no information, on whether it had changed attitudes towards disabled people.

Half the public authorities surveyed made no reference to producing guidance or had no action measures on guidance and very little was said about the distribution, publicising and monitoring of the guidance that was produced. The guidance which was provided mostly focused on compliance with the Disability Discrimination Act rather than the disability duties.

Additionally, consultation is a key means by which to gather data to help develop action plans that will meet disabled people's needs. Little evidence was offered that this had been done.

Very few public authorities reported on any action measures relating to promoting positive attitudes towards disabled people. Only one or two public authorities had actions which related to any of the indicators on promoting positive attitudes towards disabled people. The overall impression in this area is that some public authorities have identified some constructive actions but very few have been implemented or completed. One notable exception which should be commended was a public authority who had engaged disabled people in general policy

formation, rather than engaging with them only in relation to disability issues.

The majority of public authorities assessed did not provide evidence of any of the indicators relating to the recruitment of disabled people to public life positions. Many public authorities cited actions relating to employment rather than recruitment, selection and participation in public life positions. One public authority listed short listing any disabled candidate who meets the essential criteria for the job. A second public authority noted an action to identify the duties of a staff member with learning disabilities. A third public authority noted actions for focus groups for staff with disabilities. Another public authority had various actions relating to recruitment but did not make it clear whether this related to recruitment of employees or public life appointees. This presents a disingenuous picture. Many of the actions which the public authorities cited are laudable and would indeed contribute to ensuring compliance with the Disability Discrimination Act. However, they would not necessarily contribute to public life positions. It is important that public authorities delineate between their actions in employment and in public life positions, so as not to provide an inaccurate impression of actions being undertaken.

Similarly very few of the public authorities assessed had noted actions which encourage the participation of disabled people in public life beyond formal public appointments. It appeared that public authorities only relate this part of the duties to formal public appointments and not the wider definition of public life provided in the Commission's guidance.

Over half of the public authorities assessed provided no information relating to encouraging others to promote the participation of disabled

people in public life. One notable exception was a public authority using the influence of its publicly appointed members to ensure that other service providers respond to the needs of disabled people.

On the whole, the public authorities assessed provided little evidence of going beyond Disability Discrimination Act compliance to meet the disability duties, even allowing for the short timescale considered in this research. Further evidence of progress towards implementing the duties was expected, even if outcomes were not yet apparent.

11.1.2 Recommendations

NB The recommendations arising from this section are listed here, separately, because some of them arise from more than one sub-section.

Arising from their evaluation of the public authorities the researchers make the following recommendations.

Recommendations for public authorities

Recommendation 2: Public authorities should provide visible leadership in relation to the disability duties, for example, senior personnel creating a culture within the organisation which promotes positive attitudes towards disabled people and encourages participation by disabled people.

Recommendation 3: Public authorities should ensure that they have committed, and where necessary ring-fenced, the appropriate

resources to ensure the effective implementation of their disability duties as outlined in their disability action plan

Recommendation 4: Public authorities must ensure that their disability action plan covers everything required by the guidance, including monitoring mechanisms, actions relating to all appropriate functions of the public authority and actions to address past disadvantage.

Recommendation 5: Public authorities should utilise the statutory guidance when developing disability action plans, taking heed of the explanations and examples provided and the different statutory and non-statutory requirements.

Recommendation 6: Public authorities should ensure that they develop disability action plans with meaningful actions and performance indicators which are focused on achieving the outcomes outlined in the duties. They should ensure that it is clear which actions are prioritised each year.

Recommendation 7: Public authorities should ensure that their action measures are grounded in evidence about what is happening in their area and in relation to their remit, and the action measures are achievable.

Recommendation 8: Public authorities should ensure that they develop and achieve *outcomes* as well as *outputs*.

Recommendation 9: Public authorities should ensure that their annual reports provide evidence of their actions and outcomes to enable effective assessment of compliance to take place.

Recommendation 10: As it is required by the Commission guide, public authorities should ensure that their disability action plans and disability annual reports are publicly available, including being easily found on their websites.

Recommendation 11: Public authorities should ensure that they provide specific guidance on the disability duties to all staff, volunteers and office holders, and should also make this guidance publicly available.

Recommendation 12: Public authorities should ensure that they have appropriate mechanisms in place to monitor the outcomes and outputs of their actions so that they can demonstrate that they are effectively implementing the duties. Where these are not already in place public authorities should prioritise their development and implementation.

Recommendation 13: Public authorities should seek to engage with disabled people, not only on disability issues, but also on general issues. In doing so the public authority should ensure that appropriate support is provided and that they engage in an accessible manner.

Recommendation 14: In keeping with the definition of public life provided in the Commission's guidance, public authorities should review the opportunities available for disabled people to participate in public life to ensure that all opportunities are available and accessible to disabled people, and that specific opportunities such as a disabled people's forum, are promoted.

Recommendation 15: Public authorities should take steps to encourage disabled people's participation in all levels of public life as

detailed in the Commission’s guidance, including “*government public appointments; the House of Lords; Local Strategic Partnerships; community associations or fora; community police liaison committees; neighbourhood watch committees; citizens panels; public bodies’ focus or working groups; school Boards of Governors, school councils; youth councils; user groups for a service provided by a public authority*” and other public life opportunities.

Recommendation 16: Public authorities should ensure that they lead by example in promoting the participation of disabled people in public life. For example, public authorities should use their influence to encourage others, such as contractors and partners, to promote the participation of disabled people in public life.

Recommendation 17: Public authorities should consider how it might be possible to reach disabled people individually, as well as disability and other representative groups, as some people may not participate in or identify with any groups. Such activities should be undertaken in a manner appropriate to the work of the public authority so that they contribute to the public authorities meeting the disability duties.

Recommendation 18: Public authorities should demonstrate their commitment to achieving the duties through more extensive and deeper consultation or involvement, including with individual

disabled people as well as with disability groups or other representative groups³¹.

Recommendation 19: Public authorities should ensure that it is clear, both internally and externally, which actions contribute to meeting the disability duties, and which contribute only to the Disability Discrimination Act or Section 75. Public authorities should also recognise that meeting the disability duties would be difficult to achieve unless the obligations under the Disability Discrimination Act are met

Recommendation 20: Public authorities should ensure that they publicise their obligations under the disability duties, their disability action plan and disability annual report sufficiently and in an appropriate and accessible manner to all stakeholders, in particular, but not limited to, disabled people.

Recommendations for the Commission

Recommendation 21: In the interests of maintaining good relationships with public authorities and in keeping with the Commission's guidance which states that the Commission "*will liaise with public authorities after the submission of their DAP*", the Commission disability duties team should build regular communications with public authorities into their work programme, including comments on disability action plans, in

³¹ Involvement goes beyond consultation and requires active engagement with and by disabled people so that their input and influence can be seen.

particular in relation to meaningful performance indicators and actions.

Recommendations for government

Recommendation 22: Government should provide guidance for public authorities on how disabled people should be represented in official communications, based on recognition of the 'social model' of disability.

Recommendation 23: Government should provide guidance for public authorities on how to engage with disabled people effectively (this should include guidance on consultation and involvement).

12. Equality Commission for Northern Ireland Evaluation

This section provides the analysis of Commission work undertaken under the disability duties. The evaluation framework summarised the processes that the Commission is required to undertake under the following headings:

- EC1 The provision of statutory guidance on the duties
- EC2 The provision of other (non statutory) information / support
- EC3 Responding to requests for support
- EC4 Following good practice and acting in keeping with the spirit of duties
- EC5 Keeping legislation under review
- EC6 Keeping implementation by public authorities under review
- EC7 Compliance and enforcement etc

The evaluation of the Commission was undertaken through interviews with key staff and through access to the files relating to the disability duties. This highlighted the short timescale in which the disability duties were implemented, but also the limited resources which the Commission had available to implement their duties. At the time of the introduction of the disability duties the Commission did not have a dedicated disability team, but had one senior staff member with the support (part-time) of one policy officer, within the Policy and Development Division, working on developing the guidance and processing the exemptions. The Commission asked OFMdFM for additional resources to support the implementation of the duties; however these were not granted therefore it reallocated one senior part-time and one full-time member (policy-

officer) of staff to work exclusively on the disability duties bringing further expertise, focus and energy to this work in February 2007. Staff from a number of other divisions, including communications, advice and education were also involved in the work. A further policy-officer post has been added to the disability duties team in 2009 and the Commission continues to keep its budget under review. It is notable however that the Commission's budget has remained largely stationary since its inception in 1999.

Whilst the Commission is not subject to the disability duties itself as the body tasked with monitoring and enforcing them, and all equality law relevant to Northern Ireland, it is essential that it is seen to follow the same standards and good practice which it is holding others to. As a minimum the Commission should comply with the disability duties, however it should seek to embody the spirit of the legislation, i.e. to make a substantial and tangible difference to the lives of disabled people through challenging barriers such as negative attitudes and lack of opportunities to participate in society, and to demonstrate good practice across its work. This role as a gatekeeper and the need to be an exemplar in the field led the researchers to create additional indicators for the Commission which reflect the spirit of the legislation and good practice, and go beyond the letter of the law.

EC1 The provision of guidance on the duties (statutory):

The provision of guidance by the Commission should include the actions of drafting of guidance, involving disabled people and consulting with public authorities. The output should be the publication of guidance which takes into account the views of disabled people and which is fit for purpose and which should be indicated by:

- a) The appropriate availability of the guidance (for example, in clear language, free from jargon, fit for purpose, accessible).
- b) Data from involvement of disabled people compared with information provided in guidance.

Before assessing the statutory guidance it is important to understand the context in which it was created. The disability duties were created in June 2006 to become effective in January 2007, therefore this only gave the Commission six months in which to draft the guidance, consult upon it and publish it. This is an exceedingly short timescale to conduct such an undertaking.

The indicators in relation to the provision of guidance on the duties are now considered in turn.

- a) The appropriate availability of the guidance (for example, in clear language, free from jargon, fit for purpose, accessible etc)

The Commission has a range of powers under the Disability Discrimination Act 1995. Amongst these it can:

“prepare and issue guidelines and/or Codes of Practice giving practical guidance to public authorities on how to fulfil their responsibilities in relation to the disability duties”.³²

The researchers were therefore looking for evidence that the Commission had effectively exercised its powers to provide guidelines to public authorities in connection with the disability duties.

³² ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p82

The Commission provided this guidance by way of publishing a statutory guide in April 2007. It distributed printed copies to all public authorities. It also provided electronic copies on its website and information in its Ezine. It used three events to highlight the guidance in advance of the deadline for public authorities to submit their Disability Action Plans³³. These events included two major half-day seminars in Belfast attended by a range of public authorities (each attended by approximately fifty public authorities) and an event in Derry / Londonderry for the voluntary and community sector. The Commission also hosted six sectoral seminars for public authorities. A number of these awareness raising seminars were attended by either the Chief Executive or senior staff of the Commission to demonstrate to public authorities the importance of the duties.

The guidance is available on the Commission's website³⁴ and can be found via the publications>disability section or via the policy>public policy>disability section. In the publications section the guidance is included in the list of all disability publications with no particular attention drawn to it, the reader must scroll through the list to find it. It is titled "*Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life: A Guide for Public Authorities*" so does not immediately stand out as guidance³⁵. In the policy section the guidance is highlighted more clearly once the reader gets to the disability page, however this is accessed through public

³³ The deadline was 30 June 2007

³⁴ www.equalityni.org

³⁵ In contrast to the hard copy publication which is entitled "A guide for public authorities – promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life.

policy, rather than a page specific to the disability duties. This can be compared with Section 75 which has a specific page highlighted on the policy front page. Creating a similar page for the disability duties rather than having to go through public policy would make the information more accessible.

The copy of the guidance on the website is available in PDF format only. It would be better if it were also available as a Word document as this is more accessible for some text readers.

The guidance is also available in hard copy by contacting the Commission.

In both the hard copy and electronic copy of the guidance the font is a non-serif font in 14 point in keeping with good practice. The guidance is laid out clearly, using straight forward language without jargon, and is structured clearly. Chapter four of the guidance lays down the statutory requirements which disability action plans must meet. This is stated clearly in the guidance both in the introduction and in chapter four.

The guidance provides a number of examples on how public authorities can implement the disability duties and also provides a template for creating a disability action plan. These examples along with the accessibility of the guidance, language used and structure suggest that it is fit for the purpose of supporting public authorities to implement the disability duties. However, a note of caution in relation to these examples is that whilst they can be seen as helpful, they can also have the reverse effect of becoming an exercise in form filling with the public authority not really considering how the disability duties apply to it. The Commission should watch for this in its reviews of disability action plans and annual reports.

b) Data from involvement of disabled people compared with information provided in guidance.

The Commission guidance recommends consultation as:

“an opportunity for disabled people to provide feedback in a constructive manner on how public authorities can best implement and are implementing the disability duties.”³⁶

Therefore the researchers were expecting that the Commission would also utilise consultation as a means of ensuring that the guide would assist in the effective implementation of the duties. However as the Commission should be utilising exemplar practice, the researchers were also looking for evidence that it had actively involved disabled people in the creation of the guidance as involvement requires *“more active engagement of disabled people than ‘consultation.’³⁷* The use of data from consultation, or the actual involvement of disabled people can help ensure that the final product, in this instance the guide, is fit for purpose and actually meets the needs of disabled people.

According to the Commission the guidance was drafted with reference to the comparable guidance produced by the GB Disability Rights Commission in relation to the GB Disability Equality Duty and took legal advice over the definition of “public life”³⁸. It also drew upon consultation with non-governmental organisations, including many disability organisations and user-led organisations, and with public authorities; this

³⁶ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p27

³⁷ Disability Rights Commission. (2006). *The Disability Equality Duty and involvement*. Manchester: Disability Rights Commission

³⁸ The GB Disability Rights Commission guidance was drafted in consultation with disabled people.

included a web-based consultation on the guide which elicited approximately thirty responses. The Commission also states that it held early discussions with Disability Action on the impact of the duties coming into force.

To determine NGO stakeholders' and disabled peoples' perceptions of their involvement in the drafting of the guidance, the researchers engaged with non-governmental organisations and disabled people. All those sampled reported that they were aware of the Commission and the guidance it had created for public bodies. Two out of three organisation responses to the questionnaire acknowledged that they had been consulted by the Commission about this. One organisation, also speaking on behalf of an umbrella organisation, in response to the question *'If you were involved or consulted by the Commission in relation to the creation of the guidance please tell us what you thought about the consultation or involvement?'* commented that they felt that this was *'tokenistic, especially as public authorities were told that they did not need to consult disabled people directly'*. When questioned further about this statement, the organisation stated that it was their understanding that the directive that public authorities did not need to consult disabled people came from the Commission. However, the Commission states that while the content of the legislation does not dictate that consultation is mandatory, the Commission approach is to encourage public authorities to consult fully. This is reflected in the Commission's guidance publication and in the advice given to public authorities. This may reflect a failure to perceive the difference in the Commission's guidance between 'must' or 'should' in relation to consultation, depending on whether it is a legal requirement or just good

practice³⁹. Whether or not this quote reflects the factual position, it does seem to indicate a perception at least by some disabled people that their views are not being sought in a meaningful way.

EC2 The provision of other (non statutory) information / support:

The output from the process of the provision of other information and support by ECNI should include the provision, as appropriate, of briefings, seminars, conferences and other awareness raising activities to support public authorities in an appropriate and effective manner, indicated by:

- a) Records of the relevant events/activities, and, where relevant, material from them.
- b) Records of disabled people's involvement in the design and delivery of such information / support as appropriate.

The Disability Discrimination Act 1995 (as amended) states:

“The Commission may prepare and issue codes of practice giving practical guidance to persons subject to duties under section 49A on how to perform those duties.”⁴⁰

The researchers therefore considered what support, additional to the statutory guide, the Commission had provided to public authorities and others, as indicated by copies of briefings, records of events and records

³⁹ Commission guidance states that public authorities should consult on their Disability Action Plans. ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p27

⁴⁰ Disability Discrimination Act 1995 (as amended) s.54A1(C)

of disabled people's involvement in the design and delivery of such information / support as appropriate. The indicators of these are now considered in turn.

- a) Records of the relevant events/activities, and, where relevant, material from them.

The researchers were looking for evidence of what actions the Commission had taken to deliver support and advice to public authorities in implementing the disability duties. The records of events and activities are a key means by which the Commission can demonstrate the actions which it has taken in relation to providing support.

Events

According to the Commission's records, during the year under consideration the Commission undertook a range of speaking engagements to publicise the disability duties (13 engagements in total). These ranged from speaking at conferences for the public and voluntary sectors to public authority fora and networks. In addition, three seminars were organised for public authorities and the community and voluntary sector.

Non-statutory guidance (including Annual Reporting Template)

In addition to the Commission's activities around provision of advice, it also provided non-statutory guidance in the form of the disability action plan template (included in the guidance therefore discussed above), and also an annual reporting template.

The researchers' discussions with the Commission and review of its internal documents also identified further non-statutory guidance in the form of advice notes on the disability duties. According to the

Commission these were initially produced for government departments following briefing sessions with them. Although the Commission did distribute these as part of dealing with reactive advice queries, where appropriate, it was intended that the advice notes could be distributed more widely to all public authorities as self auditing tools on action plans and this has not yet been actioned. Advice notes include:

- Overview of changes.
- Legal summary (highlights the changes made to existing law by disability duties).
- Exemptions criteria.
- Performance indicators (gives more examples than in the guide).
- Advice on employment provisions (highlights links with Section 75 and the Disability Discrimination Act).
- Pointers for preparing disability action plans.
- Examples of good practice measures.

The researchers review of these advice notes highlights that these could usefully have been shared publicly, for example via the Commission's website, and would have provided public authorities with further information on the disability duties.

b) Records of disabled people's involvement in the design and delivery of such information / support as appropriate.

The Commission's records do not provide information on disabled people's involvement in the design and delivery of non-statutory information or support.

EC3 Responding to requests for support:

The process of responding to requests for support should include the Commission responding to queries, following up on the queries and monitoring the results. The output from this should be the provision of appropriate responses to queries, indicated by:

- a) The number of queries received.
- b) The number of queries responded to.
- c) Whether the Commission provided the public authority enquiring with a named person with whom to liaise.
- d) The timescale of responses to queries.
- e) The accuracy of response to queries.
- f) If a follow-up was required for the query, did this happen and what was its timescale, accuracy and effectiveness.
- g) The satisfaction of the enquirer with the guidance and responses.
- h) Whether the public authority would contact the Commission for support / guidance in this area again.

The researchers used these indicators to survey a number of public authorities who had been identified as having had contact with the Commission. The methodology for this survey is described in section 2.2 of this report. The indicators are now considered in turn.

- a) The number of queries received

In order to assess whether the Commission is responding to requests for advice it is important that clear and systematic records are kept of any advice queries received. The researchers were looking for evidence from such records to show the number of queries received and responded to, also for details of each response.

According to the Commission's internal reporting on the disability duties it undertook a number of advice activities with the public sector, including responding to 382 advice contacts, holding 38 advice meetings and providing advice to two sectors (education and health) that had recently been restructured.

b) The number of requests responded to

According to the Commission it responded to all contacts regarding the disability duties.

c) Whether the Commission provided the public authority enquiring with a named person with whom to liaise?

An important element in customer service is consistency, therefore the researchers were looking for evidence that the Commission provided public authorities with a named contact. The provision of a named contact enables the enquirer to build a relationship with the person dealing with the enquiry, and for any further enquiries to be directed to the person who already understands the context and operation of the organisation, therefore streamlining the information which the enquirer needs to provide each time. Additionally this process enables the Commission to build a clearer picture of the operation and effectiveness of the duties in some public authorities.

All the public authorities surveyed indicated that they did have a named correspondent.

d) The timescale of responses to queries.

The provision of a timely response is good practice in customer service and can also help mitigate issues before they arise. The researchers were looking for evidence that the Commission had clear guidelines on how quickly a response should be dealt with and that responses were dealt with within these guidelines.

The Commission does not currently have a standard timescale for responses to queries in relation to the disability duties. The Commission does not appear to have kept a record of the timescales for responses to queries, but 80% of the public authorities surveyed gave the Commission a score of at least 8 out of 10 for timeliness.

e) The accuracy of responses to queries.

It was not possible to assess the accuracy of the responses received. The researchers therefore sought proxy evidence of accuracy of responses to queries from their survey of public authorities. 80% of the public authorities surveyed gave the Commission a score of at least 8 out of 10 for each of helpfulness and effectiveness. This may indicate that the response must have been somewhat accurate, otherwise this issue would have reflected in the answers to whether a response was effective.

f) If a follow-up was required for the query, did this happen and what was its timescale, accuracy and effectiveness.

Where it is not possible to deal with a query immediately, or where further follow-up is required, it is good practice that this is done so

promptly, and the timescale for follow-up is indicated to the enquirer. It is also important that the follow-up is accurate and effective in addressing the query. The researchers were looking for evidence that any follow-up by the Commission met these standards.

Commission records do not appear to detail whether follow-up was required or provided, however many of the public authorities surveyed commented how very helpful they found the Commission staff to be, even going out of their way to provide a response.

g) The satisfaction of the enquirer with the guidance and responses.

Whilst the satisfaction of the enquirer may depend on a number of things, including their expectations regarding the response, it can still be a useful indicator in relation to the provision of support. For example, a small percentage of dissatisfied enquirers might reasonably be expected. However, if the majority were found to be dissatisfied this might raise questions about the service being provided, although even a substantial level of dissatisfaction could relate to other things as well, such as raised expectations. The researchers were looking for evidence that enquirers were predominantly satisfied with the response received.

The overall average score given by the public authorities surveyed for each of helpfulness, effectiveness, accessibility, supportiveness and timeliness of the responses to enquiries was over 8 out of 10.

Seven of the responses were unreservedly positive. For instance:

“We absolutely got what we were looking for.”

“Very helpful advice and very blunt guidance.”

“Incredibly helpful advice and guidance.”

“Absolutely helped.”

In the other three cases there was some reservation. In one case the Commission had apparently not agreed to the format being proposed, another respondent suggested that the advice was not very practical and the third indicated that, while the initial response was helpful, the criticism was that there was then no feedback after the disability action plan was submitted. It should be noted that the guidance states that the Commission will *“liaise with the public authority in relation to its disability action plan following its submission to the Commission”*; however the legislation makes no requirement that the Commission give feedback on the plans⁴¹.

The respondents were also asked to score five aspects of the response they received. The average scores given (out of 10) were:

Helpful	8
Effective	8
Accessible	8.5
Supportive	8
Timely	8

These scores are high and reflect the very positive feedback about the Commission’s response generally given by the respondents. In one case however only 5 was given for each of ‘helpful’ and ‘effective’ because, the respondent indicated, *“the duties themselves are not very helpful”*,

⁴¹ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p25

and in another case only 5 was given for each of 'supportive' and 'timely' because, while the assistance prior to submitting the plan was judged to be good, that after it was not. In one further case all the scores given were between 3 and 5, but that was the only such exception.

Although the respondents were asked to score the response to the specific request for advice and guidance nevertheless, as indicated above, one respondent gave a relatively low score because of a lack of feedback from the Commission after the relevant plan was submitted. Some other respondents, while indicating that they had had very helpful and timely responses to their specific requests for advice guidance, did nevertheless comment that they would also have expected some feedback on the disability action plans which they subsequently submitted and were disappointed when none was forthcoming. However as stated above the Commission is under no duty to provide such feedback although public authorities could have made further requests for advice and guidance on their plans if required.

h) Whether the public authority would contact the Commission for support / guidance in this area again.

Whether an enquirer would contact the Commission again can be seen as an indicator of satisfaction with the service provided. The researchers were therefore looking for evidence of how many enquirers would contact the Commission again.

90% of the public authorities surveyed had had further contact with the Commission or indicated that they would not hesitate to ring them if the need arose.

EC4 Following good practice and acting in keeping with the spirit of duties:

As stated previously the Commission, as the guardian of the disability duties, should seek to be an example to others and to follow or set good practice in this area⁴². Therefore the researchers looked for evidence that they were achieving this and acting not only in relation to the letter of the law, but also the spirit of the duties i.e. acting to challenge barriers and improve opportunities for disabled people in relation to promoting positive attitudes towards them and encouraging disabled people to participate in public life.

The Commission should follow good practice and the spirit of the duties, as indicated by:

- a) Using clear, accessible language and formats and promoting positive images of disabled people.
- b) The delivery of training and monitoring of training.
- c) The Commission having a clear understanding of the needs of public authorities, the expectations of NGOs and the expectations of disabled people, indicated by staff feedback, specific monitoring and the Commission's work in this area.
- d) The Commission benefitting from the knowledge and expertise of disabled people as indicated by specific examples.

The indicators are now considered in turn.

- a) Using clear, accessible language and formats and promoting positive images of disabled people.

⁴² Good practice includes using the higher standard of "involving disabled people" rather than "consulting disabled people".

As with public authorities there were a number of issues which the researchers looked for in relation to accessibility.

In relation to publications the researchers looked for the publication to be in both Word and PDF format, as PDF is not always accessible for text readers, and a minimum of 12 point Arial (or other non-serif font), the minimum recommended by the RNIB, with 14 point Arial being good practice.

The researchers also looked for evidence that consideration had been given to publication in other formats and languages, and if so whether these had been made available and how many requests had been made. The researchers also considered the use of plain and simple language, free from jargon, and the structure and layout of the disability action plan.

In relation to the website the researchers were looking for: industry standard approved accessibility such as Bobby or W3CAAA; or websites which were dynamic i.e. the size of the font and the colour scheme could be changed and were written in non-serif font, for example Arial, with tagged images (images with descriptions of the image) and the ability to change between HTML and text only formatting. The researchers were also looking for good practice such as the use of BrowseAloud, or video clips providing information in sign language.

The Commission publications in relation to the disability duties are all provided in clear and accessible language - other Commission publications were not assessed. A random sample of the Commission's website found the majority of publications appeared to only be in PDF format however some were also provided in Word format. It was also

noted that a number of publications were available in Easy Read versions.

Printed materials are all provided in non-serif font. It is notable that Commission guidance is for the provision of information in 12 point Arial, which is the minimum requirement rather than 14 point Arial as recommended as good practice by RNIB. If the Commission is to be an exemplar organisation it should consider recommending the use of 14 point font.

The website is written in a non-serif font, and is dynamic. It also provides a range of accessibility options at the top of each page. The options include changing font size, contrast colours and html / text only versions. The website is also W3CAAA and W3CXHTML approved

A random sample of the Commission's website produced one image of a visibly disabled person used on a number of pages.

The Commission has an Access for All policy, including accessibility of information.

- b) The delivery of training and the monitoring of training (e.g. quality, content, effectiveness, implementation of knowledge, impact; as well as numbers participating, frequency etc).

As with public authorities the provision of training is a key element of raising awareness and challenging attitudes. It is important that Commission as an exemplar organisation, ensures that its staff and office holders are aware of and appropriately trained in relation to the disability duties. As with public authorities what training is appropriate will vary depending on the role of the individual, therefore the researchers were looking for evidence that the Commission had

considered what training was appropriate across the organisation and had taken steps to implement this and to monitor the outcomes of this provision.

No information on the Commission's internal training could be found publicly available. However discussions with staff, supported by electronic records, highlighted that there was a briefing paper and training session for all staff and a separate briefing paper on the Disability Discrimination Order and the disability duties for the Commission's initial enquiry team.

- c) The Commission has a clear understanding of the needs of public authorities, the expectations of NGOs and the expectations of disabled people (indicated by staff feedback, specific monitoring and the Commission's work in this area).

To be able to effectively implement its duties it is important that the Commission understands the needs of disabled people (the rights holders) and public authorities (the duty bearers), as well as other stakeholders such as NGOs, and to understand their expectations. Understanding the needs and managing the expectations of all parties can assist the Commission in ensuring that the duties are implemented effectively and proportionately. It can also help in challenging misconceptions or managing unreasonably high expectations as it can take time for social change, such as that envisaged by the duties, to be achieved. The researchers were looking for evidence that the Commission understood the needs and expectations of all parties, and for evidence of how it had acquired this knowledge.

The Commission's understanding of the needs of public authorities, expectations of NGOs and of disabled people was assessed from discussions with Commission staff. These discussions highlighted that

the Commission had awareness of public authority needs and constraints, in particular in relation to timescale for the introduction of the disability duties. The discussions also highlighted a concern from the Commission it had been unable to interact with disabled people and NGOs as much as it would have liked. The Commission's records of events showed that some disability NGOs had attended events e.g. in relation to the launch of the guidance, however there were no records of individual disabled people attending the events.

d) The Commission benefiting from the knowledge and expertise of disabled people as indicated by specific examples.

As highlighted in the Commission guidance in relation to public authorities:

“...disabled people can assist public authorities in:

- *identifying barriers they face in participating in public life in general and specifically any barriers they have encountered in relation to their dealings with the public authority in question;*
- *identifying circumstances in the past in which the public authority has not promoted positive attitudes towards disabled people and identifying opportunities in the future for the public authority to promote such attitudes;*
- *setting priorities and identifying solutions as regards the taking of remedial action; and*
- *monitoring and reviewing the effectiveness of measures taken.”⁴³*

⁴³ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p27

As with public authorities, the knowledge and expertise of disabled people can greatly assist the Commission in implementing and monitoring the disability duties, as their lived experience can provide vital information on areas which require to be addressed or where the duties are being effectively implemented. The researchers were looking for evidence that the Commission had engaged or was engaging with disabled people in this area.

The discussions with the Commission staff highlighted that there had not been the resources to engage with disabled people in the way that the disability duty team would have liked. Due to there being only two part-time staff members on the team during the development of the guidance, and more recently one full-time and one part-time member of staff, until 2009 when one further staff member was appointed, they were unable to take a strategic proactive approach to this, rather had to be responsive to requests to engage with disabled people as these arose. Commission records show that there were four meetings with Disability Action, one meeting NIUSE, and nine IMTAC and regional access forum meetings⁴⁴. There were also five speaking engagements at other disability organisation events and a range of other events not specific to the disability duties were also attended or spoken at.

Discussions with staff highlighted that, although not required to do so, the Commission had created its own disability action plan in 2009 and would be consulting on it during that year.

⁴⁴ NIUSE is the Northern Ireland Union of Supported Employment www.niuse.org.uk

IMTAC is the Inclusive Mobility and Transport Advisory Committee, a committee of disabled people and older people as well as others including key transport professionals. www.imtac.org.uk

At the time of writing, the Commission has two commissioners who are identified as having links with the disability community, of these one is a board member of two disability organisations and the other works for a disability organisation.

As stated previously the involvement of disabled people is a matter of good practice. By doing this the Commission would benefit not only in terms of the knowledge and expertise but also in terms of working within the spirit of the disability duties and leading by example for other public authorities.

EC5 Keeping legislation under review:

The Disability Discrimination Act 1995 (as amended) states at *section 49A(4)*:

“The Commission shall: (a) keep under review the effectiveness of the duty imposed by this section;”

As the legislation was only introduced in 2007, it is early to be undertaking any review of effectiveness as the legislation is still bedding in, however the legislation requires the Commission to undertake such a review by January 2010. Therefore the researchers were looking for evidence that the Commission had taken steps to prepare to formally review the effectiveness of the disability duties by January 2010.

To keep the legislation under review the Commission should undertake research and engage with disabled people, NGOs, public authorities and Commission staff regarding the legislation. The outcome of this should be that the duties are reviewed, as indicated by:

- a) Research reports.
- b) Recommendations.

c) Information on disabled people's, NGOs, public authorities and Commission staff views on the legislation.

d) An effectiveness review report delivered by 2010.

These indicators are now considered in turn.

a) Research reports

The production of research reports relating of the effectiveness of the duties would be a key indicator of the Commission taking steps to meet this duty. As the disability duties were only introduced in 2007, the researchers considered it early to find such reports; however evidence of actions relating to this indicator were sought. This report is the first piece of research which the Commission has commissioned in relation to keeping the legislation under review. This report will contribute to the completion of the Commission's internal review by January 2010.

b) Recommendations

The provision of recommendations regarding the need for amendment of the duties or regarding retaining the duties as they stand would also be an indicator of the Commission implementing this duty. As the disability duties were only introduced in 2007, the researchers considered it early to find such recommendations.

This report provides recommendations to the Commission which will inform any recommendations it makes in its review of the duties in January 2010.

c) Information on disabled people's, NGOs, public authorities and Commission staff views on the legislation.

In assessing the effectiveness of the duties, it will be important that the Commission considers the views of all stakeholders with an interest in their implementation, operation and effectiveness. As the disability duties were only introduced in 2007, the researchers considered it early to find such information, however the researchers were looking for evidence that the Commission had taken steps to engage with any of these stakeholders on this issue and what it had done with any evidence gathered.

This report is one of the steps which the Commission is undertaking to engage with stakeholders in relation to assessing the effectiveness of the duties.

d) An effectiveness review report delivered by 2010.

The Disability Discrimination Act 1995 (as amended) states:

“Not later than 3 years after the appointed day, the Commission shall prepare and publish a report on the effectiveness of the duty imposed by this section.”⁴⁵

Therefore the researchers were looking for evidence that the Commission would prepare and publish such a report by January 2010 at the latest.

As stated above this research has been commissioned to contribute to this review, however the Commission is not due to publish its effectiveness review until January 2010, therefore further comment on this is not possible at this stage.

⁴⁵ Disability Discrimination Act 1995 (as amended), section 49A(5)

EC6 Keeping implementation by public authorities under review:

The Commission should keep the implementation by public authorities under review, as indicated by:

- a) Exemptions
- b) Reports on review of disability action plans
- c) Reports on review of annual reports.
- d) Recommendations.
- e) Other relevant communications.

Public authorities have an extensive list of legislation to comply with, not only in relation to equality but in relation to other matters such as health and safety. Monitoring their implementation of any legislation is an important means of ensuring and supporting appropriate implementation and keeping a focus on those duties.

However, given that the duties have only been in force since January 2007, and only one round of annual reporting has taken place in July 2008, there were limited actions on which the Commission could be assessed. These included the actions taken around the submission of disability action plans. It should be noted that the disability action plans did not have to be approved by the Commission, although the Commission was empowered to comment on them, particularly where the disability action plan was not found to meet the statutory requirements it could request that the revised disability action plan was submitted. The Commission is also able to grant exemptions from the requirement to produce a disability action plan⁴⁶. However the public

⁴⁶ A public authority that is granted an exemption from producing a disability action plan must still comply with the disability duties.

authority must still comply with the disability duties. The other key action to be assessed was the review of the first annual reports from the public authorities and subsequent actions.

The Commission's reports on their assessment of compliance by disability action plans and annual reports are key indicators in assessing whether they are meeting their duty to keep the implementation of the duties by public authorities under review. The researchers were therefore looking for evidence that the Commission had taken steps to review public authorities' disability action plans and annual reports.

a) Exemptions

The criteria for exemption are set out in the Commission's guidance on the duties and are as follows:⁴⁷

- *' the impact of the public authority's work on promoting positive attitudes towards disabled people and encouraging participation by disabled people in public life in Northern Ireland;*
- *whether the public authority's activities in Northern Ireland are minimal;*
- *whether the effort involved in preparing the disability action plan and validating it is disproportionate to the public authority's impact on promoting positive attitudes towards disabled people and encouraging participation by disabled people in public life in Northern Ireland; and*
- *any other circumstances which in the opinion of the Equality Commission would justify an exemption.'*

⁴⁷ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. pp14-15

Public authorities seeking exemption had to put this request in writing to the Commission. The exemption is from the requirement to produce a disability action plan and not from the disability duties themselves.

The Commission records show that it granted exemptions following the introduction of the disability duties. These covered eighteen health and social care trusts and eighteen other public authorities who were all granted exemptions until March 2007. A further seventeen further / higher education colleges / institutes were granted exemption until July 2007. Each public authority granted an exemption was provided with a letter stating this.

b) Reports on review of disability action plans

The Commission reported that 90% of disability action plans expected were received by the due date of 30 June 2007, with a further 2% submitted by 31 December 2007. Each action plan was logged and follow-up letters were sent to those public authorities who had not submitted. The Commission highlighted an issue in receiving disability action plans in that they were not all sent to one central contact point, despite an email address for the disability duties existing. The Commission's internal report states that it reviewed 35 disability action plans in detail. All public authorities were assessed for compliance with their submission deadline. These discussions also emphasised that the Commission had no requirement to approve plans, as it does with Section 75, but that it could make recommendations for formal amendments.

The Commission developed an internal review template to assist in reviewing disability action plans. This template is divided into three

sections highlighting the mandatory and good practice elements of the duties and an overall rating.

c) Reports on review of annual reports

The Commission is not required to review annual reports; however this is a key means of monitoring effectiveness of the legislation and compliance with it. Therefore the researchers sought evidence of actions by the Commission to keep annual reports under review.

Discussions with Commission staff identified that it has yet to review any received annual reports.

It should be noted that the Commission has aligned the reporting dates for Section 75 and disability duty reporting in order to facilitate public authorities planning processes in future.

d) Recommendations

One element of keeping the duties under review and providing advice to public authorities on effective implementation of the duties could be the provision of recommendations. The researchers were looking for evidence of whether the Commission had produced any recommendations relating to keeping the public authorities implementation of the duties under review.

Following its review of the submitted disability action plan, the Commission engaged with the 12 government departments as a strategic means of improving implementation. Following the principle of proportionality, staff tried to give informal feedback and negotiate voluntary changes to those disability action plans; however, they decided that this was an unfair approach as some public authorities might comply quickly whilst others would not. The Commission therefore

moved to the use of formal requirements for revisions as laid down in the duties. (This is commented on elsewhere in this report).

e) Other relevant communication

It may be that the Commission issues communications other than reports or recommendations relating to keeping public authorities' implementation of the duties under review, therefore the researchers sought evidence of any such communications.

The Commission had a range of correspondence with public authorities, including acknowledging submission of disability action plan, feedback on the disability action plan and formal engagement regarding the disability action plan. These communications are all commented on in detail elsewhere in this report.

Following discussion with Commission staff and review of Commission records the researchers did not find any other relevant communications to comment on in this area.

EC7 Compliance and enforcement duties:

The Commission should carry out its compliance and enforcement duty, as indicated by:

- a) Records of the relevant actions it takes.
- b) Reports to the Northern Ireland Assembly on compliance.

These indicators are now considered in turn.

a) Records of relevant actions taken

The researchers sought records of the actions in order to identify whether the indicators were met.

Discussions with Commission staff highlighted that the Commission had in the first instance, tried to request revisions informally but had found this to be unsuccessful. It therefore utilised its formal power to request revisions within twelve weeks. This power was used in relation to three government departments who received a formal letter requesting revisions. The result of this was that two of the government departments made attempts to address the concerns raised by the Commission and one other government department revised its disability action plan to a lower standard than previously submitted. The Commission highlighted this as a serious concern which it will be seeking to address and stated that plans were in place to ask other public authorities formally for revisions.

There were no records of judicial reviews instigated and discussions with the Commission confirmed that none had been taken so far. This is in line with what would be expected given that the legislation was relatively new.

b) Reports to Assembly on compliance

The Disability Discrimination Act 1995 (as amended) states:

“If a public authority:

(a) fails to submit a plan under subsection (1) before the end of the period of 6 months beginning with the appointed day or, if later, the establishment of the authority,

(b) fails to submit a plan under subsection (2) before the end of the period of 6 months beginning with the date of the request under that subsection,

(c) fails to submit a revised plan under subsection (3)(b) before the end of the period of 3 months beginning with the date of the request under that paragraph, or

(d) submits to the Commission under paragraph (3)(a) or (b) a revised plan which in the opinion of the Commission fails to comply with subsection (4),

the Commission shall lay before the Assembly a report of that failure containing such comments and other material as appear to the Commission to be appropriate to bring to the attention of the Assembly.”⁴⁸

The researchers were therefore looking for any reports which the Commission had submitted to the Assembly in relation to this duty.

The Commission presented a report to the Northern Ireland Assembly in January 2009 regarding the public authorities who had failed to comply with the duties by the due date.

It highlights:

“Twenty five public authorities failed to submit a disability action plan to the Commission by 30 June 2007. Of those 25, 13 subsequently submitted a disability action plan and 4 ceased to have functions relating to Northern Ireland.”

The report also highlights those public authorities who were granted exemption or who later submitted their disability action plan. It highlights that eight public authorities had still (at date of report publication in January 2009) to submit a disability action plan.

⁴⁸ Disability Discrimination Act 1995 (as amended), section 49B(6)

One issue highlighted from the report is that there are two bodies who were granted exemptions due to being about to become part of other bodies at the due date, but who 2 years later have still not changed status. The question therefore arises as to what they are and should be doing to comply with the disability duties, and what the Commission is doing to follow this up. Another issue is what follow-up is taking place regarding bodies that have submitted or claimed exemption due to production of a GB Disability Equality Scheme. It would appear, from discussions with the Commission regarding these issues that no follow-up has taken place yet.

The report recommends to the Assembly that it indicates to those public authorities currently not complying with the disability duties, and all public authorities, the seriousness of the duties by highlighting that

“compliance with this statutory obligation, in an area as important as disability, is considered to be a matter that merits serious attention by all public authorities.”⁴⁹

It goes on to state:

“An equally clear expression of the Assembly’s view that those who have failed thus far to comply with their legal obligations should, as a matter of urgency, mend that omission would be equally welcome and would greatly assist the Commission in carrying out its duties.”⁵⁰

⁴⁹ ECNI. (2009). *Report to the Northern Ireland Assembly: Public Authorities who failed to comply with the Disability Discrimination Order 2006 requirement to produce and submit a ‘Disability Action Plan’, to the Commission, by the first required submission date of 30 June 2007.* Belfast: ECNI. p12

⁵⁰ ECNI. (2009). *Report to the Northern Ireland Assembly: Public Authorities who failed to comply with the Disability Discrimination Order 2006 requirement to produce and submit a ‘Disability Action Plan’, to the Commission, by the first required submission date of 30 June 2007.* Belfast: ECNI p12

This, in the researchers' view, highlights a lack of enforcement powers with which the Commission can follow-up those public authorities who fail to submit their disability action plan, only being able to issue formal letters for revisions to plans or to report them to the Assembly.

12.1 Conclusion and Recommendations

12.1.1 Conclusion

The Commission appears to have put substantial effort into the preparation for the introduction of the disability duties through drafting the guidance and publicising the duties via briefings, meetings and events. It consulted with a range of stakeholders and drew on the GB disability equality duties guidance to develop the statutory guidance which it published and distributed printed copies to all public authorities as well as making it available on its website. The guidance is clear and accessible with a number of examples of how the duties can be implemented, and a template disability action plan.

The Commission responds to requests for speakers on the disability duties and also produced an annual reporting template to assist public authorities to meet their duty to report annually on progress regarding the duties. It also produced some useful non-statutory guidance in relation to the duties, although this was disseminated in a responsive rather than a strategic manner.

The Commission received and responded to 382 contacts regarding the duties, held 38 advice meetings and two sectoral meetings. It provided a named contact in relation to all advice requests. The survey of public authorities who had had specific *ad hoc* contact with the Commission

about the disability duties were aware that the Commission offered guidance and support and were generally very pleased with the response they received to their particular queries or concerns. In many cases the members of Commission staff concerned were especially commended for their understanding, willingness and clarity and even for going out of their way to be helpful. The Commission therefore appeared to have provided the advice and support required.

The Commission publications on the disability duties are accessible, as is its website which meets industry standards on accessibility. It has provided its entire staff with training and briefing papers on the disability duties.

The Commission recorded and acknowledged receipt of disability action plans from all public authorities who provided them, and undertook a review of these plans despite having no requirement to do so. In some instances this review led to the issue of formal letters for revision and further action in this area is planned. The Commission also published clear criteria for exemption from the requirement to produce a disability action plan and had formal correspondence with those public authorities seeking exemption from this part of the duties. It provided a report to the Northern Ireland Assembly identifying the public authorities who had failed to comply with the duty to submit a disability action plan.

The Commission also received the public authority disability annual reports but has not yet conducted a review of these due to strategic decisions regarding use of available resources. While not mandated to review annual reports, the Commission should consider this as a key means of monitoring effectiveness of the legislation. This should be prioritised by the Commission.

The Commission has begun preparations to meet its duty to keep the legislation under review. This research will contribute to the Commission's report on the duties which is required to be published by January 2010.

The lack of formal enforcement powers of the Commission, essentially only being able to "name and shame" public authorities in the report to the Assembly, has, in the researchers' view, hampered the Commission's ability to effect meaningful action where a public authority has not taken steps to comply with its duties.

12.1.2 Recommendations

Arising from their evaluation of the Commission the researchers make the following recommendations.

Recommendations for public authorities

The recommendations relating to public authorities made in section 11 are also relevant here, in summary; public authorities should ensure that they comply with the duties and should utilise the statutory guidance and other supporting information provided by the Commission to achieve this.

Recommendations for the Commission

Recommendation 24: The Commission should give consideration as to how to ensure that public authorities create, implement and report on meaningful actions and outcomes to implement the disability

duties, rather than only completing the templates provided without taking or evidencing any actions and outcomes.

Recommendation 25: When reviewing progress the Commission should ensure that what is reported in the annual report is consistent with the original disability action plans, and any discrepancies are accounted for by the public authority. The Commission should also ensure that public authorities have the opportunity to report any creative work they have undertaken.

Recommendation 26: The Commission should consider a sampling approach to assessing compliance with the disability duties. This could include sampling of disability action plans and annual reports, a “spot check” or mystery shopper exercises based on the Commission’s knowledge and received information on different sectors. The Commission may also wish to conduct a full review of all disability action plans compared to annual reports to inform its strategic enforcement work and to assist in prioritising sectoral support.

Recommendation 27: The Commission should use their powers more robustly to ensure disability action plans meet the form and content required; including formal requests for revisions and use of judicial review in relation to public authorities who persistently do not comply with the duties. The Commission should further examine annual reports to ensure that they provide evidence of the public authority making progress on its implementation of the disability duties and its disability action plan.

Recommendation 28: Recognising that monitoring is essential to effective implementation of the duties, the Commission should

continue to support public authorities in monitoring the actions and outcomes of their disability action plans, and should hold to account those who fail to do so. In particular, the Commission could further publicise the Section 75 monitoring guidance which could also be used by public authorities in relation to the disability duties.

Recommendation 29: The Commission should consider making all of its guidance e.g. advice notes, relating to the disability duties publicly available.

Recommendation 30: The Commission should ensure that its communications in relation to the disability duties are kept up to date and are publicly available. The Commission should consider having one document which highlights which public authorities are included and exempt from both the disability duties and Section 75.

Recommendation 31: The Commission should undertake further awareness raising work with the public and with community and voluntary sector groups to raise general awareness of the disability duties.

Recommendation 32: The Commission should consider how it might be possible to reach disabled people individually as well as disability and other representative groups as some people may not participate in or identify with any groups.

Recommendation 33: The Commission should ensure that the resources, particularly staffing, allocated to the disability duty team are proportionate to the remit with which they are tasked and to the work of the Commission as a whole.

Recommendations for Government

Recommendation 34: The Government should ensure that the resources allocated to the Commission, particularly in relation to the disability duties, are proportionate to the remit with which they are tasked.

Recommendation 35: The Government should review the powers available to the Commission in relation to the disability duties, with a view to strengthening these to include similar powers to those contained in s75.

Recommendation 36: Following the receipt of the statutory report to the Northern Ireland Assembly regarding compliance with the disability duties, Government should take action to ensure that non-compliant public authorities quickly move to compliance.

13. Evaluation of the Effectiveness of the Disability Duties

This section provides an overall analysis of the disability duties themselves. The evaluation framework summarised the processes of the disability duties under the following headings:

DD1 Effective implementation of the duties by public authorities.

DD2 Effective fulfilment of the duties by the Commission.

DD3 Legislators consider the Commission's papers and review the legislation.

DD1 Effective implementation of the duties by public authorities.

The public authorities comply with the duties as indicated by:

- a) The indicators highlighted in the public authority sections above.
- b) Disability action plans and annual reports published by the public authorities and lodged with the Commission.
- c) The number of public authorities deemed to be compliant by the Commission and by independent evaluation.

These indicators are now considered in turn.

a) The indicators highlighted in the public authorities sections above

To assess the effective implementation of the duties by public authorities the researchers used the indicators considered under the public authorities section.

As highlighted in the sections above some public authorities appear to be trying to meet the duties, however many have yet to develop and

implement effective, outcome focused, measurable actions. Others appear to be taking a perfunctory approach to compliance with the duties. There still appears to be a lack of understanding within some public authorities who believe, incorrectly, that their Section 75 exemption also applies to the disability duties. There also appears to be a lack of understanding as to the purpose or extent of the duties, with many public authorities citing actions which are Disability Discrimination Act or Section 75 compliance actions, rather than meeting the disability duties.

The researchers did however note the willingness of all public authorities contacted, in the course of this research, to support this project and the consistently positive response about the need for the disability duties.

b) Disability action plans and annual reports published by the public authorities and lodged with the Commission.

The timely publication of disability action plans and annual reports and submission to the Commission is a key indicator of compliance with the duties; therefore the researchers looked for evidence of this.

The Commission's Annual Report 2007-8 states:

"The deadline for the production by all designated public authorities of Disability Action Plans was early in the current year. It was gratifying that the great majority of authorities submitted their Plans to the Commission by the appointed date but a considerable source of disappointment that a not insignificant number did not do so."⁵¹

The annual report further states that

⁵¹ Equality Commission for Northern Ireland, *Annual Report 2007-8*, p11

“By the year end, 178 (92%) of plans had been submitted.”⁵²

This statement refers to the number of plans due by 30 June 2007 which had been submitted by 31 December 2007. There is a concern that 8% of public authorities who were due to have submitted by 31 June 2007, had still not submitted their action plan 6 months after the due date.

Some public authorities who were undergoing a restructure, were given a submission date of 31 December 2007 to allow them time to submit their plans. The Commission’s records further show that 100% of these plans were submitted on time.

c) The number of public authorities deemed to be compliant by the Commission and by independent evaluation.

The number of public authorities deemed to be compliant by the Commission or by independent evaluation is also a key indicator of whether public authorities are effectively implementing the duties; therefore the researchers sought evidence of this.

Due to the lack of consolidated information in the Commission’s file it was unclear how many public authorities had been deemed to be compliant by the Commission. However discussion with Commission staff highlighted that they had sent formal revision letters to three government departments and were intending to send further letters to other public authorities.

DD2 Effective fulfilment of the duties by the Commission.

The Commission fulfils its duties effectively as indicated by:

- a) All indicators highlighted in the Commission sections above.

⁵² Equality Commission for Northern Ireland, *Annual Report 2007-8*, p30

b) Independent evaluation.

These indicators are now considered in turn.

a) All indicators highlighted in the Commission section above

To assess the effective implementation of the duties by public authorities the researchers used the indicators considered under the Commission section.

As highlighted above the Commission appears to have made substantial efforts to support the introduction and implementation of the disability duties. Contact with public authority stakeholders identified very positive opinions towards how the Commission had provided such support.

The Commission also undertook a substantial review of the disability action plans received and began a programme of work relating to those who were deemed to not be compliant, including the issue of formal letters and the statutory report to the Northern Ireland Assembly.

However the Commission has not undertaken a review of the annual reports submitted which is a key element of keeping compliance under review. It has however indicated its intentions to take forward this work in the future and has also begun the process of its statutory effectiveness review of the duties.

b) Independent evaluation

Independent evaluation, such as this one, can also contribute to the assessment of whether the Commission is effectively fulfilling its duties.

The survey reported above of those public authorities who had specifically asked the Commission for guidance indicated, that in that respect at least, their view of the Commission appears to be largely positive. The view among disabled stakeholders and non-government

organisations appears to be less positive and more cynical. There may be issues here regarding expectations of the Commission and the disability duties, as well as with regard to communication.

The researchers would highlight that the Commission's perceived lack of enforcement action and powers appears to us to have led to public authorities not taking the Commission or the duties as seriously as they might. The researchers formed this view based on the number of public authorities who appear to have produced disability action plans and annual reports which comply with the letter but not the spirit of the disability duties, and also on the cursory reporting in the annual reports. This was summed up for the researchers by one public authority's comment on their disability action plan that "*our size militates against any formal measures*". If a public authority said this in relation to finance and health and safety, it would be unthinkable, yet this public authority believed that this was acceptable conduct in relation to the disability duties. The law in relation to the disability duties should be addressed with similar gravitas to other laws, proportionate to the size and remit of the public authority.

In the view of the researchers, whilst the Commission does need further enforcement powers, other than highlighting non-compliance of public authorities in its report to the Assembly or instigating judicial review, it should first exercise fully the powers it does have, including reviewing the annual reports received to date and following these up as appropriate. The Commission should also consider how it will keep public authority compliance under review. This could include: using a sampling approach, based on its knowledge of different sectors; a rolling programme of assessment; and hotspots identified via complaints to the Commission. Even from the relatively small sample considered in

relation to this report the researchers have found recurring issues across a number of public authorities which further action by the public authorities supported by the Commission could address.

DD3 Legislators consider the Commission's papers and review the legislation.

Legislators consider the Commission's papers and review the legislation as indicated by:

a) The legislation and duties are updated to reflect the changing needs of disabled people and the changing context of society, as indicated by revisions to the legislation and guidance.

That the legislators consider the Commission's papers is important to effective review of the legislation, ensuring that such review is based on knowledge of the implementation and operation of the duties. The researchers were looking for evidence that the Assembly had considered the papers presented by the Commission.

As noted above the Commission presented its report on non-compliance to the Assembly in January 2009. The minutes of the Assembly proceedings on 13 January 2009 note the receipt of this report. The following committees also noted correspondence from OFMdfM regarding the report:

Committee for Regional Development (24 February 2009)

Committee for Education (25 February 2009)

Committee for the Environment (26 February 2009)

Committee for Health, Social Services and Public Safety (26 February 2009)

Committee for Social Development (5 March 2009)

Committee for Culture, the Arts and Leisure (12 March 2009)

However, only the Committee for Culture, the Arts and Leisure did anything other than note the report. That Committee noted the report but also noted that “*the Committee agreed to write to the Minister to seek his comments on this issue*”.

The Commission has yet to make recommendations regarding the updating of the legislation therefore the researchers were unable to comment on this indicator at present.

However, when the Commission presents its review of the duties to the Assembly in 2010 such an assessment could be considered, along with an assessment of how the Commission is viewed or responded to by legislators with regard to the disability duties.

13.1 Conclusion and Recommendations

Conclusion

As indicated at the beginning of this section on Objective 2, because the duties were only introduced in 2007 and the evidence of progress made by public authorities was limited to their disability action plans and their annual reports for 2007-2008, this review was primarily focused on process evaluation. Therefore, in evaluating the overall effectiveness of the duties, there is little to say in relation to the content of the duties themselves beyond the comments on the public authority and Commission compliance given above. However, it has become apparent to the researchers that the introduction of the disability duties separately from the other statutory equality duties contained in Section 75 has caused confusion amongst public authorities and unnecessary

bureaucracy for public authorities and the Commission alike. It would appear that this has separated out disability equality from other equality groups, largely to the detriment of actions to promote disability equality which appear to be taken less seriously than Section 75.

Recommendations

Arising from their evaluation of the disability duties the researchers make the following recommendations.

Recommendations for public authorities

The recommendations relating to public authorities made in section 11 are also relevant here, in summary; public authorities should ensure that they comply with the duties and should utilise the statutory guidance and other supporting information provided by the Commission to achieve this.

Recommendations for the Commission

Recommendation 37: The Commission may wish to provide further guidance or good practice examples in relation to meaningful performance indicators; consulting (including children) and use of consultation evidence in developing disability action plans.

Recommendations for Government

Recommendation 38: When passing a law Government should ensure that there are adequate resources available to enable the

effective implementation of those laws, and should allow sufficient time for preparation and implementation by monitoring bodies and public authorities.

Recommendation 39: Where there is a statutory requirement to evaluate the implementation of a law the Government should ensure that the date of the review allows sufficient time for implementation and evaluation of that law⁵³.

Recommendation 40: The Government should consider whether or how the disability duties could be further integrated with the duties under Section 75. This could include considering the revision of the legislation. The Government should keep this issue under annual review.

⁵³ For example, if a review is to cover 3 years of implementation, the due date would need to be 3 years after the law came into force, plus time for the evaluation to take place, rather than 3 years from the law coming into force.

OBJECTIVE 3

RECOMMENDATIONS

The aim of this project was to evaluate the effectiveness of the disability duties. The first objective was to develop a framework, including related indicators, that would be relevant to this and any future evaluation undertaken “to keep under review the effectiveness of the duties”. The second objective then was to evaluate progress to date by the public authorities and the Equality Commission for Northern Ireland using the indicators developed for the first objective.

The third and final objective of this project was to present to the Commission the recommendations which arise from this research.

14. Recommendations

The final element of this research is to provide recommendations to the Commission in relation to the disability duties. The research has also noted suggestions for public authorities regarding their implementation of the duties. This is important because whilst the Commission is tasked with promoting, supporting and enforcing the implementation of the duties, it is the public authorities which must implement them, therefore this must be recognised. Recommendations have also been made to government as it is a key partner in ensuring the success of the duties.

At each stage in the review recommendations were noted both for the Commission and for public authorities and government with regards to improving the efficiency and effectiveness of the implementation of the duties, based on good practice and lessons learned through this project, and for legislative change (where necessary) to more effectively and efficiently deliver the intended aims of the legislation. The researchers have tried to take a proportionate approach to these recommendations, recognising the limitations which the Commission, government and public authorities face in terms of resources, as well as the practicalities of implementing the duties across their organisations and maintaining a focus on their vision and mission. Whilst many of these recommendations relate to outputs, they are made with the intention of supporting the Commission, government and public authorities to achieve their respective outcomes and this should be borne in mind when considering them. Further information on these outcomes is detailed in the relevant sections of the review.

The recommendations are presented below in the order in which the evaluations were conducted, i.e. first for the public authorities, then for

the Commission, and then for the government in respect of the duties overall, and the number against each recommendation indicates the Section and sequence in which it will be found in the report above.

The recommendations have been grouped here depending on whether they apply to the public authorities, the Commission or government.

14. 1 Recommendations for the Public Authorities

Recommendation 1: Public authorities, including the Commission and the Government, should ensure that there is clear communication with stakeholders on the intent of new laws and policies. Public authorities should also consider how to manage stakeholders' expectations when new laws or policies are introduced so that stakeholders can engage effectively with the laws and policies and so that the public authorities can be held to account appropriately against reasonable expectations about the likely impact of the law.

Recommendation 2: Public authorities should provide visible leadership in relation to the disability duties, for example senior personnel creating a culture within the organisation which promotes positive attitudes towards disabled people and encourage participation by disabled people.

Recommendation 3: Public authorities should ensure that they have committed, and where necessary ring-fenced, the appropriate resources to ensure the effective implementation of their disability duties as outlined in their disability action plan

Recommendation 4: Public authorities must ensure that their disability action plan covers everything required by the guidance,

including monitoring mechanisms, actions relating to all appropriate functions of the public authority and actions to address past disadvantage.

Recommendation 5: Public authorities should utilise the statutory guidance when developing disability action plans, taking heed of the explanations and examples provided and the different statutory and non-statutory requirements.

Recommendation 6: Public authorities should ensure that they develop disability action plans with meaningful actions and performance indicators which are focused on achieving the outcomes outlined in the duties. They should ensure that it is clear which actions are prioritised each year.

Recommendation 7: Public authorities should ensure that their action measures are grounded in evidence about what is happening in their area and in relation to their remit, and the action measures are achievable.

Recommendation 8: Public authorities should ensure that they develop and achieve *outcomes* as well as *outputs*.

Recommendation 9: Public authorities should ensure that their annual reports provide evidence of their actions and outcomes to enable effective assessment of compliance to take place.

Recommendation 10: As it is required by the ECNI guide, public authorities should ensure that their disability action plans and disability annual reports are publicly available, including being easily found on their websites.

Recommendation 11: Public authorities should ensure that they provide specific guidance on the disability duties to all staff, volunteers and office holders, and should also make this guidance publicly available.

Recommendation 12: Public authorities should ensure that they have appropriate mechanisms in place to monitor the outcomes and outputs of their actions so that they can demonstrate that they are effectively implementing the duties. Where these are not already in place public authorities should prioritise their development and implementation.

Recommendation 13: Public authorities should seek to engage with disabled people not only on disability issues but also on general issues. In doing so the public authority should ensure that appropriate support is provided and that they engage in an accessible manner.

Recommendation 14: In keeping with the definition of public life provided in the Commission's guidance, public authorities should review the opportunities available for disabled people to participate in public life to ensure that all opportunities are available and accessible to disabled people, and that specific opportunities such as a disabled people's forum, are promoted.

Recommendation 15: Public authorities should take steps to encourage disabled people's participation in all levels of public life as detailed in the Commission's guidance, including "*government public appointments; the House of Lords; Local Strategic Partnerships; community associations or fora; community police liaison committees; neighbourhood watch committees; citizens*

panels; public bodies' focus or working groups; school Boards of Governors, school councils; youth councils; user groups for a service provided by a public authority” and other public life opportunities.

Recommendation 16: Public authorities should ensure that they lead by example in promoting the participation of disabled people in public life. For example public authorities should use their influence to encourage others, such as contractors and partners, to promote the participation of disabled people in public life.

Recommendation 17: Public authorities should consider how it might be possible to reach disabled people individually as well as disability and other representative groups as some people may not participate in or identify with any groups. Such activities should be undertaken in a manner appropriate to the work of the public authority so that they contribute to the public authorities meeting the disability duties.

Recommendation 18: Public authorities should demonstrate their commitment to achieving the duties through more extensive and deeper consultation or involvement, including with individual disabled people as well as with disability groups or other representative groups⁵⁴.

Recommendation 19: Public authorities should ensure that it is clear, both internally and externally, which actions contribute to meeting the disability duties, and which contribute only to the

⁵⁴ Involvement goes beyond consultation and requires active engagement with and by disabled people so that their input and influence can be seen.

Disability Discrimination Act or Section 75. Public authorities should also recognise that meeting the disability duties would be difficult to achieve unless the obligations under the Disability Discrimination Act are met.

Recommendation 20: Public authorities should ensure that they publicise their obligations under the disability duties, their disability action plan and disability annual report sufficiently and in an appropriate and accessible manner to all stakeholders, in particular, but not limited to, disabled people.

14.2 Recommendations for the Equality Commission for Northern Ireland

Recommendation 21: In the interests of maintaining good relationships with public authorities and in keeping with the Commission's guidance which states that the Commission "*will liaise with public authorities after the submission of their DAP*", the Commission disability duties team should build regular communications with public authorities into their work programme, including comments on disability action plans, in particular in relation to meaningful performance indicators and actions.

Recommendation 24: The Commission should give consideration as to how to ensure that public authorities create, implement and report on meaningful actions and outcomes to implement the disability duties, rather than only completing the templates provided without taking or evidencing any actions and outcomes.

Recommendation 25: When reviewing progress the Commission should ensure that what is reported in the annual report is consistent with the original disability action plans, and any discrepancies are accounted for by the public authority. The Commission should also ensure that public authorities have the opportunity to report any creative work they have undertaken.

Recommendation 26: The Commission should consider a sampling approach to assessing compliance with the disability duties. This could include sampling of disability action plans and annual reports, a “spot check” or mystery shopper exercises based on the Commission’s knowledge and received information on different sectors. The Commission may also wish to conduct a full review of all disability action plans compared to annual reports to inform its strategic enforcement work and to assist in prioritising sectoral support.

Recommendation 27: The Commission should use their powers more robustly to ensure disability action plans meet the form and content required; including formal requests for revisions and use of judicial review in relation to public authorities who persistently do not comply with the duties. The Commission should further examine annual reports to ensure that they provide evidence of the public authority making progress on its implementation of the disability duties and its disability action plan.

Recommendation 28: Recognising that monitoring is essential to effective implementation of the duties, the Commission should continue to support public authorities in monitoring the actions and outcomes of their disability action plans, and should hold to

account those who fail to do so. In particular, the Commission could further publicise the Section 75 monitoring guidance which could also be used by public authorities in relation to the disability duties.

Recommendation 29: The Commission should consider making all of its guidance e.g. advice notes, relating to the disability duties publicly available.

Recommendation 30: The Commission should ensure that its communications in relation to the disability duties are kept up to date and are publicly available. The Commission should consider having one document which highlights which public authorities are included and exempt from both the disability duties and Section 75.

Recommendation 31: The Commission should undertake further awareness raising work with the public and with community and voluntary sector groups to raise general awareness of the disability duties.

Recommendation 32: The Commission should consider how it might be possible to reach disabled people individually as well as disability and other representative groups as some people may not participate in or identify with any groups.

Recommendation 33: The Commission should ensure that the resources, particularly staffing, allocated to the disability duty team are proportionate to the remit with which they are tasked and to the work of the Commission as a whole.

Recommendation 37: The Commission may wish to provide further guidance or good practice examples in relation to meaningful performance indicators; consulting (including children) and use of consultation evidence in developing disability action plans.

14.3 Recommendations for Government

Recommendation 22: Government should provide guidance for public authorities on how disabled people should be represented in official communications, based on recognition of the ‘social model’ of disability.

Recommendation 23: Government should provide guidance for public authorities on how to engage with disabled people effectively (this should include guidance on consultation and involvement).

Recommendation 34: The Government should ensure that the resources allocated to the Commission, particularly in relation to the disability duties, are proportionate to the remit with which they are tasked.

Recommendation 35: The Government should review the powers available to the Commission in relation to the disability duties, with a view to strengthening these to include similar powers to those contained in s75.

Recommendation 36: Following the receipt of the statutory report to the Northern Ireland Assembly regarding compliance with the disability duties, Government should take action to ensure that non-compliant public authorities quickly move to compliance.

Recommendation 38: When passing a law Government should ensure that there are adequate resources available to enable the effective implementation of those laws, and should allow sufficient time for preparation and implementation by monitoring bodies and public authorities.

Recommendation 39: Where there is a statutory requirement to evaluate the implementation of a law the Government should ensure that the date of the review allows sufficient time for implementation and evaluation of that law⁵⁵.

Recommendation 40: The Government should consider whether or how the disability duties could be further integrated with the duties under Section 75. This could include considering the revision of the legislation. The Government should keep this issue under annual review.

⁵⁵ For example, if a review is to cover 3 years of implementation, the due date would need to be 3 years after the law came into force, plus time for the evaluation to take place, rather than 3 years from the law coming into force.

Appendix A

Questionnaire sent to non-government organisations and disabled people

Measuring the effectiveness of the Disability Duties

Introduction:

The Equality Commission for Northern Ireland have asked a group of independent consultants (Simon Bridge, Rosemarie McIlwhan and Sheila Rogers) to do research on *“Evaluating the effectiveness of the Disability Discrimination (NI) Order 2006 (DDO) Duties” (The Disability Duties)*.

The Disability Duties were created to require public bodies to promote positive attitudes towards disabled people and to encourage the participation of disabled people in public life.

In order to determine whether the Disability Duties are having the effect which they were intended to have, we need to hear the views of disabled people. We will also be asking the views of the public bodies and of the Equality Commission for Northern Ireland.

If you are interested in participating in this research we would be very grateful if you could answer the questions below. If there are questions which are not relevant to you or which you can't or if you don't want to answer then please leave them blank.

If you would like an electronic copy of this questionnaire please contact hello@mcilwhanconsulting.co.uk

Thank you very much for your time.

Simon Bridge, Rosemarie McIlwhan and Sheila Rogers

Questionnaire

Question	Answer
Are you aware of the Disability Duties?	Yes / No / Don't know
What do you think the Disability Duties do?	

<p>What do you think was the purpose for introducing the Disability Duties?</p>	
<p>We you involved in lobbying for the Disability Duties?</p>	<p>Yes / No / Don't know</p>
<p>What did you want to be created?</p>	
<p>Did you think the Disability Duties would make a difference to life in Northern Ireland, if so please explain what difference in relation to disabled people and to society more generally?</p>	
<p>The purpose of the Disability Duties is to make public bodies promote positive attitudes to disabled people and to encourage participation by disabled people in public life.</p>	
<p>Do you think public bodies are promoting positive attitudes to disabled people?</p>	<p>Yes / No / Don't know</p> <p>Can you give an example of why you think this?</p>

Do you think public bodies are encouraging participation by disabled people in public life?	Yes / No / Don't know Can you give an example of why you think this?
How do you think we can assess whether the Disability Duties are being implemented?	

About public bodies in Northern Ireland

The Disability Duties require public bodies in Northern Ireland to promote positive attitudes towards disabled people and to encourage disabled people's participation in public life.

Examples of public bodies are local authorities, health trusts, policing partnerships, housing associations, government departments etc.

Have you had any contact with a public body about the Disability Duties?	Yes / No / Don't know
If you have had contact with a public body about the Disability Duties please tell us which body and why you had contact with them?	
In having contact with the public body did they do anything to encourage you to participate in public life or which you think might promote positive attitudes towards disabled people?	

Do you have any other comments about public bodies in Northern Ireland in relation to the Disability Duties?

About the Equality Commission for Northern Ireland

The Equality Commission for Northern Ireland is the public body which exists to promote equality in Northern Ireland. Part of its role is to ensure that the Disability Duties are being implemented properly.

Are you aware of the Equality Commission for Northern Ireland?	Yes / No / Don't know
Are you aware that the Commission created guidance for public bodies on implementing the Disability Duties?	Yes / No / Don't know
Were you involved in or consulted by the Commission in relation to the creation of the guidance?	Yes / No / Don't know
If you were involved or consulted by the Commission in relation to the creation of the guidance please tell us what you thought about the consultation or involvement? E.g. did	

they listen and act on your ideas, did you receive feedback, was it accessible, etc?	
Were you involved or consulted by another body e.g. a voluntary group or public body; in relation to the creation of the guidance?	Yes / No / Don't know
Have you read the guidance?	Yes / No / Don't know
If you have read the guidance, what do you think of it? (quality, quantity, scope etc)	

Do you have any other comments you would like to make in relation to the Disability Duties?

Please tell us about yourself. Please tick all that apply.

I am a disabled person	
I am a representative of a community or voluntary group (Please tell us which)	
Other (Please tell us more)	

Thank you very much for taking the time to answer these questions. We really appreciate you sharing your thoughts with us. This information will help us decide whether the Disability Duties are being properly implemented in Northern Ireland.

Appendix B

Questions used for semi-structured interviews with non-government organisations

Q1 Do you think that the Disability Duties have made any difference to:

Disabled people?

Public authorities?

Attitudes towards disabled people?

Participation by disabled people in public life?

Q2 Have you been consulted (about the Disability Duties) by any public authorities?

Q3 (If that experience has not been positive) are there any honourable exceptions?

Q4 What do you understand should be ECNI's role in this?

Q5 was for those organisations which had returned a questionnaire and covered any specific issues thus raised. One of these follow up questions, for instance, was 'do you have any suggestions as to how meaningful change can be created?'

Appendix C

Questions used for semi-structured focus group with disabled people

Questions for disabled stakeholders

Are you aware of the Disability Duties?

What do you think the Disability Duties do?

What do you think was the purpose for introducing the Disability Duties?

Were you involved in lobbying for the Disability Duties? What did you want to be created?

Did you think the Disability Duties would make a difference to life in Northern Ireland, if so please explain what difference in relation to disabled people and to society more generally?

Do you think public bodies are meeting the Disability Duties?

Have you had any contact with a public body about the Disability Duties?
Can you tell us about it?

Are you aware of the Equality Commission for Northern Ireland?

Are you aware that the Commission created guidance for public bodies on implementing the Disability Duties?

Were you involved in or consulted by the Commission in relation to the creation of the guidance? If you were involved or consulted by the Commission in relation to the creation of the guidance please tell us what you thought about the consultation or involvement? E.g. did they listen and act on your ideas, did you receive feedback, was it accessible, etc?

Have you read the guidance? If you have read the guidance, what do you think of it? (quality, quantity, scope etc)

Do you have any other comments you would like to make in relation to the Disability Duties?

Appendix D

Summary of views of disabled people and NGO's informing the evaluation of public authorities and the Commission

The following is a summary of the views that were obtained and which relate primarily to the evaluation of public authorities and the Commission:

Stakeholder perceptions of the implementation of the duties so far

Overall the perception appeared to be that the duties were having a lesser impact than was intended and that public authorities were not significantly promoting positive attitudes to disabled people or encouraging their participation in public life. This view should be balanced however with the short timescale since the duties were introduced, therefore one might only expect to see outputs rather than outcomes at this stage. It would still, however, be expected that there would at least be some evidence of activity. For example, one respondent did however comment that *some public bodies did appear to be conducting more awareness training for their staff because it was understood that training was being commissioned with a disability organisation.*

In terms of the process and its outputs and outcomes the responses indicated the following:

- **Process.** Where there had been consultation by public authorities, it was only with the “usual suspects”. One respondent said he knew lots of very able people with disabilities who could help but he had never been asked to suggest anyone. Another

noted that people were not suffering from ‘consultation fatigue’ but rather ‘consultation disillusionment’.

Among public authorities a few “honourable exceptions” were mentioned (for instance DARD, NI Housing Executive, the Roads Service and some Councils) but there are a number of others which have a bad reputation. Where there was good practice it was often due to the individual within the organisation, rather than the organisation itself. Some respondents expected that the Commission would consult with disabled people directly, as well as through disability representative groups. The evidence presented to the researchers indicated that the Commission did consult widely and sought to involve representative groups and disabled people, individually and through user led groups. In fact the Commission states that they invited disability representative groups to cascade information on the consultation to disabled people.

- **Outputs.** The responses indicated a view that the duties had made little noticeable change to many public authorities, although the statutory nature of the duties had made a difference to some because ‘compliance is always helpful’. However on the whole it was suggested that there was relatively little regard for the duties because they *‘never come up in discussion with civil servants and politicians’*. Discussion around specific outputs included the need for education and awareness raising activities, particularly with Board members and service providers. It also highlighted the ongoing lack of accessible formats, not just in relation to the disability action plans, but more widely as this creates barriers to participation in society. Stakeholders felt that much more could

be done to facilitate involvement, from mentoring and work placements, opportunities for volunteering, covering travel and other expenses and ensuring that special measures or adjustments were made in sufficient time so that people with disabilities wishing to participate in a public life activity would not be doubly disadvantaged. Ensuring that any payments made would not negatively impact on benefits was another important area that requires attention.

- **Results.** It was generally acknowledged that *'the time* (since the introduction of the duties) *is too short'* but also that *'nothing changes attitudes very much'*. This short timescale is also noted elsewhere in this report and it is highlighted that whilst the researchers were not expecting to find outcomes, they were expecting to find evidence of progress towards these outcomes, for example processes and outputs in place.

None of the respondents suggested that attitudes towards disabled people had changed and one commented that there were *'still too many stories from disabled people about "tokenism" of public bodies and failure to make reasonable adjustments'*. One example given was of a disabled person who had held a public appointment but who, on reapplying following a re-organisation, was told that s/he did not have the requisite qualifications for appointment. Another was of a public body that failed to provide interested disabled applicants with the opportunity to have an interview. The "Get on Board" course provided by Belfast Metropolitan College and promoted by OFMdFM is designed to promote participation in public life, but

can itself present a barrier to some in terms of cost and accessibility⁵⁶.

- **Impacts.** It was felt that, arising from the duties, there had been no change to the participation of disabled people in public life. Whilst it early in the life of the duties some evidence of change in participation or moves towards this might reasonably be expected.

Views on the Commission and its duties

All those consulted reported that they were aware of the Commission and the guidance on the duties. The view that the Commission needed to be more robust in promoting its recommendations and actions in relation to the creation of the disability duties was also emphasised as was the question of how long non-compliance should be tolerated before it is deemed to be discrimination. Another stakeholder gave the example that in the years since Section 75 was introduced, some public authorities have still not done what they have said they will do, they were concerned that a similar situation may occur in relation to the disability duties and in their opinion the Commission needs to address this.

⁵⁶ For more information about the “Get on board” course see http://www.belfastmet.ac.uk/courses/coursedetails.asp?course_id=1271. For more information about the support Belfast Metropolitan College provide support for disabled students, including funding, see <http://www.belfastmet.ac.uk/disabilityservices/>

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