

Public Bodies' Response to the Disability Equality Duty:

An Audit of Compliance with the Requirement to Publish a Disability Equality Scheme

Ipsos MORI

A Study Conducted for the
Office for Disability Issues



Office for Disability Issues

HM Government

March 2007

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This can be found as a separate document on the Office for Disability Issues website: <http://www.officefordisability.gov.uk>

Acknowledgments

Ipsos MORI would like to thank Lis Robinson, Jackie Tainsh, Ed Clift and Fraser Macleod of the ODI for their assistance throughout this research. We would also like to thank the 1,484 authorities who participated in this audit.

Key Findings

The majority of public authorities covered by this audit have complied with the requirement to have published a Disability Equality Scheme. Fieldwork took place between December 2006 and January 2007 and, therefore, the findings of this report represent the picture of compliance at the end of January 2007.

72 per cent of public authorities covered by the audit were found to have published a Disability Equality Scheme.

There exists a small number of sectors with a higher than average proportion of public authorities yet to draw up their scheme. Thus a key priority is to ensure that these public authorities comply with the requirement to publish a Disability Equality Scheme.

A random sample of 580 published Disability Equality Schemes were reviewed to check for statements of involvement of disabled people.

75 per cent of these schemes contained evidence the public authority had involved disabled people in its production.

This indicates that at least 54 per cent of all 1,752 public authorities covered in the audit had Disability Equality Schemes that contained evidence of involvement by disabled people in its production¹. These findings highlight the need to share best practice on ways to facilitate involvement among public authorities in order to meet this key aspect of the Disability Equality Duty.

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¹ The actual percentage may be slightly higher as this figure includes 180 public authorities who did not respond to the audit and whose Disability Equality Scheme were not found during the web search.

1 Introduction

This report has been compiled by the Ipsos MORI Social Research Institute and contains the findings of an audit of public authorities' compliance with key aspects of the Disability Equality Duty (DED) specific duties – the requirement to publish a Disability Equality Scheme (DES) and the requirement to involve disabled people in the production of that Scheme.

1.1 Background

The Disability Equality Duty came into force on 4 December 2006. The Duty requires public authorities to actively look at how they can deliver services, and carry out functions, in a way that promotes greater equality for disabled people.

The Duty is made up of two components: a general duty set out on the face of the Disability Discrimination Act 1995 and specific duties set out in regulations².

The general duty requires public authorities to give due regard in carrying out their functions to the need to:

- eliminate unlawful disability discrimination and disability-related harassment;
- promote equality of opportunity for disabled people, taking steps to take account of disabled people's disabilities;
- promote positive attitudes towards disabled people; and
- encourage the participation of disabled people in public life.

The specific duties require listed public authorities to publish Disability Equality Schemes that set out how they will carry out the general duty, including:

- a statement of how they have involved disabled people in developing the scheme;

² The Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005, SI No. 2966

- an Action Plan setting out steps they will take to promote equality and meet the general duty;
- arrangements for gathering information about their performance on disability equality;
- arrangements for assessing the impact of their activities on disability equality and ways to improve these when necessary; and
- details of how they are using the information gathered, in particular in reviewing the effectiveness of their Action Plan and preparing subsequent schemes.

The Disability Rights Commission (DRC) is responsible for enforcing the specific duties.

1.2 Aims & objectives of the study

The aim of this project was to provide the Office for Disability Issues (ODI) with an early assessment of the public sector's response to the Duty and, in particular, the level of compliance in publishing a DES and involving disabled people. The specific objectives of the project were:

- To publish the percentage of public authorities by sector (local authorities, NHS Primary Care Trusts etc) who had published a DES by the deadline³;
- To ascertain the percentage of authorities who had involved disabled people in drawing up their schemes; and
- To inform on-going policy development by giving a baseline of how various sectors had responded. In particular, this would help to identify the sectors that required additional support from Government and the DRC.

³ For the purposes of this audit the deadline was 31 January 2007. The DED Regulations required listed public bodies (except certain schools) to publish a DES by 4 December 2006. However, in order to allow for fieldwork in this project, organisations were asked to submit a scheme to Ipsos MORI by 18 December 2006. Further contacting of non-respondents was carried out until the end of January 2007.

1.3 Methodology

Contacting public authorities

The audit comprises a census of public authorities in England and Wales covered by the Regulations, with the exception of schools.

A total of 1,844 public authorities were contacted by Ipsos MORI in the first instance. However, the actual number of valid public authorities was reduced to 1,752 during fieldwork as some organisations reported a change in status due to mergers and re-organisations (the most significant was the changes in the structure of NHS Primary Care Trusts) and others were covered by an over-riding departmental scheme.

A number of approaches were used to encourage participation:

- All authorities were sent an introductory letter and short self-completion questionnaire which asked questions about their Disability Equality Scheme (DES) – a copy of the letter and questionnaire is appended.
- Authorities were given the option to complete the questionnaire online. Those with a DES were asked to send a copy of the Scheme to Ipsos MORI, by post or e-mail. Authorities were asked to respond by 18 December 2006.
- Authorities who failed to respond to the initial letter by the deadline were contacted in January 2007 and given the opportunity to provide their responses by telephone. Again, those with a DES were asked to send a copy of their scheme to Ipsos MORI.
- For *all* authorities that did not submit a DES to Ipsos MORI (including those who did not respond to the questionnaires), a website search was conducted to verify whether a published DES could be found. This ensured that the audit made attempts to check compliance among all authorities covered by the legislation.

The overall response rate to the postal and telephone questionnaires was 85 per cent. Table 1 gives detailed breakdown by public authority sector. As can be seen, the response rate was high – around 90 per

cent – for the majority of sectors, the exceptions were Other Central Government Bodies (e.g. executive agencies, regulators), Other NHS and Primary Care Trusts.

1.4 Verifying disability equality schemes

As outlined in section 1.3, copies of the DES were requested from public authorities who said they have a scheme in place (1,307 authorities). By close of fieldwork, 782 schemes were received either electronically or by post. Website searches were conducted among those who responded but did not submit a DES to Ipsos MORI. A further 383 schemes were found through these searches.

Web searches were also conducted by Ipsos MORI and ODI in order to find DES for those authorities who **did not respond** to the initial questionnaire or follow-up telephone contact. Of the 268 authorities searched, 88 DES were found.

In total, 1,253 DES have been collected – this is equivalent to 72 per cent of *all* 1,752 public authorities covered by the audit.

Table 1 gives a breakdown of the DES collected by public authority sector.

Table 1: DES collected by sector

Public Authority Sector	Total sample	Total response to questionnaire	Response rate	DES collected via questionnaire	DES collected for non-responders by web checks	Total DES collected	DES as % of total sample
Ministerial Government Departments	17	15	88%	15	1	16	94%
Other Central Government Bodies (e.g. executive agencies, regulators)	83	57	69%	35	-	35	42%
Local Government (England & Wales)	414	369	89%	312	18	330	80%
Criminal Justice (e.g. police authorities, probation boards)	135	120	89%	93	2	95	70%
Cultural & Countryside (e.g. national park authorities)	46	41	89%	24	1	25	54%
Primary Care Trusts (PCTs)	150	118	79%	92	18	110	73%
Other NHS Bodies (e.g. Foundation Trusts, Strategic/ Special Health Authorities)	314	217	69%	165	37	202	64%
Higher Education (HE)	118	111	94%	99	3	102	86%
Further Education (FE)	369	339	92%	263	6	269	73%
Other Public Bodies (e.g. Non-departmental public bodies, Regional Development Agencies)	106	97	92%	68	2	70	66%
Total	1,752	1,484	85%	1,165	88	1,253	72%

Source: Ipsos MORI

1.5 Verifying statement of involvement

Ipsos MORI and ODI also reviewed a random sample of Disability Equality Schemes to verify that they included details of how they had involved disabled individuals and/or disability representative organisations in the development of the scheme. In total, 580 schemes were randomly selected for review. In three-quarters of these schemes (75%) evidence for the involvement of disabled people in the development of the scheme was found.

This indicates that at least 54 per cent of all 1,752 public authorities covered in the audit had Disability Equality Scheme that contained evidence of involvement by disabled people in its production⁴.

Verification of whether disabled people had been involved in development of the scheme was based on the Disability Rights Commission (DRC) assessment template. This can be found on the DRC website:

http://www.drc.org.uk/employers_and_service_provider/disability_equality_duty/enforcing_the_duty.aspx

The underlying principle for determining whether disabled people had been **involved** was whether there was evidence in the DES that disabled people had been given an opportunity to influence its development as opposed to being **consulted** on a draft.

There is a degree of subjectivity in how these statements were judged to contain a valid statement of involvement or not. Some authorities may have done more to involve disabled people than was evident in their statement. ODI and Ipsos MORI used the DRC guidance and the underlying principle above to assess information in the statement only.

⁴ This figure is based on a review of a random selection of 580 DES as described above. The associated margin of error is ± 3 percentage points at the 95% confidence interval. The actual percentage may be slightly higher as this figure includes 180 public authorities who did not respond to the audit and whose Disability Equality Scheme were not found during the web search.

2 Findings from postal, online and telephone questionnaires

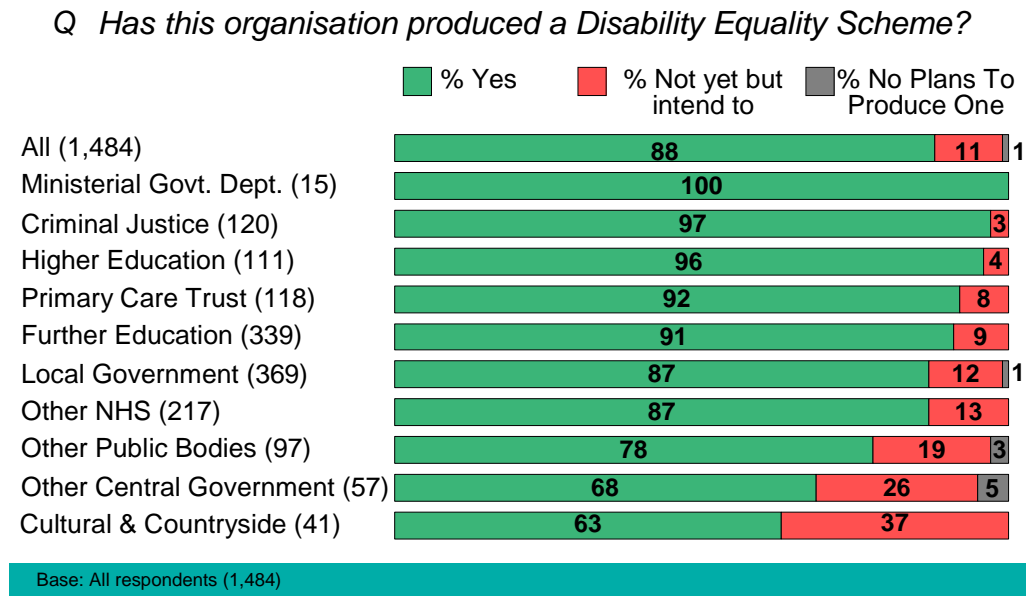
2.1 Disability Equality Scheme

Of the 1,484 public authorities who *responded* to the questionnaires, 88 per cent said they had produced a Disability Equality Scheme (DES) (Figure 2.1)⁵. A further 11 per cent said they had not yet published a DES but they intend to. Public authorities in the Cultural and Countryside sector, Other Central Government Bodies (e.g. executive agencies, regulators) and Other Public Bodies (e.g. Non-departmental public bodies, Regional Development Agencies) were more likely than average to say they have *yet* to produce a scheme.

Just nine authorities said they had no plans to produce a scheme – this is equivalent to one percent of respondents. The reasons cited for not doing so were: the authority was already covered by an overriding departmental scheme; currently reviewing how the Duty could be incorporated into existing generic schemes; do not have to comply with the Duty because they are not/no longer a public authority.

⁵ The number of DES that were actually sent to Ipsos MORI or found through website checking is 1,253 (72% of *all* public authorities). It should be noted that where a DES could not be found for an authority, this cannot be taken as guarantee that one did not exist.

Figure 2.1: Disability Equality Scheme

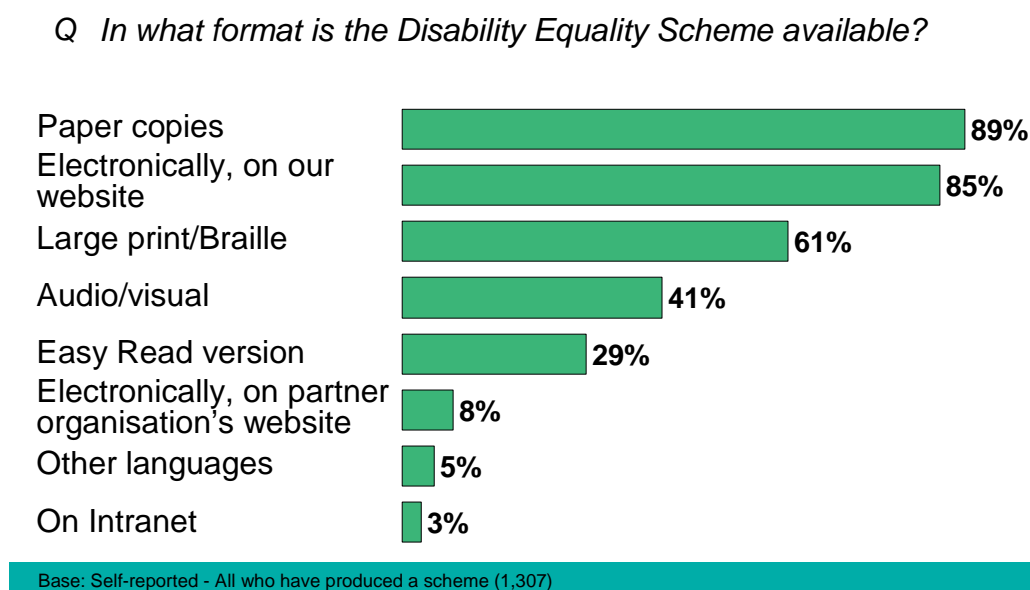


2.2 Scheme formats

Public authorities publish their DES in a range of formats, the most common being on paper and their website – less than one in ten also made their scheme available electronically on a partner organisation’s website (Figure 2.2).

Three-fifths offered copies of their scheme in large print or Braille and two-fifths had audio/visual copies available. Three in ten offered easy read options.

Figure 2.2: Scheme format



A paper version of the scheme is most common among Further and Higher Education institutions and Local Government (Table 2). By contrast, Cultural & Countryside organisations, Other Public Bodies and Central Government Bodies (both Ministerial and Other) are least likely to provide their DES in this format. Electronic access to the DES is also widely available – it is universal among Ministerial Government Departments and in nine out of ten HE institutions, Primary Care Trusts (PCTs), Other NHS organisations and Local Government. It is least commonly available in FE and Other Central Government Bodies although the sectoral percentages are still relatively encouraging (70% and 77%, respectively).

Table 2: Scheme format by sector

Q In what format is the Disability Equality Scheme available?

	Total	Ministerial Govt Dept	Other Central Govt	Local Govt	Criminal Justice	Cultural & Countryside	PCTs	Other NHS	HE	FE	Other Public Bodies
	%	%	%	%	%	%	%	%	%	%	%
<i>Base: All who have produced a scheme</i>	1,307	(15)	(39)	(322)	(116)	(26)	(108)	(189)	(107)	(309)	(76)
Paper copies	89	80	80	91	88	77	89	87	91	92	79
Electronically, on our website	85	100	77	91	85	85	89	91	92	70	88
Electronically, on partner org's website	8	7	23	8	8	0	18	11	6	5	5
Large print/Braille	61	60	54	72	58	50	61	57	64	54	55
Audio/visual	41	47	39	53	42	39	44	37	37	32	42
Easy Read version	29	40	26	35	36	19	37	33	13	20	36
In other languages	5	7	10	8	5	4	6	4	2	1	8
On Intranet	3	0	3	1	3	4	3	3	0	7	0

Source: Ipsos MORI

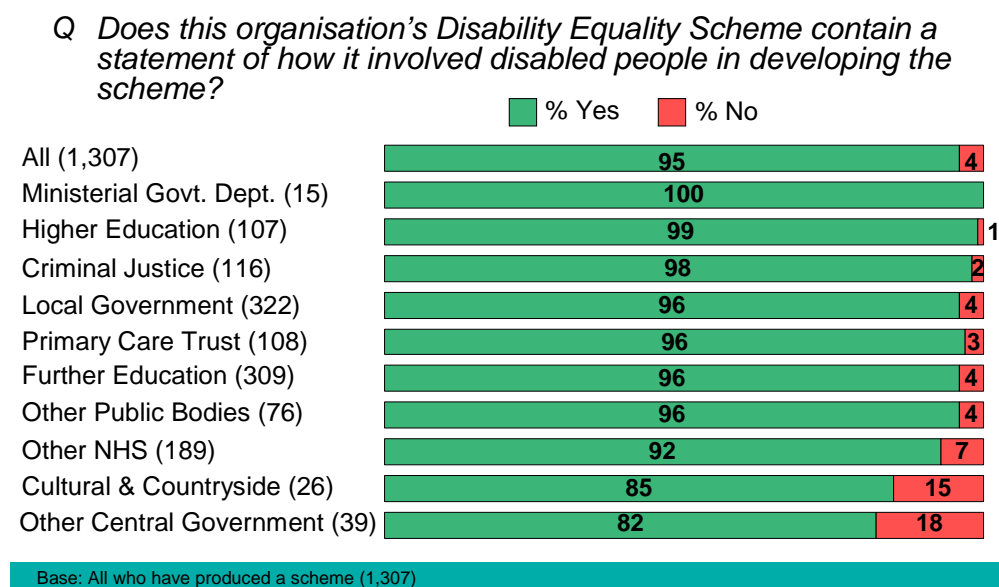
2.3 Statement of involvement of disabled people

Of the 1,307 authorities who said they have a scheme, nearly all (95%) reported that it contained a *statement* detailing how they involved disabled people in drawing up the scheme. Just four per cent reported that their scheme did not contain this information (Figure 2.3).

As in section 1.5, our verification exercise found 75 per cent of DES to have a valid statement of involvement. This shows there is a discrepancy amongst a minority of authorities between how they have interpreted the requirement to involve disabled people and our assessment based on the DRC guidance.

Sectors that are more likely than average to say their scheme did not contain a statement of involvement of disabled people include Cultural and Countryside organisations, Other Central Government Bodies and, to a lesser extent, Other NHS organisations.

Figure 2.3: Statement of involvement



*Total may not sum to 100% due to rounding up/down

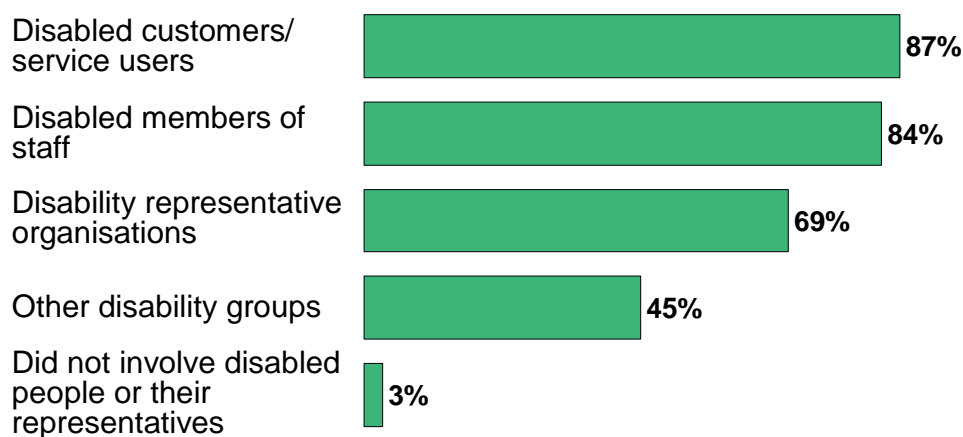
2.4 Groups representing disabled people

Among authorities who responded that they have produced a DES or intend to produce one in the future, the vast majority said they involved disabled people (including staff) and/or their representative organisations in developing their scheme. Just three per cent said they did not, rising to 12 per cent among Cultural and Countryside organisations and 15 per cent among Other Central Government Bodies.

As can be seen in Figure 2.4, 87 per cent reported having involved disabled customers or service users and similar proportions (84%) said they involved disabled members of staff. Sixty-nine per cent involved disability representative organisations and 45 per cent involved other disability groups.

Figure 2.4: Involvement of disabled people

Q Which, if any, of the following groups representing disabled people did this organisation involve in developing its scheme?



Base: All who have produced or intend to produce a scheme (1,475)

Reported involvement of disabled customers and service users is most common among educational institutions and local government. In contrast, it is below average among Other Public Bodies, Cultural and Countryside organisations, PCTs, Ministerial Government Departments and Criminal Justice. It is significantly below average among Other Central Government Bodies. However, Ministerial Government Departments and Criminal Justice were more likely than average to say they involved disability representative organisations and other disability groups.

Table 3: Involvement of disabled people and/or disability representative organisations

Q Which, if any of the following groups representing disabled people did this organisation involve in developing its Disability Equality Scheme?

	Total	Ministerial Govt Dept	Other Central Govt	Local Govt	Criminal Justice	Cultural & Countryside	PCT	Other NHS	HE	FE	Other Public Bodies
	%	%	%	%	%	%	%	%	%	%	%
<i>Base: All who have produced a scheme</i>	1,475	(15)	(54)	(367)	(120)	(41)	(118)	(217)	(111)	(338)	(94)
Disabled customers/service users	87	73	48	91	78	71	92	87	96	94	71
Disabled members of staff	84	100	70	79	83	56	81	86	100	90	81
Disability representative organisations	69	87	50	82	85	68	76	73	56	47	76
Other disability groups	45	53	24	56	59	37	62	48	29	31	37
Did not involve disabled people or their representatives	3	0	15	2	1	12	3	3	0	2	3

Source: Ipsos MORI

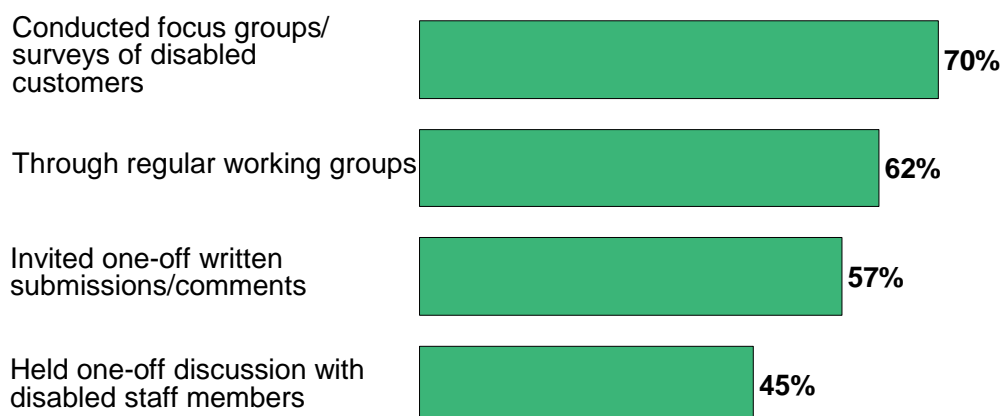
2.5 Channels of involvement

Public authorities used a wide range of formats to involve disabled people in the development of their DES. These included both pre-existing communications channels as well as new channels that had been specifically put in place for the purpose of devising a DES (Figure 2.5).

Among authorities who stated they have produced and/or intend to produce a scheme, seven in ten (70%) have involved disabled individuals or representative organisations by conducting focus groups or surveys of disabled customers. Slightly fewer (62%) did so through regular working groups, over half (57%) invited one-off written submissions or comments on drafts of the scheme, and just under half (45%) held a one-off discussion with disabled members of staff.

Figure 2.5: Channels of involvement

Q How did this organisation involve disabled people and/or their representative organisations?



Base: All who have produced a scheme and involved disability groups/orgs etc or those who intend to produce a scheme (1,434)

HE institutions, Other NHS organisations, Ministerial Government Departments and Local Government are more likely than average to say they involved disabled people through regular working groups. This approach is least commonly reported among Cultural and Countryside organisations and Other Public Bodies.

HE institutions and Ministerial Government Departments are also more likely to invite one-off written submissions or comments and hold one-off discussions with staff. The use of research to involve disabled people is most commonly employed by HE institutions.

Table 4: Channels of involvement

<i>How did this organisation involve disabled people and/or their representative organisations?</i>											
	Total	Ministerial Govt Dept	Other Central Govt	Local Govt	Criminal Justice	Cultural & Countryside	PCT	Other NHS	HE	FE	Other Public Bodies
	%	%	%	%	%	%	%	%	%	%	%
<i>Base: All who have produced a scheme</i>	1,434	(15)	(46)	(359)	(119)	(36)	(115)	(210)	(111)	(332)	(91)
Conducted focus groups/surveys of disabled customers	70	53	59	74	69	53	70	62	85	72	62
Through regular working groups	62	67	61	64	60	50	60	65	68	62	52
Invited one-off written submissions/comments	57	67	41	57	62	56	57	60	69	54	47
Held one-off discussion with disabled staff members	45	60	63	38	46	31	39	46	55	52	37

Source: Ipsos MORI

2.6 Conclusions

The majority of public authorities covered by this audit have complied with the requirement to publish a Disability Equality Scheme. However, there is a small number of sectors with a higher than average proportion of public authorities yet to draw up their scheme, most notably the Cultural and Countryside sector, Other Central Government Bodies and Other Public Bodies. For Cultural and Countryside Bodies this may reflect a lack of previous experience as they are not required to produce Race Equality Schemes. A key priority is to ensure that these authorities comply with the requirement to publish a Disability Equality Scheme.

Another key area for focus is the involvement of disabled people in drawing up the scheme. Although the vast majority of authorities who responded to the audit – 95 per cent – say their DES contains a statement of how they involved disabled people, there is some notable sector variation: Cultural and Countryside organisations, Other Central Government Bodies and, to a lesser extent, Other NHS organisations are more likely than average to say their scheme does not contain such a statement. Furthermore, a review of 580 schemes by Ipsos MORI and ODI found that the proportion of authorities with evidence in their DES that they had involved disabled people in its production was lower, at 75 per cent. Given that a number of authorities in the Cultural and Countryside sector and Other Central Government Bodies have *yet* to draw up their scheme, there is scope for ensuring that these authorities comply with the Duty to involve disabled people in the production of their scheme.

Linked to this, there appears to be some mismatch between DRC's definition of involvement and public authorities' interpretation of this terminology. The DRC Code of

Practice⁶ places emphasis on continual involvement by disabled service users. However, a number of the statements included in the DES were skewed towards one-off consultations. This is perhaps to be expected given the increasing use of public consultation in recent years, but highlights the need to share best practice developed by public authorities over the past year on ways to facilitate involvement. These should focus on process issues (i.e. how to set up user groups and maintain their involvement and buy-in), possible barriers and how they can be overcome as well as the benefits derived from involvement.

⁶http://www.drc.org.uk/employers_and_service_provider/disability_equality_duty/explaining_the_duty/codes_of_practice.aspx

Appendix A: Covering letter and questionnaire

<RESPONDENT>
ADDRESS1
ADDRESS2
ADDRESS3
ADDRESS4
ADDRESS5
ADDRESS6 POSTCODE

November 2006

Dear Colleague

Compliance audit: Disability Equality Schemes

As you will be aware, the Government has made a number of changes to strengthen equalities legislation over the last few years. A key part of this new framework, the **Disability Equality Duty**, comes into force on **4 December** and your organisation is required to publish a Disability Equality Scheme on or before that date.

The Government sees successful implementation of the Disability Equality Duty as fundamental to improving outcomes for disabled people in this country. The Office for Disability Issues, which is responsible for coordinating the Government's strategy for Disabled People, has therefore commissioned Ipsos MORI to carry out an audit of compliance.

As well as checking that your organisation has its scheme in place, we are also interested in how you have involved disabled people in drawing up the scheme - a key requirement of the new legislation. I would therefore be grateful if you could arrange for the attached short questionnaire to be completed and a copy of your organisation's scheme to be sent to Ipsos MORI by **18 December**.

The results from the audit will be used to produce a picture of compliance across England and Wales and across sectors. The final report will not name the public bodies who have responded. This information will be passed to the Disability Rights Commission who enforce the legislation.

We want to ensure that the hard work many public bodies have put in to producing their schemes over the past year is recognised and I therefore hope you will see this audit as a positive process and part of making this legislation a success for all the communities we serve.

Thank you in anticipation of your help.

Yours sincerely



Bruce Calderwood
Director, Office for Disability Issues

Please complete the following questions by ticking the appropriate boxes and return it to Ipsos MORI, along with a copy of this organisation's Disability Equality Scheme (if there is one). A reply-paid envelope is attached.

It may be more convenient for you to complete this questionnaire online. To do this, visit www.ipsos-mori.com/ded and type in your unique serial number:

<INSERT>

Please return your questionnaire and Disability Equality Scheme to us by **18 December 2006**.

If you have any questions relating to this questionnaire, please contact Angela Goodall at Ipsos MORI on 0207 347 3059 or angela.goodall@ipsos-mori.com, Ipsos MORI, 79-81 Borough Road, London SE1 1FY

For further information on the Disability Equality Duty visit www.dotheduty.org

For further information about the Office for Disability Issues visit www.officefordisability.gov.uk

ORGANISATION NAME <pre-print>

REFERENCE NUMBER <pre-print>

PLEASE COMPLETE THIS QUESTIONNAIRE BY TICKING THE APPROPRIATE BOXES.

Q1. Has this organisation produced a Disability Equality Scheme? TICK ONE BOX ONLY

- Yes - please send us a copy. [GO TO Q2](#)
- Not yet, but intend to - please state date when it will be produced. [GO TO Q4](#)

- No plans to produce one - please tell us why. [GO TO Q6](#)

Q2. In what format is the Disability Equality Scheme available? TICK AS MANY BOXES AS APPLY

- Electronically, on our website (PLEASE SPECIFY THE FULL WEB ADDRESS)

- Electronically, on partner organisation's website
- Paper copies
- Large print/Braille
- Audio/visual
- Easy Read version
- Other (PLEASE SPECIFY)

Q3. Does this organisation's Disability Equality Scheme contain a statement of how it involved disabled people in developing the Scheme? TICK ONE BOX ONLY

- Yes
- No

Q4. Which, if any, of the following groups representing disabled people did this organisation involve in developing its Disability Equality Scheme? TICK AS MANY BOXES AS APPLY

- Disabled customers/service users
- Disabled members of staff
- Disability representative organisations (PLEASE SPECIFY WHICH)

- Other disability groups (PLEASE SPECIFY WHICH)

- Did not involve disabled people or their representatives. [GO TO Q6](#)

Q5. How did this organisation involve disabled people and/or their representative organisations? TICK AS MANY BOXES AS APPLY

- Through regular working groups
- Invited one-off written submissions/comments
- Held one-off discussion with disabled staff members
- Conducted focus groups/surveys of disabled customers
- Other (PLEASE SPECIFY)

Q6. Please tell us who this form was completed by in case we have any queries about this questionnaire (we will not be passing this information to anyone outside the Ipsos MORI research team).

Name: _____

Job title: _____

Tel: _____

E-mail: _____

Date: _____

Organisation's web address: _____

PLEASE CHECK THAT YOU HAVE ENCLOSED A COPY OF YOUR DISABILITY EQUALITY SCHEME.

Appendix B: List of Public Authorities Covered in Audit.

This can be found as a separate document on
the Office for Disability Issues website:

www.officefordisability.gov.uk/publications/
