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# **Don't get involved: An examination of how public sector organisations in England are involving disabled people in the Disability Equality Duty**

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## **Abstract**

The Disability Equality Duty (DED) came into force in December 2006. It stipulated that all public sector organisations were to develop policies to promote the equality of disabled people as staff members, consumers or visitors. Its emergence comes as part of a network of social policies developed over the last 20 years to promote disability rights and citizenship in the UK. However unlike previous legislation, the DED set in place the need for organisations to be pro-active in their policies and work with disabled people to move towards change in public sector cultures and working practices. This article reports on this early stage of implementation in England. Findings show that whilst some progress has been made in securing change, practice varied greatly. Therefore if a

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fundamental change in the culture of work and service provision is to be secured, this key requirement will need to be given a higher priority by organisations.

## **Introduction**

The DED came into force in December 2006. By this time, public authorities were required to publish their Disability Equality Scheme (DES), an Action Plan, and arrangements for monitoring and assessing the impact of these changes<sup>1</sup>. Central to this process was a duty on organisations to set out a statement as to how disabled people had been involved in this stage of planning. The importance of this principle was underlined by the Disability Rights Commission (DRC) in *Doing the Duty* (DRC, 2005), a Code of Practice published to advise public sector organisations on how to proactively ensure that disabled people are treated fairly. Drawing on findings from research examining the early stages of DED implementation in England and funded by the Office for Disability Issues (ODI) (Ferrie *et al*, 2008), this article explores the policy focus on involving disabled people in developing responses to the DED. Discussion highlights how this represented a substantive challenge to the culture and working practices across the public sector organisations who participated in this study. Indeed, there remains considerable work to be done if a meaningful engagement with disabled people and their organisations is to be secured.

We begin by placing the DED in the context of policy change since the mid-1990s. For disabled people, this has arguably been an important era in social policy as gradual shifts towards citizenship and social inclusion have been made through key policies such as the

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<sup>1</sup> Primary schools had until December 2007 to prepare their DES

Disability Discrimination Act (DDA) 1995 and 2005, the Community Care (Direct Payments) Act 1996 and earlier directives, notably the Education Act 1980 as amended. Implementation of the DED, therefore, needs to be examined in the context of this changing policy arena. The aims and methods of this study are then described.

Next, we outline the DRC's principles for involvement (DRC, 2005). As the section shows, given the focus on involving disabled people set out in the legislation, the guidance offers a number of different routes as to how organisations may achieve this goal.

Therefore, over the following sections we map out how the notion of 'involvement' was interpreted by participating organisations in the study. Drawing on the work of Pressman and Wildavsky (1973) and Marsh and Walker (2006), we explore how a bottom-up approach – focussing on how those responsible for putting policy into practice – has impacted on implementation of the DED. This includes some of the more problematic examples of involvement, whereby local disabled people's organisations have been ignored in the DED process, as well as more effective strategies which have resulted in longer term partnerships between public sector organisations and different groups of disabled people.

### **Policy background and context**

### ***Establishing anti-discrimination legislation on the policy agenda: changes from the mid-1990s***

Over the last 20 years, there has been a series of policies developed to challenge the discrimination experienced by disabled people across all areas of life. The call for change was led by the disabled people's movement, whose campaigning and research (Barnes, 1991; Zarb and Nadash, 1994) throughout the 1980s and 1990s culminated in acceptance by government that a new direction in policy for disabled people was required. Central to this call for change was the development of anti-discrimination legislation to promote equal rights and citizenship for disabled people across all areas of social life. However, the pace of this change has been slow with the original DDA 1995 strongly criticised for its use of a medicalised definition of disability, the limited protection offered (Gooding, 2000) and absence of an enforcement body to support discrimination claims. Changes made under New Labour aimed to rectify some of these weaknesses. Indeed, the emergence of the DRC was set up specifically to monitor implementation of the DDA and promote anti-discriminatory practice. The DRC was in place from 1999 until its amalgamation into the *Equality and Human Rights Commission* (EHRC) in 2007. Other significant changes at this time, saw a widening of coverage of the DDA across key areas of public life (Pearson and Watson, 2007). Notably, all businesses were required to comply with making 'reasonable adjustments' for employees; the focus on discrimination in the provision of goods and services was extended from October 2004 to ensure that businesses made physical alterations to their premises to overcome access barriers and legislation was also extended to education through provisions set out in the Special Educational Needs and Disability Act 2001 and Part IV of the DDA (Riddell, 2006).

However, research on the effectiveness of the DDA and the monitoring activities carried out by the DRC has revealed a mixed picture. Whilst progress was made in some areas, notably improvements to physical access (Leverton, 2002), the promotion of disability rights has tended to focus on support for persons with physical impairments. Stalker and Lerpiniere (2008), for example, report that the rights of persons with learning difficulties were more often overlooked. Similar findings are reported for those with mental distress (DRC, 2007). Further, despite the DDA being in existence for over ten years, there is evidence to suggest that disabled people continue to experience discrimination. For example, they remain among the most disadvantaged groups in the UK in terms of employment (Berthoud and Blekesaune, 2007) and are more likely to experience disadvantage and discrimination than non-disabled people, to live in poverty, have fewer educational qualifications and experience prejudice and abuse (Cabinet Office, 2005). In light of these findings, in the strategy document, *Improving the Life Chances of Disabled People* (ILCODP), the Government stated that:

By 2025, disabled people in Britain should have full opportunities and choices to improve their quality of life and will be respected and included as equal members of society.

(Cabinet Office, 2005: 7)

## **Developing the DDA: the emergence of a DED**

ILCODP set the agenda for future policy developments in the UK. At the time of its publication, a number of significant changes to the anti-discrimination legislation for disabled people were emerging. In particular, the DDA 2005 introduced various amendments to the 1995 Act but of key importance to this article was the DED. This legislation places a duty on most public sector authorities to not only tackle disadvantage experienced by disabled people but to take anticipatory steps to actively promote their equality of opportunity and to confront institutional discrimination. These organisations, therefore, became compelled to take action to ensure that policies and practices do not disadvantage disabled people and to mainstream disability equality into all decisions and activities (DRC, 2005). This duty was also extended to staff, customers and visitors.

At the heart of the DED is an attempt to ensure genuine and meaningful engagement with disabled people. Under the terms of the Duty, public sector bodies ‘should make sure that those aspects of their functions which have most relevance to disabled people are addressed at the outset’. Relevance is to be assessed and determined by disabled people. The DED is not a passive duty, but one that requires the taking of active steps so as to ensure the inclusion of disabled people. If an organisation is to meet its duty under the terms of this legislation it will have to take steps to ensure genuine and meaningful engagement with disabled people. The involvement of disabled people is a key principle of the general duty to promote disability equality. So paragraph 2.28 of the Statutory Code of Practice on the Duty to Promote Disability Equality states:

When assessing whether due regard has been paid to the need to combat discrimination and to promote equal opportunities for disabled people it will be helpful to first assess the relevance of the issue to the promotion of disabled people's equality – and the involvement of disabled people will be key to this. Once this is established an assessment can then be made as to whether, in the light of the degree of relevance, sufficient weight has been given to the need to promote equal opportunities for disabled people.

Therefore the importance of the DED, compared with the DDA, is that it is not a passive duty but one which requires institutional and cultural change within the estimated 45,000 public sector authorities in Britain (EHRC, 2008). It is in that context that this article discusses research findings from the ODI study (see Ferrie et al, 2008), in order to explore how these changes have been facilitated in its first year across a sample of public sector organisations.

### **Research aims and methods**

As stated, the main focus of this article is to explore how public sector organisations have involved disabled people in developing their DES in the early months of DED implementation. This reflected a bottom-up approach to policy implementation (Pressman and Wildavsky, 1973; Marsh and Walker, 2006), whereby the roles and interactions of frontline service planners and practitioners are central to understanding how policy has been utilised in different public sector arenas. Alongside this key aim, the wider research project also explored: the impact of the DES on current working practices;

experiences of best practice; the contribution made by the DES to organisational change, an assessment of the extent to which authorities are mainstreaming DED activity and the impact of legislation on wider organisational culture.

The study was designed to secure a detailed overview of early implementation of the DDA across a wide range of policy areas. Whilst all policy areas have relevance to disabled people, seven were selected for study on the grounds that they are key to disabled peoples' day-to-day lives. These were determined as the following departments: Home Office (criminal justice), Communities and Local Government (housing), Culture, Media and Sport (culture), Department for the Environment, Food and Rural Affairs (environment), Department of Health (health), Department of Transport (transport) and the Department for Children, Schools and Families (education). The Department for Work and Pensions was not included as it was the subject of other recent related research (Berthoud and Blekesaune, 2007).

From each sector, a 'Target organisation' was identified as a focus for investigation in accordance with the following selection criteria: that it must be a public body; it must have a published DES and completed a first year review

<sup>2</sup> In addition, a wide geographic spread across England was sought. Where possible in each organisation, an equality officer working closely on the organisation's DES was interviewed, as well as a senior manager or 'disability champion'. We also proposed running two focus groups with each organisation: one to represent disabled staff and the

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<sup>2</sup> The Environment Target was an exception since it agreed to participate before its first year review was completed.

other to represent disabled service users. However, this was not always possible. In some cases, for example, national organisations had involved disabled people across the country as individuals and it was impractical logistically to bring them together. In such cases, a series of one-to-one interviews were conducted. In other instances, consultation with disabled people had been so limited that a group as such could not be identified.

To understand how the DED had impacted on a sector as well as the Target Organisation, up to three ‘link’ organisations were also invited to take part. These were organisations that had in some way been involved in events or consultations about the DED. For example, one ‘Target’ body was a large police force. Its ‘Links’ or associated organisations included another police force which had attended conferences about the DED organised by the Target body, an employment-related charity with which it also had worked in partnership and an organisation of disabled people. Interviews with senior managers from Link organisations explored their response to the Duty and what involvement they had in contributing to the Target organisation’s response. A total of 52 one-to-one interviews and four focus groups (involving groups ranging from 5-20 participants) were completed.

### **Getting involved: guidance for securing the involvement of disabled people set out by the DRC**

The involvement of disabled people was set out as a legal requirement in producing a DES and organisations are, in turn, required to produce a statement of how this involvement has been facilitated in the developing of their scheme (DRC, 2005). As

mentioned earlier, the importance of this principle was underlined in a Code of Practice published by the DRC (DRC, 2005). Central to the advice offered in this publication was to encourage authorities to view disabled people as possessing expertise that has potential benefits for the organisation. This shifted the definition of involvement away from that of consultation to one which requires ‘a much more active engagement of disabled stakeholders at all stages’ (DRC, 2005: 10). In addition, involvement was expected to include collaboration with disabled people to identify barriers to participation and unsatisfactory outcomes of working practices, set priorities for Action Plans and plan corporate activity. In doing this, a clear emphasis was placed on representing diversity within the disabled population in terms of impairment types, the range of barriers people experience and other equality issues (for example, ethnicity, age, gender, sexual orientation and religion). Likewise to facilitate this process, the DRC advocated realistic budgets, stating that these should support the involvement of all interested parties including former, current and potential service users, staff and the wider community. The DRC guidelines therefore suggest that involvement may be facilitated through a number of different routes:

- Local organisation(s) of disabled people
- Existing forums, such as disabled staff networks
- Setting up specialist forums of disabled people (where none existed)
- Workplace trade unions

DRC (2005:12)

Despite the guidance set out by the DRC, an early review of public bodies' response to the DED in England and Wales carried out just three months after DED implementation in December 2006 (Ipsos Mori, 2007), highlighted confusion over the meaning of 'involvement'. The study reviewed 'statements of involvement' in a randomly selected sample of 580 DED schemes. The underlying principle for determining whether disabled people had been involved was whether there was evidence in the DES that they had been given an opportunity to influence its development, as opposed to having simply been consulted on a draft. Ninety-five per cent of organisations claimed that the involvement requirements had been met. However, the findings showed that only 75% of DES actually had the required evidence of having involved disabled people. This therefore suggests that confusion existed from the outset as the meaning of involvement of disabled people in the DED process.

## **Findings**

In the following section we present some of the findings from our study, focusing on processes behind user involvement and the experiences of disabled people and their organisations in the generation of Action Plans and DES. We begin with a broad mapping out of the process of user involvement.

### **Mapping user involvement**

The research uncovered a great deal of disparity and difference around the issue of involvement. Some organisations had involved disabled people right from the start in the development of their schemes and had set aside resources to support this process,

whereas others were very candid about their minimal approach. One of the best examples of involvement we found was in the Communities Link Council Housing Association (HA). This organisation set up a Working Group that met six times a year, ensured that all its publications were readily accessible and free of jargon and provided training for the disabled people involved. Senior managers worked with the group to present problems and find solutions and the Chair of the HA was available for one-to-one discussions to aid input from those uncomfortable speaking to the whole group. As a result of these actions the group had a significant impact on the DES, Action Plans and other working practices.

Some target organisations were aware of their duties under the DED and there was widespread knowledge of what inclusion actually meant:

So consulting is saying ‘Here is a document that we’ve come up with, what do you think of it?’, whereas involvement is shaping it and working it through everybody’s perspective, having the voice of the stakeholders throughout it.

(Culture Link: Disabled Artist)

The knowledge thus generated did not always get implemented, as we discuss below. Indeed, one of the organisations allegedly consulted by the above officer did not feel that the organisation had put their policy into practice:

I think their consultation has been disingenuous to say the least.

(Culture Link: Disability Activist)

Where involvement worked, it did so because the groups were enabled to make a meaningful contribution to the scheme. This served to motivate people to continue their participation. Thus, one manager told us: '*they really understood how great the opportunity was for change and embraced it*' (Communities Link: Manager, HA)

Without ownership and meaningful engagement, groups tended to collapse. For example the Transport Target Organisation felt that the continuation of its Group was enabled by moving on from issues surrounding '*Dial a Ride*' and other complaints, and expanding to cover strategic planning issues such as station and vehicle design. In contrast the Health Target's Disability Advisory Group (pre-dating the DED response) focused on implementing changes around access for a new hospital site. After the consulting architect left without submitting a report, the group collapsed and members were given no further information about how their input would be used. Its demise clearly impacted on the potential for future engagement, as the proposal for a planned consultation exercise set up by the Health Target Organisation was cautiously received by the disabled people we interviewed in the region. In turn, they suggested that any future consultation would have to be organised in a more meaningful way, with an accessible dialogue established between all parties.

Such examples of involvement were not universal and for instance, one of the interviewees from the Health Target Organisation admitted that involvement of disabled

people in the whole process had been minimal. This was blamed on a shortage of time and a lack of adequate resources and consequently, the views and ideas of local disabled people were not represented in the Health Target's DES. It had failed to engage with either the spirit or letter of the legislation: instead the whole process was described as '*a rearguard action just to comply with the legislative requirements*' (Health Target Organisation: Senior Manager).

In contrast to the Health Target, most other organisations at least attempted to consult with and recognised the need to set up internal staff groups and service user groups of disabled people. Several target organisations had done this at the beginning of their response as they initially developed their DES, but had failed to sustain it after the DES had been published. Some organisations also permitted membership of non-disabled people alongside disabled service users, in order to reflect the views of those who lived with a disabled person. Most of the consultation was confined to either disabled staff members or disabled service users/customers. Only four of the Target Organisations we spoke to had developed links with external disabled people's organisations as part of their policy development process. Furthermore, when we sought the opinions of local disability organisations themselves, they reported that in the case of two of these target organisations, involvement had not really occurred. It was suggested that the target organisations often sought to contact disabled people whom they knew would give them the answers they were looking for. As one of the disability organisations described, failure to engage with disability-led groups, in favour of a more receptive audience was viewed with some scepticism:

See the problem is, if they'd asked us the disability activists... but they didn't want to, they knew exactly what we'd say, we'd have said 'Lifetime homes, wheelchair targets, adaptations, do something about it'. Now that's not what they wanted. When [Communities Target] did their consultation on the DES, they got a group of disabled people to agree that they didn't want lifetime homes but what they wanted was a discussion on what lifetime home standards should be. I mean it was a cracker, it was just like 'What a fantastic group of people to find'. How did you spot them? You find real people who say 'No we don't actually care about the homes we're living in but we'd really like to have a further discussion'.

(Communities Link: Disability-led HA)

Likewise, the exclusion of the local coalition of disabled people – the largest user-led organisation of disabled people in the Health Target Organisation's county – was met with a scathing response:

...we've never been approached by the [Health Target] and [asked], 'we want to engage with you...let us know what you think about what we've done'...It's never happened...Instead there are some tokenistic meetings taking place with people...who don't understand...how to go about things.

(Health Link: Chair, Local Coalition of Disabled People)

Concern was also expressed by some of the target organisations with regard to the demands made by disabled people and their organisations:

Disability [groups] can be very ‘dogmatic and sectarian’.....they think we’ve not done enough, we’ve had to disinvest in some [disabled] organisations we’ve created.

(Culture Target Organisation: Equality Officer)

Even where the Target organisation had had a long history of involvement with disabled people and their organisations, dissatisfaction about the whole process was expressed by some disabled people and their organisations:

Well I was paid handsomely to write that paper and it was never ever taken up. I mean, they’ve got it in their archives...But they didn’t use them.

(Culture Link: Disability Activist)

The ‘depressing response’ from this Target Organisation to the proposals presented by disabled people deterred further involvement by many. As far as one of our informants was aware, no one attended the steering group in protest at the Target Organisation’s rejection of their previous work. He was therefore surprised that the papers were mentioned by the Target Organisation as an example of their consultation process.

Some organisations were prepared to draw on previous research as a means of satisfying the criteria of involving disabled people in their DES, rather than instigating a new process. For example, the Environment Target Organisation had consulted a range of disability groups for earlier equality and diversity research and its Equality Officer was satisfied that, '*[the] process had stood in proxy for our engagement with disabled people*' Although the disability organisations which had contributed to this earlier research were contacted to provide an overview of their views, this only provided indirect contributions to the Target Organisation's DES and reflected a somewhat limited commitment to the involvement of disabled people.

### **Maintaining links: keeping involvement going**

Examples of more substantive user involvement were found in the Transport Target Organisation - where there was a good history of working with and consulting disabled people. In this case, user involvement in the DES had been promoted from an early stage through a steering group comprising local disability groups. In the Culture Target Organisation, user involvement had initially proved to be difficult, with friction between disabled artists and the Target in attempting to develop a response to the DED (this is discussed in more detail later). However, a second phase of user involvement, with the Target Organisation placing a duty on regional offices to complete their own consultations and produce their own Action Plan based on these ideas, was more successful in generating a wider range of disabled people (including artists, disability-led organisations, venues and service users) and sustaining this involvement.

Despite the reluctance in some policy areas to include disability-led organisations in the development of action plans, there was some evidence of collaborative working within the Target Organisations and some changes to more traditional working practices. Notably in the Criminal Justice target organisation, a Disability Working Group had been set up to develop ideas for the organisation's DES. This represented a diverse range of disabled and non-disabled staff members, who fed back their views to the wider organisation. Whilst several members commented that they had felt more valued by their employers and confident in fulfilling their duties as a result of this process, concern still remained over the integration of ideas into the final drafts of action plans. As one of the disabled employees from the focus group explained:

I didn't feel much ownership because...not long before it was published it got took [sic] off [the Equality Officer] and given to another Personnel Officer to do some work on it...I don't know what she did and what she changed, and then it just got published. We weren't consulted...before publication really.

(Criminal Justice Target Organisation: Focus Group of Disability Working Group)

As detailed earlier, the involvement strategy developed by the local council run HA as part of the Communities Target, also proved to be one of the best examples of sustained work between the link organisation and the disabled members of its Working Group. By meeting regularly, allowing participants to make meaningful input to the DED process and making senior staff available to all group members, this example shows the

importance of having some ownership over the policies produced. In turn, this clearly motivated the disabled people involved to continue their participation.

### **Involving ‘hidden groups’ of disabled people**

In responding to the DED, many organisations revealed that they were able to promote the involvement of certain groups of disabled people that had previously been poorly represented by equality and diversity programmes. People with learning difficulties or mental health problems were most likely to benefit from such initiatives. Disability-led organisations, for example the disability-led HA in the Communities Link, revealed that their audit of services had brought to light people with learning difficulties or mental health problems who had been neglected and were under-represented on their boards or senior management. As a consequence of the DED, this was highlighted and the HA subsequently sought to widen representation.

Other responses included those instigated by Education Target Organisation 2 which initiated its DES by setting up a National Panel for Learners with Disabilities and a Support Network for Learners with Mental Health Problems. This was done in recognition that these groups had not been well supported in the past and would benefit from a national group to represent their interests. In addition, the Transport Target Organisation responded to the specific needs of people with a visual impairment as they had previously been poorly considered in station design.

As well as identifying under-represented groups of disabled people, the DED also impacted by focusing attention internally, on organisations that were experienced in meeting the needs of service users. Notably, the Criminal Justice Target Organisation reported a change in attitudes towards disability and found that more staff were declaring an impairment whereas previously they may have felt unable to.

Conversely, the Education Link College had worked hard and had been successful in involving disabled students in its response to the DED but had been unable to engage with staff due to problems communicating with its Human Resources (HR) Department. This tension resulted from the HR Department reporting that only a handful of employees had an impairment and that they were individually supported. The Student Officer interviewed reported that many staff who had not declared were sidelined, suggesting that the College's DED response remained biased towards service users.

### **Developing involvement strategies with disabled people: barriers to progress**

As discussion so far has shown, the involvement of disabled people in producing a DES varied considerably between Target Organisation sectors and their related link organisations. In looking at the barriers to successful involvement in more detail, a number of recurring problems are illuminated relating to the strategies used to gauge the views of disabled people in their roles as employees, consumers or visitors. Several examples were given where involvement was compromised by short deadlines. This was underlined by poor links with the local disabled community, whereby any good will to participate in a 'quick turnaround' of ideas had perhaps been compromised by previous

experience. Notably in the health target organisation, the collapse of a Disability Advisory Group the previous year had already disrupted communication between the organisation and its former disabled advisors. Consequently, for the local Coalition of Disabled People this negative experience was perceived as resistance by the Target Organisation to engage with them on its DED. This, they stated, had prevented disabled people from giving feedback and eliminated any level of meaningful involvement in the process.

Other organisations also gave examples of where their information-collecting strategies restricted the involvement of disabled people. For example, the Culture Target Organisation used consultants rather than existing panels of disabled people to explore sector-wide issues. This clearly did not constitute sustained involvement and countered the ethos of the DED. Likewise, the Culture Target Organisation's strategy was to embrace the experience and expertise of leading figures in the arts sector who also worked within the disability field. These individuals were paid for their time and so adopted a consultancy role, yet also represented disabled people. This approach clearly demonstrates an initial commitment to the involvement of disabled people, or at least a financial commitment, in that the process was very well funded and all those who took part in the original consultation were well paid. However, many felt that they were not really '*involved*' in the process. In these early stages, few parameters had been placed on this consultancy process and although the response from the disabled artists was relevant to the arts, in the Culture Target Organisation's view, it had little practical value for the more focused response required for the DED. Consequently, the contributions were not

used and whilst the artists were invited to join a steering group, many were deterred after this experience. The underlying problem here appeared to have been poor communication leading to a mismatch of expectations. The Culture Target Organisation responded with a change of strategy and a survey and focus groups with other disabled people (rather than the original group of disabled artists) to gain a more '*centred approach*' (Culture Target Organisation: Equality Officer).

Education Target Organisation 1 relied on the views of disabled non-executive board members to guide the process. Whilst this might have positively influenced its response, it remains unclear as to what extent this replaced the involvement of staff and service users. Education Target Organisation 2 set up a support network for students with mental health problems with other organisations in the sector, but again this was informed by non-disabled people and so although it had the potential to be a useful service, it failed to follow the ethos and requirements of involvement set out by the DED.

### **Implementing the DED and involving disabled people**

As we have pointed out earlier, the implementation of the DED and the involvement of disabled people has been variable across the various public sector bodies we have examined. Much of previous discussion elsewhere about the DDA and its implementation has examined the underlying ideologies and the beliefs of those who formulated policy and has tended to focus on policy failures and 'implementation deficits' (see for example Gooding, 2000). In this study we have drawn on the ideas of Pressman and Wildavsky (1973) and Marsh and Walker (2006) and by taking a bottom-up approach, have focused

more on those responsible for putting policy into practice. Those we have interviewed are what Lipsky would term ‘street level bureaucrats’ and, following Lipsky, we would suggest that the DED and its implementation ‘in the end comes down to the people who actually implement it’ (1980: 20). The people we spoke to shaped the policy not just according to their own understanding of it, but also to how it fits with their own and their organisations’ working practices, values and interests. People at this level can reshape or pervert policy intentions although on the more positive side they can also play a creative role, policy being continually created and recreated through the implementation process (Murray 2000).

Lipsky argues that pressures on the ground mean that those who have to put policy into practice are very likely to do so badly or at least not as intended, in order to cope with pressure. Time and resources were cited by many organisations as a constraint on their ability to include disabled people in their DED development and implementation. These factors were stated by both small and large public bodies. The Culture Target Organisation argued that the establishment of priorities in its action plan was, to a certain extent, controlled by budgetary concerns. When it was first drawn up, it was still waiting for its budget settlement and was therefore unable put forward cash intensive action plans. The cash settlement given to the DED and other duties, in particular the Race Equality Duty (RED), was ‘remarkably different’. Only one worker was involved in the DED compared to five for the RED. Cash intensive action plans had to be placed at the middle and end of the scheme as there was no funding for the first year. As a consequence early stages of the action plan focused on policy issues and on the

implementation of Disability Equality Training and other internal issues that were described as ‘cash neutral’.

The private HA, as a small organisation, echoed these frustrations about responding to the DED. Whereas some target organisations had access to a team of equality specialists, smaller organisations could only afford to allocate one person to the role on a part time basis, which also included responsibility for overseeing the race and gender duties.

In some organisations responsibility for the DED was placed in the hands of the HR Department who, because of their own focus, emphasised internal staff issues, suggesting risk of neglecting disabled service users/customers. This seems to have happened particularly in the hospital. HR was also lead department in the Criminal Justice target organisation, but they got round it to some extent by linking in with the Community Cohesion and Diversity Team.

Implementing the legislation and developing action plans through user involvement can also weaken the DES. One of the HAs we interviewed reported that many housing organisations knew their schemes could go further than they did, but because the disabled people on their advisory group had not suggested this, the associations did not feel they had to.

There is a danger that without adequate regulation, organisations will impose their own interpretation on the duties placed upon them by the legislation and that much of the

potential of the DED will be lost. Unlike the DDA, where an individual can take an organisation to court, the DED is a complex piece of legislation and requires oversight by a regulatory authority and this authority must have an ongoing relationship with the organisations if the legislation is to be successful and achieve its desired aims. We are at a critical point in the development of this legislation and realising organisational change through taking proactive steps to meet the needs of disabled people, both as employees and as customers or service users. Prior to disbanding, the DRC set out clear standards and objectives at the start of this process and established clear lines of communication with the relevant layers of management. Many of the organisations endorsed the ideas behind the DED, however their response to it has been variable and piecemeal. All the organisations cited reasons for their variations from the DRC standards and steps need to be taken to ensure that public sector bodies continue with the efforts that they have already taken in this area so that they do not become either complacent or diverted in their task, leading to dilution of the DED.

### **Concluding comments**

Clearly, the development of the DED across the public sector is an important and potentially radical step in the promotion of equality and citizenship for disabled people. Indeed, writing in the late 1990s, Oliver and Barnes (1998) categorised disability policy at that time as being individualistic, with very little evidence of involving disabled people in the planning and implementation of services. The DED model does at least start to challenge this discourse. However as this article highlights, the initial period of implementation shows that routine and sustained involvement of disabled people remains

patchy and, in some policy areas, restricted to little more than tokenism. As the experiences of the HA in the Communities Target Organisation showed, where successful involvement has been achieved, this needs to be sustained through regular meetings and clear evidence should be collected to show that disabled people's contribution is genuinely reflected in changing working practices. Likewise, evidence showing a higher profile for people with learning difficulties and mental health problems resulting from a range of DED related initiatives, underlined some important changing practices in the Communities, Education and Criminal Justice Target Organisations. Evidence therefore suggests that to ensure more even implementation of the DED across the public sector, there needs to be some form of monitoring structure in place. Given that the DRC was instrumental in setting out the initial framework of standards, the EHRC would seem to be the obvious agency to take on this role.

The DED does differ significantly from the DDA, and these differences were noted by many. It has shifted attention from what one interviewee described as 'technical issues', related to, for example, access or the design of houses to a focus on broader equality themes and, it was reported, has led to a 'change of mindset'.

How much of this was the result of the DED is of course open to debate. The last twenty years have seen a radical shift in social policy for disabled people and the claimed adjustments in disability policy described to us by our interviewees have to be linked to broader issues around changes in social policies for disabled people since the early 1990s. Our findings would suggest that there is now a culture of inclusion, one where the

prevailing discourse, if not the practice, is the generation of policies that aim to challenge the exclusion and oppression of disabled people.

Overall, the issue of representation emerges as a key concern. Notably, the failure of half the Target and Link Organisations interviewed for the study to engage with disabled people's organisations is problematic. This clearly contravenes the routes to involvement set out by the DRC and detailed earlier in this article. Furthermore, the failure to utilise the expertise of these organisations also negates broader policy goals set out in recent years. In particular, the 2005 ILCODP document promoted the disability-led model through its pledge to establish this type of organisation in each area by 2010. It is therefore difficult to reconcile a pledge to involve disabled people in DED planning in a broader policy environment which has failed to embrace the expertise of these grassroots organisations. As Roulstone and Morgan (2009) observe, user-led organisations which have been at the forefront of these type of policy drives have begun to register their significant concerns at the gap between rhetoric and reality. Consequently, the activism initiated by groups of disabled people over the past twenty years which has been so central to tackling discrimination and promoting independence for disabled people, needs to be embraced as a valued resource in developing new working cultures across the public sector.

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