



Office for Disability Issues

HM Government



Disability equality: a priority for all

**Guidance for civil servants on the duties
imposed by the Disability Discrimination Act**

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Foreword

Government has set out an ambitious vision – that by 2025 disabled people should have full opportunities and choices to improve their quality of life, and will be respected and included as equal members of society.



The public sector has a key role in enabling all citizens to play a full part in society. Whether delivering services such as education and healthcare directly, or shaping the country through investment and regulation, public authorities play a major part in tackling disadvantage, and releasing potential. Effective implementation of the Disability Discrimination Act (DDA) is not, therefore, merely a question of legal compliance, but a policy imperative for the public sector.

Central Government must be at the heart of this process – and not just because we also deliver services and formulate policies for people. Local delivery bodies will not build disability equality into their work unless the frameworks for measuring and rewarding their performance also reflect disability equality. If central Government develops policies which don't take proper account of the needs of disabled citizens – whether in health, education or any other sector – then local delivery bodies will struggle to make sense of them in the context of their new duty to promote equality of opportunity for disabled people. On the other hand, factoring disabled people into policy development will be essential if we are to achieve our wider agenda – something that is abundantly clear from my own Department's work in the employment field.

We can all make a difference by increasing our understanding and knowledge of disabled people and their needs, and using it in our day-to-day jobs. The DDA is part of that process, and a vitally important part. I hope this leaflet helps you to understand the responsibilities it brings.

Anne McGuire MP, Minister for Disabled People

Summary

Public servants – including Ministers and civil servants – are under legal duties not to discriminate against disabled people as employees, or as citizens coming into contact with the public sector. These duties include duties to make ‘reasonable adjustments’ for disabled people.

From December 2006, there will be a new statutory duty on the public sector to promote equality of opportunity for disabled people (the Disability Equality Duty).

The Disability Equality Duty applies across the full range of public sector activity – including service delivery, policy making, procurement and performance management – and requires public servants to consider the impact of their work on disabled people, and to take action to tackle inequality.

Key public authorities including Government Departments must publish a ‘Disability Equality Scheme’ by 4 December 2006 that sets out how they will implement the Disability Equality Duty.

Implementing the Disability Equality Duty will bring wide benefits to disabled people, to public bodies themselves and to wider society, by ensuring that the needs of disabled people are properly understood and fully considered in service delivery and policy making. Ministers or Departments that fail to apply the duty properly may face legal action, and failing to publish an adequate Disability Equality Scheme could trigger enforcement action by the Disability Rights Commission.



Introduction

1. This guide summarises how the Disability Discrimination Act 1995 (the DDA) affects the way public authorities, and particularly Government Departments, should discharge their responsibilities.¹
2. In general, the DDA grants individual civil rights to disabled people (people who have, or have had, a physical or mental impairment with a substantial effect on their ability to carry out day-to-day activities that has lasted, or is likely to last, at least twelve months²) in areas such as:
 - coming into contact with the public sector (see Annex A); and
 - employment (see Annex B).
3. However, individual rights to redress against discrimination are not enough to tackle systemic disadvantage:
 - many organisations take a tactical approach to compliance – they do as little as possible to avoid legal action, rather than focus on achieving fair outcomes for disabled people; while
 - disabled people can also lose out because of a lack of understanding of their needs, or because those needs have not been factored into policy or service design from the beginning.
4. That is why the Government introduced a new duty on public authorities to have due regard to the need to promote equality of opportunity for disabled people (the Disability Equality Duty). This new duty shifts the responsibility for changing the culture of the public sector away from individual disabled people towards Ministers and officials responsible for designing policies and services.

¹ It does not attempt to describe the law in full, nor does it have statutory effect. The Disability Rights Commission (DRC) issues statutory Codes of Practice for those with duties under the Act which cover all the material in this guide much more fully, as well as topics that are not discussed here such as public transport, education, and private members' clubs. Further information can be found on their website www.drc-gb.org

² There are a number of circumstances where other disabled people may qualify for protection. See http://www.drc-gb.org/documents/Final_version_of_guidance_Feb06_as_submitted_to_DRC_16-03-06.doc

The Disability Equality Duty

5. The new duty has four key limbs. It requires public authorities to carry out their functions with 'due regard' 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 to disabled people; and
 - encourage disabled people to participate in public life.

6. The requirement to have 'due regard' is a critical element of the duty. It recognises that the disability equality duty is not the only factor public authorities need to think about. For example, a public authority should only fill positions with appropriately-qualified candidates – but the duty to encourage disabled people to participate in public life requires the authority to consider what steps might make the appointment process accessible to disabled candidates, whether to advertise the position in places that disabled people will see it, how it might encourage disabled people to apply.

7. The duty applies to all the functions of public authorities unless explicitly excluded by legislation. These exemptions relate to judicial independence, national security, and the constitutional position of Parliament. That means that the duty applies to:
 - providing services to citizens and exercising public functions (such as, awarding grants, using powers of arrest and issuing passports);
 - arrangements for employing staff and appointing office-holders;
 - policy development and research (including policy on housing provision, education statistics and work towards legislation);
 - target-setting, inspection and regulation;
 - procuring goods and services;
 - organisational design and delivery mechanisms, including project management; and
 - any other Departmental activity that is not explicitly exempted by the Act.

8. The duty builds on the non-discrimination duties outlined in Annexes A and B of this guide, by requiring authorities to consider the outcomes that disabled people experience in each authority's area of responsibility and take steps to reduce any disadvantage.
9. Annex C gives examples to illustrate how the new duty could affect the situations listed in paragraph 7.
10. Public authorities will need to be able to show that they have taken account of the duty in decision-making, as disabled people or the Disability Rights Commission would be able to seek judicial review if it appeared that the duty had not been considered. For example:
 - a Government Department that issued guidance to local authorities that did not take the needs of disabled people into account could face judicial review if a disabled person felt that the guidance had been formulated without due regard to the Disability Equality Duty;
 - a local authority planning policy that included a blanket ban on cars in a particular residential area could face challenge by a disabled person on the grounds that the authority hadn't considered the impact of the ban on people whose mobility depended on car use.



Disability Equality Schemes

11. To help public authorities implement the new Disability Equality Duty, Regulations³ set out the steps major authorities such as Government Departments should take, including the production and implementation of a Disability Equality Scheme. The first scheme is required by 4 December 2006.⁴

12. The Regulations require an authority's Disability Equality Scheme to:

- have been produced with the involvement of disabled people;
- set out how the authority will assess the impact of its actions on disabled people;
- set out an action plan for implementing the Disability Equality Duty;
- set out how the authority will gather evidence on progress towards disability equality, including in relation to:
 - the recruitment, retention and development of disabled employees, and
 - the extent to which the services and functions of the authority meet the needs of disabled people;
- set out how the authority will use the information it collects to produce future Disability Equality Schemes.

13. A good Disability Equality Scheme would:

- clearly reflect the priorities of both disabled employees and disabled citizens;
- set out a timed, challenging plan for integrating disability equality into the way an authority conducted all its functions;
- cover all the authority's functions, including those listed at paragraph 7; and
- link clearly to the performance framework (such as the Public Service Agreement) for the authority.

³ The Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005 (SI 2005/2966), and the Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005 (SSI 2005/565).

⁴ Special arrangements apply to schools: Scottish schools and English secondary schools must publish their Disability Equality Schemes by 4 December 2006; Welsh schools must publish their Disability Equality Schemes by 1 April 2007 and English primary schools must publish theirs by 3 December 2007.

14. If the Disability Rights Commission feels that an authority has failed to publish an adequate scheme by the date set out in the Regulations, then it can issue a compliance notice, which may be enforced in the county court. Continuing failure to comply would constitute contempt of court, and penalties apply.

Duties on Secretaries of State

15. Certain Secretaries of State have an additional duty. Every three years from 1 December 2008, they must publish a report on:

- progress towards disability equality in their policy sector⁵; and
- proposals for co-ordination of future work by relevant public authorities within their policy sector.

16. This duty applies to the First Secretary of State (the Deputy Prime Minister) and to the Secretaries of State for:

- Constitutional Affairs;
- Culture, Media and Sport;
- Education and Skills;
- Environment, Food and Rural Affairs;
- Health;
- the Home Department (the Home Secretary);
- Trade and Industry;
- Transport; and
- Work and Pensions.

The duty also applies to the National Assembly for Wales. Scottish Ministers have similar responsibilities under the regulations applying to Scottish public authorities.

⁵ A Department's Public Service Agreement is likely to be a good starting point for assessing the extent of its 'policy sector'.

17. These Ministers have significant influence over public authorities beyond their immediate Departments – for example, the Deputy Prime Minister has various powers to fund, inspect, direct and issue guidance to local authorities, fire authorities and others. The way those powers are exercised will have a major impact on the way other public authorities implement the Disability Equality Duty. This duty recognises this and seeks an assessment of progress across the sector to ensure all the necessary ‘joining-up’ is taking place.
18. To produce high-quality reports in 2008, Departments need to take action now to gather the evidence required. Departments should consider;
- whether surveys they sponsor will gather adequate information, or whether questions need to be amended or added;
 - whether information gathered by Non-Departmental Public Bodies or other organisations (such as the Audit Commission, Healthcare Commission and Ofsted) will be sufficient, or whether the Secretary of State needs to seek further information; and
 - how areas for which the Secretary of State shares responsibility with a colleague should be treated – for example, the Home Secretary and the Secretary of State for Constitutional Affairs might co-ordinate their reporting on the Criminal Justice System.
19. The second element of the report requires the Secretary of State to consider the evidence of progress, and to look to the future. This covers questions like:
- Are the critical disability issues in the sector being addressed?
 - Are relevant authorities co-operating effectively? For example, are police, prison and probation services organised in a manner that enables the effective rehabilitation of disabled offenders?
 - Is there good practice in the sector which should be shared?

20. This information will help authorities operating in the relevant area revise and refine their subsequent Disability Equality Schemes by December 2009. It will also help the Office for Disability Issues assess progress towards the Government's vision of achieving substantive equality for disabled people by 2025.

21. The Disability Rights Commission could issue an enforceable compliance notice against a Secretary of State who did not publish a report meeting the requirements of the Regulations, and taking account of statutory guidance issued by the Disability Rights Commission, by December 2008.



Annex A:

Rights for citizens coming into contact with the public sector

A.1. Any interaction that citizens may have with the public sector is usually covered by existing duties under the DDA, or new provisions coming into force in December 2006. This includes services that could be provided by private or voluntary sector providers, Government functions such as tax collection, and public sector letting of residential premises. The provision of services has been fully covered since October 2004; certain activities of public authorities will not be covered until December 2006. The detail of the law varies slightly according to the situation, but the key features are that public authorities must not unjustifiably:

- **treat disabled people less favourably** than non-disabled people – for example, by refusing to issue a passport to someone with a learning disability; or
- **fail to make reasonable adjustments** – for example, by unreasonably refusing to provide information in accessible formats or in large print text, meaning that some disabled people may not be able to access the information.

A.2. In these situations the duty of reasonable adjustment is usually **anticipatory**: public authorities need to tackle barriers that may be experienced by disabled people **before** disabled people present themselves. Some examples of adjustments include:

- providing information to disabled people in accessible formats (large print, Braille, audiotape, Easyread etc);
- altering public buildings (or physical features associated with them, such as reception desks) so that disabled people can access the service being provided;
- providing dropped kerbs, audible pedestrian crossings etc so disabled people can get around independently;
- providing longer interview appointments for people with learning disabilities or communication impairments wishing to use public services;
- changing a 'no dogs' policy to allow people using assistance dogs (such as guide dogs or hearing dogs) to make use of a Government service;
- providing both audio and visual information in public areas such as waiting rooms;
- providing rent books and tenancy agreements in accessible formats (from December 2006).

- A.3. The law requires that these sorts of adjustments need only be made where it would be a reasonable step to take. When judging whether a particular adjustment is 'reasonable', an authority may consider such factors as:
- Would it, or to what extent would it, help overcome the barrier faced by the disabled person?
 - How practicable is it?
 - Can the cost be justified given the number of people who will benefit?
 - How would the adjustment affect others?
- A.4. No authority would be required to make adjustments that were prohibited by other laws. For example, if features of a building are protected under 'listing' legislation, then the DDA would not require the authority to remove or alter them. However, the authority should look for other ways to make their services available to disabled people.
- A.5. **Victimisation** is also outlawed in situations where citizens come into contact with the public sector. (See paragraph B.5 for an example of victimisation.)
- A.6. The Disability Rights Commission funds conciliation between disabled people and service providers. In general, disabled citizens other than employees who consider that public authorities have discriminated against them can seek redress through the County/Sheriff Courts. Cases involving schools are heard by Special Educational Needs and Disability Tribunals or Independent Appeal Panels depending on the issue in dispute.
- A.7. Further advice and guidance can be obtained from the Disability Rights Commission (www.drc-gb.org) – and many Departments are members of the Employers' Forum on Disability (www.employers-forum.co.uk).

Annex B:

Rights for people working in the public sector

B.1. The DDA protects disabled people against disability discrimination in employment and similar relationships. Among those protected by the Act are employees, police officers and paid office holders appointed by Ministers, and with the implementation of the DDA 2005, locally-elected councillors.⁶ Public authorities must make sure that they do not discriminate against such people by:

- **directly discriminating** – for example, refusing to promote someone simply because they are a wheelchair user, even though that is irrelevant to the job in question;
- **unjustifiably discriminating for a disability-related reason** – for example, having a blanket policy of dismissing any employee who has more than a certain number of days illness a year is likely to affect disabled people disproportionately;
- **harassing a disabled person** – for example, making frequent jokes about people with their mental health conditions in front of someone who has bipolar affective disorder; or
- **failing to make reasonable adjustments** – for example, not providing accessible IT equipment.

B.2. The duty of reasonable adjustment is triggered when an employer knows that an employee is disabled, and requires the employer to take steps so that the disabled employee does not experience a substantial disadvantage in comparison to non-disabled employees. Reasonable adjustments may include changes to physical features of premises, to provisions, criteria or practices (such as the terms and conditions of employment), or the provision of auxiliary aids and services (such as providing work-related information in accessible formats such as Braille). In judging whether a proposed adjustment is ‘reasonable’, an employer needs to consider factors including:

⁶ Less favourable treatment of members of locally-electable authorities was outlawed from December 2005; the reasonable adjustment duty comes into force on 4 December 2006.

- whether, or the extent to which the adjustment would meet the needs of the disabled employee;
- the practicability of making the adjustment;
- how the adjustment would affect others; and
- whether it is possible to make the adjustment considering the resources at hand.

B.3. Some examples of adjustments that it is likely that Departments make for disabled employees would include:

- allowing employees to work non-standard hours in order to accommodate a health condition or medical appointments;
- providing communication support at meetings;
- changing the trigger point at which disciplinary action is taken for unsatisfactory attendance, where sick absence is related to a disability;
- adjusting lighting arrangements to accommodate someone with a visual impairment;
- ensuring that employees with autistic spectrum disorders have work that plays to their strengths in conducting certain tasks to high standards; and
- providing additional training or support for people with learning disabilities.

B.4. No employer is required to make an adjustment that was in conflict with other legislation. For example, it is a legal requirement that drivers are licensed, and an employer could not employ drivers that did not have driving licences, even if the reason they could not have a licence was related to a health condition or disability.

B.5. The Act also outlaws **victimisation** – for example, treating someone less favourably because they have brought proceedings under the DDA, or supported someone else in bringing proceedings.

B.6. ACAS (the Advisory, Conciliation and Arbitration Service) offers **conciliation** to employees and employers in dispute. A person who thinks they have been a victim of disability discrimination may generally seek **redress through an employment tribunal**. In addition, internal resolution procedures in accordance with the Employment Act 2002 (Dispute Resolution) Regulations 2004 may be appropriate.

B.7. Further guidance on rights and duties under the DDA can be obtained from the Disability Rights Commission (www.drc-gb.org) – and many Departments are members of the Employers' Forum on Disability (www.employers-forum.co.uk).



Annex C:

Examples of the Disability Equality Duty in practice

Dealing with the public

Many Departments have day-to-day dealings with members of the public. These may include:

- providing information on the Department's activities;
- making decisions on individual cases such as benefits, driving licences, tax;
- offering services.

They are therefore covered by the non-discrimination duties described in Annex A, as well as the Disability Equality Duty.⁷

In order to eliminate unlawful disability discrimination and disability-related harassment, Departments need to have confidence that, for example:

- staff understand their responsibilities towards disabled customers;
- disabled customers are able to communicate effectively with the Department, and that communications from the Department are accessible – including the Departmental website;
- if face-to-face services are offered, that premises are as accessible as possible, and located in suitable places; or
- complaints of disability discrimination are identified and resolved effectively.

To show that they are promoting equality of opportunity for disabled people, Departments should examine questions such as:

- whether disabled citizens are taking up services offered by the Department;
- whether disabled citizens are as well served by the Department as non-disabled citizens – for example, does the service meet the needs of disabled customers, or is it designed in such a way that only non-disabled people can fully benefit;

⁷ Note that the prohibition of discrimination in the exercise of public functions does not come into force until December 2006.

- whether disabled citizens are achieving the same outcomes as non-disabled citizens – for example, whether disabled children are achieving as many qualifications as non-disabled children;
- whether disabled people are as satisfied as non-disabled people with the service they are receiving; and
- whether services could be offered in new ways that were more widely accessible – for example, by allowing benefit applications to be made online.

To promote positive attitudes to disabled people, Departments could:

- train staff in disability equality;
- incorporate disabled people in the marketing material for the service; and
- ensure that adjustments are made to enable disabled employees to fulfil customer-facing roles as well as back-office roles.

To encourage disabled people to participate in public life, Departments could:

- Examine whether unnecessary conditions attached to an entitlement discourage disabled people volunteering or taking up positions of responsibility in their communities.

Employing staff and making public appointments

All Departments employ staff, and many are responsible for making public appointments. The day-to-day relationship between the Department and its staff and office-holders is covered by the non-discrimination duties described in Annex B, but the Disability Equality Duty will also apply.

In order to show that it has given ‘due regard’ to the Disability Equality Duty, a Department needs to consider each of the limbs of the duty.

To eliminate unlawful disability discrimination and disability-related harassment, Departments should have confidence that:

- they have measures in place to ensure that disabled people get the reasonable adjustments they need to do their jobs;
- attendance management processes do not discriminate against disabled people;
- application processes are accessible to disabled applicants; and
- measures are in place to tackle workplace bullying.



To promote equality of opportunity, Departments may:

- examine whether disabled people are represented in senior positions, and take steps such as offering development bursaries or revising promotion procedures if not;
- ensure that performance appraisals give proper credit to disabled staff;
- progressively make their buildings more accessible for disabled people, even if they are not open to the public, to enable more disabled people to work in them in future;
- provide communications from the Department in accessible formats such as large print as a matter of course.

To promote positive attitudes towards disabled people, Departments may:

- ensure all staff have had disability equality training;
- celebrate the lives of disabled staff in staff magazines.

To encourage disabled people to participate in public life, Departments may:

- ensure that vacancies are advertised in places where they will be seen by disabled people;
- actively seek applications from disabled people;
- support flexible working patterns so that disabled employees are able to act as magistrates, councillors or volunteers.

Policy development and research

Policy development is not usually covered by the non-discrimination duties of the Act, which generally apply when there is a direct relationship between a disabled person and the body employing them or otherwise dealing with them. It is, however, covered by the new Disability Equality Duty.⁸

This means that officials in policy teams will need to:

- assess the impact of different policy options on disability equality;
- evaluate how existing policies are impacting on disabled and non-disabled people;
- advise Ministers on the disability issues arising in relation to their policy responsibilities;
- ensure that data sources can be disaggregated by disability;
- gather information on any additional needs that disabled people may have in relation to the policy.

In order to eliminate discrimination and disability-related harassment, Departments may:

- ensure that they have mechanisms for capturing information on disability-related complaints and legal action, and disseminating knowledge;
- ensure that tackling discrimination is a key element of new policy proposals.

⁸ Policy development directly linked to the development of primary legislation is exempted for constitutional reasons.

In order to promote equality of opportunity, Departments could:

- investigate policies that serve all citizens, rather than provide alternative policies for groups of disabled people;
- train staff in disability equality, and disability impact assessment of policies;
- publish a disability impact assessment alongside major policy statements (such as Green and White papers);
- commission research on the experiences of disabled people in relation to their policy responsibility;
- publicise their policy to disabled people.

In order to promote positive attitudes to disabled people, Departments could:

- ensure that policies aimed particularly at disabled people are marketed in a way that explains why they are appropriate;
- use images of disabled people in their information and marketing material – for example, drawing on the work of the Images of Disability campaign (www.imagesofdisability.gov.uk);
- use worked examples using disabled people in consultation documents and command papers;
- provide media opportunities for their Ministers to meet relevant disability groups and disabled people.

In order to encourage disabled people to participate in public life, Departments could:

- ensure that consultation papers are provided in accessible formats, and that relevant disability groups are encouraged to respond;
- seek to recruit disabled people to be members of advisory groups;
- examine whether Departmental policies and services facilitate the wider participation of disabled people in public life – for example, whether entitlement conditions for benefits are appropriately designed.

Performance management – target setting, reporting and inspection

All Departments are involved in managing performance. The systems used include:

- Appraisal and reward schemes for staff;
- Monitoring against Public Service Agreement targets;
- Internal budget allocation and target-setting;
- Framework documents and Secretary of State targets for Executive Agencies and Non-Departmental Public Bodies (NDPBs);
- Best Value and Comprehensive Performance Assessment for local authorities;
- Star ratings for health and social care providers;
- The New Relationship with Schools;
- Inspectorates for the criminal justice system; and
- Investors in People.

Departments also reward performance and/or innovation through funding processes – for example, universities must bid for research funding, while other authorities may be able to bid for funding to offer additional services.

The design and application of such systems are all subject to the Disability Equality Duty. In some cases, the Secretary of State may delegate the practical design and operation of the performance regime to an NDPB. The NDPB would then be responsible for giving ‘due regard’ to the Disability Equality Duty as it designed and operated the system. However, the Secretary of State would remain responsible for considering the Disability Equality Duty in any parameters they set the NDPB to follow in designing the system. Even if the inspector is independent of the Secretary of State, a Secretary of State who allocated funding on the basis of inspection reports without assuring themselves that the inspection regime gave ‘due regard’ to disability equality is unlikely to be carrying out their own functions with ‘due regard’ to disability equality.

In order to eliminate discrimination and disability-related harassment, Departments could provide that:

- performance appraisal systems penalise instances of discrimination or harassment by employees;
- public authorities cannot achieve the highest ratings on performance rating systems unless they can demonstrate that they have brought their built estates up to required standards, and make reasonable adjustments in other areas of their business.

In order to promote equality of opportunity, Departments could:

- ensure that performance measures do not simply reward authorities for serving 80% of the population well (for example, by setting a target that 80% of requests will be answered within two weeks), but also require authorities to reduce inequalities between those served best and those served least well (for example, by reducing the disparity between good and failing schools);
- ensure that there are minimum standards below which services must not fall for disabled people;
- ensure that staff inspecting public authorities have been trained in disability equality;
- incorporate satisfaction ratings of disabled customers in performance frameworks.

To promote positive attitudes to disabled people, Departments could:

- set targets for achieving attitudinal change and/or raised awareness of disability among populations served by public authorities;
- require bids for project funding to demonstrate how positive attitudes will be promoted.

To encourage disabled people to participate in public life, Departments could:

- set targets for the number of disabled employees and office holders employed/appointed by a public authority.

Procuring goods or services from the private or voluntary sectors

Until 4 December 2006, procurement relationships will not normally be covered by the anti-discrimination provisions of the DDA. However, procurers must already bear the requirements of the DDA in mind when designing specifications. For example, a Department that was procuring a new IT system to be used by its employees would need to ensure that it was accessible to disabled employees, or it would risk discriminating unlawfully by failing to make reasonable adjustments.

From December 2006, it will be unlawful for public authority procurers to discriminate against disabled people (for example, by failing to provide invitations to tender in accessible formats).

Relevant procurement relationships include:

- contracts to provide services on behalf of Government, such as a contract to run a claims processing centre or a centre providing social care;
- contracts to provide services to employees, such as a contract to run HR processing/pensions operations;
- contracts to provide support services, such as contracts to provide and/or maintain IT systems; and
- contracts to undertake research to inform policy development or service improvement.

Procurement will be subject to the Disability Equality Duty. Departments therefore need to give 'due regard' to the duty when procuring goods and services in future, when deciding to enter into a procurement relationship, when choosing a contractor, and when drawing up and agreeing to contractual terms (including design specifications).



To eliminate discrimination and disability-related harassment, procurers should consider:

- how the contract will ensure that necessary reasonable adjustments will be made for disabled employees or citizens for whom the goods/services will be provided;
- how the Department will be assured that services will be delivered appropriately – for example, that the contractor’s staff will treat disabled customers with respect, or that people with learning disabilities will be allowed longer appointments if it takes longer for them to work out what they need.

To promote equality of opportunity, procurers may:

- ask to see evidence that contractors have experience in serving disabled people;
- ask to see how disabled people’s needs have been considered in producing tenders;
- build improvements for disabled people into the success measures for contracts;
- ensure that contracts are advertised to disabled-run contractors.

To promote positive attitudes towards disabled people, procurers may:

- emphasise how services designed to be suitable for all citizens will not only benefit disabled people, but others who may have access needs;
- specify that services must be provided in a manner that promotes positive attitudes to disabled people;
- require staff working with the public to have participated in disability equality training.

To encourage disabled people to participate in public life, procurers may:

- ensure that the tendering process is fully accessible to disabled people, so that disabled-run contractors are enabled to tender;
- require contractors conducting opinion research to contact a representative number of disabled people.

Project management

Departments use project management regimes in a number of contexts:

- delivering a new policy (whether as a consultation document/command paper, or as legislation);
- introducing new services;
- managing organisational change – for example, changing the balance of responsibilities between a Department and its agencies or NDPBs;
- introducing new systems or products – including IT systems.

Project management itself will not normally be covered by the anti-discrimination provisions of the DDA, but in future project boards will need to ensure that projects are taking account of the duty. They will need to consider how best to assure themselves that the planned outputs of a project will be fit for purpose, and that the project itself will take into account the Department's duties towards its staff.

Some of the mechanisms project boards could consider include:

- requiring the project brief and/or project initiation document to refer to relevant accessibility requirements;
- requiring individual products to meet accessibility requirements as part of quality assurance;
- ensuring that compliance with the Disability Equality Duty is managed as part of the risk management framework;
- building disability issues into human resource planning.





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Remember that this leaflet is only a guide and is not a full statement of the law. We have made every effort to make sure that the information in this leaflet is correct at the date shown on this page.

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