

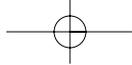


The Disability Equality Duty and involvement

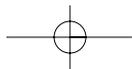
Guidance for public authorities on how
to effectively involve disabled people



Disability
Rights
Commission



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**Alongside being a legal requirement,
involvement is the key to**

**achieving
better public
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disabled people.**

**Public authorities are not able to
ensure disability equality without
input from disabled people and
their organisations.**

The Disability Equality Duty is an exciting opportunity to revolutionize how the public sector works for disabled people. At the heart of the duty is the need to involve disabled people in how the public sector manages this change. From now on disabled people will need to be included as active partners rather than interested onlookers.

Public authorities have a legal duty to involve disabled people in creating their Disability Equality Schemes. This involvement must be planned, structured and significant. It will not be acceptable for public authorities simply to consult disabled people. The involvement with disabled people will need to be a much more active process.

Alongside being a legal requirement, involvement is the key to achieving better public services for disabled people. Public authorities are not able to ensure disability equality without input from disabled people and their organisations.

Central to the success of many involvement strategies will be the ability of public authorities to work with representative bodies of disabled people. I would encourage public authorities to treat these bodies, especially those that work at a local level, as a valuable and authoritative resource. Ensuring their long-term viability will help with the development of the first and future Disability Equality Schemes.

**Bert Massie
CHAIRMAN
Disability Rights Commission**

1. About this guidance

Who this guidance is for

This guidance is for anyone working in a public authority that is responsible for ensuring the implementation of the Disability Equality Duty.

The guidance will particularly help senior managers ensure that public authorities meet their statutory responsibilities to involve disabled people in developing Disability Equality Schemes. The guidance sets out the principles that must underpin the involvement process.

People responsible for implementing the Disability Equality Duty will also find a practical outline of how involvement should take place during the development of the Disability Equality Schemes. Also included are a number of methods which public authorities can use to involve disabled people in developing their Disability Equality Schemes. In addition, the guidance also contains information on how disabled people can be involved as

part of an organisation meeting its wider Disability Equality Duties.

This guidance should not be seen as an alternative to The Duty to Promote Disability Equality: Statutory Code of Practice for England and Wales or the separate Code of Practice that covers Scotland.

The Codes of Practice provide significant information on both the duty and the involvement process. They should be consulted by anyone with responsibility for implementing the duty.

No guidance document of this kind can hope to cover all the issues that involving disabled people will generate. How the involvement agenda will develop will be dependent on an ongoing dialogue between disabled people and individual public authorities. This guidance is intended to be a starting point, helping to define the roles of those who need to be involved and those who need to do the involving.

nothing about us without us

Why is the involvement of disabled people important to public authorities?

“Disabled people have rightly said that policymakers should do ‘nothing about us without us’. None of us can improve opportunities for disabled people effectively – whether in employment or in the services we offer – unless we talk to disabled people and involve them in our decision-making. That is why I see involvement of disabled people as at the heart of the new Disability Equality Duty.”

Anne McGuire

MINISTER FOR DISABLED PEOPLE

The involvement of key stakeholders is increasingly an important dimension of the modernisation agenda in the public sector. Disabled people need to be recognised as key stakeholders.

More particularly, involving disabled people is the cornerstone of the Disability Equality Duty. There is a legal requirement for public authorities to involve disabled people in developing their Disability Equality Schemes.

The Disability Rights Commission (DRC) also recommends that disabled people should be involved in many other aspects for how an organisation can meet their wider Disability Equality Duties.

What does this mean?

This ‘involvement’ requires more active engagement of disabled stakeholders than ‘consultation’. It will need to use accessible mechanisms and must be focused, proportionate, influential and transparent.

Disabled people should be involved who are employees, service users or who just have an interest in the work of the organisation as stakeholders in the communities on which the organisation impacts.

Real and sustained involvement will allow public authorities to really understand what the issues are for disabled people and help them tackle issues at their root causes.

This guidance aims to provide authorities with a range of practical tools to help them move away from formalised one-off consultation methods to a long-term sustained

relationship with disabled people, both as service users and employees.

Long-term strategy

Involvement is also not a one-off process but a continuing and evolving engagement by public authorities with disabled stakeholders. The new Disability Equality Duty ensures that public authorities take a long-term approach to ending discrimination rather than looking for a quick fix. Disabled people should be involved in how schemes are monitored and evaluated. Public authorities will be expected to produce a new Disability Equality Scheme every three years and disabled people will again have to be involved in this process.

Expertise – groups of disabled people

Whilst this guidance suggests various ways of involving disabled people, for many public authorities, working with local or appropriate national organisations of disabled people will form an ongoing crucial element in any involvement strategy.

Remember that the duty specifically requires the involvement of

disabled people, including organisations run by disabled people. The involvement of non-disabled people or organisations working in the field of disability which are not controlled by disabled people will not satisfy this legal requirement. In any event, user-led organisations will bring unique skills and perspectives to the development of your scheme.

It is important that consideration is given to the funding and sustaining of such organisations so that this valuable expertise continues to be available.

Public authorities will want to consider commissioning representative groups to help them with their involvement strategy. It may be that support or training should be provided to such user-led organisations in tendering and procurement processes and submissions. This will ensure that those organisations which contain the greatest expertise and experience needed for specific pieces of involvement work are able to compete equally.

2. Introduction to the Disability Equality Duty

Why the Disability Equality Duty is important

The public sector plays an important part in everyone's lives. From getting a passport, visiting the doctor, going to school, to finding accessible housing, public authorities have a dramatic impact on all our lives.

Many public authorities have a good record of tackling discrimination but there is much left to do, especially in the way public authorities interact with disabled people.

The Disability Equality Duty will help public authorities change their services and policies to make sure they take full account of the one in five people covered by the Disability Discrimination Act (DDA).



A challenging agenda

The changes the public sector will need to make to ensure it meets its Disability Equality Duties are challenging. Public authorities will often have to change the way they do things to make sure that they meet their duties.

Ending discrimination is not just about making buildings accessible, putting in ramps or producing documents in alternative formats. It is about systematically finding and then removing barriers to equality for disabled people. This will take time, understanding and effort but your disabled staff and service users will help you do this.

The only way public authorities will meet the challenge of the Disability Equality Duty is if disabled people are structurally involved in identifying what needs to change and suggesting how public authorities can go about it.

The purpose of the Disability Equality Duty

The overall purpose of the Disability Equality Duty is to get public authorities to think and act pro-actively on disability equality issues.

The duty will help the public sector identify where and how barriers have been created that unlawfully discriminate against disabled people and hamper disability equality. Public authorities will now have to consider how they can end discrimination for disabled people as the users of their services and as their employees and promote disability equality.

Ending institutionalised discrimination

This duty ensures that for the first time ever public authorities take responsibility for tackling institutional disability-related discrimination. This is an exciting step-change from the individual rights' focus of the DDA.

The Disability Equality Duty does not give individuals more rights; instead it is about improving public authorities' policies and services as a whole for all disabled people. It is also not focused on removing physical barriers solely; instead it is focused on removing those barriers within policy and the design of services or initiatives which have a negative impact on the lives of all disabled people.

Social model

The duty reflects the social model of disability. This takes the approach that what stops or hinders a disabled person doing something are barriers that society has put in place or chosen to ignore. It is society that disables a person, not their impairment.

The Disability Equality Duty takes the social model and applies it to the functions of a public authority. It does this by recognising the negative impact on disabled people of a society designed for non-disabled people. It also recognises that active steps are needed to promote equality for disabled people.

Business case

Finally, it is worth emphasising that there is a significant business case for embedding disability equality. Modernised, high-performing public authorities have already recognised the importance of disability equality. This is because in the future it will be increasingly difficult for public authorities to effectively meet their wide targets and objectives if they do not promote disability equality and close the outcome gaps for disabled people.

**Involvement is not a
one-off
process**

3. Overview of the Disability Equality Duty

This short chapter briefly describes the context of the Disability Equality Duty and its relationship with the Disability Discrimination Act (DDA) 1995 and the DDA 2005.

The DRC website is a valuable resource for more detailed information on the Disability Equality Duty. This can be accessed at: www.drc-gb.org. People who have the responsibility for involving disabled people should also consult the Duty to Promote Disability Equality: Statutory Codes of Practice. These can also be found on the DRC website.

Overview

The Disability Equality Duty is intended to prevent disability-related discrimination from occurring at the outset and to promote equality of opportunity for disabled people. Public bodies will be expected to proactively take account of disability equality in the ways they serve the public, employ people or more generally carry out their work, for example through establishing and operating regulatory frameworks, making planning decisions etc.



Disability Discrimination Act 1995

Many people are familiar with the principle enshrined in the DDA 1995 that disabled people should be treated fairly. The DDA 2005 amended the DDA 1995 to take this a step further. Now public authorities have a duty to build disability equality into the way they carry out their functions, from planning right through to evaluation.

This is a new way of working and a new way of thinking about how public authorities serve disabled people. This is a significant cultural step-change from the individual rights' focus of the anti-discrimination provisions of the DDA.

General duty

As a consequence of the introduction of a Disability Equality Duty, all public authorities are required to adopt a proactive approach, mainstreaming disability equality into all decisions and activities. This is known as the general duty. Basically this means every public authority shall in carrying out its functions have due regard to the need to:

- promote equality of opportunity between disabled persons and other persons
- eliminate discrimination that is unlawful under the DDA
- eliminate harassment of disabled persons that is related to their disability
- promote positive attitudes towards disabled persons
- encourage participation by disabled persons in public life; and
- take steps to meet disabled persons' needs, even if this requires more favourable treatment.

It is likely that public authorities will involve disabled people in various aspects of meeting their general duty as involvement is essential for successful promotion of disability equality. All public authorities, whether they are subject only to the general duty or both the general duty and specific duties will find all of the information in this guidance helpful. Further details on how public authorities can involve

All public authorities are required to adopt a proactive approach

disabled people outside of the framework of the specific duties can be found in chapter 7 of this guidance.

Specific duties

Many public authorities will have an additional obligation to demonstrate how they are working to end unlawful discrimination and to promote equality of opportunity. This is known as the specific duties and is all about a practical framework known as the Disability Equality Scheme. The initial scheme will have to be in place by 4 December 2006. Subsequent schemes will need to be developed every three years.

The specific duties have been designed to assist authorities in planning, delivering, evaluating and reporting on their activities to ensure compliance with the general duty.

Public authorities subject to the specific duties have a legal obligation to involve disabled people when drawing up their Disability Equality Schemes. Much of this guidance deals with how organisations should go about involving disabled people in this process.

Chapter 4 covers the principles that underpin the involvement of disabled people in developing the Disability Equality Scheme.

Chapter 5 helps define where involvement will be needed within the scheme.

Chapter 6 suggests several mechanisms through which involvement can take place.

Chapter 7 discusses how authorities can consider the wider involvement of disabled people which goes beyond the framework of the specific duties.

Which organisations do the specific duties apply to?

Most large and many smaller public authorities are subject to the specific duties. Public authorities as diverse as health trusts, police authorities, government departments, local authorities, schools in England and education authorities in Scotland are all covered by the specific duties.

A full list is included in regulations under the Act, and replicated in Appendix A of the Codes of Practice to the Duty. Other authorities may be added to the list of authorities to whom the specific duties apply and information on this will be available on the DRC website.

Which disabled people need to be involved?

The Disability Equality Duty applies to all disabled people, including those with long-term health conditions, covered by the DDA. Public authorities have an obligation to involve all disabled people who appear to have an interest in the functions of authorities in developing their Disability Equality Schemes. More detailed information on who is

covered by the DDA is included in chapter 8 of this guidance.

Enforcement

The DRC has the power to take legal action where authorities fail to comply with their specific duties and, in addition, authorities may be subject to judicial review by interested parties where they fail to comply with their general duty.

In addition it should be emphasised that relevant inspection bodies will be building compliance with the duty, including the need to involve disabled people in developing Disability Equality Schemes into their assessments.



4. Principles underpinning involvement

Overview

This chapter deals with the principles that should underpin the involvement of disabled people in developing a Disability Equality Scheme.

There are no defined ways of involving disabled people in creating a Disability Equality Scheme. It is worth noting, however, that involvement in the Disability Equality Scheme is, by its nature, involvement in a high-level strategic process. By this, it is meant that organisations are asking people to contribute to something which will have a significant impact on the organisation. The involvement should therefore be planned, structured, resourced and significant.

Senior management

It is likely that public authorities will nominate a senior manager to be responsible for the overall implementation of the Disability Equality Duty. They will also be responsible for ensuring there is an adequate budget as well as other resources such as staff time. Other people or teams will often have responsibility for the day-to-day

implementation of involving disabled people. The senior manager will ensure that the overall involvement process maintains its focus, has clear authority and that it is actively managed across the organisation. It is important to the success of the project that the senior manager responsible for implementing the Disability Equality Duty has a good understanding of the principles that underpin involvement.

Scale of involvement

How a public authority will involve disabled people will be dependent on the size and type of the organisation. For example, an individual primary school will naturally involve disabled people on a different scale and in different ways than the Welsh Assembly. This is because the Welsh Assembly will need to involve disabled people in the development of a Disability Equality Scheme that covers a wide range of activities and a large geographical area. The school will have to produce a scheme that covers the areas of responsibility it has towards its current and future disabled pupils, parents and staff members.

Involvement not consultation

All involvement processes will, however, have some consistent themes and the overarching approach will remain consistent.

It is important to constantly remember that involvement is not the same as consultation. The involvement required is a deeper process than simply consulting people on their opinions or needs. The involvement required will, for example, be more than just asking a group of disabled people their opinion of the Disability Equality Scheme.

Of course public authorities will want to consult with disabled people as part of general consultation processes. Disabled people are part of the wider community and consultation aimed at the wider community must also reach disabled people. This will include consultation on policy as diverse as traffic calming measures to new services in a hospital to a new government policy.

Involvement is, however, a deeper process and will involve active and continuous engagement with disabled people over a period of time.

Delivering Public Services to a Diverse Society

The National Audit Office Report: 'Delivering Public Services to a Diverse Society', 2004, offers the following guidance on engaging diverse stakeholders in the context of identifying their different service delivery needs:

'Long-term, supported engagement with stakeholders is required to help government bodies identify differing service delivery needs that may exist across diverse customer groups, and develop the most appropriate ways of delivering these services.'

It advises public authorities to: 'engage with stakeholders at an early stage, but after sufficient preparation. This means that bodies are prepared and equipped to address all perspectives at an early stage, leading to positive outcomes for all parties. During this process it will be important to sustain the links established with stakeholders.'

Inherent features in the involvement process

In order to be fully effective, the Statutory Codes of Practice on the duty indicate that the involvement process should have a number of inherent features. It should:

- be focused
- use accessible mechanisms
- be proportionate
- be influential; and
- be transparent.

Each of these features is important and we will consider each individually.

Be focused

The Codes of Practice on the Duty state that the involvement process should:

‘be focused – be clear about where the authority has scope to make changes, and what resources are available.’

This means that the public authority should put some effort into defining the initial parameters for the Disability Equality Scheme. They should also clearly indicate

the budget and resources available. It is likely that before disabled people are involved, a framework scheme should be developed. This will clearly outline the functions that the scheme will cover.

It is important for disabled people to be made aware of the remit of the scheme and that this will only cover the functions of that organisation. It will often not be obvious to people what, for example, a health trust has the power or not to change.

The involvement process should not concentrate on drawing up a list of specific barriers but should identify policy change that will lead to the ending of unlawful discrimination and promotion of disability equality.

Use accessible mechanisms

The Codes of Practice on the Duty indicate that public authorities should:

‘use accessible mechanisms – so that it is possible for a wide range of disabled people to participate.’

Public authorities need to take steps to ensure that a wide range of disabled people can contribute to the process of developing a

Disability Equality Scheme. Care should be taken to make sure the mechanisms, as well as documents, are as inclusive as possible. For example, public authorities should look at the structure of meetings through which the Disability Equality Scheme is developed.

Formal meetings are a good way to find out what lots of people think, develop ideas and make decisions. They can, however, exclude people. Public authorities should consider other options such as focus groups, away days or using the internet. There is no reason why disabled people all need to contribute to the process in the same way.

Staff who are responsible for developing a Disability Equality Scheme at a secondary school are concerned that disabled children are being excluded from the process.

It is agreed that disabled children are asked to contribute to creating an action plan for improving the accessibility of the school by photographing the access barriers they think prevent them from being fully involved in school life.

The action plan takes full account of the way the children have contributed to the process. The images are included in the actual action plan and progress in removing the access barriers will be reviewed in 12 months. This will be done by asking disabled children to take a new set of images.

All public authorities should ensure that disabled people taking part in developing a Disability Equality Scheme can contribute fully. This will often necessitate:

- producing documents in alternative formats and publicising their availability
- paying for personal assistants or sign language interpreters or other enabling support
- ensuring that childcare is provided when appropriate
- providing compensation for loss of earnings; and
- providing transport where public transport is not available or accessible.

Remember that **involvement is not the same as consultation**

It should be recognised that, as part of using accessible mechanisms, some disabled people will require additional support or time to take part.

A regulatory body receives an application from a person who has an acquired hearing and visual impairment to take part in developing a Disability Equality Scheme.

The person's experience and skills would make them a valuable member of the team looking at the Disability Equality Scheme.

The body removes barriers to the person's involvement by paying for additional support and ensuring they have sufficient time before and during meetings to contribute fully.

This kind of support will reduce barriers to the participation of people with a variety of conditions and impairments.

Be proportionate

The Codes of Practice on the Duty indicate involvement should:

'be proportionate – the approach taken should be commensurate with the size of the public authority.'

The approach a Primary Care Trust takes will naturally be different to a government department in developing a Disability Equality Scheme. It is likely that a government department or other large public authority will have a standing committee or group of disabled people who will be involved in their Disability Equality Scheme. Smaller organisations with limited functions may be able to hold a series of seminars which interested disabled people can attend. They will also want to consider what other mechanisms they may need to use to supplement this core element.

It may be proportionate for a local authority to target only those of its stakeholders whom it knows to be disabled, rather than writing to everyone on its database; but it may be proportionate for a school to send letters to the homes of all of its pupils inviting the involvement of disabled people.

All organisations will need to commit resources to developing the Disability Equality Scheme. It may be useful to include the level of resources spent on the involvement

of disabled people in the Disability Equality Scheme and the total budget for developing the scheme itself in an organisation's annual review.

Be influential

The Codes of Practice on the Duty indicate that involvement should:

'be influential – people outside the organisation should be able to see how the involvement has affected the public authority's plans.'

The scheme itself should contain the detail of how disabled people



were involved. This will need to highlight explicitly where disabled people have influenced the process.

The Scottish Executive issues a press release identifying the three key areas where the involvement of disabled people has influenced the executive's Disability Equality Scheme's action plan.

The First Minister should be able to identify this involvement and its outcomes when questioned in the Scottish Parliament.

A local authority Chief Executive provides a report to cabinet members on the development of the Disability Equality Scheme. The local authority also identifies the key outcomes they expect to arise from the scheme and publishes these prominently on its website.

Be transparent

The Codes of Practice on the Duty say that to maintain ongoing commitment to involvement by disabled people, they need to know that it has been influential, not merely tokenistic. This requires reporting on the results of disabled people's involvement.

It is essential that disabled people know where to find the Disability Equality Scheme and that the key elements of the scheme are in one place. Particular care will be needed to state clearly how and when disabled people and their organisations have been involved in all aspects of the scheme. For example, identifying the barriers faced by disabled people and unsatisfactory outcomes, setting priorities for action plans, impact assessment of existing policies and activities over the period of the scheme and assisting planning activity.

A report on the implementation of key aspects of the scheme needs to be published annually. Public bodies must review and revise the scheme every three years. Again, disabled people will need to be involved in this process. Public authorities who have established sustained relationships with their disabled stakeholders will of course benefit from the feedback across the three-year duration of the scheme to better shape the revised subsequent scheme.

5. Developing the Disability Equality Scheme

Understanding where and when to involve disabled people within the drafting of the Disability Equality Scheme will be vital to its success. This will develop over time and the experiences of developing the initial scheme should feed into the process for developing future schemes and the ongoing involvement of disabled people between schemes.

The essential elements which the Disability Equality Scheme must cover are:

- a statement of how disabled people have been involved in developing the scheme
- the action plan
- arrangements for gathering information about performance of the public authority on disability equality
- arrangements for assessing the impact of the activities of the public authority on disability equality and improving these when necessary; and
- details of how the public authority is going to use the information

gathered, in particular in reviewing the effectiveness of its action plan and preparing subsequent schemes.

Disabled people must be involved in all key aspects of the development of the scheme. The following chapter describes each of these elements in more detail and includes some helpful practical examples.

Involvement statement

Included in the Disability Equality Scheme will be a statement covering how disabled people have been involved in creating it. This should describe:

- the range of involvement methods used and processes
- how and when disabled people have been able to directly contribute to the Disability Equality Scheme. For example, identifying the barriers faced by disabled people and unsatisfactory outcomes, setting priorities for action plans, impact assessment of existing policies and activities over the period of the scheme and assisting planning activity

- the range of disabled people and their organisations that have been involved. For example, has a wide range of disabled people been involved as opposed to a large focus on one type of impairment and have organisations of disabled people been involved rather than reliance on organisations for disabled people?
- where involvement has proved difficult, the authority's identification of actions to improve this in the action plan
- if contributions from disabled people have been disregarded, or suggested improvements modified, the reason for this should also be explained; and
- the contribution of senior managers to the involvement process.

It is likely that the involvement statement will cover the number of meetings or events held with disabled staff and disabled people who use the authority's services and other methods of involvement.

It would be beneficial for the statement also to set out lessons

learned for future schemes. As with all new initiatives it is likely that the process of creating a Disability Equality Scheme will require fine tuning. Disabled people will be in a good position to provide the context for the future development of Disability Equality Schemes.

Action plans

The Disability Equality Scheme must include a statement of the steps that a public authority proposes to take to ensure the fulfilment of the Disability Equality Duty within the period of time covered by the scheme. These steps are referred to as an 'action plan'. The following sets the context for the involvement of disabled people in the action plan process.

Disabled people will need to be involved in prioritising what goes in the action plan. This is to ensure that the action plan takes forward what disabled people feel are the most important areas in which discrimination and promotion of equality of opportunity need to be addressed. Public authorities will find it useful to involve disabled people in identifying solutions as part of the action planning process.

Disabled people should also be involved in the ongoing monitoring and review of the action plan process. This will significantly help future Disability Equality Schemes.

This is not to say disabled people would have sole responsibility for setting the agenda for action planning. This will also be influenced by statutory and other priorities, the functions and capacity of the organisation to deliver and evidence gathered by the authority.

A transport authority, as part of its overall business plan, sets targets to increase the number of disabled people using public transport.

Disabled people are involved in designing the action plan. This is done through a standing committee of people who are responsible for, amongst other things, developing the Disability Equality Scheme. The group receives a briefing on the transport authority's objectives and an indication of budgets available. This is detailed enough to inform

discussion without putting off people with technical jargon.

The standing committee decides that the transport authority is not considering people with hidden impairments in its planning. They prioritise committing the authority to developing services that meet the needs of people with hidden impairments, such as people from the Deaf community or people with autistic spectrum disorders, and this is included in the action plan.

Action plans may also identify steps to ensure the continuing involvement of disabled people in the public authority and set targets for increasing the number of disabled people who are involved.

Gathering information

This section covers the overarching duty to involve disabled people as part of a Disability Equality Scheme in determining the methods for gathering evidence. This will include:

- gathering information about performance of the public authority on disability equality; and

- assessing the impact of the activities of the public authority on disability equality and improving these when necessary.

Public authorities must set out their arrangements for gathering information on the effect of their policies and practices on disabled people. The specific duties require public authorities to set out in the Disability Equality Scheme a statement of their arrangements as follows:

- every authority must set out arrangements for gathering information on the effect of its policies and practices on the recruitment, development and retention of its disabled employees
- educational bodies specified in the regulations (replicated in the Codes of Practice on the Duty) must set out their arrangements for gathering information on the effect of their policies and practices on the educational opportunities available to, and on the achievements of, disabled pupils and students; and

- every authority other than educational bodies highlighted above must set out its arrangements for gathering information on the extent to which the services it provides, and those other functions it performs, take account of the needs of disabled persons.

This information gathering is not an end in itself but should be used to help public authorities make decisions about what actions would best improve disability equality. This research will often show up a particular pattern, trend or experience and it will act as a trigger to investigate this further.

Disabled people will have to be demonstrably involved in defining the arrangements for gathering information. It is likely that this will involve setting an agenda for identifying the barriers faced by disabled people and unsatisfactory outcomes. Again, it should be remembered that disabled people do not have sole responsibility for defining evidence gathering or assessment processes. This will also be led by available evidence and

assessment structures. Disabled people should, however, have a real input and be able to challenge existing organisational orthodoxy.

This involvement should not just focus on the 'format' of general information gathered, but on key issues such as the purpose of gathering information and the breadth of mechanisms used.

A public authority is aware that few disabled people respond to its annual questionnaires on user-satisfaction, but does not know why. It discusses this with some disabled people. Some disabled people say they don't see any benefit in responding, some say that the questionnaire is not designed in a way that can be easily completed, and some say that they have never seen anything change as a result of previous customer service surveys in the public body.

As a result, the public authority explains the purpose of the survey more fully on the questionnaire, emphasising that information will be gathered in a confidential manner, and that the results and changes will be notified to users.

The public authority agrees to carry out more detailed follow-up research into any specific areas of concern for disabled people. The public authority also provides training on how to assist disabled people who need help to complete the questionnaire.

Over a number of years the public authority sees an increase in responses from disabled people as confidence in this method of gathering information grows.

The DRC have also produced separate guidance on evidence gathering as a whole. This is available online via the DRC website: www.drc-gb.org

It is likely that most effective ongoing action planning activity will involve the continued involvement of disabled people to review its progress on a regular basis.

A group of disabled students and staff have been involved in developing a university's Disability Equality Scheme. As part of its action plan they have set out that the university monitors the number of disability-related harassment incidents that occur on campus.

It is recognised in the action plan that the reporting structures and processes for promoting the plan may need amending.

It is therefore stated in the action plan that the staff trade union and Disabled Students' Officer, review with the head of student services progress of the harassment action plan every six months.

Social model research

Historically, research on disabled people has not been effective because it has taken a medical model approach. This is research that focuses on a person's impairment rather than the barriers that society creates.

Organisations should involve disabled people in developing research methods that take a social model approach. This is one where evidence gathering focuses on:

- outcomes such as educational attainment, job satisfaction or health equality; and
- barriers such as the physical environment, negative assumptions about disabled

people's abilities and aspirations or inaccessible information systems.

Although it may be necessary to obtain raw data on the numbers of disabled people using a service, this is only the first step in identifying if and where barriers exist for disabled people using that service.

It is important to recognise that some disabled people have been particularly disempowered by research and are likely to be sceptical of its usefulness. Involving disabled people in designing the remit of the research is particularly important in ensuring that they can have confidence in the findings of research.



6. Mechanisms for involving disabled people

This chapter deals with some suggested mechanisms for involving disabled people in developing Disability Equality Schemes. This includes:

- review groups
- citizen juries
- planning a meeting
- focus groups
- involving people online
- less formal involvement strategies
- using representative groups
- making use of existing structures; and
- embedding involvement.

There are many ways to involve disabled people and, provided organisations apply the principles underpinning involvement and as outlined in the Codes of Practice, they can adopt any approach they wish. It is likely that many organisations will choose to use more than one mechanism.

The Disability Equality Duty is an ongoing process and public

authorities will undoubtedly develop new mechanisms for involving disabled people over the lifetime of the initial schemes. It is likely organisations will learn from their first scheme. For example, the first scheme will give public authorities a better understanding of where the gaps are in reaching seldom-heard-from groups.

It is, however, worth stating again that involvement is a more involved process than consultation. Involvement mechanisms must engage with disabled people rather than ask them a series of questions.

Disabled people who are being involved will often help determine the most appropriate way for them to help a public authority develop a Disability Equality Scheme. The public authority does, however, have to be mindful of the overall principles outlined in chapter 4 that it must apply to the involvement process. Particular care should be taken to ensure that the involvement process remains focused and concentrates on the functions of the organisation.

Refer to chapter 8 for further information on which disabled people need to be involved. This also contains information about reaching out to seldom-heard-from groups and black and minority ethnic (BME) communities.

Joined-up working

It will often be appropriate for public authorities to collectively facilitate the involvement of disabled people. This will need to be planned and structured carefully to ensure that disabled people are involved appropriately.

There is also a need not to overload organisations of disabled people with requests to take part in developing Disability Equality Schemes.

Review groups

Many large public authorities will choose to set up a review group to involve disabled people in developing the Disability Equality Scheme. This group may be known as an independent disability group, an independent advisory group or a Disability Equality Scheme review group.

Disabled people who are part of a review group are recruited to develop the Disability Equality Scheme because of their expertise in disability equality issues. It is important that these people are disabled and not simply representatives of disability organisations or trade unions.

Their expertise is not necessarily formal training or past experience of sitting on similar groups but an ability to develop a Disability Equality Scheme within a social model of disability. That is, an awareness of barriers that disabled people encounter rather than an impairment-specific approach.

People are usually paid to take part in the group and are openly recruited by a formal application procedure. Their role is not to represent themselves or an organisation, but to provide expertise in areas they are familiar with.

A health trust is looking to recruit people to an independent advisory group. They receive an application from a woman who has Asperger's syndrome.

They are mindful that the group should include people who are discriminated against because they encounter different barriers. By discussing the application with the person, they are able to identify that she will be able to give a valuable perspective on the barriers that many different disabled people encounter.

The woman will be able to do this from the perspective of someone with an autistic spectrum disorder. The health authority will, however, be involving someone who has experience of barriers that may need addressing in an action plan or evidence gathering, for example:

- barriers that prevent people finding out about appointments
- barriers inherent in building design, such as creating waiting places that are noisy
- barriers that prevent people reading letters or information leaflets
- barriers that may occur when people can only travel to and from health services by public transport.

The person's contribution is far richer and more valuable than simply being a representative of one group of disabled people.

It is important for public authorities not to create a shopping list of people with different impairments for inclusion on a review group. Indeed such is the wide spectrum of impairments that it would be practically impossible to do so.

Public authorities should encourage the participation of disabled people who have personal experience but can see disability equality as a wider issue than simply representing a particular group of disabled people.

It is important that review groups are appropriately resourced and that the members have appropriate and accessible training in developing a Disability Equality Scheme.

Citizen juries **Background**

Citizen juries are a way of organisations involving people in making complicated decisions. Some public authorities may find this model useful in involving

disabled people in creating a Disability Equality Scheme.

Citizen juries could be a good way of involving disabled people across a large geographical area such as those that cover the whole of Britain.

A citizen jury approach is likely to work best where an organisation has relatively few functions. They may also work well in developing future Disability Equality Schemes.

How citizen juries work

They work by getting a small group of people together to act as a jury to decide on the right course of action. In this case the jury would decide on the priorities for an action plan and how progress should be assessed.

People can be recruited onto the jury by application or selection. The size of a citizen jury can vary but between 10 and 20 people would be ideal.



Presentations are made by witnesses who speak to the jury. These could include senior managers, professional experts, or representatives of pressure groups. Jury members can ask questions and discuss issues before creating their suggested action points and assessment plan.

Planning a meeting

Smaller organisations will not always have the budget for involvement strategies aimed at developing a Disability Equality Scheme.

It may be appropriate to involve disabled people in developing a Disability Equality Scheme using less formal structures. There are lots of ways to do this. Inviting disabled people who have first hand experience of an organisation's function to an 'away day' can help develop a Disability Equality Scheme.

It will, however, be important that the process remains proportionate and influential.

It is also important to remember general good practice when organising any events. Offer childcare, a range of times and

refreshments. Disabled people, like other citizens, have children, jobs and get thirsty!

A Local Health Board in Wales has decided to develop a Disability Equality Scheme by taking a small group of disabled people who encounter different barriers to a conference centre.

During the first part of the day they will discuss and set priorities for an action plan. In the afternoon they will define the assessment processes that the local health board will use to monitor progress of the plan.

The day is led by the Board's Chief Executive and the discussion minuted and placed on their website.

Focus groups

A focus group can play a role in involving disabled people in developing a Disability Equality Scheme. They are a good way of finding out what specific groups of people think about the scheme or how it should develop.

One-off focus groups

One-off focus groups by their nature are not lasting forums

through which involvement can flourish. This type of focus group is primarily a consultation method. A one-off focus group should therefore not be the only method of involvement but can be useful if used in conjunction with other involvement techniques.

Targeted focus groups

Focus groups can be used to involve specific groups of disabled people. They can concentrate on gaining the views of seldom-heard-from groups and are a good way of feeding into the process contributions from, amongst others, BME communities, women, older people or people with mental health conditions and disabled parents.

A local authority covers an area with a high proportion of people from South Asian communities. The authority is concerned that disabled women from these communities have not been actively involved in developing its Disability Equality Scheme.

The authority decides to hold a specific focus group to involve disabled women from the Indian, Pakistani and Bangladeshi

communities. They send a letter to the local disability and older people's organisations, mosques and Hindu temples and carer's organisations. They also create a poster which they ask South Asian businesses to display. Both letter and poster are produced in a range of languages. They indicate that the focus group is for disabled women only and facilitation will be provided in several languages.

Recurring focus groups

Focus groups can meet several times or at regular intervals through the development of the scheme. An initial focus group will need to be set up at the early stages of developing a Disability Equality Scheme. This will help identify key themes, processes or the scheme's overall agenda.

It is important that focus groups are facilitated appropriately and that the information derived from them is fed back in its entirety. If focus groups are to be part of an involvement strategy, they must have the power to change. They should not be used to rubber stamp the Disability Equality Scheme.

It is unlikely that a focus group will be an appropriate or accurate involvement mechanism unless they change something about the Disability Equality Scheme.

Involving people online

New technologies are expanding the options available to public authorities who want to involve disabled people. These can be used effectively to involve disabled people as part of developing a Disability Equality Scheme.

As part of its involvement strategy, a government department sets up an online forum. This gives disabled people the opportunity to take part in interactive deliberation over ideas and topics that will develop into the Disability Equality Scheme. Over time the forum will be able to comment on the scheme.

To join in, participants simply indicate that they are disabled and they have an interest in the way the authority functions. They can if they wish provide further detail or request to be involved in off-line strategies.

Although new technologies will usually not be suitable as the only method of involving people, they can play an important role in reaching some hard to reach groups such as young disabled people or disabled people with hidden conditions such as HIV.

Technology can be a good way of involving people who do not wish to identify themselves as being disabled but mechanisms should meet the highest standards of accessibility.

The same government department also uses an online forum for staff members to help develop the Disability Equality Scheme. People can contribute to this anonymously. It is promoted in staff publications to attract, amongst other people, staff that have mental health conditions or other conditions or impairments they do not wish to disclose to their employers.

There are disadvantages of relying on new technologies. Not every household will have internet access. Disabled people are over-

represented in communities affected by the digital divide. Others such as older people who use care services may not have the IT skills to take part in online involvement strategies.

Less formal involvement strategies

Sometimes people simply do not want to take part in formal involvement processes. Although it is important to respect the wishes of individuals who do not want to take part in an involvement process, public authorities should try to involve everyone who has an interest in its functions.

One way to involve disabled people is to package the involvement process in something that is fun or rewarding. This will often be best done in combination with other participation strategies.

Public authorities in a large metropolitan city are concerned that they are not involving young disabled people in developing their Disability Equality Schemes. They are particularly concerned that care leavers, young people who have been through the criminal justice

system and gay and bisexual people who are covered by the DDA 2005 are not being involved.

Collectively, they are funding a free festival. This is aimed at young disabled people. The festival is also being used to communicate personal safety, sexual health and education messages.

The event day includes access to the internet, workshops on street dance, drama, job hunting, and complementary therapies.

The event is promoted to advocacy groups and young people's centres as well as in the local media.

At the event there is a video box where young disabled people can tell the authorities what they think would make their lives better. They are encouraged to think about how they are excluded and what stops them doing things that other people can do. These questions could be linked to action planning processes.

Naturally this kind of involvement has its limitations. For example, non-disabled young people may contribute to this process. This may however be useful for other

strategies within public authorities and should be seen as a positive side effect.

Using representative groups

In many cases it will be appropriate for a public authority to involve representative groups of disabled people in the development of the Disability Equality Scheme.

A representative group is a body of disabled people that represents the interests of disabled people.

They come in many forms from self-advocacy groups representing people with learning disabilities, to organisations of people with a particular medical condition through to local or national organisations.

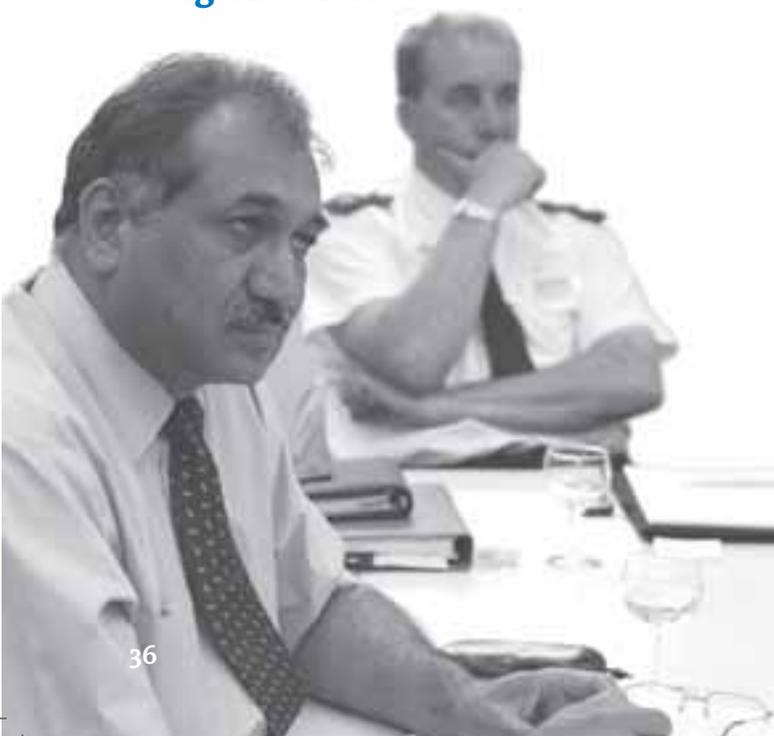
For example, Centres for Independent Living, will represent disabled people with a particular interest. Another example includes Deaf organisations which represent Deaf people who use BSL.

Representative groups are an important and valuable resource for public authorities when developing Disability Equality Schemes and when meeting their wider Disability Equality Duties. They can provide considered thoughts and proposals based on good knowledge of what public authorities provide and what disabled people want.

A primary school is considering how to involve disabled parents in developing its Disability Equality Scheme.

Although it has previously tried to identify a group of disabled parents to get feedback from, this has only produced a very limited response.

The school decides to ask the local organisation of disabled parents whether the organisation could give it some feedback.



The local organisation agrees to this but suggests meeting with a range of local schools so that they can have a wide-ranging discussion on communicating with disabled parents.

It will generally be important for a public authority seeking to involve representative groups in this way to view the process as a professional partnership.

Public bodies will want to consider commissioning representative groups to help them with their involvement strategy. Representative groups may be able to facilitate meetings with disabled people, organise virtual networks, focus groups or provide advice on accessible communication.

Where authorities are involving representative groups of disabled people in developing their Disability Equality Schemes, they will need to ensure that they are given adequate resources to do this. Ultimately it is the responsibility of the authority to produce the scheme and it is by producing the scheme that it will enable ownership to be spread throughout the authority.

A group of public bodies within a local area including the local authority, police authority and health authority wish to involve disabled people in initial discussions about priorities for their Disability Equality Schemes.

Collectively they commission the local organisation of disabled people to identify 100 local disabled people to participate in a citizen's panel. The local organisation of disabled people is paid for this service and the local disabled people are reimbursed for attendance at the panel.

Making use of existing structures

Some public authorities might also make effective use of existing mechanisms of consultation to involve people in more detail.

A school might seek feedback on its Disability Equality Scheme from disabled pupils on its school council. Schools might also discuss their Disability Equality Scheme with disabled staff or disabled parents who are members of their parent/teacher association.

The public sector has many existing forums that are being used to involve disabled people in developing policy that can be used to involve disabled people specifically in Disability Equality Schemes.

A local authority supports a Deaf and hard of hearing forum. This forum is held twice a year for anyone who is Deaf or hard of hearing that uses Social and Health Services.

The local authority uses this forum to involve Deaf and hard of hearing people in developing their Disability Equality Scheme. The group is also used to monitor the scheme's progress throughout its three year implementation.

Some public authorities already have established relationships with representative organisations. These are also a good place to start involving disabled people in developing a Disability Equality Scheme.

User and staff networks

Similarly, authorities with a particular focus of activities may find it useful to make use

of existing channels. A social services department might involve its service user forum; while an NHS trust might use its patients' forum and staff networks.

Trade unions

The involvement of workplace trade unions will help ensure that all relevant issues relating to employment are addressed.

Many unions have networks or groups of disabled members able to provide relevant advice and information, as well as links to local communities of disabled people. They may thus also be able to assist with identifying suitable actions in relation to the service delivery element of the Disability Equality Scheme.

Embedding involvement

Public authorities should take a long-term approach to building capacity of representative bodies over the lifetime of a Disability Equality Scheme. This is particularly important where the initial scheme has highlighted gaps in involvement.

Particular care should be taken to ensure that organisations that

represent black and minority ethnic communities or seldom-heard-from groups are in a position to support future or ongoing involvement. This will often be done more effectively by public authorities working together to support or fund organisations.

Involving disabled people does not necessarily have to be a completely separate process from other strategies within a public authority.

The involvement of disabled people can be embedded into existing structures where possible and appropriate. This will need to be reflective of the specific rights and requirements of people covered by the Disability Discrimination Act, and focused on objectives defined through the Disability Equality Duty.

For example, it may be applicable to use citizen juries as part of an involvement strategy provided the meetings are open, accessible and that there is a significant contribution from disabled people.

A public sector housing provider, such as a local authority, may wish to set up a specific Tenant

Participation Compact for disabled tenants. Compacts are agreements between council landlords and tenants setting out how tenants will be involved in decisions affecting their homes and communities. Many housing providers already have these Compacts or Tenant Participation Strategies in relation to specific issues such as community safety or for particular groups like black and minority ethnic communities. A specific compact for disabled people could provide a structured and effective way of involving disabled people in a range of key decisions.

Using the 'Improving the Life Chances of Disabled People' strategy

UK government departments and other public authorities that are implementing the strategy 'Improving the Life Chances of Disabled People', January 2005, should involve disabled people in a co-ordinated way in creating and monitoring Disability Equality Schemes.

‘Improving the Life Chances of Disabled People’ was published by the Prime Minister’s Strategy Unit in conjunction with the Department for Work and Pensions, Department of Health, Department for Education and Skills and the then Office of the Deputy Prime Minister. The strategy covers England, Scotland and Wales but naturally assumes devolved government functions in Scotland and Wales can follow a different course.

Involvement of disabled people is a key component of the ‘Improving the Life Chances of Disabled People’ strategy which also looks at policy at a high level.

User protocols

The ‘Improving the Life Chances of Disabled People’ report also recommends that user protocols be developed with disability organisations, for all government departments.

Public authorities should already be aware of the need to develop user involvement protocols for both commissioning and monitoring services, when engaging with disabled people.

This protocol should include:

- early involvement of disability organisations in policy development
- seeking information from disability organisations on the impact of policy options
- agreeing criteria for disability equality involving disabled people
- payment of fees and expenses for involvement; and
- addressing all access rights and requirements when involving disabled people and their organisations.

For some smaller public authorities, this approach may be disproportionate, and they might make effective use of existing mechanisms of involvement.

View the process as a **professional partnership**



7. Wider involvement

This chapter provides information about the benefits of involving, and how to involve, disabled people which goes beyond the framework of the specific duties. This will be of interest both to public authorities subject only to the general duty and also to public authorities who are subject to the general duty and also the specific duties.

Disabled people will often need to be involved in how a public authority meets its general duty. Although there is no specific legal obligation to involve disabled people in meeting the general duty (the specific legal obligation applies in relation to those who additionally have the specific duties), in practical terms it will be very difficult to meet the duty without involving disabled people.

All public authorities will find that their performance on promoting disability equality and the other aspects of the Disability Equality Duty will be more effective if their involvement of disabled people is both wide and long term.

Promoting equality

Involvement will often be an extension of good practice that already exists when designing or delivering high quality public services.

A Strategic Health Authority is planning to introduce a new cancer screening programme. People with mental health conditions have been less likely to take part in previous programmes.

The Strategic Health Authority has a duty to promote equality of opportunity between disabled people and other people. This means those responsible for delivering the programme will have to ensure that the service is designed to offer the same opportunities to disabled people as other people.

To do this effectively they will have to involve people with mental health conditions in planning the service. This could be done across several Strategic Health Authorities by setting up a group of mental health service users to advise on how screening programmes could be made more accessible.

Eliminating unlawful discrimination

Involving disabled people will also help organisations eliminate unlawful discrimination under the Disability Discrimination Act (DDA). Disabled people can bring additional information to the organisation about potential discrimination. Whilst this is no substitute for organisational procedures to identify unlawful discrimination, it can help the organisation in improving this area.

A college has robust procedures for eliminating discrimination including high standards for access and adjustments plus training for staff on the DDA. However regular meetings with Deaf students and staff identify problems with a new booking system for the college gym which is difficult for some Deaf people to use. The college immediately put changes in place.

It is brought to the attention of a National Park that they have not provided information in accessible formats for visually impaired people on their walking trails.

It would be a reasonable adjustment for the park to provide this information in alternative formats. As such it is unlawfully discriminating against a group of people covered by the DDA.

To help identify other areas where the park may be unlawfully discriminating, and to get advice on how it should provide and distribute the alternative formats, it involves a group of disabled ramblers.

It does this by holding a meeting with the ramblers twice a year.

By doing this the park is not only meeting its general duty, it is helping ensure its resources are spent wisely.

Eliminate disability-related harassment

It is common sense that an organisation seeking to eliminate disability-related harassment will have to involve disabled people in some way in determining how the harassment is eradicated.

Disabled people will, as a minimum, need to be involved in developing strategies to gather evidence on harassment and to identify how best to stop it.

A government department has identified that it is not retaining disabled staff members in customer-facing posts. One reason that has been recorded at exit interviews is that managers are not supporting disabled staff members when they are verbally abused by members of the public.

The department has a duty to eliminate disability-related harassment.

The department involves disabled staff members through a trade union to identify what additional support is needed so managers can respond appropriately.

Participation in public life

As part of the general duty, public authorities are required to have due regard to the need to encourage participation by disabled people in public life. Involving disabled people in the public authority in its widest sense will not only benefit organisational performance on disability equality but will also help to meet this area of the duty.

More favourable treatment

Public authorities will be required to take steps to meet disabled people's needs, even if this requires treating disabled people more favourably than non-disabled people.

It will often be the case that in order to identify the most appropriate steps needed the organisation will need to involve disabled people.

A local authority has put in place measures to ensure that their libraries are accessible for disabled people and close to accessible transport. However, a survey has found that a considerable proportion of older disabled people do not use the service. The survey identifies that for some older disabled people, such as those with

mobility impairments, visiting the library is still something which is difficult to undertake on a regular basis. The authority decides to additionally offer a service of home delivery of books for older disabled people who are unable to regularly visit the library.

Following this meeting, the library services initiate a scheme where people who use mental health services in the local authority are not fined. This is more favourable treatment but enables a group of disabled people to continue using a public service.

Embedding involvement

In order to ensure that the involvement of disabled people has the maximum impact all public authorities may wish to consider:

- involving disabled people in disability equality impact assessments
- maintaining a regular dialogue with disabled people; and
- ensuring that disabled people have a mechanism for giving feedback on the public authorities progress on the various aspects of the Disability Equality Duty.



8. Who needs to be involved

The following chapter provides the context for which disabled people should be involved in an organisation meeting both its specific and general duties.

The Disability Equality Duty refers to disabled people and this is based on the definition of disability used in the Disability Discrimination Act (DDA) 1995 (as amended by the DDA 2005). This applies to a wide range of disabilities including long-term health conditions.

The DDA 2005 covers people with a variety of impairments such as:

- learning disabilities
- mental health conditions
- mobility impairments
- blind and partially-sighted people
- Deaf and hearing-impaired people; and
- progressive long-term health conditions such as multiple sclerosis and HIV.

It also includes:

- people with hidden

impairments, for example people with long-term health conditions such as diabetes; and

- people who not consider themselves to be disabled such as some older people with acquired visual or hearing impairments.

The general duty

The duty requires authorities to consider the equality of all disabled people who fall within this definition. This means that public authorities may need to consider the impact of specific impairments as well as the general issues which might affect all disabled people.

The specific duties

The specific duties place a responsibility on public authorities to involve disabled people who appear to the authority to have an interest in the way the authority functions.

Public authorities should take a liberal approach to interpreting who should be involved. Many disabled people have an interest in the functions of a public authority even if it does not seem

immediately obvious. Public authorities and UK government or devolved government departments should take particular care to involve a wide range of disabled people even if they initially appear to have limited disability-related functions that disabled people may have an interest in.

It should also be remembered that the specific duties apply to past, current and potential future employees covered by the DDA.

Organisations will sometimes need to involve disabled people even if they do not consider themselves to be disabled. This may require specific strategies to involve groups such as older people or people with medical conditions such as cancer.

A Community Health Council has recognised that it does not receive contributions from people with neurological conditions as part of its involvement exercises.

It involves a local support group to understand how it can reach out to these groups. It also draws up new terms of reference which enables people to contribute to meetings if

they are unable to attend due to ill health.

Who has a right to be involved?

There is no legal right for any particular individual person, organisation or group to be involved as part of any public body meeting its Disability Equality Duties. Public authorities should respond in a considered way to requests by disabled people or organisations that approach them, wishing to be involved. Whether or not it is reasonable to involve them will depend upon the remit of the public authority, the involvement range of mechanisms adopted by the public authority and the particular expertise of the individual or organisation.

A police force receives a complaint that it has not involved a mental health advocacy group in developing personal safety information for vulnerable groups. The manager of the advocacy group is angry that they were not involved in the process.

The police force welcomes the fact that the advocacy group has got in touch. They explain that lots of

different people were involved in the development of the leaflet including individual people with mental health conditions. These people applied to be part of the group via a local paper who also sponsored the leaflet.

The police force asks the local advocacy group to take part in a consultation exercise. They also suggest that the police force could pay for the leaflet to be distributed to members of the local advocacy group.

If a particular group of disabled people make themselves known to a public authority over a disability discrimination issue between the development of Disability Equality Schemes, the authority should take the view that the group appears to have an interest in the way the authority carries out its functions. As such they should be considered for involvement in subsequent schemes.

Not forgetting the diversity of disabled people

The long-term viability and success of involving disabled people in meeting an organisation's Disability Equality Duties will be dependent

on including people from a range of backgrounds and with different conditions and impairments. This is because disabled people experience many different types of barriers, many of which are not obvious to other disabled people.

An overall involvement strategy should be focused on including disabled people who encounter different barriers. This will help organisations meet the needs of all disabled people rather than developing expertise in particular areas.

It is unlikely that organisations that attempt to involve people by ticking off 'types' of disabled people on an 'involvement list' will meet their Disability Equality Duties.

Seldom-heard-from groups

Involvement strategies will often need to target disabled people from 'seldom-heard-from groups'. This is a way of describing groups of people who have a very limited voice in the way public services are developed. These groups include disabled children, people with mental health conditions, learning disabled people and people with

Involvement strategies should be focused on including disabled people who encounter different barriers

high support needs or people with multiple impairments such as deaf-blind people. It can also describe disabled people who have been or are in the criminal justice system, people from traveller communities and gay, lesbian and bisexual people.

People from seldom-heard-from groups not only encounter discrimination within public services but have sometimes been marginalised by the wider community, including other disabled people.

Public authorities, as part of an evaluation process, should consider how they involve people from seldom-heard-from groups in their initial Disability Equality Scheme. Where there are gaps, public authorities should try to build capacity of organisations that can support involvement in future

schemes. This could be most efficiently undertaken where public authorities work together.

Again, it should be stressed that this should not be a tokenistic exercise but a genuine involvement of a full range of disabled people.

It may be particularly relevant for some public authorities to involve seldom-heard-from groups where it is proportionately important. This should be based on common sense. For example, an authority that provides a significant amount of services to people with mental health conditions should take care to involve this group in its involvement strategies.

Black and minority ethnic (BME) groups

Disabled people from BME communities may experience inequality based on both their disabilities and on their ethnicity.

Sometimes this can mean that disabled people from BME communities are more likely to find barriers within the public sector than other disabled people. For example, it has been identified that lack of accessible information has led to low uptake of services for learning disabled people from South Asian communities.

Involving people from BME communities will often be part of an organisation's general approach to meeting their Disability Equality Duties. Some public authorities have good links and can establish effective involvement with disabled people from BME communities. This can mean that BME community involvement can be 'mainstreamed' within the wider involvement process.

Public authorities should, however, be mindful that disabled people may experience discrimination within BME communities. This discrimination can often mean that impairments remain hidden. Disabled people may also not be encouraged to take part in processes

or the contributions of people with particular impairments not valued.

It is, however, likely that significant involvement will only be achieved where the capacity of organisations that can represent disabled people from BME communities is appropriately funded. This could be most efficiently undertaken where public authorities work together.

There are a number of ways of ensuring that disabled people from BME communities can in some way contribute to initial Disability Equality Schemes. For example:

- ensuring involvement mechanisms or opportunities to contribute to the involvement process are promoted to BME communities through targeted publicity
- holding specific focus groups aimed at people from particular communities which can be facilitated in community languages; and
- holding events aimed at older people or women from BME communities.

Disabled children

The DRC recommends that public authorities involve disabled children when drafting their Disability Equality Schemes. In some areas of public sector activity, this will be of greater importance (for example, schools, social care services and youth work). To do this, public authorities may want to use a combination of methods and to involve young disabled children in the process (eg in the design of and making a presentation). Some of the methods public authorities might want to use include:

- drama
- reports
- graphs and summary tables
- posters
- presentations
- video
- audiotape
- press releases

- summary letter written by young disabled people
- visual forms eg art or photography
- visual diagrams and summaries; and
- exhibitions.

Much good practice already exists to assist public authorities in this process. For example, a Participation Charter developed by the National Children's Bureau lists why participation is an important right for children in public services as well as describing how and where this might operate (www.participationworks.org.uk). Another useful practical resource to utilise is a 'Re:action Consultation Toolkit': a practical toolkit for consulting with children and young people on policy issues (www.create-scotland.co.uk/docs/reaction_toolkit.pdf). The same principles of access as described in this guidance apply to ensuring that disabled children are supported in their involvement.

9. Budgets

This chapter deals with budgets and the payment of disabled people.

The need to set realistic budgets

The specific duties require public authorities to involve disabled people. This will include public authorities providing specific resources to involve disabled people in creating Disability Equality Schemes. Budgets for engaging with disabled people must take realistic account of the often significant costs associated with ongoing communication and collaboration.

It is also likely that the successful implementation of Disability Equality Schemes will lead to further and continued resources being made available to routinely involve disabled people in the delivery of services that remove unlawful discrimination.

A government department is investing several million pounds in creating a web-based portal so their staff can manage some of their own human resources functions. This enables individual staff members to manage

important employment issues such as which bank accounts staff salaries go into.

The department sets aside an ongoing budget to involve disabled people in how the system will be created, managed and delivered to staff. This includes an email support option for people with a hearing impairment.

Payment of disabled people

Resources should be made available for disabled people to be involved in developing Disability Equality Schemes. Disabled people or disability organisations should be paid when acting as consultants to schemes, or when they are organising broader consultations etc.

If it is agreed that payment might be appropriate there are a range of legal and practical issues which would need to be considered and resolved, for example, potential impact on any benefits and tax and national insurance implications.

Where a person is in receipt of benefits and is unable to receive a fee or a one-off financial gift there may be other methods of remuneration. This could involve a donation to a representative group they are a member of or the offer of in-house training.

Expenses including travel and childcare should always be fully reimbursed.

Payment for disabled people as part of the wider Disability Equality Duty

It might be appropriate for a fee to be paid if disabled people and their organisations are being asked to do something for which the public authority would normally be expected to pay. For example, advising on the adaptation of a website to make it an accessible tool for involvement.

It is suggested that this issue is discussed early on in the process of involvement to ensure an agreed position and any practical issues are identified and resolved. If it is agreed that payment might be

appropriate there are a range of legal and practical issues which would need to be considered and resolved, for example, potential impact on any benefits and tax and national insurance implications.

If a public authority commissions a specific piece of work to be undertaken by a disability group, then it will be appropriate for this to be recognised by agreeing in advance a payment or contribution. The level of such payments would need to reflect the amount of work and expertise involved.

It is worth noting that the Government's report 'Improving the Life Chances of Disabled People' identified that one of the areas which should be included in the protocols governing the involvement of disabled people in policy development included the payment of fees and expenses. It is reasonable to expect, therefore, that the issue of payment is discussed and an agreed line taken at an early stage to avoid difficulties and misunderstandings at a later stage.

10. Other information

The DRC are producing a wide range of guidance to help disabled people, their organisations and public authorities prepare for and implement the Disability Equality Duty.

This guidance, as well as the overview guidance and guide for disabled people, will be published in a range of formats. The following guidance documents produced in 2006 and 2007 will be online-only documents and can be downloaded free of charge from the DRC website: www.dotheduty.org

- Central government briefings (England)
- Education – Higher Education and Further Education
- Education – Schools (England and Wales)
- Education – Education Authorities (Scotland)
- Employment
- Evidence gathering
- FAQ for education in schools in Scotland
- Health (England and Wales)

- Health (Scotland)
- Housing
- Impact assessments
- Listed authorities – a list and explanation (Scotland)
- Local authorities
- Planning and Highways
- Procurement – a technical note
- Scottish Executive Departments and Agencies (further chapter in future for Scottish Ministers, 2006)
- Social Care (England)
- Social Care (Wales)

You can get a copy of the published guidance by contacting the DRC Helpline – see the back cover of this booklet for details.

Copies of the Act and regulations made under it can be purchased from The Stationery Office. Separate Codes covering other aspects of the Act and guidance relating to the definition of disability are also available from The Stationery Office. The text of all the DRC's Codes can also be downloaded free of charge from the DRC website.

For more information and practical advice on the Disability Equality Duty visit:

www.dotheduty.org

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Disclaimer

This booklet has been produced to provide guidance to public authorities on how to effectively involve disabled people in relation to authorities' obligations under the Disability Equality Duty. It is not a statement of the law, and readers are referred to the Statutory Code of Practice for full information on the law.



If you'd like this publication in an alternative format or language please contact the Helpline. It's also available on the DRC website.

You can contact the DRC Helpline by voice, text, fax, post or by email via the website. You can speak to an operator at any time between 8am and 8pm Monday to Friday.

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