The Disability Equality Duty

Guidance on gathering and analysing evidence to inform action

Foreword

We all want to live in communities where we can participate fully and equally. We all want our children to do well at school and at college. We all want to be able to use services and not to be excluded. We know that for many disabled people this hasn't yet happened and there remains considerable work to be done to reach this objective.

To ensure we do so we have the Disability Equality Duty for the public sector. This new legal duty will mean that any public body must look at ways of ensuring that disabled people are treated equally. A similar duty was introduced on race equality a couple of years ago.

This new law requires organisations like yours to be proactive in ensuring that disabled people are treated fairly.

However, this duty is not necessarily about changes to buildings or adjustments for individuals. Other parts of the Disability Discrimination Act have already dealt with these areas. It's about weaving equality for disabled people into the culture of public authorities in practical and demonstrated ways. This means including disabled people and disability equality in policy development and actions from the outset, rather that focusing on individualised responses to specific disabled people. It is about planning for equality at the beginning rather than trying to add it at the end.

It will not only improve your performance on disability equality, but will help you to meet your wider objectives and strategic priorities.

Bert Massie
DRC Chairman

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What is the purpose of this guidance?

This guidance considers the practical issues involved in gathering and analysing evidence about disabled people as part of the public sector Disability Equality Duty (DED). Along with a range of further guidance documents this guidance will support you in the effective implementation of the duty and help you meet your organisation's overall strategic objectives.

It is aimed at those responsible for assessing how well services are delivered, and employment opportunities are offered, to disabled people. It provides help on deciding what evidence to gather and the best way to go about this. It also provides help on how to analyse the evidence gathered.

The guidance places evidence gathering in the broader context of public authorities' duties to promote disability equality. Gathering and using evidence on disability is at the heart of the new duty. It is essential for public authorities to have as clear as possible a picture of how they are currently performing on disability equality to provide the basis for their Disability Equality Scheme (DES) and to chart future progress.

This guidance should therefore not be used in isolation. The evidence gathered on the organisation's activities and the conclusions drawn from the analysis must be used to determine what actions are needed to improve disabled peoples' daily lives.

Why collect evidence?

This guidance document outlines the key issues in gathering evidence as a means of assessing the impact of public policy on the daily lives of disabled people. It emphasises that disabled people are most likely to get involved in the process if they are clear on the purpose of the evidence gathering and where they will see a change to practices as a result.

Gathering and analysing evidence is an important element of the overall DED, but is not an end in itself. The focus of the duty is to

bring about greater equality for disabled people in society. The evidence gathering and analysis process is a means of deciding where action is most needed, taking such action, reviewing its effectiveness and deciding what further work needs to be done.

The DED has the potential to deliver real change for disabled people in the way they work, the way they receive services and the way they enjoy the benefits, respect and dignity of other citizens in society. Any structured approach to achieving this change begins with measuring where disabled people do not currently enjoy fair treatment and dignity in how they are treated. By adopting the recommendations in this guidance, public bodies can build up the methods for ensuring they play their part in creating a more inclusive society, tapping into the full potential of everyone.

Background

Historical lack of evidence on disability equality

Historically there is a paucity of evidence about disability equality. The Disability Equality Duty will require authorities to work to remedy this problem.

At a national level there is no one satisfactory data source. The Disability Rights Commission (DRC) currently relies on a range of national household surveys for disability data (see below for further details). However, these surveys are often very large and designed to focus on specific topics such as the labour force, family expenditure, health, etc and sometimes only include one question on disability. While these household surveys do offer detailed information on topics such as the labour market, their ability to measure disability prevalence and impairment reliably is often limited, particularly below national level.

In addition, estimates of prevalence alone at the national level are not always sufficiently informative. Instead, considerable additional information about the distribution of disability at a local or regional level, by different impairment groups, by ethnicity, by different age group etc is required.

At both a national and an institutional level many organisations do not disaggregate their existing data sources to reflect the particular experiences of disabled people.

Also, some survey questions conflate the boundaries between 'health', 'illness' and 'disability'. However, a person who is ill may not be disabled, and conversely a disabled person may not have an 'illness', therefore care is recommended in formulating disability questions.

Above all, such information as has historically been collected has generally not been informed by the social model of disability, and this limits its use for the purpose of promoting disability equality.

Social model of disability and gathering information

The social model was developed by disabled people in opposition to what came to be known as the medical model of disability. The key difference between these two models is the location of the 'problem'. In the individualistic medical model, disabled people are unable to participate in society as a direct result of their impairment. This model explains the difficulties faced by disabled people in their daily lives as individually based functional limitations.

A social model approach states that people with impairments are disabled by physical and social barriers. The 'problem' of disability results from social structures and attitudes, rather than from a person's impairment or medical condition. This approach has influenced a rights-based view of equality for disabled people and represents the key to understanding and implementing the DED, the aim of which is to understand and dismantle the barriers which exclude and limit the life chances of disabled people.

Those commissioning research and gathering information in relation to disability equality need, therefore, to have a solid understanding of the social model of disability.

'The benefits of undertaking research from a social model perspective, both for disabled people and for organisations, cannot be stressed too strongly. By focusing on the barriers disabled people face knowledge is gained of changes organisations need to make, in terms of things they can do and things that should benefit a range of different people. There is more commonality between the access needs of people with different impairments or medical conditions than medical model structured research can draw out. From an organisational perspective this helps us to understand the changes that will provide the widest benefit.'[1]

The social model should inform not only how the research or information gathering process is designed and analysed but the method of its production. This can be achieved by involving disabled people in designing mechanisms for gathering information

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[1] Greater London Authority (2006) Towards Joined up Lives

and ensuring that the information produced is transparent and easily accessible for disabled people.

Evidence gathering in the context of the Disability Equality Duty

We summarise below the key elements of the Disability Equality Duty
Further information about all aspects of the duty can be found in the DRC statutory Code of Practice: The Duty to Promote Disability Equality (and its equivalent Code for Scotland) at www.dotheduty.org.

Who does the duty apply to?

The duty to promote disability equality applies to all public authorities, (with a handful of specialised exceptions), and also organisations which exercise some functions of a public nature.

What is the duty?

The duty requires public authorities, when carrying out their functions, to have due regard to the need to:

- promote equality of opportunity between disabled people and other people

- eliminate discrimination that is unlawful under the DDA

- eliminate disability-related harassment,

- promote positive attitudes towards disabled people

- encourage participation by disabled people in public life

- take steps to meet disabled peoples needs, even if this requires more favourable treatment.

The duty covers all functions and activities, not just employment and service delivery, but budget setting, procurement, regulatory functions and setting the framework within which the organisation

will deliver services.

Disabled people

The definition of disability is that used in the Disability Discrimination Act and applies to a wide range of disabilities (from people with Alzheimer's and arthritis, to those with learning disabilities, depression, diabetes, cancer etc). (Further guidance on the definition is contained at www.drc.org.uk) It is acknowledged that different definitions of disability may have been used by different authorities for specific aspects of their work. It is essential that public bodies consider the impact of their decisions on the full range of disabled people.

Disability Equality Schemes and the specific duties

Major public authorities, including local and central government, NHS trusts, schools, colleges and universities and the emergency services are subject not only to the general duty but also have a set of specific duties which are designed to help them effectively meet the overall general duty. Those public bodies who are listed in regulations (which are reproduced in the DRC Statutory Codes of Practice) must publish a Disability Equality Scheme demonstrating how they intend to fulfil their disability equality duty.

The DES is a framework to assist authorities in planning, delivering, evaluating and reporting on their activities to ensure compliance with the general duty.

Contents of Disability Equality Schemes

The essential elements which the DES must cover are:

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

- the Action Plan (steps the authority will take to comply with general duty)

- arrangements for gathering information about performance of the public body on disability equality

- arrangements for assessing the impact of the activities of the authority on disability equality

- details of how the authority is going to use the information gathered, in particular in reviewing the effectiveness of its Action Plan and preparing subsequent schemes.

Acting on the Disability Equality Scheme

The DES must be published. It can be contained within other documents, such as an annual report, but it is essential that disabled people (and other interested parties) know where to find it and that the essential elements of the scheme are in one place.

A report on the implementation of the scheme needs to be published annually. Public bodies must review and revise the Scheme every three years.

The public body must also assess the effectiveness of the steps it takes to promote equality. For example, it may look in particular at its success in increasing disabled people's use of services, or examine whether the services provided are adequately meeting disabled peoples' needs.

A public authority must, within three years of the Scheme being published, take the steps set out in its Action Plan unless it is unreasonable or impracticable for it to do so.

National leadership by Secretaries of State, Scottish Ministers and National Assembly Ministers

Certain Secretaries of State, the National Assembly for Wales and Scottish Ministers will have to publish a report every three years that gives an overview of the progress made by public authorities in their areas of responsibility in relation to disability equality. They must also set out proposals for coordination of action by those

public authorities in that area of responsibility, to bring about further progress on disability equality. This duty allows for a greater degree of strategic co-ordination across government, and requires the development of a framework for consistent information gathering processes, benchmarking and target setting throughout the areas of responsibility.

Enforcement

The DRC has the power to take legal action where authorities fail to carry out their responsibilities and in addition authorities may be subject to judicial review by interested parties.

Gathering evidence

Purpose of information gathering

Evidence gathering is part of the process of achieving greater equality for disabled people, treating employees, service users and members of the community more fairly and with respect.

As we discuss below, it is vital that those gathering evidence understand its purpose and the broader context and that this is also explained to those who are asked to disclose information.

The process of information gathering as part of the DED is not an end in itself but is a vital mechanism to enable public bodies to make better decisions about what actions would best improve disability equality. The information will allow authorities to:

- assess their performance
- carry out effective impact assessments
- identify barriers to good performance and actions for improving
- review progress and adjust actions as appropriate
- set targets for improving outcomes
- benchmark against other comparable authorities.

To fulfil these requirements it will be important to look at both outcomes such as educational attainment, the numbers of disabled people in employment grades, and satisfaction levels, and at the sort of barriers disabled people face, such as inaccessible communication mechanisms. Analysis of gaps or disparity in outcomes and investigating particular barriers will help to identify appropriate actions to produce improved outcomes for disabled people.

How evidence gathering fits into the Disability Equality Duty

Gathering evidence is both a specific requirement within a DES and an indispensable prerequisite for complying with other aspects of the duty.

How can an organisation demonstrate that it has given due regard to disability equality without an evidence base?

A sound evidence base is also a necessity for conducting impact assessments and for devising and reviewing the effectiveness of an Action Plan.

Impact assessment

Public authorities must make arrangements for assessing the impact of their functions on equality for disabled people. This applies not only to new policies, programmes and practices but also established ones. This process is discussed in the analysing the evidence section below. The collection of a broad range of data on disabled people's requirements and interaction with the authority (as service users, employees or members of the broader community) is essential for this purpose.

Setting targets

The DRC recommends setting specific targets to ensuring that due regard is paid to disability equality in key employment or service delivery areas.

To establish successful outcomes for disabled people it will be important to know what success will look like. This may mean receiving a service as quickly as everyone else, in the format disabled people want, in the way they want. It may mean being fully involved in public activities, represented in marketing and promotional work; it may mean public attitudes to disability changing as a result of positive interventions.

It will be important to involve disabled people in establishing which areas to set targets within, and what these targets should be. See section on analysing evidence for further discussion.

Lack of evidence – not an excuse for inaction

Naturally in some areas it will take some time for robust data sets to be developed on disability equality. It is important that in the meantime the historical failure to collect information is not used as an excuse for inaction. Sometimes the extent of a problem for certain groups of disabled people is self-evident without the need for an extensive evidence gathering process to confirm in detail the nature of the problem. In these circumstances the focus should be on action – on what needs to be done to promote equality for disabled people. Implementing new mechanisms for gathering evidence can take a long time – it is important that authorities do not wait for the additional information to become available before taking action. The following is a good practice example of this point:

In drawing up the Local Development Frameworks section regarding future housing provision, a local authority in England involves local disability groups who raise the issue of the chronic shortage of accessible housing. They argue the need for all new housing to be constructed to Lifetime Home standards, and for a proportion to be built to wheelchair housing standards.

The local authority staff investigates the evidence base to support these proposals. They find substantial information about the regional prevalence of disabled people, and in particular the mobility impairments which would particularly benefit from Lifetime Home standards (from the housing need surveys). However, there is no statistical information about the regional prevalence of wheelchair users. Rather than using this absence as an excuse for inaction they take further evidence of the extent of the specific shortfall in provision of wheelchair housing from local groups, and also from local housing, social services and health authorities. They also consider the relevance of the evidence base of other regions.

On this basis they establish a target of 20 per cent wheelchair housing. They also look at steps to improve the regional evidence for housing need of people with a variety of impairments.

What does the organisation need to gather information about?

The information gathered needs to be sufficient to inform the public body about their delivery on disability equality and to assess their performance and priorities.

The DED gives the basis for determining what is required. Authorities should consider what evidence they need to collect to demonstrate that they are giving due regard (and specifically to assist with impact assessments) to all those aspects of disability equality which are relevant to their operations. The general duty requires public authorities to have due regard to:

- the need to promote equality of opportunity between disabled people and other people (For example, do disabled people have the same chances in accessing promotion, employment, services provided as others?)

- the need to eliminate discrimination that is unlawful under the DDA (For example, is there evidence that disabled people are being treated less fairly than others because of practices that act as barriers?)

- the need to eliminate disability-related harassment (For example, is there evidence of disability–related hate crime or bullying)

- the need to promote positive attitudes towards disabled people (For example, is work being undertaken to challenge negative societal stereotypes about what disabled people can do or how they feel?)

- the need to encourage participation by disabled people in public life (For example, is there fair representation of disabled people (specifically the diversity of disabled people) on your Board, advisory bodies or consumer panels?)

- the need to take steps to meet disabled peoples' needs, even if this requires more favourable treatment. (For example, is there evidence that disability-specific services meet the need of their

users?).

For further details on the elements of the duty, see the Code of Practice on the Disability Equality Duty – www.dotheduty.org.

In addition, those authorities who are required to produce a Disability Equality Scheme must include within it arrangements for gathering information on:

- the impact of the public body's policies and practices on the recruitment, development and retention of its disabled employees

- the extent to which the services it provides, and the other functions it performs, take account of the needs of disabled people.

It is recognised that specific factors apply to educational bodies. The second duty does therefore not apply to specified educational bodies, which are instead specifically required to 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, students and learners.

The type of information which is needed to assess the impact a public body's work is having on disabled people will vary significantly between authorities.

Each organisation will need to gather evidence across its areas of operation. So for example, a local authority would need to gather information on functions including employment, housing, planning and leisure. (More information on specific information needs is provided in a range of sectoral guidance documents at www.dotheduty.org).

The areas which require attention are specific to organisations and they – and disabled people – will best know what the practical areas of concern might be. The following are examples of this:

A Fire Brigade reviewed the figures it had gathered over a five year period. Over a fifth of accidental dwelling fire death victims had some form of disability, and disability was a common reason cited for the victim's body being found next to the fire. The Fire Brigade designed into their data collection the ability to track whether or not people who die in fires are disabled – to measure whether or not the policy changes which they adopt to improve safety for disabled people are succeeding in reducing these deaths.

In Scotland, NHS Borders and Scottish Borders Council jointly commissioned a "Scottish Borders Social Atlas". The Atlas maps a wide range of social, morbidity and mortality indicators at a very local level for the first time in the Borders. It illustrates the variations in health and quality of life across Borders Communities and provides a foundation for the development of policies to promote better health in local communities and will inform decisions regarding the allocation of resources. Disability measurements include rate of claimants on Incapacity Benefit or Severe Disablement Allowance and the rate of long-term limiting illness.

The Metropolitan Police through its Hate Crime Sub-Group identified that there were no effective national figures on disability hate crime. As a result the Metropolitan Police put in place a system to gather statistics specifically on disability and used an advertisement campaign to profile the issue. The Metropolitan Police had identified that disability hate crime was not receiving the profile that it needed, and to satisfy its commitments to promote good relations and foster inclusion (as well as promoting better disability equality) it profiled the issue.

Particular processes need to be considered with regards to disability-specific services to ensure that they take adequate account of disabled peoples' needs and are provided in a way which facilitates choice and equal access to social life and civic participation, including education and employment. This may be an area where it is particularly useful to identify through surveys of users what are the major barriers to these equality goals, and measure over time whether these obstacles have been removed.

To decide what information is needed, public bodies must address several key questions:

- **Is the authority collecting evidence in relation to all relevant aspects of the general duty?**

- **Is the authority required to produce a Disability Equality Scheme? If so, is it collecting the required information to include in that scheme?**

- **What is the aim of the public body's activities? How is success judged?**

- **How do the public body's activities impact on disabled people?**

- **What is the experience of disabled people?**

- **What is the experience of disabled people compared to other groups – eg people who are not disabled?**

- **What specific barriers to disabled people's full participation in services/employment have been identified?**

- **Do people with certain disabilities have different experiences of the service/employment?**

- **(Following the adoption of appropriate remedial actions) Have the outcomes for/experiences of disabled people improved?**

The information needs in relation to disability equality of an organisation are likely to change over time, as the focus of activities shift. For example, discussed below in the section on measurements relating to different impairment groups is that organisations may want to start by collecting and using information solely on a disabled/non-disabled axis, only moving on to monitoring by impairment category and barriers when they are confident that they can use this more sophisticated level of information.

Involving disabled people in prioritising evidence gathering

The emphasis should always be on identifying outcome-oriented actions rather than outputs which are easily measured but do not necessarily measure the key experiences which matter to disabled people.

Authorities will find that involving disabled people in prioritising evidence will reap rewards, as authorities will then be able to tackle the key problems identified by disabled people, and avoid the risk that they divert resources to gathering detailed information about areas with little significant impact on disability equality. The following is an example of this:

A primary school examines its policies in relation to key outcomes for assessing equality of achievement in educational attainment and, for example, attendance levels. It also learns from engaging with parents of disabled children that the extent to which the school provides a supportive environment for their children is their crucial concern. The school therefore considers – with the parents - what measures might indicate a supportive environment.

Examples may be the number of exclusions categorised by impairment to see if there is evidence that these have been used as a way of managing challenging behaviour, the participation of pupils in school trips, in positions of responsibility at school, involvement in extra-curricular activities.

Particularly, but not exclusively, in the relation to secondary schools it is important that schools also consider how to involve disabled pupils themselves. In Scotland, this process would be carried out by the Education Authority.

Involvement is different from consultation. It requires a much more active engagement of disabled stakeholders at all stages. Effective involvement will ensure that disabled people are engaged in a meaningful way which allows them to influence the public body's decision-making processes.

A public body is unclear initially what information on disabled employees it needs to prioritise to effectively promote disability equality. It undertakes to monitor the success of disabled people during the recruitment and selection process, as it does for candidates by gender, to see if there is evidence that fewer disabled people apply for jobs or are successful at each stage of the selection process than would be expected given the numbers of disabled people available for work locally.

However, when it discusses its recruitment, selection, development and retention policies with local disability groups and the Trade Union Working Group set up on disability, the employer learns that the major area of concern is how staff are treated within the organisation. In particular the issue is raised of how staff who acquire a disability during their working lives are treated.

As a result of involving disabled people at an early stage in determining what information needs to be gathered, the public body decides to concentrate resources on gathering information on the number of staff who have acquired disabilities, their retention rates within the organisation and whether they are more likely to leave as a result. Involvement of disabled people in determining the key outcomes and measures of disability equality allows the employer to concentrate its action on the key area of concern for disabled people.

What sort of information to gather?

A distinction is usually drawn between two different types of information or data: qualitative and quantitative.

Quantitative data

Quantitative data refers to numeric data, and can involve counting and measurement of people, behaviours, conditions or other events. Statistical analysis / techniques help us make sense of and summarise quantitative data. Some examples include:

- the number or per cent of disabled people who are in work from the Labour Force Survey

- the practice of some police forces collecting statistical information on the incidence of disability hate crime

- information on examination results

- numbers or per cent of disabled people satisfied with a particular service as derived from staff / customer surveys.

A key strength of quantitative data is the numerical form of the data, which allows relatively easy analysis, as well as the ability to make comparisons, and draw concise conclusions.

Qualitative data

Qualitative data is extremely varied in nature and can refer to virtually any information that can be captured that is non-numerical. Some main types include; written documents (e.g. diaries, books, websites, memos, transcripts of conversations, annual reports, and so on), data recorded from interviews/focus groups; and data/images captured from direct observation.

The strength of qualitative data lies in the fact that data is rich and detailed, providing a good insight into the person's experiences and behaviour, and the possibility to reveal complexity and enhance understanding of latent issues. There is an additional advantage in that it allows participants to speak their own words, which for example, in practice can be effective in ensuring 'buy-in' from disabled people because of the opportunity for more active involvement.

Balancing qualitative and quantitative data

When undertaking evidence gathering in practice, caution is advised when choosing to rely on one type of data over the other. For example, excessive reliance on gathering statistics or 'head-counting' approaches may provide robust numbers of disabled people dissatisfied with a particular service, however it will provide little evidence on the reasons for the dissatisfaction or reasons underlying it. Therefore it is usually a good idea to strive

for a balance of quantitative and qualitative data within your evidence gathering processes, in aiming for a well rounded study that communicates well to a variety of audiences.

Very often quantitative will tell you what but only qualitative will give you an insight into why.

Methods of Data Collection

Data collection methods refer to the strategies or systems used to gather different types of information on people, programs or other elements of the evidence gathering process. Some of these methods can be used qualitatively or quantitatively and can also be combined in order to reach specific objectives.

The following are some common methods which may be considered in undertaking data collection:

- surveys and questionnaires
- interviews and focus groups
- secondary sources and data reviews
- observations
- desk research
- panels
- mystery shopping.

Each of the method of gathering information has its own inherent advantages and disadvantages, and the selection of method or methods to be used should be based on what kind of information is sought, for whom and under what circumstances. For example, whilst a questionnaire survey will allow you to gather quantitative information from a large number of people relatively efficiently, the information collected will be less in-depth than that achieved through interview or focus groups methods. It is therefore recommended that a range of methods is considered as part of the evidence gathering process.

A local authority is concerned at the small number of people with mental health problems who use the Direct Payments Scheme. It initially considers undertaking research to establish quantitative data to assess the extent of the problem. On further reflection it considers that the extent is already fairly evident. Instead it decides to undertake some qualitative user research to establish the reasons behind this as a means of identifying remedial action.

Building on existing data sources

Many organisations already have some information available on disability. A range of mechanisms are already used to collect information (from examination results in educational bodies, homelessness statistics in local government or PSA targets in central government). This information may already be disaggregated by disability, or if this is not already done, systems can usually be easily adapted to facilitate this.

Many organisations may be able to adapt existing mechanisms for gathering information to measure disability performance.

A public body has extensively used research to assess user-satisfaction with the services it delivers. However, it has not previously sought to determine if there are any differences in the levels of satisfaction experienced by different groups in society. By introducing an equality profile in its satisfaction questionnaire, where users are asked to identify if they are disabled, their sex, age band, ethnic background, religious / belief identity, the public body has a basis for determining if any groups have greater levels of satisfaction or dissatisfaction. This will allow it to then decide what future work can be undertaken to improve this. This approach is also likely to allow further analysis by multiple identity, for example, is there a particular level of dissatisfaction amongst older disabled people.

Filling evidence gaps

Whilst in some areas of public service there is already a significant amount of evidence, in other areas there is very little information or the data which is available has not been analysed. Even in those areas where information is available, because it has been gathered or very different purposes it may be unhelpful or even misleading.

A local authority wanting to assess the use of its leisure facilities considers whether to base this assessment on the information it has on residents who are eligible for discounted admission. It concluded that this was an inadequate base since it will only give them a very partial picture of disabled people using their leisure facilities, as it only includes disabled people in receipt of certain benefits. Moreover it also includes residents who are not disabled but are entitled to certain benefits such as council tax or housing benefit or tax credits.

Authorities will be outlining in their Disability Equality Schemes how they will fill some of these evidence gaps.

Should monitoring exercises be linked to collecting information about individual needs for reasonable adjustments?

It is difficult to give a hard and fast answer. In general it is advisable to separate mechanisms for identifying whether staff or service users require individual reasonable adjustments from systems for collecting statistical evidence for DED purposes for a number of reasons. A greater level of detail is required to ensure that, for example, an employer meets their responsibilities under the DDA towards an individual disabled employee, than to assess whether disabled people as a group are enjoying equivalent opportunities and outcomes to those enjoyed by non-disabled people.

As discussed earlier, clarity of purpose is essential in any evidence gathering. Using the same mechanism for identifying individual needs and for measuring an organisation's progress can be confusing both to those collecting and those providing the information. For example, a low level of requests for individual adjustments could mean that there are few disabled users or

employees or could mean that the service or employment is so inclusive that disabled people do not need to ask for adjustments.

In addition, using one exercise for both exercises means that anonymity cannot be afforded to respondents, which is the ideal condition for maximising responses to equality monitoring.

Devise a methodology

A methodology and route for identifying what should be measured and how to measure it should be developed by the public body. A step-by-step approach on how best to gather the information is recommended:

Step 1. Divide the functions of the organisation into manageable, discrete categories. For example, for a council these might include Human Resources, Housing, Planning, Leisure and Environment.

Step 2. Map out the disability information that is already available or that might be easily gathered in the future. For example, if leisure facilities already monitor people applying for leisure cards, it is easy to add an additional question on disability.

Step 3. Work out where the gaps in information are; involve disabled people in prioritising the gaps to be filled, and how best to do this.

Step 4. Review the information you have – where are the problems? Where is the situation unclear?

Step 5. Where there are problems, or the situation is unclear do more detailed follow-up work – focus groups, independent research etc.

Step 6. Report the evidence you have gathered

Step 7. Involve disabled people in agreeing the way forward;

Step 8. Incorporate the agreed next steps in the next version of the Disability Equality Scheme.

Enhancing the evidence gathering process

Disclosure by those who have a disability can initially be low. This can be for a combination of reasons. Fear as to the consequences of disclosure and failure to understand the broader benefits of disclosure in terms of improvements for disabled people are two important reasons. A third important reason is that many people with impairments or long term health conditions would not describe themselves as 'disabled'.

A number of key principles are core to ensuring that you get as much meaningful information as possible from disabled respondents:

- **Voluntary** – participants should know that their participation is entirely voluntary.

- **Confidential** – participants should be assured that personal information about them will not be disclosed to others without their permission.

- **Transparent** – participants should understand what is meant by 'disabled', why information is requested, and how it will be used.

- **Positive** – the public authority should make it clear that it will use the evidence gathered to develop good practice and bring about improvements.

- **Accessible** – adjustments should be made to allow the widest possible range of disabled people to speak for themselves.

- **Based on self-disclosure** – disabled people themselves should be asked whether they are disabled; managers should not guess whether their employees are disabled, and people working in the frontline should not be asked to guess whether customers are disabled.

- **Involving disabled people** in the design of the measurement or research.

- **Trained staff.**

Following these principles will enhance disabled people's confidence in the process of measurement, and so encourage disclosure.

Public authorities who adopt these approaches will be able to gather high-quality information on their own performance for disabled people.

Transparent

Making clear the objectives for the information gathering, the purpose for which the data collected will be used, review dates and mechanisms for modifying the plan, will also enhance the confidence of those asked to participate in the information gathering process, and thus enhance participation rates.

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

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

Accessible

Sometimes organisations fail to take account of specific issues which directly affect disabled people. Questionnaires may have been designed in a way which makes it difficult for some disabled people to complete them. Focus group activities may be organised in a way in which it is difficult for disabled people to participate. Some disabled people may require the assistance of interpreters or advocates to effectively participate in the information gathering process. Inclusive means of administering systems of measurement should be used to enhance the effectiveness of the process.

A local authority leisure department is aware that a number of learning-disabled people use their swimming pools, but do not appear to take part in the user survey. It talks to a local organisation of people with learning difficulties, and learns that its approach is not accessible to many learning-disabled people.

In order to find out what learning-disabled people think, it pays the disabled peoples' organisation to take part in running and publicising a special meeting with advocacy support.

Involving disabled people in the design

As discussed above in relation to social model research, it will be desirable to involve disabled people in all stages of the research/evidence gathering process. For example, you should try to build in the involvement of disabled people into all new proposed research projects, and for projects already underway, disabled people should be part of the steering project group and in the dissemination of findings. The results should be written up in plain language and disseminated to disabled people and their organisations so that they can use the research. This will contextualise the evidence and produce more focused and useful results.

In addition, in contracting research related work (eg to survey organisations) it could be a pre-condition, at the very least, that they could be expected to consult with disabled people before commencing the work.

DRC guidelines on commissioning ethical research are available from www.drc-gb.org/library/ethicalguidelines.asp

Trained staff

To ensure that information is gathered effectively, staff will need to be trained so that they understand why the data is being collected and an understanding of the social model will be important here. (If the collection of data is viewed as bureaucratic, it will be unlikely to generate data of sufficient quality to inform decision-making). Staff are also likely to require training to ensure that methods of gathering information are accessible to all, and that they are sensitive to issues of confidentiality and disclosure.

Confidential – where anonymity is not possible

Experience shows that anonymous monitoring leads to a better response rate – because individuals are often concerned about disclosing personal information.

There may be some situations in which it is not possible to collect information on an anonymous basis. For example, if you are tracking the progress of individuals to work out whether disabled employees are achieving promotions in an organisation as quickly as non-disabled employees. In these situations confidentiality must be guaranteed and reports of such exercises should be anonymised so that individuals cannot be identified.

Data protection

The methods used in any data collection should take account of human rights issues and comply with data protection principles.

In broad terms, anonymous data – for example, information gathered through a staff survey which cannot be traced to individuals – is unlikely to be subject to the Data Protection Act.

Where information is gathered on individuals, it must be held confidentially and will be subject to the requirements of the Data Protection Act. In particular there is a requirement to inform

individuals about who will process their personal data, for what purpose and any intended disclosure, where data which can identify an individual is being used. If in doubt you should consult with representatives of affected groups or relevant agencies before embarking on data collection. Remember the purpose of gathering information in relation to the DED is to determine the impact of existing and proposed policies, and monitor the success of initiatives undertaken. It should always be made clear that individuals have the right to decline to provide information.

Collecting data on or about disabled children

The process of collecting information about disabled children has traditionally involved interviewing parents, but there is increasing recognition of the importance of interviewing children themselves. An additional source of evidence can be administrative sources, such as health and education records. However, in practice, a combination of   approaches would be optimal, but the decision will ultimately dependent on the age (or cognitive ability) of the child and the subject matter of the exercise. A social model approach will also be useful in providing a broader framework within which to examine the variety of issues and needs of disabled children.

Consent issues

Including children in research / evidence gathering exercises can raise a number of ethical and consent issues. For example, it will be necessary to obtain the consent of parents to approach children to ask them to be interviewed. Some studies suggest obtaining this for children under 16, although younger age breaks may also be used.

It will also be necessary to obtain the consent of children to take part in the study. Here, it is important to ensure that children are aware that this is their choice and it should not be taken as read that parental consent implies the child's consent. Issues around informed consent are even more important amongst children and there is much written about how to ensure that children are fully aware of what they are agreeing to.

There are examples of written materials that are given to children

to explain what participation means (confidentiality, the content, their rights, their ability to break the interview at any time, etc), such as the Families and Children Survey - www.dwp.gov.uk/asd/asd5/facs/.

Analysing the evidence

Information gathered for use in the Disability Equality Duty is of no intrinsic use unless it tells us something about the effectiveness of activities in delivering disability equality. The regulations therefore require DES to set out not only how information is gathered but also how it will be used and in particular how it will be used to review the effectiveness of the Action Plan in the Disability Equality Scheme.

In addition, public authorities must report each year on the information they have gathered and the way they have used it.

Tracking progress

The DES itself must be reviewed every three years. Analysis is part of an on-going process that leads into the review of the Disability Equality Scheme, as it allows the public body to establish what has been achieved to date and identify areas where further action is needed. Authorities should assess their performance against the Action Plan set out in the DES on a more regular basis to ensure that they are making good progress.

- Sometimes the analysis will require comparison between current performance indicators and earlier performance indicators in the organisation to assess progress resulting from an Action Plan (eg a greater proportion of disabled users expressing satisfaction with a service over time).

- Sometimes the analysis will require a comparison between performance indicators for disabled people and for other groups, or indeed between people with different types of impairment (eg Are disabled people less satisfied in customer surveys and local focus groups?).

- Sometimes the analysis will require comparison between performance indicators for your organisation and for the available labour market or relevant population of potential service users (eg to assess take-up of employment opportunities or services offered).

- Sometimes the analysis will require comparison between performance indicators for your organisation and other organisations in the same sector, but perhaps in different locations.

- Sometimes the analysis will examine whether progress has been made in dismantling specific barriers to equality (eg increased provision and use of sign language interpreters).

- Sometimes the analysis is not readily quantifiable and will require for example a comparison of the priority concerns in an organisation before and after the adoption of remedial measures.

So the processes of analysis will change depending on how you are seeking to assess improvement in performance, and on what your yardstick or benchmark is.

As noted above it is rare that the entire process of analysis will be quantitative or statistical. In particular, not all analyses will be made by comparing participation or satisfaction levels with expected levels. Measures will also be adopted to identify what improvements disabled people would like to see, rather than quantifiable data.

To make effective use of evidence regarding outcomes such as participation or satisfaction rates authorities will also need to have gathered evidence about the specific barriers which disabled people face. This should not just focus on physical barriers but those created by institutional policy or practice. This evidence can then be used to identify actions which will remove these barriers and facilitate improved outcomes.

National sources of data

The Department of Work and Pensions (DWP) produces official estimates of the disabled population (adults and children) from the Family Resources Survey. It also provides breakdown by region, gender and age group.

The Labour Force Survey provides reliable estimates of the disabled

population of working age only – and breakdown by region, age group, gender, impairment - see DRC Disability Briefing www.drc-gb.org/library/briefing.asp?cats2show=6&section=ddb&sectionid=10

Other national sources of data, all with the usual caveats about definitions used, include:

- British Social Attitudes Survey
- General Household Survey
- Survey of English Housing
- Census
- Health Survey for England
- Psychiatric Morbidity Survey.

Many of the large scale national surveys (eg LFS, FRS etc) are GB wide in coverage. But additional Scotland specific data is provided by the Scottish Household Survey (the Scottish Executive have published findings from this in the Social Focus on Disability 2004 report), the Scottish Household Conditions Survey and Scottish Survey of Social Attitudes .

Further guidance on the estimates of disability prevalence is available at the DWP website www.dwp.gov.uk/asd/asd5/ih2004.asp#a

Targets and indicators

The core reasons for devising indicators for any public body are to measure change and encourage commitment. Where disabled people are not enjoying equality of opportunity - as determined by either quantitative or qualitative monitoring - the public body concerned should establish targets in relation to the activities concerned. Targets outline what a public body would wish to achieve in the future – that is, how they expect the indicator to change.

It will be important to involve disabled people in establishing which areas to set targets within, and what these targets should be.

Targets may be set to determine:

- Whether disabled people enjoy equality of opportunity compared with other groups – for example, that the overall satisfaction with the service provided should be the same for disabled and others.

- Levels of participation for disabled people – for example, that the satisfaction levels for disabled people in accessing a service provided by an organisation should be increased by 50 per cent in 5 years.

- Whether progress is being made in addressing particular barriers to equal participation – for example the numbers and speed of delivery of disabled facilities grants.

A public body has identified a specific under-representation of disabled people in its workforce. The current figure is 50 per cent lower than would be expected, based on their percentage in the local community. The body is undergoing a period of significant organisational change during the next three years and it uses the information it has gathered from each Division of the organisation to set targets for recruiting disabled people over a five year period – with timescales for assessing progress on an annual basis. Because a well-informed database of existing disabled employees and available disabled job applicants was established at the start, this can be an effective baseline for assessing progress on equality targets in the future.

The body may in conjunction undertake an assessment of how satisfied disabled employees are that they are being treated fairly – this may be done through focus group research and non-numerical targets may be set to measure progress in this area.

When specific trends become identifiable from the evidence gathered, for example, if it is clear that the remedial action already taken is unlikely to be enough to achieve a target, it is essential to investigate the reason for the pattern. Attempting to identify the cause is a necessary form of further analysis to determine what further action, if any, may allow the target of improved standards to be achieved.

The duties on specific Secretaries of State the National Assembly

for Wales and Scottish Ministers to review progress in their areas of responsibility will prompt them to co-ordinate the collection of standardised data, allowing meaningful comparisons within sectors.

The 'Improving the Life Chances of Disabled People' report proposed that in England the Department for Education and Skills (DfES) should, from 2005 onwards, require all national evaluations of children's services – such as the National Evaluation of Sure Start (NESS) – to assess impacts on families with disabled children, including families from minority ethnic communities and recommend specific actions to address barriers to their inclusion. The Report recommended that Department of Health and DfES develop guidance from 2005 onwards, for evaluations of children's services carried out at a local or regional level to ensure that they take account of the needs of the local disabled children's population.

Relevant regulation and inspection bodies in the field will be sharing information as a matter of best practice and building the duty into their assessments of effectiveness wherever possible.

Impact assessment

As discussed in the section on the purpose of evidence gathering, one of the most important uses of information by an organisation is in conducting impact assessments.

Clearly any authority will have a significant 'back catalogue' of existing policies and activities that will need to be assessed. A timetable for doing this over the period of the Disability Equality Scheme and a prioritisation system is essential, and disabled people should be involved in this.

The purpose of these impact assessments is to ensure that an authority's activities do not disadvantage disabled people and to identify where they can best promote equality of opportunity for disabled people.

Where the assessment identifies a negative impact or missed opportunity to achieve a more positive impact, the authority should look at what it can do to remedy this and to take up this missed opportunity.

In gathering information to decide how it will assess the impact of its services / activities on disabled people, a public body wishes to decide what might indicate a negative impact or disadvantage.

Firstly, as a service provider, it decides to look at the percentage of disabled people who use its services compared to the percentage of people who are not disabled who use them. If the proportion is lower than would be expected it needs to acknowledge this and plan actions to address the issue. This identifies a problem, but does not necessarily indicate why it exists.

A further piece of more detailed research is proposed which involves interviewing disabled people about why they are not using the service. Some suggest that they are subject to harassment in the manner in which they are treated by front-line staff who are unaware of their needs. This indicates an additional specific type of disadvantage, and the body may need to consider specific training for staff as part of its Action Plan to deliver disability equality.

A focus group is organised to gather the views of disabled people, who have used the service in the past but have stopped using it, to establish why this is the case and what might be done differently in the future to ensure that the service is fairly accessed by all. It transpires from this that disabled people often have to wait longer to use the service and when it is provided the service is provided in a separate way to others. Disabled people want to use the service in an integrated way with their non-disabled friends. Ideas are given on how this might be done. This is likely to help the public body to better promote positive attitudes towards disabled people.

Measuring barriers, outcomes and success for people with a range of impairments

Whilst barriers such as prejudiced attitudes and inflexible procedures will form common barriers for all disabled people, it is often the case that different participation and satisfaction levels, or experiences of harassment, are experienced by people with different impairment types. It may therefore be important to monitor outcomes according to impairment type to capture this information. Effective progress has been made in other fields of equality on identifying priorities for action by focussing on key sub-group categorisations.

The Office of the Deputy Prime Minister collects statistics on the number of households in England and Wales accepted by local authorities to be in priority need due to mental health and physical health. Between 1997 and 2004 the overall numbers of households accepted to be a priority (by local authorities) due to physical disabilities increased by 24 per cent, whereas those accepted as in priority need due to mental health problems increased by 65 per cent. Breaking down the statistics, even in such a broad way, helpfully clarifies that whilst the situation of both groups has deteriorated, there is a particularly severe problem amongst those with mental health problems. Appropriate actions can then be identified.

An organisation believes it has made its premises fully accessible for disabled people by ensuring that they meet the best available standards of access for wheelchair-users. It is surprised when it carries out a general questionnaire-based satisfaction survey of its users to find that many disabled people have indicated that they still have difficulties using the building.

The questionnaire includes a general question about disability, not categorised by impairment type. The public body does not therefore readily find out that the difficulties are predominantly experienced by people with sensory impairments and learning disabilities, for whom improvements to make the premises more accessible have not been made. As a result the public body includes analysis by impairment in subsequent questionnaires to identify which disability groups are experiencing most difficulties as a means of prioritising action.

Gathering evidence on barriers

Differences in outcome reflect the fact that people with different impairments experience particular types of barriers to equal participation. To make use of information about the different outcomes amongst people with a variety of impairments it will be essential for public bodies to gather evidence about these barriers in order to identify what changes are necessary. This will include physical barriers such as inaccessible buildings, as well as environmental barriers and attitudinal barriers.

Impairment focused evidence gathering will tell you that a group (eg blind / partially sighted people) are not using a service (library / information point), but not why (eg few large print books / computers without screen readers). If a public body does not know why the problem exists it may be difficult for it to deal with and could waste resources trying to do so.

The results of research by impairment type should be a springboard to determine what further research – perhaps based on establishing barriers - is needed to develop remedial action.

Both outcomes (such as participation rates) and barrier monitoring are needed. Solely gathering information on barriers could indicate that an environment or situation is relatively barrier free but there may still be no disabled people using it. Gathering information on impairment type will give information on who is not using a service or in employment or participating in public life.

A local youth project undertakes a short-term evidence gathering project of all the young people who use the service. This identifies a low number of barriers to using the project but also identifies very few disabled people using the project, particularly those with learning disabilities. The youth project then decides to deal with the identified barriers but also to contact various local and regional organisations of young people with learning disabilities to involve them in identifying what the barriers to participating in the project are.

Gathering information on barriers faced by disabled people tells us more about what limits disabled people. It is dynamic in that it can explain how barriers emerge and are tackled; it can provide a sense of the weight or ingrained nature of the barriers and ultimately they can be closely allied to a programme of change by providing an effective checklist for how to remove barriers.

A Primary Care Trust / Local Health Board decides to ascertain the number of users of British Sign Language (BSL) in its area. From this it determines the need for BSL surgeries in the area. This may be effectively undertaken by a barrier approach to monitoring, asking those people who are deaf if the absence of BSL interpretation services pose a barrier for them. This might include asking each person registered at the audiology service or everyone whose GP notes say they are deaf. This may well not capture everyone and should therefore be combined with a general approach in which everyone is also asked. In Scotland, a Health Board established a communications support service as a result of undertaking a similar exercise.

For these reasons it will often be useful to combine evidence gathering by impairment group with questions about barriers (as we do in our sample questionnaire at the end of this document). This may also increase people's willingness to disclose this sensitive personal information.

In a regular street survey of residents, a local authority notices a low-level of awareness of recycling services amongst people who consider themselves to have a visual impairment. Analysis of the survey identified that this group have also highlighted barriers to communication. This enables the local authority to prioritise for action working with local organisations of people with a visual impairment to improve the accessibility and targeting of their communication about recycling.

Only collect information which your organisation will use

The justification for using monitoring by impairment type will be the extent to which it is relevant to promoting equality for disabled people. If an authority is not ready and able to make use of the information it gathers on impairment type, this may dissipate the energy that the public authority should be directing at promoting disability equality and may not be appropriate. Asking for information on type of impairment may also decrease response rates, unless its rationale is clearly justified to respondents.

If, in the above examples of the Primary Care Trust and the local authority, the public bodies gathered evidence by impairment type and ignored the results that people with certain types of disability experience greater disadvantage than others, taking no action to specifically address the reasons behind this, they will have failed to put into effect their arrangements for using the information gathered and so will be in breach of the specific duties.

In some situations it will be preferable to start with crude information regarding disabled people as a group. Addressing collective barriers will build trust by achieving some progress. It will also build confidence amongst those in charge of achieving progress in an organisation that it is worth collecting the information and that positive change can be achieved.

Once these more straightforward changes have been achieved then more sophisticated data collection by impairment type can be started. The organisation will have the skills and confidence to use the information, and respondents will have the trust to provide it.

It is obvious that where only a small amount of people are involved in a sample (eg survey of board members, or small numbers of employees) then it will not be possible to draw any conclusions from impairment specific monitoring, and it will be more intrusive of privacy.

Categories of impairment

Impairment specific monitoring in one form or other is used already by many parts of the public sector.

This can help to gather information on gaps in outcomes or participation and to monitor progress.

A university has undertaken a number of initiatives with a local school for deaf children to encourage greater participation from pupils seeking to enter third level education. A standard classification system by impairment in the higher education sector allows the university, in particular, to measure the success of this initiative on a particular disability group. It can also compare its performance with other universities, and, if some are achieving better results, consult them on how they have achieved greater success.

Suggested questions to utilise when gathering evidence on disability equality

Public authorities are likely to use a variety of methods of gathering evidence as identified in the DRC guidance. Sometimes this will be a specific monitoring form on disability and on other occasions disability related questions will be included in other evidence gathering mechanisms.

Any questions which are going to be used to monitor the numbers and experiences of disabled people who are employees or service users should be carefully introduced to explain why you are collecting this information, the use it will be put to and assurances about confidentiality. It is also important to emphasise the commitment of your organisation to promote equality of opportunity and to explain how you will publish the anonymised information you have gathered. Experience shows that setting the context for questions in this way significantly increases response rates.

Set out below are three separate questions which authorities will wish to consider using in appropriate circumstances. The relevant

sections of the guidance should be read before deciding whether to undertake impairment and/or barriers monitoring.

1. Question to gather evidence on the numbers of people who consider they meet the Disability Discrimination Act definition

The Disability Discrimination Act considers a person disabled if:

- You have a longstanding physical or mental condition or disability that has lasted or is likely to last at least 12 months, and

- This condition or disability has a substantial adverse effect on your ability to carry out normal day-to-day activities.

Do you consider yourself to be disabled as set out under the Disability Discrimination Act? Yes / No

2. Question to help you gather information on gaps in outcomes or participation and to monitor your progress.

Where authorities consider it appropriate to undertake impairment specific monitoring we recommend using the categories set out below. This will assist with achieving a consistent picture within and between sectors.

We have limited the number of categories to increase the ease of completion, and allow for more confident statistical analysis. These categories are thus fairly crude and in many cases public authorities may want to 'drill down' by adding sub-categories to reflect the particular concerns of their organisation, for example the categories currently in use in the higher education sector include different types of learning disability. These can be added as sub-categories.

Please state the type of impairment which applies to you. People may experience more than one type of impairment, in which case you may indicate more than one. If none of the categories apply, please mark 'Other' and specify the type of impairment

- **Physical impairment, such as difficulty using your arms or mobility issues which means using a wheelchair or crutches**

- **Sensory impairment, such as being blind / having a serious visual impairment or being deaf / having a serious hearing impairment**

- **Mental health condition, such as depression or schizophrenia**

- **Learning disability/difficulty, (such as Down's syndrome or dyslexia) or cognitive impairment (such as autistic spectrum disorder)**

- **Long-standing illness or health condition such as cancer, HIV, diabetes, chronic heart disease, or epilepsy**

- **Other (please specify)**

3. Question to gather information on barriers for current service users and employees

These may benefit from contextualisation in order to make them relevant for your sector or situation. For example under the barriers section schools may wish to identify specific barriers such as "carrying heavy objects like a full schoolbag" and "getting ready for PE ".

It can help us to ensure effective involvement of everyone if we can identify anything that poses a barrier to your full participation.

What are the biggest barriers for you in doing what you want to do in this organisation? Tick any that apply.

- **Access to buildings, streets, and transport vehicles**

- **Written information or communication**

- **Verbal or audible information/communication**

- **People's attitudes to you because of your impairment, medical**

condition or disability

- Lack of reasonable adjustments

- Policies or procedures such as the fire evacuation procedure.

- Other barriers (please specify)

Monitoring employment

What information?

Public authorities who produce a scheme must include within it arrangements for gathering information on the impact of the public body's policies and practices on the recruitment, development and retention of its disabled employees

Depending on the size of the organisation these arrangements may need to include:

- a review of applicant numbers, short listed and appointed profiles

- types of jobs being undertaken by disabled people, grades/salary levels

- training courses attended

- career progression

- appraisals

- disciplinary action

- reports of disability harassment (and how resolved)

- duration of employment

- numbers in full or part-time work

- numbers leaving giving reasons, including redundancy, dismissal, ill-health, retirement

- analysis of exit interviews for disabled staff (including those taking ill-health retirement).

Similar assessments should be made, not just of employees, but also of office holders eg School Governors and Board members to ensure fair participation from disabled people.

Qualitative information is particularly useful in designing actions to improve opportunities. The DRC recommends including a question in the staff survey around whether employment practices are favourable or difficult for disabled people.

As organisations pursue the goal of disability equality, they may refine their priorities to concentrate on specific issues eg a very low participation rate for deaf people, or an effective 'glass ceiling' for disabled people in the organisation's structure.

Exclusion in the workplace can sometimes be missed if it does not fall into key human resources processes such as recruitment, retention, development, as discussed above. Impact assessment of policies and practices (an indeed physical accommodation facilities) can identify and redress such barriers.

A public body has recently invested extensively in a new computerised system for staff. In awarding the contract, the body should assess the potential suppliers' capacity to ensure that the new IT systems use adaptive technology so that disabled staff are not effectively excluded from mainstream work in the office. An assessment should also include the capacity of suppliers to include specific training on the use of any such technology.

Gathering information

Where information cannot be collected on the basis of anonymity (for example where career progression is tracked) remember to guarantee confidentiality and anonymise reported information.

A system of monitoring is likely to be seen as less threatening to disabled people if it is set up and publicised in a sensitive and open way, and if confidentiality and the importance of consent are clearly explained. Prior involvement of disabled employees in designing the exercise will assist in maximising responses and gaining staff support.

Monitoring is likely to be a developing process whereby accuracy will increase as the system becomes established, as employees gain

confidence and as good practice spreads throughout the public body.

There are two excellent guides on how to conduct employment monitoring on disability:

- **The Employers' Forum on Disability, guidance on best practice in disability monitoring in employment,** www.efd.org.uk

- **Trade Union Council (TUC) Guide to Disability Monitoring,** www.tuc.org.uk/equality/tuc-9664-f0.cfm

Analysing and using data

Remember the importance of analysing and using this data to remove barriers. Statistical imbalances require further analysis to identify barriers, for example inaccessible information about training courses or inflexible shortlisting or interviewing procedures.

The local authority has a clear corporate aim of reflecting in its workforce the diversity represented in the community it serves. To test the effectiveness of its recruitment, selection, retention and diversity policies, it decides to enhance its system of diversity monitoring to include details on disability.

The authority already has details on the number of disabled people applying for jobs and being appointed. However it does not know whether the lower success rate for disabled applicants at appointment is due to a greater percentage not being short listed, fewer passing the assessment centre or a greater percentage not performing well at interview. The local authority introduces monitoring at short listing, assessment and interview stage to identify at what stage under-performance is most marked. This will provide the evidence base to initiate remedial action.

The authority has not in the past monitored retention rates by disability, especially where staff have recently acquired a disability during their working lives, since this has not been considered necessary on any other equality grounds. A system for regularly re-

surveying disability status is introduced, and statistical monitoring of reasons for leaving is introduced. Existing exit surveys have been adapted to include an additional question on whether changes were offered to facilitate retention where an employee could no longer carry out all the requirements of his/her previous job.

Remember that reporting on actions taken as a result of monitoring improves the confidence of employees in the process and hence encourages disclosure.

Staff audits

Public bodies should conduct a survey to establish the number of staff who are disabled. This in itself is of course uninformative unless it can be compared to an expected participation rate or outcome, which can be derived from the number of people in the local area. This figure is available from the Labour Force Survey. If the body has a significantly lower participation rate than the local community, further work should be undertaken to find out why and to identify ways to initiate remedial actions.

The DRC recommends that public bodies resurvey staff on disability at regular intervals, since impairments may be acquired during working life. For example, in England and Wales the Audit Commission expect this of public authorities every two years.

Smaller employers

It is acknowledged that collecting detailed data may not always be possible for smaller employers; statistical analysis may be less meaningful if staff levels are less than 150 staff and there may be added concerns about privacy.

The duty to have 'due regard' to the need to promote equality involves proportionality and relevance. Smaller employers should be able to integrate disability equality measurements with other existing measurement systems eg by including in equality monitoring forms (alongside race, gender) with applications, and by analysing the results of exit/leaver questionnaires. It may

equally not be necessary to initiate formal research to find out what problems exist; for a small employer this may be effectively achieved through informal discussions with disabled staff. Monitoring by comparison with your own performance over time and with that of comparable bodies will also prove useful.

Further information and guidance is available on employment and the DED on the DRC website, www.dotheduty.org.

Monitoring educational opportunities and attainments

What information?

Authorities in the education field, including schools, colleges, universities and education authorities are required to gather evidence on the educational opportunities available to disabled people, and the achievements of disabled people. In Scotland, responsibility for meeting the requirements of the Disability Equality Duty rests with Education Authorities rather than individual schools in most cases.

Educational opportunities cover the breadth of activities undertaken by the provider and should thus be monitored in a broad sense. This is not just about gathering information on curriculum choice and attainment for example, but also on harassment and bullying, promoting positive attitudes towards disabled pupils and students and encouraging participation in public life. This will include issues such as access to recreational opportunities and cultural expression, involvement in school/college/university councils, access to work experience etc.

Similarly when monitoring achievement this should not only take account of the attainment of formal qualifications, but should also focus on other achievements eg improving attendance. As part of the commitment to encourage participation of disabled people in public life the number of disabled children/students achieving positions of responsibility such as prefects or office holders in the Students' Union should be measured.

In interpreting the substantial amount of information they receive about admissions, exclusions, test scores, bullying, participation on trips etc, a school ensures that the data used allows it to disaggregate the information relating to disabled pupils, to analyse the differentials with non-disabled pupils and identify remedial action. An Education Authority in Scotland would carry out this function.

Schools and School Boards (Scotland) may also consider other disabled people who may be involved in their activities. For example, they could assess the level of access for disabled parents to meetings of the Parents Teachers Associations.

Similar assessments should be made, not just of employees, but also of office holders eg School Governors and Board members to ensure fair participation from disabled people.

Qualitative information is particularly useful in designing actions to improve opportunities. The DRC recommends including a question in the student survey around which practices are favourable or difficult for disabled people.

As organisations pursue the goal of disability equality, they may refine their priorities to concentrate on specific issues.

A higher education institution is considering its obligation to put in place ways of gathering information to allow it to assess the impact of its policies on disabled students. It decides to put in place and adapt measurement systems to allow it to answer these questions:

- Are we attracting and recruiting a representative number of disabled students? If not, why not?

- Are all our faculties / departments equally successful in attracting disabled students? If not, why not?

- Are our disabled students less likely than non-disabled students to complete individual modules / whole years of study or their entire course programme? If so, why?

- Do our disabled students take advantage of the extra-curricular opportunities we offer, both academic and non-academic? If not, why not?

- Do our disabled students achieve the same levels of academic success as our other students? If not, why not?

The institution is able to capture the answers to some of these questions by reference to existing data on disabled student

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applications, by faculty, drop-out rates, extra-curricular activity, grades obtained. It is committed to putting in place focus group research with disabled students and potential students to identify the reasons for lower or higher outcomes as a means of determining remedial action.

Gathering information

Where information cannot be collected on the basis of anonymity (for example if requests for adjustments are being used as a data source) remember to guarantee confidentiality and anonymise reported information.

In education there are many opportunities for people to disclose impairments and the ethos of the organisation is an essential factor in encouraging them to do so.

The primary focus of encouraging people to disclose their impairment has tended to be so that schools, colleges and universities could put in place the reasonable adjustments they require to be successful. This is a key requirement. However, as discussed above, evidence required to monitor and improve an organisations performance on disability equality need to be considered separately from information collected in relation to making adjustments for individuals. A more rounded and systematic approach is required.

Further guidance can be found in:

- The Learning & Skills Development Agency publication 'Do you have a disability – yes or no? – Or is there a better way of asking? – Guidance on disability disclosure and respecting confidentiality', www.LSDA.org.uk

- In Scotland, see the Beattie Guidance and the follow up recommendations at, www.scotland.gov.uk/library2/doc04/bere-00.htm

- For Higher Education the Equality Challenge Unit produces a briefing paper called Collecting and improving baseline data and

Analysing and using data

Remember the importance of analysing and using this data to remove barriers. Statistical imbalances require further analysis to identify barriers.

A Further Education College as part of its self-assessment process wanted to find out about the take-up of the wide range of facilities it offered outside of the learning programmes. They found that some people with learning disabilities wanted to use the sports facilities but felt uncomfortable about doing so. They felt intimidated. To overcome this, the college set up a staffed session to encourage students with learning disabilities to work with sports and leisure students. Over time the barriers were broken down and the students with learning disabilities had access to the facilities if they wished to use them.

For further information and guidance on education and the DED see the DRC website www.dotheduty.org.

Monitoring service delivery and other activities

Most of the information in this guidance relates to service delivery so we include here only a few additional points.

Public bodies – not operating in the education sphere – must also gather information on the extent to which the services they provide and the functions they perform take account of the needs of disabled people.

As already noted, the term 'services' has a broad remit and includes general services as well as disability-specific services. In general, it covers all the situations when a citizen might come into contact with the authority.

The role of a public body in respect of service provision is to determine whether disabled people enjoy equality of access. Accordingly, the following aspects of service provision should be monitored:

- levels of expenditure and resource allocation in respect of services

- composition of those attempting to access services

- those actually accessing the services

- those unable to access services

- the representation of disabled people on those bodies responsible for resource allocation in respect of services

- the effective targeting of those not currently enjoying equality of opportunity in respect of access to services

- satisfaction rates

- key barriers as reported by disabled people.

The establishment of effective monitoring systems to gather information on these issues and therefore assess disability equality in accessing services thus becomes an important element of remedial action in its own right.

Where a public body carries out public functions, even when this is in addition to providing services, they need to consider how to measure their performance of these functions in relation to disabled people. This will for example include a local authority monitoring the extent to which disability equality is taken into account when planning applications are being considered as well as the outcomes in terms of the increased accessibility of the local environment.

Procurement is an activity on which public sector bodies should also seek to develop baseline data and monitor subsequent progress for disabled people.

A development agency seeks to develop an initiative on supplier diversity to ensure that over time its suppliers' ownership and workforces reflect the diversity of its area, and are therefore able to share in its future economic success. It wishes to develop and strengthen connections between the organisation and minority groups who are or could be suppliers. Accordingly the agency develops a supplier questionnaire which includes questions on contracts awarded, type of contract, contract size, and in addition to questions on black and minority ethnic groups and women, questions are specifically asked on whether the company is majority owned / led by disabled people and the percentage of the workforce who are disabled. This is a means of gathering evidence to allow progress on supplier diversity to be measured.

Public bodies will need to review their existing systems for monitoring performance and evaluating services to assess the extent to which they take account of disabled peoples' needs. This should include ensuring that disabled people are appropriately represented in customer surveys and local focus groups, and to identify gaps between satisfaction levels or uptake levels between disabled respondents and others.

In most cases it will also be necessary to conduct research specifically focussed on disability, particularly focusing on identifying barriers to equality of opportunity.

A local authority gathering information about the performance of their Choice Based Lettings System decides to investigate how effective this is in promoting equality of opportunity for disabled people and in particular any barriers which the system produces. Within the performance research they ask questions about barriers experienced by disabled people and discover that disabled people identify communication and access to transport as barriers. Further investigation is undertaken specifically on how to address these barriers and identifies that the specific issues are centred around the inaccessibility of the Choice Based Lettings magazine and the difficulties for disabled people who did not have their own transport in visiting a large number of properties to identify whether they would be suitable.

It may also be appropriate to look at comparisons across impairment groups in both the housing example above and in the following situation:

A social care service provider is considering its obligations under the Disability Equality Duty.

It recognises that social care services are particularly important to the promotion of equality of opportunity for disabled people as some require personal assistance, communication support or advocacy to have equal access to employment, education and training, leisure activities, family life and society in general.

It sees as a key outcome the need to ensure equality of access to general social care services. It decides that this can be measured in a number of ways:

- In comparison with non-disabled people (eg some non-disabled people with low levels of care needs may receive more meaningful support than those with complex needs who are disabled).

- Between different groups of disabled people (mental health services may not be accessible to those with physical or sensory impairments).

- **In relation to policies / services that promote independent living to enable effective participation in society (the take up of direct payments amongst older people and those with mental health problems seems to be slower).**

These are important measures for identifying whether disability equality is being delivered and should be measured.

See the DRC website www.dotheduty.org **for further information and guidance on specific services and the DED including:**

- **Health**
- **Housing**
- **Planning and highways**
- **Social care**
- **Guidance for central and local government.**

Other Guidance

Other guidance documents in this series which will be produced in 2006 and 2007 include:

- **Central government briefings**
- **Disabled people**
- **Education – HE & FE**
- **Education - schools (England and Wales)**
- **Education – education authorities (Scotland)**
- **Employment**
- **FAQ for education in schools in Scotland**
- **Health (England)**
- **Health (Wales)**
- **Health (Scotland)**
- **Housing**
- **Impact assessments**
- **Involvement**
- **Listed bodies – a list and explanation (Scotland)**
- **Local authorities**
- **Overview and introduction**
- **Planning and highways**
- **Procurement – a technical note**
- **Scottish Executive Departments and Agencies (Further chapter in future for Scottish Ministers, 2006)**
- **Social care (two pieces of guidance for England and Wales)**

All guidance documents (except guidance for disabled people, overview guidance and guidance on involvement which will be published in a range of formats) are purely online documents and can be downloaded free of charge from the DRC website. You can get a copy of the published guidance by contacting the DRC Helpline, details of which are below.

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 codes can also be downloaded free of charge from the DRC website www.drc-gb.org.

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Disclaimer

The information in this guidance is based on the law but its main purpose is to help authorities to comply with and make the most of the Disability Equality Duty. The Statutory Code of Practice on the Disability Equality Duty provides further detail of the legislation.