

# Evaluating the Impact of the Disability Rights Commission

## Final Report

Report for the Disability Rights  
Commission (DRC)

September 2007

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## Evaluating the Impact of the Disability Rights Commission

This independent evaluation was commissioned by the DRC and carried out by members of OPM's Evaluation Team. OPM is an employee-owned, not-for-profit consultancy that works with organisations across the statutory and third sectors to help them achieve social results – see [www.opm.co.uk](http://www.opm.co.uk) for more details. OPM has an extensive track record in conducting high impact evaluations focused on achieving real change and improvement for the organisations and individuals involved. This study was lead by Kai Rudat and was conducted by Phil Copestake, Ewan King, Rob Francis, Annie Hedges, Chloe Cook, Leigh Johnston, Hannah Carnell and Farooq Malik.

# Foreword

After seven years the DRC came to an end on 30 September, with our responsibilities and functions then subsumed into the new Commission for Equality and Human Rights (CEHR).

The DRC has achieved much and has much to be proud of. But that is certainly not to say we got everything right, and making choices and deciding priorities of course also have consequences in terms of what the DRC did not do, either at all or to the extent that otherwise might have been possible. We also hope that our experience and lessons to be drawn from it will be of particular interest and use to the CEHR; to the public service more widely; to others with an interest in public bodies, how they work and optimising their impact; and to equality practitioners more generally.

We therefore asked the independent Office for Public Management to conduct a thorough evaluation of some key aspects of DRC activity and to identify possible lessons to be drawn.

This report is the result. It is not a DRC document. Rather, it is OPM's report – produced by OPM and it stands in their name. And while the DRC does not necessarily subscribe to all its analyses and conclusions, we do welcome and recommend the report which we hope and believe will prove useful both as a means of helping to assess the impact of the DRC itself and for generating lessons and points for discussion with wider application.

**BOB NIVEN**  
**Chief Executive, DRC**

**September 2007**



# 1. Introduction and methodology

OPM (the Office for Public Management) was commissioned in June 2006 to conduct a Great Britain-wide evaluation of the Disability Rights Commission (DRC), focusing on the following three areas:

- The impact of the DRC's work to promote and implement rights, enforce rights, and influence law and policy.
- The extent to which the processes and structures underpinning the implementation of the DRC's activities contribute to or detract from their effectiveness.
- The likely impact of the DRC's activities on closing the gaps of opportunity between disabled and non disabled people (in cases where direct impact cannot be attributed with any great degree of certainty).

In evaluating the DRC's work in these areas, the overarching intention was to identify what has worked and why in relation to the delivery of DRC activities. This evaluation was therefore strongly formative – focusing on lessons learned, rather than purely summative – assessing progress made towards objectives. The methodology centred on targeted fieldwork alongside analysis of secondary evidence, rather than new large-scale primary research. The evaluation was also tightly focused on core DRC objectives and was not an evaluation of the full range of activities conducted by the DRC in its lifetime.

### **1. About the Disability Rights Commission (DRC)**

The DRC was an independent body established in April 2000 by Act of Parliament to stop discrimination and promote equality of opportunity for disabled people. The DRC operates in England, Scotland and Wales, and it set itself the goal of:

‘a society where all disabled people can participate fully as equal citizens’

Amongst other things, the DRC gave advice and information to disabled people, employers and service providers; supported disabled people in getting their rights under the 1995 Disability Discrimination Act (DDA); had an obligation to review the legislation, and produced statutory codes of practice; supported legal cases to test the limits of the law; organised campaigns to change policy, practice and awareness; and produced policy statements and research on disability issues as well as publications on rights and good practice for disabled people, employers and service providers. In October 2007 a new Commission for Equality and Human Rights (CEHR) will take on all of the powers of the DRC along with those of the Equal Opportunities Commission and the Commission for Racial Equality, as well as new powers to promote equality for all. The CEHR will also promote awareness and understanding of human rights and encourage good practice by public authorities in meeting their Human Rights Act obligations.

### 1.1 Evaluation framework

The context for the evaluation was set by the DRC's Strategic Plan 2004/5 to 2006/7: the **ten-year expectations** outlined therein around Education, Employment, access to Transport, Goods and Services, and Health & Independent Living formed the core of the framework for evaluating the DRC's impact and effectiveness<sup>1</sup>. It should be noted that this 'thematic' approach, as suggested by the dates of the Strategic Plan, began in 2004 ie around half way into the DRC's life.

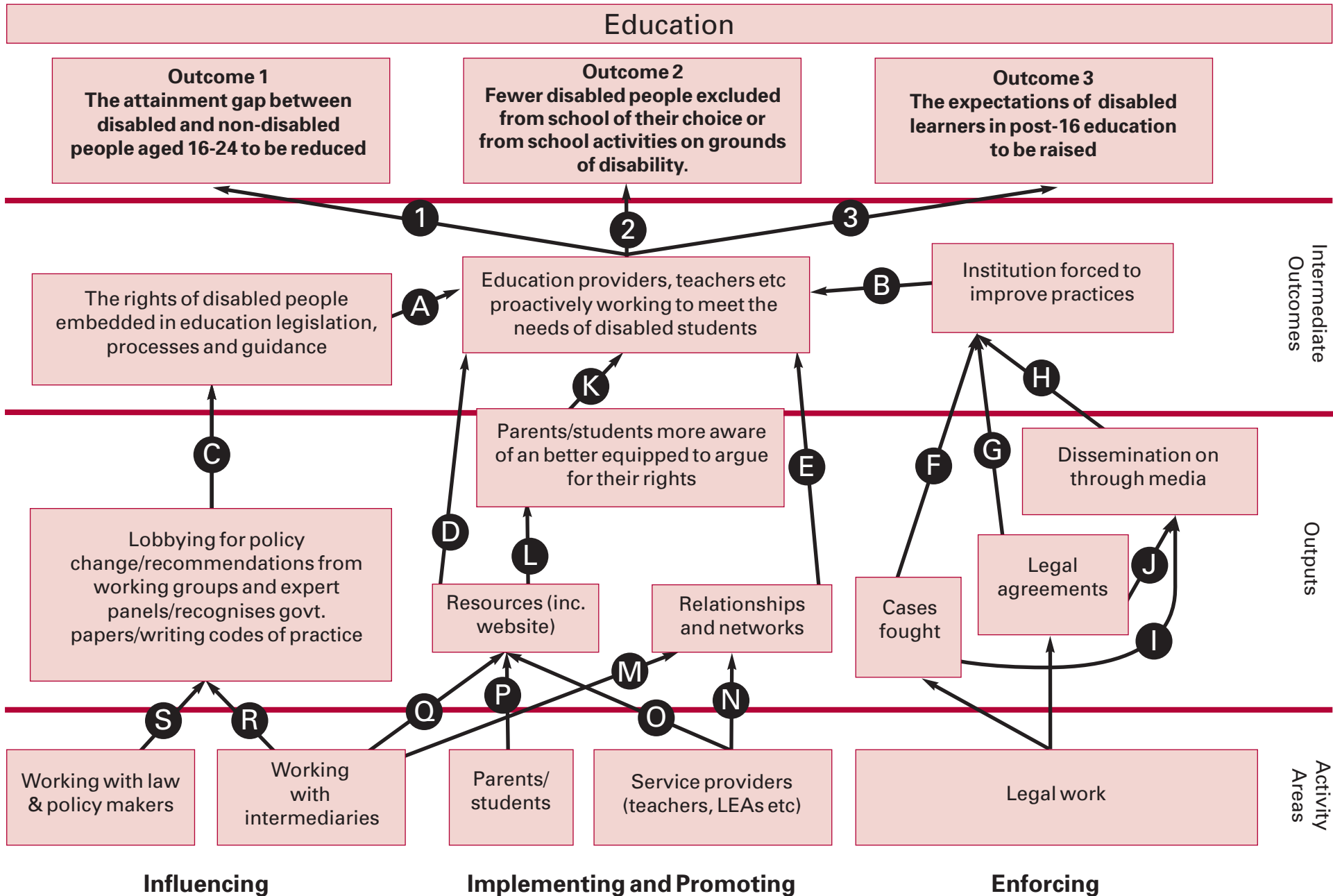
The evaluation was informed by the Theories of Change (ToC) approach, the pre-eminent theory-based framework for the evaluation of organisations, initiatives and interventions operating in complex environments. The ToC approach can be described as 'a systematic and cumulative study of the links between activities, outcomes and contexts of the initiative'<sup>2</sup>. More simply, a ToC evaluation is 'a theory of how and why an initiative works': it involves analysis of both processes and outcomes, and is especially useful where outcomes are not easily measurable<sup>3</sup>.

The ToC approach was thought to be particularly suitable for this evaluation because of the complexity and contested nature of the environment in which the DRC operates; the pace of change in the area of disability equality; and the magnitude of many of the Commission's goals and objectives. The ToC model of evaluation is designed specifically with such factors in mind.

The framework for this evaluation was an impact model which described the principal intended **outcomes** of the DRC's work and how certain key activities and interventions it has undertaken are supposed to influence these. Specifically, the model identifies the **outputs** that the activities selected were supposed to achieve, the **intermediate outcomes** resulting directly from these outputs, and the **strategic outcomes** which were the 'end goals' for the DRC's work.

Activities, outputs, intermediate and strategic outcomes are articulated within the model for each of the four DRC 'thematic areas': Education; Employment; Access to Transport, Goods & Services; and Health & Independent Living. The model also describes the premises, assumptions, and hypotheses that link each of the component parts of the sequence – the so-called 'change mechanisms'. The model was developed through a process of consensus building including scoping interviews and group discussions with the DRC's Senior Management Team (SMT), the heads of each of the themes, and other key staff. One of the diagrams from the impact model is shown overleaf (for the Education theme), with the other diagrams included in Appendix 3.

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### 2. What do we mean by 'outcomes' and 'outputs'?

Some of the language used around measuring and demonstrating outcomes can be confusing. For the purposes of this evaluation, we based our definitions of key terms on the framework developed by the Charities Evaluation Service<sup>4</sup>:

#### ● **Outputs**

Outputs are all the detailed activities, services and products an organisation actually does or provides.

EMPLOYMENT EXAMPLE: 'number of training events'.

#### ● **Intermediate outcomes**

Intermediate outcomes are what happens directly as a result of outputs. Outcomes are the changes, benefits, learning or other effects that happen as a result of activities. Intermediate outcomes represent the steps along the way to achieving strategic outcomes, and can be useful to measure when strategic outcomes are difficult to assess or will take a long time to achieve.

EMPLOYMENT EXAMPLE: 'successful influencing of employment legislation'.

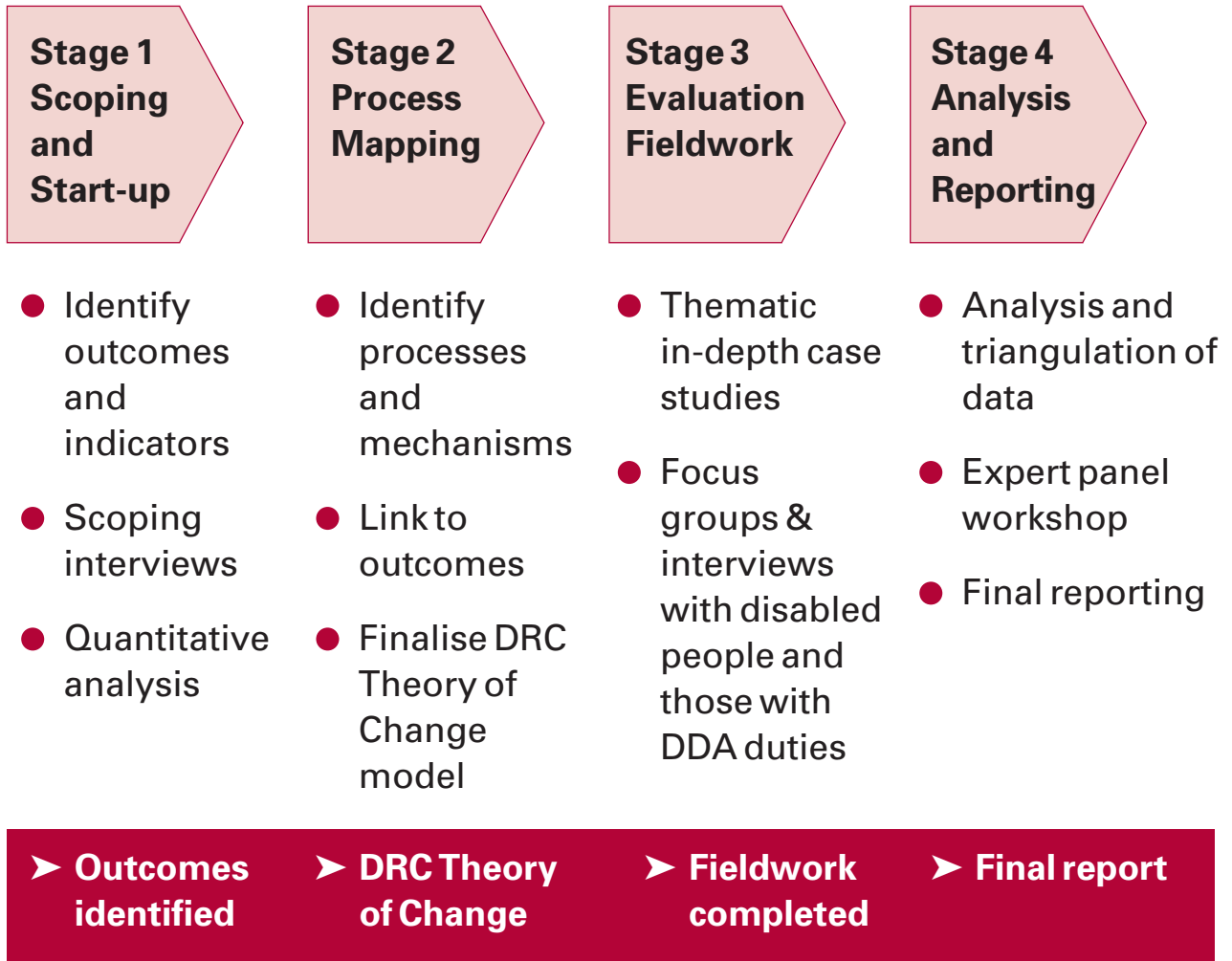
#### ● **Strategic outcomes**

Strategic outcomes are the intended 'end point' of activity in a certain area. They usually take a longer time to achieve than intermediate outcomes, and taken together form the basis for an organisation's strategic vision.

EMPLOYMENT EXAMPLE: 'higher percentage of disabled people of working age in employment'.

## 1.2 How the evaluation was conducted

Informed by this evaluation framework, the project was conducted over four broad stages as illustrated in the diagram below, with the outputs of each stage highlighted in the box at the bottom:



More detail about each of the stages of the evaluation is provided below.

### **Stages 1 and 2: Developing the evaluation framework**

The cumulative objective of the first two stages of the evaluation was to develop a robust framework for the evaluation, including success criteria, specific research questions and, most importantly, the impact model described earlier. The specific activities undertaken in the first two stages of the evaluation were:

- Desk-based analysis and mapping of DRC strategies, plans and evaluations.
- Initial collation and analysis of available quantitative data.
- In-depth qualitative interviews with members of the DRC senior management team (SMT).
- Further meetings and interviews with Theme Heads and other key DRC staff.
- Meetings of the evaluation Steering Group, to inform and enrich the emerging evaluation framework.
- Case study preparatory work.
- Development and validation of full DRC impact model, including change mechanisms.
- Detailed planning and preparation for fieldwork.

Whilst the DRC's Strategic Plan forms the basis for the evaluation, this is a high level strategic document which does not, by its very nature, include the level of detail necessary for an evaluation framework such as the one developed here. However there are a number of other key strategic documents and work programmes which were used to develop the intermediate outcomes against which much of the evaluation fieldwork and analysis was conducted. All intermediate outcomes, whether mentioned explicitly or implied in the Strategic Plan itself or in other official papers,



were developed through a lengthy process of scoping, amendment and validation involving the evaluation Steering Group (made up of senior DRC staff), the SMT, Theme Heads, and other key DRC stakeholders. A ToC approach not only benefits from, but actually requires an in-depth participatory process such as this – in order to surface the ‘theory of action’ upon which an organisation like the DRC proceeds. The widespread consensus achieved about the evaluation framework adopted lends this evaluation legitimacy: the evaluation team was assessing progress against objectives which senior staff at the DRC had agreed were realistic and appropriate.

### **Stage 3: Evaluation fieldwork and research**

The fieldwork and research undertaken for this evaluation included generating primary evidence, through focus groups and interviews with disabled people, telephone interviews with people with duties under the Disability Discrimination Act (DDA), and case study work; and collating secondary evidence, including quantitative data, evidence from pre-existing evaluations, and other relevant policy and strategy reports. The impact model developed in the initial stages of the evaluation provided the basis for developing research tools and acted as a guide towards relevant secondary evidence. All fieldwork and research was intended to test one or more of the hypotheses established in the impact model, for example whether the intended intermediate outcome of a DRC activity had indeed been achieved. Evidence was also gathered to assess whether the activities chosen by the DRC were the most appropriate ones to achieve the intended outcomes.

#### **Research with opinion formers**

The original methodology for this evaluation included interviews with key opinion formers – senior decision makers with whom the DRC had worked in recent years. The decision was made not to proceed with this element of the approach

for one principal reason. A separate piece of Opinion Former Research (see box below for more detail) had been conducted by OPM very recently, and this research had succeeded in involving a very wide cross section of opinion formers: for example over 1,000 individuals responded to an online survey. This, taken together with the enthusiasm expressed by the disabled people OPM contacted about taking part in focus groups, lead the evaluation Steering Group to decide that the resources available for the project would be best used in increasing the number of people with rights who could be involved in the fieldwork, rather than conducting potentially duplicative interviews with opinion formers. The findings from the Opinion Former Research are used throughout this report, and provide a robust and detailed picture of the views of key policy makers and senior practitioners about the effectiveness of the DRC in achieving its goals.

### **3. About the Opinion Formers Research (OFR)**

In 2006 OPM conducted research with senior opinion formers in central government, the broader public sector, the private and voluntary sectors and the media, to assess their views about the DRC and disability equality in general. This research expanded on similar research conducted in 2001 and 2003 by including a large scale quantitative (web-based) survey alongside the in-depth interviews conducted previously; over 1,000 survey responses were received. The findings of the OFR were very positive: 77 per cent of respondents said they speak highly of the DRC, and 82 per cent said that the DRC communicates with them in a relevant and appropriate manner. DRC written material and the website received particularly positive feedback. Criticisms were relatively

few, but included a suggestion of possible over-emphasis on the DRC's part of physical impairments, and insufficient attention paid to multiple impairments. Disabled respondents were more likely to be critical and less likely to state that they felt the DRC had achieved its goals.

### **Fieldwork with people with rights under the DDA**

The evaluation team conducted 14 focus groups and a further 14 telephone interviews with a range of disabled people. All of the participants in the focus groups and interviews were recruited through local organisations providing support and/or representing the views of disabled people and were screened to ensure as wide a range of impairment, age, occupational status and ethnic background as possible. With this said, the fieldwork did not attempt to develop a representative sample due to the practical problems in attempting this with a relatively small base. The research team also sought to recruit only individuals who had at least some basic knowledge of the DRC, in order for the discussions about DRC activities to be as detailed as possible and provide a suitably robust test of the evaluation hypotheses. Focus group size ranged from 6 to 20 participants, with most comprising 8-12 members. Because of the scale and objectives of the evaluation the fieldwork did not attempt to assess general awareness of the DRC or its work.

Of the focus groups, 11 were conducted in England, with individuals from local groups based in Kingston-Upon-Thames, South Gloucestershire, Bedford, Mendip, Hackney, East Durham, Worcester, Kent and Aldershot. Two focus groups were conducted in Wales, in Pembrokeshire and Rhondda Cynon Taf, and one in Scotland, conducted in

Inverness but representing the views of members of access panels from across Scotland. In addition to these local focus groups one was conducted with members of Mencap's 'Count Me In!' initiative, which works to give a voice in democratic processes to people with learning disabilities, and one with members of the Terrence Higgins Trust's involvement group, comprising gay men with HIV or AIDS. The latter groups were included to ensure sufficient focus on the DRC's activity around learning disabilities and long-term conditions.

Telephone interviews were conducted in order to broaden the range of the sample of people taking part in the evaluation, and in particular to offer an alternative means of engagement for people for whom focus groups were not the preferred means of participation. What this meant in practice was that whilst telephone interviewees also came with a range of experience and background, the majority had past or current mental health conditions. The number of telephone interviews was scaled back in favour of a larger than originally intended number of focus groups, because of the high levels of enthusiasm expressed by research participants for taking part in group sessions.

### **Fieldwork with people with duties under the DDA**

The second major strand of primary evidence gathering was a series of semi-structured telephone interviews with people from organisations with duties under the DDA. In total, 25 of these interviews were conducted: 10 with individuals representing private sector companies and the remaining 15 with officers working for public sector bodies. The majority of the private sector interviewees were from umbrella organisations representing small and medium sized enterprises (SMEs), reflecting the DRC's focus on this constituency, but large companies were also included. As with the fieldwork with disabled people, candidates for these interviews were only chosen from those organisations who

had some contact or some knowledge of the DRC – for example attendees at a workshop. Public sector interviewees were chosen to reflect a mix of sectors: health, local government and education. Interviewees were chosen who could discuss both employment and service provision issues, and once again the interview guide was developed to test the hypotheses outlined in the impact model.

### **Case studies**

The third and final strand of primary evidence gathering was a set of three case studies, which examined in some considerable depth three distinct areas of the DRC's work. More detail regarding the case studies can be found in Appendix 4, but in brief the topics chosen were:

1. Enforcing rights: the role and impact of DRC legal enforcement work.
2. The Open For All campaign and broader built environment/access issues.
3. Impact and success of the DRC's involvement of disabled people in its work.

These case studies were chosen as follows: a shortlist of potential topics/areas was developed by OPM in close collaboration with the project Steering Group and the Commission's SMT, along with Theme Heads and others. The suggestions on this shortlist were then ranked by Steering Group members according to the extent to which they:

- Reflected the DRC's three main activity areas (influencing rights, implementing and promoting rights, enforcing rights).
- Provided adequate coverage of the DRC's internal and external linkages.
- Were relevant to England, Scotland and Wales.

- Could be feasibly and meaningfully studied as part of this evaluation and through a case study approach.

Work on each of the case studies comprised an initial scoping stage, including an interview with an identified DRC lead to develop a 'micro impact model' for that area of work (which, as with the evaluation overall, formed the basis for research questions asked) and identify key stakeholders to interview and documents to access. This was followed by a desk review of relevant documents and further interviews – approximately 6 for each case study – with a variety of DRC and external stakeholders as appropriate.

### **Analysis of secondary evidence**

A good deal of secondary evidence was also collated and considered alongside the evidence from focus groups, interviews and case studies. This included both quantitative data from (primarily national) surveys and evidence from qualitative studies, reports and evaluations into disability equality. The review of secondary evidence was far from exhaustive, however, and focused on the four thematic areas under evaluation, and to some extent (and especially regarding non-quantitative reports) concentrated on studies the DRC had itself commissioned, for example pre-existing evaluative work.

**A full database of all sources of evidence; both primary and secondary, and including details on scope, headline findings, and use in this report, is included as Appendix 1.**

### Stage 4: Analysis and reporting

The analysis of the evaluation data and reporting of the findings were both undertaken by the OPM team. In order to validate the emerging findings the team convened an **expert panel** of 5 disabled people who had recognised expertise or experience, both personal and professional, of the DRC's work on disability equality. The panel met to consider some of the emerging hypotheses from the fieldwork and proved extremely helpful in assisting the evaluation team in identifying the key messages.

The first step of the analysis process was to create the data annex mentioned above, in order to ensure appropriately comprehensive consideration of all available sources of evidence, as well as transparency of information sources. The impact model provided the narrative structure for the analysis and reporting, in the sense that its principal hypotheses were the starting points for the triangulation of evidence from different sources. The hypotheses for which there was both a good amount of evidence (preferably from different sources) and where the messages arising from the evidence are consistent have been fore-grounded throughout. Findings that seem worthy of mention but are less well supported by evidence are also included, but are flagged as such with appropriate caveats. The report also identifies those areas where evidence is lacking.

#### 4. Definition of disability

For the purposes of this report we use the terms 'disability' and 'disabled person' as they are defined in law, by the 1995 Disability Discrimination Act (DDA) as amended by the DDA 2005 – and the regulations made under it. The Act sets out the circumstances in which a

person is 'disabled'. It says a person is disabled if he or she has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. This includes progressive conditions from the moment the condition has some effect on the ability to carry out such activities, and covers people who have cancer, HIV and multiple sclerosis as soon as they have those conditions. The definition of disability was broadened following the amendment to the DDA in 2005.

### 1.3 Conducting the evaluation: key learning points

This evaluation was reasonably unique in that it tried to capture the impact and effectiveness of an equalities organisation with wide-ranging, long-term aims but only a comparatively short time in existence. Some of the main learning points from the process of conducting the evaluation (as opposed to the actual findings of the evaluation) are captured below:

- The 'Theories of Change' approach was generally felt to be a powerful means of conducting an evaluation such as this, allowing for a clear rationale about the activities and outcomes chosen to be evaluated, and an approach to evaluation that was both independent and collaborative (ie the evaluation framework was developed with and by the DRC, but was thereafter fixed).
- The process itself of developing the impact model generated useful learning about the importance of such a process for project planning and evaluation, and building consensus about project objectives. Whilst this development process can be lengthy, time invested here pays dividends later on.



- However, this approach is most effective if the impact model is developed at the beginning of a project, programme or organisation rather than post hoc. In the future, organisations should consider developing an impact model at the outset, in order to allow for robust evaluation. This need not be fixed, but could evolve as priorities and activities change.
- The levels of enthusiasm expressed by the disabled people who took part in this research for face-to-face group discussions is worth noting and taking into account when developing evaluation and research methodologies in the future. Whilst other mechanisms such as surveys and telephone interviews will always have an important function, many participants in this evaluation said how much they valued someone coming to discuss issues of disability equality in person.
- Whilst the independence of the evaluation team is obviously important, the collaborative working arrangement struck in this case was felt to be very productive, with the evaluators taking every opportunity to take advantage of the knowledge, expertise and insights of DRC staff, for example around developing the research approach or during the analysis phase.

### 1.4 Structure of this report

The remainder of this report is structured as follows:

- **Chapter 2:** Education
- **Chapter 3:** Employment
- **Chapter 4:** Access to Transport, Goods & Services
- **Chapter 5:** Health & Independent Living
- **Chapter 6:** Overall conclusions

The following are included as appendices:

- **Appendix 1:** Evidence database – which provides a full record of all primary and the majority of secondary evidence referred to in this report.
- **Appendix 2:** Statistical data
- **Appendix 3:** Evaluation framework diagrams
- **Appendix 4:** Case studies – more detail on aims, objectives and methodology
- **Appendix 5:** Glossary – of abbreviations and acronyms

Each thematic chapter (2-5) is structured in the same way. Each begins with a description of the DRC's **strategic outcomes** for that theme, including an overview of any available evidence that exists about progress made towards them. As noted above, the majority of these outcomes are taken from the DRC's Strategic Plan.

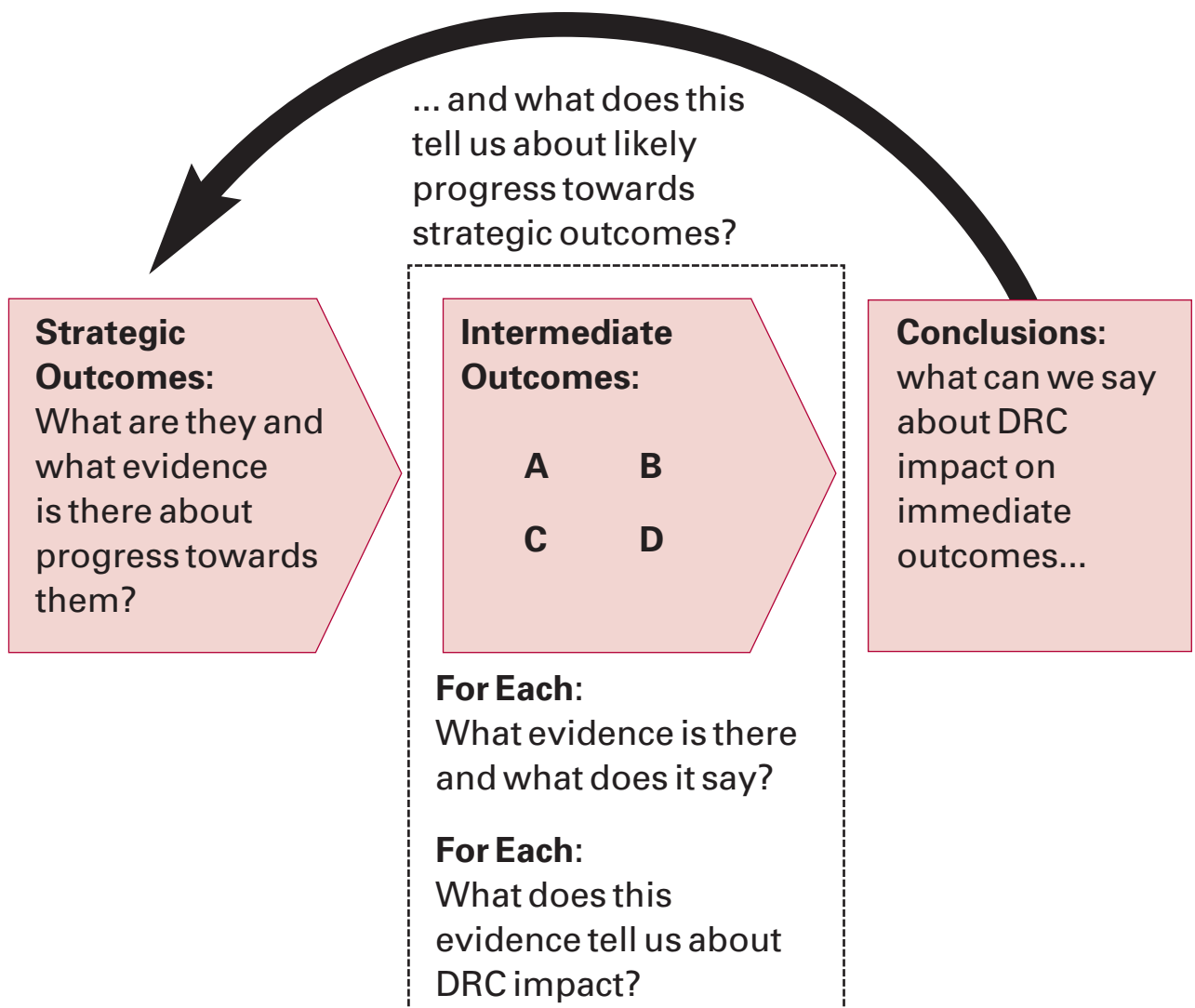
Each of the strategic outcomes are ambitious, high level and long-term, and therefore it is in most cases difficult to attribute any progress made towards achieving them to the DRC's efforts directly. This is why the evaluation framework includes **intermediate outcomes**, which are more specific and shorter-term, and more within the DRC's range of influence. All of these intermediate outcomes, if achieved, will demonstrate progress towards the strategic outcomes. After considering the strategic outcomes the next section of the thematic chapters take the intermediate outcomes identified for that theme in turn, and considers for each:

- The activities the DRC undertook to achieve this intermediate outcome
- The extent to which these activities have, in fact, achieved progress towards the intermediate outcome

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- Any differences in approach and levels of success across Great Britain
- What the evidence tells us about whether the approach that the DRC adopted was the appropriate one.

In the interests of clarity, the sections on each intermediate outcome are divided between an **overview of the evidence** and an **analysis of the evidence** in terms of the points above. Each thematic chapter closes with a concluding section which looks at the extent to which the level of progress towards the intermediate outcomes allows us to make a judgement as to the DRC's contribution towards achieving its strategic outcomes. The diagram below offers an overview of this structure.



### **Case studies and cross-cutting themes**

There are a number of **boxes** throughout the report which contain detail about the effectiveness of the DRC's work in specific areas which cut across the four thematic work programmes. These include DRC functions, like the Helpline and website, and key findings from the three case studies described above. They also include important cross-cutting aspects of DRC work, such as promoting legislative change, the implementation of the Disability Equality Duty and tackling Human Rights (where there are felt to be particularly important lessons for the CEHR). Other boxes give definitions of key terms such as 'Codes of Practice'. Because these areas of work overlap the four thematic areas, the positioning of the boxes does not necessarily relate to the text surrounding them. The boxes are numbered and listed below to allow for easy access:

1. About the Disability Rights Commission – first page of Chapter 1
2. What do we mean by 'outcomes' and 'outputs'? – Chapter 1, Section 1
3. About the Opinion Formers Research – Section 1.1
4. Definition of disability – Section 1.2
5. Key stages in the life of the DRC – Section 1.4
6. About the DRC's approach to Human Rights – Section 2.1
7. About Codes of Practice – Section 2.2
8. About voluntary binding agreements – Section 2.2

9. About formal investigations – Section 2.2
10. The DRC Helpline and website – Section 3.1
11. About the Disability Equality Duty – Section 3.2
12. The DRC’s approach to involving disabled people – Section 3.2
13. Key DRC legal cases 2000–2005 – Section 3.2
14. The DRC’s approach to legal work and enforcement – Section 4.1
15. Influencing policy and the public debate around disability equality – Section 4.2

### **Footnotes and referencing**

Secondary evidence sources which are used frequently are described in more detail in Appendix 1, in terms of their sample, scope and headline findings. Where an endnote refers to a source included in the evidence database a reference in the form ‘ED1’ indicates the correct row of the table, so that more detail regarding the evidence source cited can be easily accessed if required.

### 5. Key stages in the life of the DRC

**1995:** The DDA is passed, with no provision for a commission to enforce it, in contrast with arrangements on sex and race.

**1998:** The Disability Rights Task Force, set up by Government, recommends the establishment of a Disability Rights Commission.

**1999:** The Disability Rights Commission Act is passed, enabling a commission to be established with legal duties and powers.

**25 April 2000:** The DRC opens its doors for business.

**2001:** Brought in as the 2001 Special Educational Needs and Disability Act (SENDA), the DDA makes it unlawful for education and training providers and other related services to discriminate against disabled people. This became Part 4 of the DDA and the first parts of it were implemented in September 2002.

**2002 – 2003:** The DRC runs its Educating for Equality campaign to promote the new education duty.

**April 2003:** People who are registered blind or partially sighted are automatically deemed as disabled for DDA purposes.

**September 2003:** In post-16 education, the requirement to provide additional auxiliary aids and services (such as notetakers or specialist equipment) for disabled people came into force in September 2003.

**2003 – 04:** The DRC runs its Open For All campaign in anticipation of the implementation of the Part 3 duty affecting the physical features of premises of goods and services providers.

**2004:** The DRC supports the Meikle and Archibald cases, which usefully clarified the scope of the DDA with regard to employment. In the Meikle case, the Court of Appeal ruled that constructive dismissal was unlawful under the DDA, whilst Archibald saw the House of Lords recognising that the DDA duty to make reasonable adjustments is a wide-ranging duty which may require more favourable treatment of disabled people.

**2004:** The DRC and the Department of Health set up a joint framework for the improvement of services to disabled people within the NHS.

**2004:** Web Access and Inclusion formal investigation carried out.

**October 2004:** Changes to Part 2 of the DDA come into force, making it unlawful for all employers (excluding only the armed forces) to discriminate against disabled employees regardless of the number of people they employ. New areas such as practical work experience and employment services are also covered. Right of adjustments to physical features also come into force.

**2004-5:** Major training programme on Part 2 of the DDA for staff within partner organisations such as Citizens' Advice Bureaux, trade unions and the Law Centres Federation. The DRC's employment campaign targeted at small employers is launched, with radio adverts.

**2005:** Launch of a formal investigation in England and Wales into the experiences of people with learning disabilities and people with mental health conditions using primary healthcare services. The report from the investigation was published in 2006 and found a significant divergence in access for people with mental health conditions and/or learning disabilities.

**2005:** The DRC launches 'The Appointment' short film, shown in cinemas and at conferences and distributed via the Helpline. The film seeks to change widely held attitudes regarding employing disabled people.

**September 2005:** Adjustments to the physical environment of education institutions must be made.

**December 2005:** Certain amendments to the DDA introduced by the DDA 2005 came into force, including the broader definition of disability, which has significant impact on disabled people's employment rights. Third-party publishers are liable for publishing discriminatory advertisements.

**December 2005 – December 2006:** 'Raise your EQ' campaign to get public bodies compliant with the Disability Equality Duty. Statutory code of practice published by the DRC in December 2005 for England and Wales, March 2006 for Scotland.

**2006:** 'Fair For All' – a strategic partnership developed jointly by the Scottish Executive and DRC. The DRC works closely with NHS Health Boards across Scotland to help them respond to their duties under the DDA.



**January 2006:** The DRC discontinues its case work function and, in England, funds a number of posts at Law Centres through the Law Centres Federation. In Wales, the DRC worked with the Citizens Advice Bureaux network to build the capacity of its advisors on DDA-related cases.

**January 2006:** The DRC launches its 'Are We Taking the Dis?' advertising campaign, emphasising the need for public policy change

**September 2006:** New legal duties affecting post-16 education providers come into force.

**December 2006:** DED comes into force, as does the amended DDA which includes new duties on public transport and private hire vehicles, and housing.

**February 2007:** The DRC publishes its 'Disability Agenda' to 'put disability equality at the heart of public policy'.

**September 2007:** The DRC publishes the findings of its final formal investigation on the regulation of health in teaching, nursing and social work; an update on progress in relation to its health formal investigation; and its seven year impact report, 'Celebrating the Journey'.

**30 September 2007:** The DRC closes.

Please note: this table presents a selection of key milestones in the life of the DRC and the evolution of disability discrimination legislation since 1995. It is not intended to be exhaustive.

## 2. Education

### 2.1 Context and strategic outcomes

The DRC's specific strategic objectives under the Education theme, which form the frame of reference for all of the activities evaluated herein, are to:

1. Reduce the attainment gap between disabled and non-disabled people.
2. Reduce the number of disabled students excluded from the school of their choice or from school activities on the grounds of disability.
3. Raise the expectations of disabled learners in post-16 education.

#### **Evidence of progress towards these strategic outcomes**

Two of the three strategic objectives listed above were set out in the DRC's Strategic Plan. These were long term aims to be realised by 2010, so the DRC would not expect to have achieved them by 2007. In fact, the DRC's most prominent work has often been to expose the extent of the problems that exist (eg through research). The section below presents evidence of the current context in relation to each of these long term objectives, and considers whether any progress towards these objectives is evident to date. Our attention will then turn to the intermediate outcomes – the 'steps along the way' – against which the DRC's success can be more reasonably judged.

#### **1. Reducing the attainment gap**

The gap in attainment rates has narrowed in recent years, and the number of young disabled people participating in post-16

education and training has increased during the lifetime of the DRC<sup>5</sup>. There nonetheless remains a stark disparity between the qualifications acquired by disabled and non-disabled students. Figures from the Labour Force Survey 2005 demonstrate that disabled people between the ages of 16 and 24 are almost twice as likely to have no qualifications as their non-disabled peers (23 per cent compared to 13 per cent)<sup>6</sup>.

Disabled young people in England and Wales still remain much less likely to get to Level 2 or 3 qualifications (equivalent to 5 GCSE A\*-C)<sup>7</sup>. Further to this, at age 16, young disabled people are still almost twice as likely not to be in any form of education, employment or training (NEET) as their non-disabled peers (15 per cent compared to 7 per cent). This gap increases between the ages of 16-19 to three times as unlikely to be in employment, education or training (27 per cent compared to 9 per cent)<sup>9</sup>.

In Scotland, young disabled people aged 16–24 are 15 per cent less likely to be economically active than their non-disabled peers<sup>10</sup>. The 2006 Scottish School Leavers Survey reported that around 13 per cent of young people covered by the survey cited being in poor health or disabled as a reason for not being in education, employment or training<sup>11</sup>.

The fieldwork with disabled people and the parents of disabled children suggested a general pessimism about the extent to which education for disabled children and young people has improved. Advocacy groups too, as would be expected, think there should have been more visible efforts on the issue of narrowing the attainment gap. For example the representative of one such group said:

There's been no real improvement in the attainment of disabled students.

The most recent figures available from the Higher Education Statistics Agency Limited (HESA) show that the proportion of

disabled students on UK HEI programmes remains very low: just 5.9 per cent of students were known to be disabled in 2004/05<sup>12</sup>. These figures suggest that major barriers still exist to disabled students being able to progress beyond Level 3 qualifications. With this said there are some small signs of improvement: there has been a moderate but sustained growth in the proportion of disabled students since 2000/01, when the figure was just 4.3 per cent.

If disabled students are able to access higher education, the picture regarding attainment is more positive. In the academic year 2004/05 the proportion of disabled students on UK HEI programmes gaining a first or upper second class honours degree was 52.7 per cent – this represents an increase of 3 percentage points since 2000/01. However the gap between disabled and non-disabled students achieving at this level has remained more-or-less static over the same period at almost 3 per cent (in 2004/05 the proportion of non-disabled students gaining an upper second class honours degree or higher was 55.6 per cent).

### **2. Reducing exclusion from school of choice and school activities**

Of those surveyed in research undertaken by DRC in 2003, 11 per cent had been unable to get access to all school resources, and many also said they had missed out on school sports or trips. Research also showed a strong correlation between exclusion and subsequent low expectations<sup>14</sup>.

In a further survey, undertaken by the University of Birmingham for the DRC in 2006, 87 per cent of parents of disabled children said that their child was at the school of their choice; which although high is lower than the 96 per cent of parents of non-disabled children. The survey suggested that this was universally true regardless of the sorts of areas in which families lived, with no evidence that those in more affluent areas feeling they had a better choice of school than

those in deprived areas. Likewise, there was no evidence that families living in deprived areas were less satisfied with schools than those in more affluent areas<sup>15</sup>.

### **3. Raising the expectations of disabled learners in post-16 education**

There is no benchmarking data available to show whether there has been any change in the expectations of disabled people in further and higher education since the creation of the DRC in 2000.

In 2002, NOP interviewed 305 young disabled people aged 16-24 on behalf of the DRC. Over a quarter (28 per cent) of respondents aged 20-24 said they had not achieved the things they hoped to when they were younger<sup>16</sup>. Further to this a survey by the DRC in 2003 found evidence of exclusion and subsequent low expectations, with almost one third of respondents saying that they expect to be earning less than their peers by the time they are aged 30<sup>17</sup>.

Further research in 2005 has found that whilst since the 1970s the aspirations of disabled 16-year-olds have risen to the same level as non-disabled 16-year-olds, by the age of 26 young disabled people are much more likely to think that their previous efforts have gone to waste. The effects of negative personal experiences of unemployment and a lack of opportunities to fulfil their ambitions leads these young adults to increasingly believe that anything they do will have a minimal impact on their life chances. This is also reflected in their actual circumstances: by 26, they are less likely to have the qualifications that match their aspirations. This suggests a vicious circle between a declining rate of participation in learning and a reduction in the aspirations and expectations of young disabled people regarding their own life chances<sup>18</sup>.

A 2004 study concluded there is limited evidence about the effectiveness of different pre-entry interventions with young people in terms of improving take up of HE places. Much of

the research in this area has focused on students' perceptions of interventions, rather than on tracking those students into HE. Where more in-depth research has been undertaken, the evidence suggests that it is not possible to identify specific causes and effects of interventions<sup>19</sup>.

### **6. The DRC and Human Rights**

In enforcement work, stakeholders interviewed felt that the DRC had been successful in expanding on and clarifying what Human Rights means for the law. This has been applicable mainly in the case of health and social care. Respondents spoke of a misconception that HR legislation is designed only for certain groups, but that the DRC had demonstrated that it is for everyone in society.

The DRC has sought to expose and further promote the close inter-relationship between fundamental human rights and disability rights, and has been keen to explore the way in which an embedded 'human rights culture' can benefit disabled people.

This inter-connectivity has been founded on the common ground between disability and human rights, most notably the principles of autonomy and dignity. This philosophy has the potential to be an important one for disabled people, as it emphasises each person's right to fulfill his/her potential and respect for the diversity of life experience.

The great achievement of the DRC in relation to human rights has been its ability to apply and make tangible a law that for many remains abstract and which, worse still, often receives a negative press. This is a point the Chair of

the DRC made in a speech earlier in the year, where he argued that disabled peoples' experiences of using human rights principles to remedy injustices could act as the antidote to quell a public backlash against human rights laws.

Amongst the most reported of several cases involving the DRC on human rights grounds was that of two disabled women whose local authority carers imposed a ban on physically lifting them in and out of the bath, since they wanted to rely instead on only using hoists. The disabled women's right to independent living had in effect been placed second to the care workers' health and safety. The DRC argued that the authority had got the balance wrong, and in his ruling the judge incorporated human rights principles into social care policies. 'Human dignity', the judge said, was central to the 'physical and psychological integrity' of the person.

In threading together the debate about disability with the debate about human rights – particularly in relation to independent living – the DRC has not only benefited those covered by the DDA. Some experts suggest that the DRC has been so effective in this field that its impact is being felt by other interest groups, awakening them to the potential of the human rights legislation and encouraging them to exploit its value.

'To my knowledge, the DRC has demonstrated a strong sense of using the HRA as a means to an end and not end in itself... it has contributed to a national discussion, and has made public bodies think about what the Human Rights Act means' (human rights lawyer)

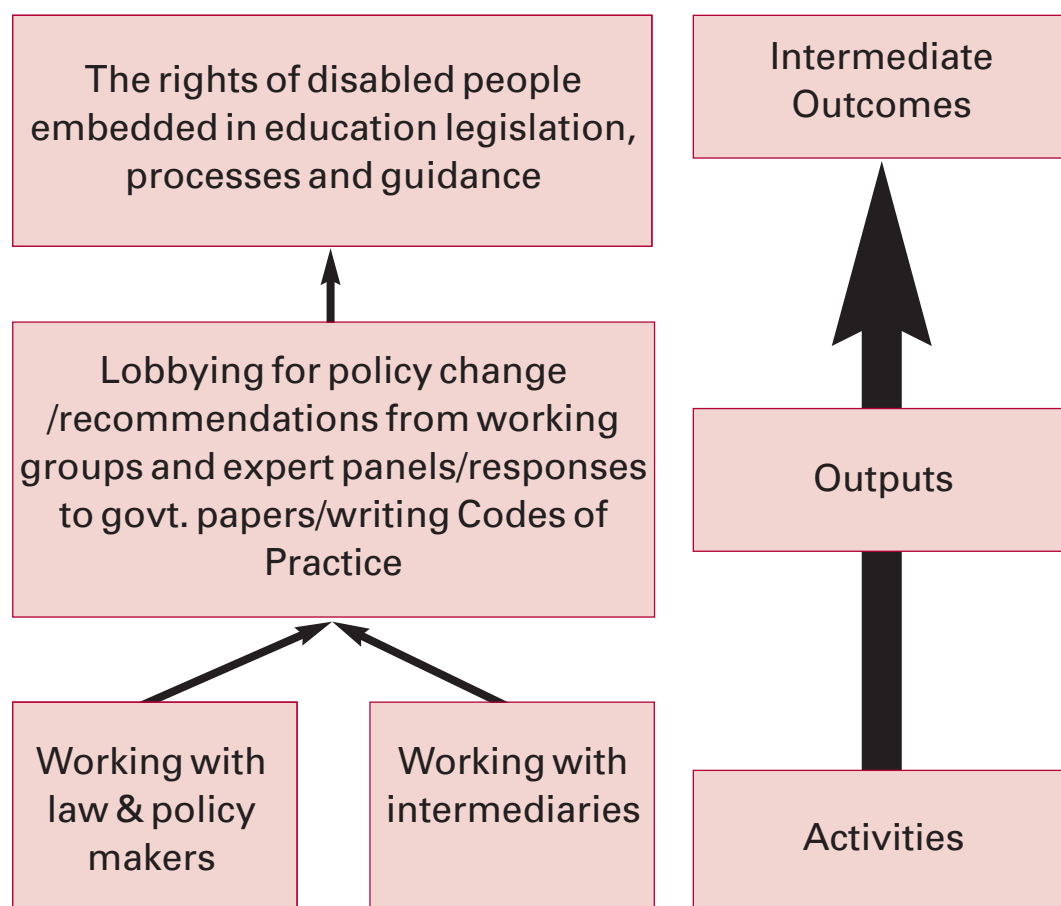
As well as being involved in human rights interventions involving disabled people, the DRC has also published discussion papers and consultation responses on a number of key human rights issues including genetics and voluntary euthanasia. The DRC also published a comprehensive analysis of the Human Rights Act and how it applies to disabled people, and also contributed to British Institute of Human Rights publications on the Human Rights Act.



## 2.2 Intermediate outcomes

### A. Embedding education rights for disabled people in legislation, processes and guidance

The DRC's three strategic education objectives around attainment, inclusion and self-expectation are of course interlinked and have been pursued through a wide range of activities. Whilst most of the DRC's resources have been focused on implementing and promoting rights on the one hand and enforcing them on the other, there has also been a relatively small but important pocket of work around influencing policy makers and consolidating the legislative framework:



By embedding their rights more comprehensively in education laws and policies, and by establishing processes and guidance that enable educators to live up to those, the DRC has sought to ensure that disabled learners have their needs more proactively addressed by educators. If this can be achieved, the assumption is that each of those long term strategic outcomes – interdependent as they are – can, in the long term, be realised. The two main areas of activity that the DRC has pursued to achieve this outcome are its work to directly influence law and policy makers, and its work to collaborate with intermediary bodies to exert further influence.

Specifically, this has involved presenting government with research about disabled learners and their experiences, arguing the case for better provision, and working with them to produce Codes of Practice and guidance documents that help effect that change in practice. The DRC has attempted to influence the education system through giving evidence to the Education and Skills Select Committee, making recommendations to policy reviews, collaborating with DfES and LSC on proposals, and arguing for the collection of better data to inform future policy.

The DRC's review of the literature on accessible curricula, qualifications and assessment, conducted throughout 2004-05, provides one example of the research DRC has produced to influence the government on education. It sought to gather evidence of the impact of the curriculum, assessment and examination practices on disabled learners, and found that the current system is ineffective in protecting them from discrimination<sup>20</sup>. This has fed through into changes in the amended DDA (2005), which tightened the law.

### 7. About Codes of Practice

The DRC has produced a number of Codes of Practice, explaining legal rights and requirements under the DDA. These Codes are practical guidance – particularly for disabled people, employers, legal advisers, service providers and education institutions – rather than definitive statements of the law. However, courts and tribunals must take them into account where relevant.

What the evidence says about the DRC's success in this area

- Contributing to the Foster Review of FE colleges, DRC's requests resulted in the subsequent Further Education White Paper making specific recommendations to the LSC to develop a national strategy for improving the quality of provision, better partnership working and effective structures for funding and delivery of further education to disabled learners<sup>21</sup>.
- The Joint Council for Qualifications took on recommendations from the DRC and introduced a change in policy from ensuring they make 'special arrangements' for disabled students to making 'reasonable adjustments', providing much stronger protection for disabled students.
- The DRC worked with others to influence the DDA 2005 so that bodies awarding general qualifications are adequately covered by anti-discrimination legislation. As a result, disabled people taking general examinations can no longer be discriminated against due to a failure of the awarding body to make appropriate reasonable adjustments (as at September 2007).

- In **Scotland**, DRC evidence during the passage of the Additional Support for Learning Act helped ensure that future decisions by education authorities on making provision for a child are not based solely on cost.
- DRC Scotland's response to the 'Youth Matters' green paper ensured that the proposals set out would address the structural causes of inequalities faced by disabled young people and their families that are known to lead to long term exclusion.
- DRC Scotland worked with the Scottish Executive to consider a change to the DDA to enable education disability discrimination cases to be heard in additional support needs tribunals, rather than in the Sheriff Court. This is a major goal, as the current legal framework for bringing Part 4 (Education) cases in Scotland is a disincentive to individuals who may have a case to pursue. The government is consulting on this issue in its Green Paper on the Discrimination Law Review.
- In **Wales** in 2003, the DRC organised an international congress for disabled young people, which was followed by the Welsh Assembly Government (WAG) Equality of Opportunity Committee conducting a two year investigation into equality of opportunity experience by disabled young people in Wales. This provided the DRC with an important opportunity to directly influence the outlook of ministers and policy makers.
- DRC Wales has found that education, along with health, is the most well developed policy area in the WAG, which has benefited the DRC's ability to promote action in this area. The WAG education minister has been enthusiastic about meeting and working with the DRC, enthusiasm which has been used as a lever to arranging meetings with officials.

- An evaluation of the **DRC's Educating for Equality (E4E)** campaign produced several indications of the influence that elements of the campaign had on opinion formers. The NOP survey commissioned by DRC, for instance, provided evidence on young disabled people's experiences, which not only caught media interest but politicians' attention – suggested by the fact that a minister was quoting it six months later<sup>22</sup>.
- The Echo 2003 opinion former survey for the DRC found that the four most frequently mentioned areas of DRC good practice included publications like the **Education Codes of Practice**. The report quoted one government respondent, who said:

I was particularly pleased with the post-16 Code of Practice... it was a good example of teamwork.
- The DRC has involved education professionals in the process of drawing up Codes of Practice and proposed legislation. In Scotland, for instance, the DRC held consultation events on the Education Codes of Practice and the Special Educational Needs and Disabilities Act (SENDA), the reflections of participants feeding into the output of both – thereby giving the DRC's input greater weight with decision makers.
- The fieldwork suggested there is a perception amongst some education providers, parents and DRC staff themselves that the DDA is still incomplete in relation to education, or at least that the mechanisms for embedding it (such as the guidance available) are insufficient. Some parents felt that they were caught in the 'friction' between the government and the LEA, and were still having to fight to get the services they and their children were entitled to.

### **Analysis of the evidence of the DRC's effectiveness in this area**

The DRC has been able to influence law and policy makers in two main ways: through working with, advising and lobbying them directly (ie targeted) and through its campaign work aimed at a wider, general audience. Tracing the impact of both on policy makers is difficult. What is evident is that the DRC has cultivated a voice that is respected by government, in education policy as other areas, and that its recommendations in relation to a series of specific issues have been listened to and, often, acted on. Its influencing work has sometimes had more immediate practical implications – through its preparation of Codes of Practice, for instance, it has had a direct bearing on the actions of institutions and their staff. Influencing has sometimes been about more subtly establishing principle, such as the change from 'special arrangements' (which were voluntarily provided by general qualifications bodies) to 'reasonable adjustments' (as required by the new legislation) in relation to its recommendations to the Joint Council for Qualifications. Such elements of influencing work will be invisible to the majority of potential beneficiaries, but are likely to translate into key shifts in the underlying approach that institutions take to disabled people, and thus driving the inclusion agenda and embedding rights.

It is clear from DRC staff in Scotland and Wales that the Commission has benefited from the devolved governance arrangements which have facilitated greater closeness and co-operation with policy makers in Scotland and Wales. Education is one of the devolved policy areas in which the DRC has had the opportunity to fill what has been, to some degree, a vacuum of knowledge and expertise within the devolved governments.

Parents and disabled people interviewed during the fieldwork expressed some dissatisfaction with education

services, but as with all of the primary evidence cited herein these views must be treated as illustrative only: of the 14 focus groups conducted, 4 included a focus on education. Amongst the disabled people and parents of disabled students who participated in the evaluation research there was a view that the curriculum for people with learning disabilities, for instance, has significant weaknesses, and there was criticism that it does not impart genuinely useful skills. One parent reported their daughter repeating the same course for four years with 'no significant benefits or outcomes'. Others said:

There's been a lot of focus on 'fun' things like swimming, which are good for their confidence, but won't help them get a job or raise their expectations (parent of disabled student, England)

The special needs school is good at meeting everyday needs – it provides structure and it is nice to see familiar faces everyday. Tutors are also very supportive and helpful, but the courses that it offers are repetitive and often are the same every year. I don't think that it will help people to get jobs afterwards. I feel a bit stuck; it would be better if there was more variety and choice, instead of just going around in circles (adult learner with learning disabilities, Scotland)

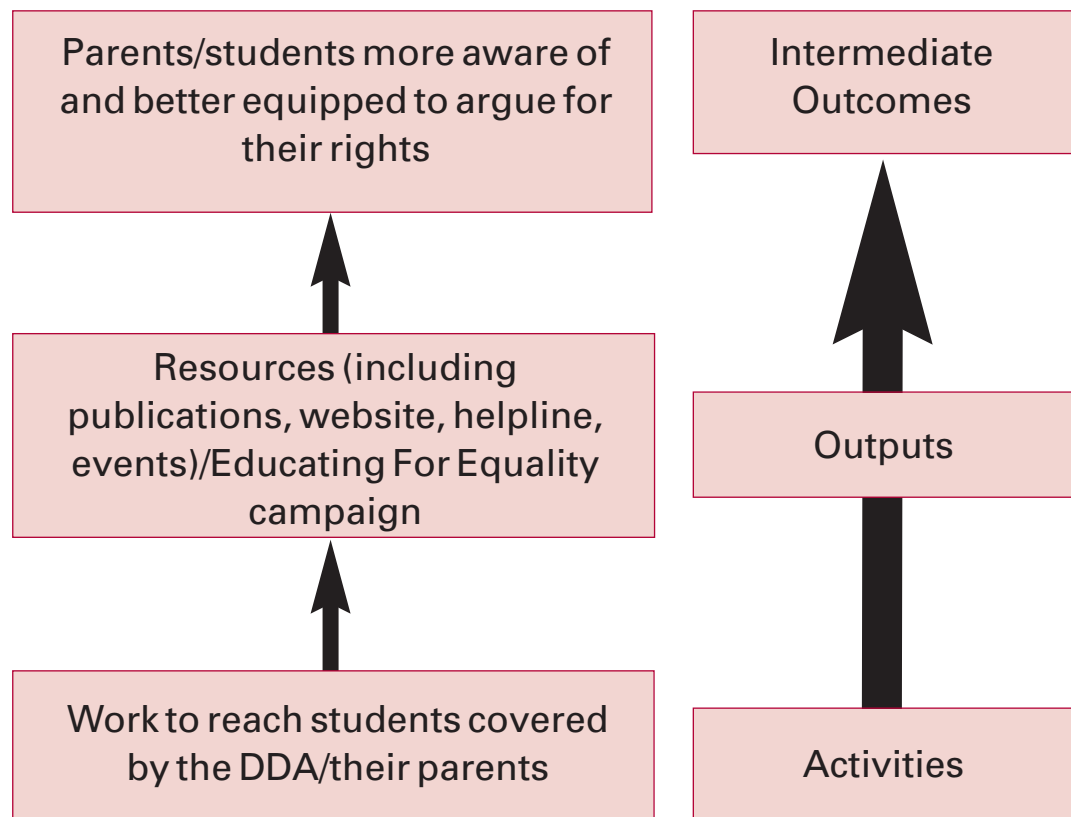
The DRC has approached considerations on special education from a rights perspective, emphasising the right of disabled people to attend a mainstream school. However it has also had to take account of the fact that many disabled students and their parents value the option of a special school environment. Accepting that this is the case, it could be argued that the DRC should have done more to influence the nature of the curriculum within special schools and how it could be improved. This may, however, have clouded the

DRC's argument undermined the clarity of its overarching message on education – that of supporting better 'integration' of mainstream and special schools and the inclusion rather than segregation of disabled young people<sup>23</sup>. It is reasonable, then, that the DRC has taken the view that in the longer term, disabled people will benefit more from their strong position on the principle of equality in education than they would have done from a more vocal stance on the detail of educational experiences in special schools.

### **B. Raising students' and parents' awareness of and ability to fulfil their rights**

To support disabled learners and their parents, the DRC has promoted awareness of the rights disabled learners have through dissemination of information via resources like the DRC website and Helpline. Amongst the key activities has been the production of a guide for disabled students and learners, a guide for parents, and guides on how to make a claim in relation to both the English/Welsh and Scottish systems. The most vigorous promotion of these came in 2002-03 during the Educating For Equality campaign, DRC's year-long focus on promotion of the new DDA education duty.





### What the evidence says about the DRC's success in this area

- In **Scotland**, following research highlighting that parents had little or no knowledge about the rights of their children, DRC Scotland ran a series of events in early 2005 to raise parents' awareness about the DRC, the DDA and subsequent Scottish education legislation.
- General public awareness of the new education law went up over the Educating For Equality campaign period from 17 per cent in 2002 to 30 per cent in 2003. Disabled people's awareness went up from 21 per cent to 32 per cent. By 2003, 72 per cent of the public surveyed believed discrimination in schools, colleges and universities was illegal (even if they were not aware of a specific new law).
- As would be expected in the light of greater general public awareness, there has also been an increase in awareness

of the education duties specifically amongst the parents of children covered by the legislation:

- In research conducted in Scotland in 2002, only 45 per cent of parents of children with a Record of Need had heard of the DDA, but further research found that this figure had risen dramatically to 73 per cent by 2004.
- The same study found that parents also seemed to understand SENDA better; in 2002, 77 per cent of parents of disabled children reported having little or no understanding of the Act, compared with just 21 per cent two years later.
- Over half (57 per cent) of parents surveyed in a 2006 study (including parents of disabled and non-disabled children) were reportedly aware of the DDA. This represented a majority of those surveyed in all three countries of GB, although awareness was higher in Wales (67.2 per cent) than in England (59 per cent) or Scotland (54.2 per cent)<sup>25</sup>.
- Whilst mostly aware of the DDA, fewer parents were certain about how the DDA had impacted on their child at school (just over half of parents with a child in the 'DSD' group – see glossary – reporting that it had), and when asked, less than half were aware that the DDA applied to schools in the first place<sup>26</sup>. In the 2002-03 research in Scotland, the great majority of parents/carers of disabled children (80.8 per cent) were not aware that the DRC published a guide for parents concerning the rights of disabled children in education<sup>27</sup>.
- On arriving at DRC Scotland's awareness raising events in 2005, nearly two thirds of attendees felt their understanding of Part 4 of the DDA was non-existent or poor. Afterwards, 87 per cent felt their understanding was now good.

- At the same DRC Scotland awareness-raising event cited above, 57 per cent of participants felt their awareness of the work of the DRC was poor. After the event, approximately nine out of ten (93 per cent) of attendees stated their awareness was now good.

### **Analysis of the evidence of the DRC's success in this area**

One of the DRC's aims has been to position itself as the first port of call for disabled people, their carers and advocates in terms of sourcing **information**. (Note that the DRC can only provide information on DDA-related issues and can not advise on Special Educational Needs issues.) The DRC Helpline was a key gateway to this information, and calls to the Helpline on education were higher in the year of the Educating For Equality campaign than in the previous year. That the DRC raised awareness of itself as a source of help on education is further suggested by the fact that peaks in the number of education calls to the Helpline tended to coincide with peaks in campaign activity<sup>29</sup>.

As the Educating For Equality campaign evaluation report concedes, the link between DRC activities and increased awareness cannot be proved – particularly with partners and other organisations contributing. It was partly because of this that awareness of the campaign itself was not tracked. That said, we can at least make the strong assertion that **the DRC was a key driver of that 13 per cent increase in public awareness** of the duty, since no other concerted mass media campaigns were occurring over the same period. The fact that the campaign was a finalist in the Institute of Public Relations Excellence Awards 2004 is further evidence suggesting potential for impact<sup>30</sup>.

The Birmingham University study does paint a picture of present awareness levels amongst parents in England, Scotland and Wales, but there is no comparable data against which the data can be benchmarked, and so the research will

need to be repeated in future in order to track change.

There is no statistical evidence available to illustrate the contribution of the DRC's **guidance materials** to the increase in students' and parents' awareness of the DDA, but feedback from specific DRC events offers a glimpse of more measurable success.

The evidence from DRC Scotland's awareness raising events for parents and carers illustrates the success of such events in imparting information about the DDA and DRC; most arrived expressing little knowledge of either but left with much greater confidence about their knowledge of both. That awareness was so low on their arrival, however, also indicates the extent of the task that has faced the DRC. The findings from the evaluation fieldwork reiterated that many remain unaware of the information available from DRC, those parents involved in one deprived area of the north east having no knowledge of the DRC's work in education or the information DRC had made available for them.

The great majority of parents had been unaware that the DRC published a parents' guide. It could be concluded that producing the guidance was therefore an ineffective means of reaching its target audience, and that resources could have been better focused elsewhere. Guidance certainly appears not to have been accessed by many of those it was intended for, but it would be difficult to argue that it should never have been written in the first place; relatively low cost and permanent in contrast to campaigns and events, it is not the guidance itself that could be questioned, but the DRC's success at disseminating it.

Figures available show that in each of the three countries, awareness of the DDA (between 54.2 per cent and 67.2 per cent) was higher than awareness of the DRC (between 39.5 per cent and 56.7 per cent; full figures in Appendix 2, Tables

3.1 and 3.2). With other organisations promoting awareness of the legislation, this is not surprising. It should be born in mind, however, that much of the DRC's promotion work filtered through other bodies (as during the Educating For Equality campaign), and the DRC was often content not to promote its own brand at the risk of eclipsing the message.

Most people in the two parents' support groups that took part in the fieldwork said that they would go to their local authorities or relevant voluntary groups for information and advice, as well as friends at the support group itself. Overall, the DRC did not feature high up the list of organisations they would consider, although this view was not universal even amongst the small number of parents who participated in the evaluation fieldwork. Some acknowledged the DRC as a very useful source of information, praising the DRC website and its easy-to-understand documents. As elsewhere, this suggests views on the effectiveness of DRC support vary according to whether there has been direct experience or not. The question of whether it should be the role of the DRC itself to raise awareness was also raised. Some research participants suggested their LEA should do more to make parents aware of DRC resources, as it was LEAs that they were most often dealing with in relation to their child's education choices. There was often scant awareness of the Helpline as well:

I'd go to my tutor at college and also the support groups I'm involved with [for information and advice]. I'd like there to be a telephone helpline that covers all of the different areas (adult learner with learning disabilities, unaware of the DRC Helpline)

People say 'why don't you phone or get help?', but it's virtually impossible to get advice. I phoned the 'Contact a Family' helpline; it was brilliant, and better than any government service. The staff there

are in a similar situation [to mine]. But it shouldn't be up to other families to tell me what to do. When my son was diagnosed we should have been given information straight away, one sheet of useful phone numbers... no one has told me that the DRC can help (parent of child with learning disabilities)

Comments from those participating in the fieldwork highlight the diverse range of groups and individuals that disabled people and their carers rely on for advice and support with regard to education – the DRC often not being one of them, though appreciated when it was. They also serve as reminder of how difficult it has been for the DRC to disseminate awareness of its information services to the people who need them, although with this said, the Commission's emphasis on working through intermediaries may be a mitigating factor.

Awareness of the DDA has increased amongst parents of disabled learners, but for the DRC to achieve the impact it has sought to, that awareness has to translate into something tangible. Quantifying the extent to which parents and students themselves press for fuller and fairer access to aspects of their education is not an easy task, but to have increased the sense of optimism and empowerment to improve things would at least mark a significant step. It is therefore encouraging that, as evidenced in the University of Birmingham's survey, some parents reported a greater sense of empowerment for themselves and support for their children as a result of the legislation (or rather, as a result of knowing the legislation existed). Around 38 per cent of parents of disabled children had asked their school to make changes for their child in relation to their disability<sup>31</sup>. Our much smaller number of fieldwork respondents working in post-16 education certainly suggested that there have been significant changes in the expectations of disabled learners' parents – and, in one case, that DRC figures prominently in their armoury:

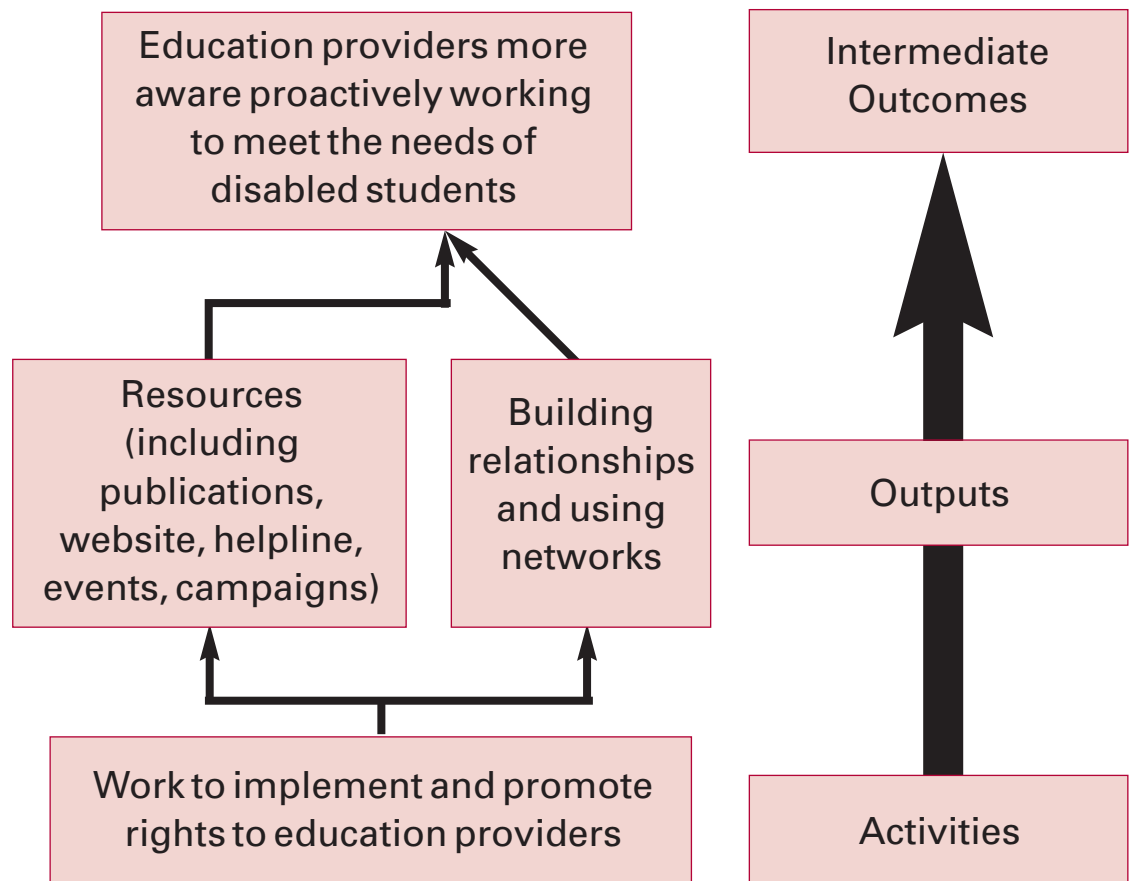
Parents are absolutely more aware of their rights and have higher expectations. In the last 2 years we have seen a significant rise in the number of parents coming to us, talking about the DRC and being ready to make a complaint (FE college, equalities lead officer)

DRC advice and materials, when accessed, are on the whole rated highly by parents and learners. Awareness of the DDA has increased amongst parents of disabled children and young people, and it seems likely that as the biggest campaigner and media presence on the education duty during 2002-03, the DRC was an important contributor to this. Qualitative fieldwork illustrated the continuing frustrations of some parents, however, to whom a more visible, high profile commission could have given greater confidence. How widespread this frustration is we cannot tell from the evaluation fieldwork alone, but as this is a theme that recurs throughout this report, it is certainly worthy of mention. The DRC was right to use its limited resources to publicise the duty above itself, but perhaps underestimated the benefit that awareness of the DRC as a champion of disabled people could have, particularly in relation to this second intermediate outcome, which relied not only on raising students' and parents' awareness of the law, but also on equipping them to argue their rights.

### **C. Encouraging education providers, teachers etc to work proactively to meet the needs of disabled students**

As with its work under other themes, in parallel with raising awareness amongst disabled learners of their rights, the DRC has also worked to raise awareness amongst education providers and professionals in order to encourage a proactive response to meeting the needs of disabled students. This intermediate outcome can be seen as a critical gateway towards achieving the DRC's three strategic outcomes. The emphasis is on educators working in the spirit

of the legislation and being proactive to meet needs, rather than simply being 'aware' of their duties and reactive. That they do is clearly vital if young disabled people are going to be able to attain higher, be fully included in school life, and be encouraged to aim higher.



Even though the law is in place, promoting it to educators – and promoting ways they can implement it most effectively – are an integral part of working towards the DRC's three strategic objectives in education. In his review of the literature on disability discrimination across the 0-19 age range commissioned by the DRC, Gray (2002) noted that in failing to tackle the systemic causes of less favourable treatment, schools are unintentionally discriminating<sup>32</sup>. Gray's findings showed that although there are some reported incidents of extreme prejudice and discrimination towards young disabled people in educational institutions



(from both adults and other pupils), most discrimination is subtler and unintended. In many cases, Gray found that the cause of discrimination was the lack of action taken by schools to make reasonable adjustments or the low expectations of school staff of disabled children. Thus encouraging schools' and colleges' to embed more thorough awareness of their duties, to display a proactive approach to reasonable adjustments and to work to change attitudes that limit teachers' expectations of disabled learners have been important components in DRC's education activities.

### **What the evidence says about the DRC's success in raising awareness amongst education providers (overall)**

- The research organisation Echo conducted four in-depth interviews with education opinion formers. This found that the Educating For Equality objective to raise awareness of the DDA Part 4 amongst education providers, teachers and disabled students 'had been largely met'. Their report drew the following conclusion<sup>34</sup>:
  - The participants noted that improvements in raising awareness have been achieved at several levels. The campaign has effectively reached disabled young people, teachers and education providers through raising awareness of the implications of the DDA. It has certainly brought the topic of disability and education on to the radar and created the momentum for change, which appears to still be going.

### **Evidence of work towards this intermediate outcome through production of publications:**

- As part of the **Educating for Equality (E4E) campaign**, the DRC produced a range of targeted publications and events aimed at those with duties under the new

legislation, developed and disseminated through substantial partnership work. These included Codes of Practice, campaign packs, senior managers' and governors' guides and a variety of other guidance, along with fact sheets, leaflets and literature reviews.

- Research following the Educating For Equality campaign found that the majority of FE and HE respondents to DRC-commissioned surveys either had their own copy of the Code or knew where they could look at one, and 55 per cent used the Code as a 'reliable source of information and guidance', with over 6 in 10 users reporting it to be 'very helpful'.
- Of the schools sampled in the E4E evaluation research, 56 per cent stated that they had used the Code of Practice, and 26 per cent the DRC Guide for Schools, principally as sources of reference, guidance and for checking their compliance with the legislation. Whilst this suggests that this guidance material is at least being used, it does not tell us anything about the impact achieved.
- Educating For Equality evaluation respondents stated that the more substantial and detailed Code provided information on legal obligations and reference material for policy and planning matters. The Guide was felt to lend itself to in-service training and awareness-raising and acted as an introduction to DDA duties in schools<sup>35</sup>.
- Feedback forms received by the DRC marketing team found that of 145 respondents, over 80 per cent thought the education publications they had received 'very helpful' whilst less than 1 per cent found them not helpful.
- In the years since the Educating For Equality campaign ended, there has been a continuation of the work promoting the education duties to those who are responsible for enacting them, such as the promotion and awareness-raising work in relation to the new DDA Part 4

post-16 sector duties on physical features. Resources have continued to be accessed by education staff, and by 2005, 5000 copies of the DRC's Citizenship Pack had been mailed to schools throughout England and Scotland, with a bilingual Welsh resource being used in schools across Wales.

- In 2004, DRC Wales published its report 'Taking away the Strain'. This included a survey of the ability of further and higher education institutions in Wales to deliver the Auxiliary Aids and Services Duty which came into effect in 2003 and revealed in particular a critical shortage of BSL Interpreters, Palantypists and note takers to support hearing impaired students. As a result of the report, the National Assembly Wales established a Task and Finish Group to increase provision of BSL Interpreter services in Wales and resulted in a project funded by European funds to train 60 new Interpreters.

### **Evidence of work towards this intermediate outcome through events and engagements:**

- In 2002, the DRC national conference focused on young disabled people's aspirations, and almost all delegates giving feedback on the national conference that focused on education found the agenda to have been 'excellent' or 'good'.
- In **Scotland**, four 'Beyond the Ramp' events were held. Roughly three-quarters (74 per cent) of respondents to a follow-up survey about the 'Beyond the Ramp' events in Scotland said these had helped them develop accessibility strategies – strategies which should in practice enable schools to better meet the needs of their disabled learners, and thus ultimately contribute to those overarching objectives around inclusion in school life, higher expectations and more equal attainment.

- Commissioners and staff spoke at other organisations' conferences in order to target professionals such as teachers, lecturers and special educationalists. Coinciding with these activities, work was undertaken to ensure the Helpline, casework and legal services were plugged into the campaign.

### **Evidence of work towards this intermediate outcome through networks and partnership working**

- The DRC worked with the Teacher Training Agency and the General Teaching Council to produce the guidance 'Able to Teach'. Aimed at providers of teacher training, it detailed their responsibilities under the DDA to ensure disabled people can enter and progress within the profession, and whilst not statutory guidance, set out accepted practice.
- Our minimal fieldwork with FE colleges suggested different perceptions of whether the DRC has worked well with intermediaries in the education sector, some feeling that they had been effective at building good relationships, others feeling that they had been ineffective.
- There was criticism from one disability education organisation who felt that partnership working had resulted in the DRC delegating responsibility for too many events to those less qualified to deliver them: 'It should have run more events itself instead of leaving them to the DFES, which was far from adequate' (Disability education advocacy and training group)
- Over half (13 out of 22) educational organisations responding to a questionnaire in 2003 had taken action and 7 planned to take action as a result of the Educating For Equality campaign. Respondents to this survey had

often heard of the new duties not directly from DRC but from one of its partners, whose messages had been designed in collaboration with the DRC.

### **Analysis of the evidence of how successful the DRC has been in raising awareness and improving education providers' practice**

Publications were available via the DRC Helpline and website, and were rolled out through numerous organisations with memberships of students, principals, governors, disability officers and others. The DRC **worked in collaboration** with several of these organisations in producing the materials they distributed, including the LSC, the Council for Disabled Children and 'Governors Wales'.

Amongst our limited fieldwork sample, the interview respondents working in the education sector had a high awareness of DRC materials and had used the website and – with less success – the Helpline. The DRC seemed to feature more prominently as a source of information than it had for the often less-aware parents we interviewed, but again it was one source of several.

I get information on the duties from a mixture of places – the DRC e-bulletin, stuff from the university solicitor, NOD, Skill... I'd go to NDOP first as we're on their email list. I have tried the DRC Helpline once but didn't get through, and I've heard the same from others. I do regularly use the website too to check out case law etc. (HE disability equality lead – Northern HEI)

As equality manager, I would go to the DRC website for info, but also have a standing supply from a company called Lighthouse, based in the North East, from whom we get a termly newsletter, and the Association of Colleges is good, it seems like an almost weekly bulletin that we get from them and I

pick up a lot there... So no, I don't feel DRC are the first port of call; the website is informative, but it's not first place I go (FE college equality manager)

One respondent also stated that they had found DRC information more broadly to be 'too generic', and had since sought more concrete information from elsewhere. They did not feel negative about the DRC, but this had encouraged them to view it 'more as an info service for disabled people, rather than for education or service providers'.

I have a look at the DRC website; it's a good source of info but sometimes you want more specific guidance. I phoned the Helpline once for some specific advice regarding overseas students. I wanted to know who was responsible for paying for their support, but was just told it's a case of 'whatever's reasonable' – and that we'd have to wait until it was tested in court to see what that meant. Now I contact the Employers Forum for Disability and Equalities challenge Unit... I don't phone the DRC (HE disability equality lead – Southern HEI)

As noted elsewhere, one should be cautious before assuming that the views noted above reflect the consensus amongst education professionals.

Parents' experiences of schools naturally vary from place to place. Many of those we spoke to remain strongly critical of the choices they have and the education available to their children, although they do not blame the DRC for this. On the whole, they felt that they were seeing neither teachers nor schools more generally become any more inclusive for disabled children, that there was a lack of planning around transition and that mainstream schools were 'just ticking boxes' without embracing the spirit of the legislation, whilst the curriculum in special schools is inappropriate. One

interview respondent in Wales had always had positive experiences with her son's primary school, but was finding that secondary schools were 'a different ball game':

The head of the school said he couldn't take my son because they don't have the facilities to support him. They should improve their attitude towards learning disabilities – my son will have to go to a second rate school... they should have more facilities like chill areas, support staff etc; only one school has this unit (parent of child with learning disabilities)

The three FE/HE equalities contacts we spoke to were confident about the impact their work was having and in the increase in awareness, understanding and enacting of their institution's duties. Importantly, they also reported efforts to monitor outcomes, as the direct quotes below illustrate:

There's more work to do, but we're trying to look at individual circumstances more, and monitoring the progress of disabled students. We decided to do this to spot if there are any barriers to progression (HE disability equality lead – Southern HEI)

I feel confident that people within university know what they need to; people come to me, we provide case work advice, and we seek further advice from elsewhere when we need to (HE disability equality lead – Northern HEI)

There have been big improvements over the last few years – we have lots of access and achievement evidence. It has taken a long time to get DDA compliant, but has been good for us... there's been a huge change in staff attitudes; they always did their best, but they were not so well resourced and were

in the dark – now we have four full time learning assistants, five years ago we had none (FE equalities manager)

The DRC's intention that working to raise the awareness and expectations of disabled learners and parents in turn encourages educators to improve their practice was something that interviewees were witnessing for themselves.

The improvement is something we were working towards ourselves, but with people's expectations raised as they have been over the last few years, our expectations are raised as managers in college – we want to provide the services that people want us to, and more broadly there's been a big societal shift (FE equalities manager)

These few in-depth interviews cannot be thought of as representative, but they do suggest that in some cases at least the work of the DRC gave added impetus to changes in FE practices and, more intangibly, contributed to a wider sense of expectation around what education providers should be doing to facilitate the inclusion and progression of disabled students.

### **Use of relationships and networks within the sector**

Throughout its work, the DRC has worked with intermediary bodies in order to channel its efforts and reach those with duties more effectively.

The interviews we conducted with post-16 colleges hinted at differing perceptions of the DRC's effectiveness in building relationships with education providers and forging networks



in order to strengthen its influence. For example, one equality officer from the HE sector said that:

I think they have good relationships with the networks – they have named contacts, contribute to email lists etc... it seems most of their contacts are at equality officer level, although they try to reach others (eg vice chancellors) (HE disability equality lead – Northern HEI)

On the other hand, the extensive collaboration with education partners was not something that always filtered down to schools and colleges:

I don't have any sense of them working in partnership with education networks; they're not very up front. It's me going looking for things rather than it being there for me already, and I may be wrong, but I can't say I've had anything in the post from them (FE college equalities manager)

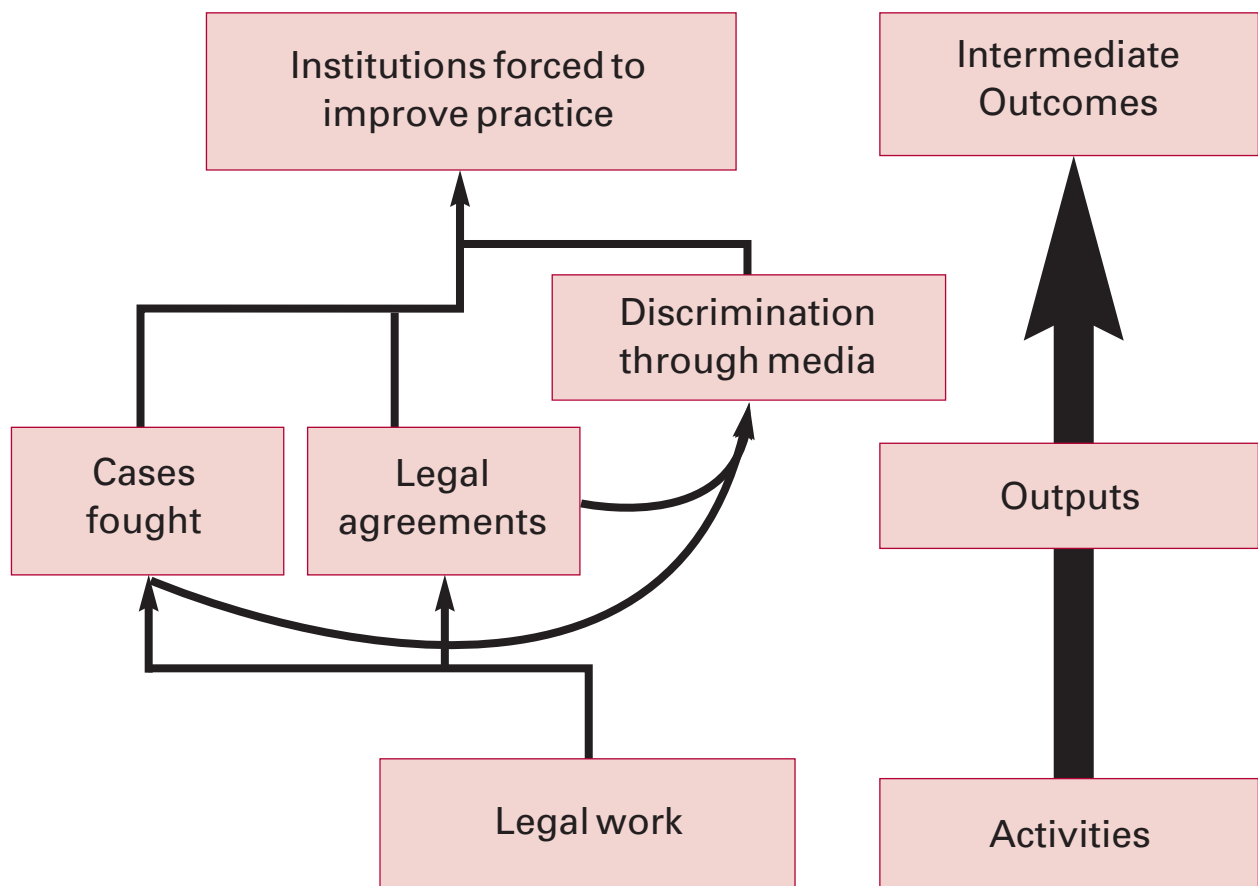
But it is, of course, beyond the scope of this evaluation to come to a robust conclusion on the success of the DRC's partnership working in education without the benefit of a larger evidence base.

The DRC has always understood the value of forging partnerships in order to strengthen its influence. Feedback from those involved in or familiar with these collaborative activities reflects positively on the DRC – they are seen as 'clever' to have worked with others and to have channelled their efforts through existing networks as they have. Inevitably, those organisations who feel 'under used' by the DRC can hold a more negative view of the approach, believing that they have not collaborated enough with appropriate agencies, including with disabled people. What is also evident from the fieldwork is that people 'on the

ground’ – those with rights and those with duties – often have little awareness of the partnership work that goes on. In terms of influencing, this might not be important, but it does contribute to the stunting of DRC’s profile alongside other apparently more ‘active’ disability education organisations.

### **D. Using the law to bring about changes to institutional practice**

In terms of resources, almost half of the DRC’s work in education has related to the promotion and implementation of the rights conferred by the law. An equal proportion of its work has been dedicated to the enforcement of those rights. In education as in other fields, the intention has been to support legal cases being brought under the DDA, thereby forcing the specific institutions to live up to their duties, but also pressing home to others the need to improve their practice as well. (It is important to recognise, however, that the DRC also considers how the DDA can be made to work better and most effectively for disabled people in general, and that such an approach underlies the DRC’s approach to ‘strategic’ and/or ‘test’ legal cases. Please see the box on the DRC’s approach to legal work and enforcement in



### Section 4.1.)

In addition to this support for legal cases, the DRC has also been able to make agreements with institutions which are entered into voluntarily but, once agreed, are legally binding. Again, the intention has been not only to rectify the behaviour of the school, college or university in question, but to use the agreement to lever wider sectoral change.

### What the evidence says about the DRC's success in achieving this outcome

#### Use of legal cases:

- The DRC website lists 56 Part Four (Education) legal cases that it has supported, which, since the law was only in force from September 2002, were mainly taken in 2003 and 2004. The majority of these have related to less

favourable treatment and reasonable adjustment in schools, and around a third to post-16 education. High profile amongst these has been the High Court legal case which clarified the need for schools to consider making reasonable adjustments and, where relevant, to make these before being able to justify the exclusion of a disabled pupil.

- The DRC had previously supported cases which explored similar issues in an employment context and successfully argued in this case that an exclusion could not be justified where the reasonable adjustments provisions applied but had not been implemented – exclusion and the need for inclusion being a key element in the second of DRC's strategic objectives for education.
- Further in relation to exclusion, the DRC backed a case against an independent school relating to the effective exclusion of a six-year-old boy with diabetes. The DRC supported a claim of disability discrimination and eventually the school agreed to apologise, change practices and protocols, train staff, refund the pupil's school fees and make a contribution towards uniform costs at his new school. The case received extensive media coverage, raising the profile of the duties on schools under the DDA, and thus is likely to have encouraged others to make sure they were not making the same mistakes.

### **Use of the media:**

- Media coverage of the 'wrong trousers' case, reported in March 2003, resulted in the highest favourability scores across the whole Educating For Equality campaign due to positive coverage by national tabloids.

### **The evaluation fieldwork suggests that:**

- HE professionals do respond to education-related cases in the media, as it raises their awareness of the action that may be taken against them.

- When that media coverage is positive, it has even greater impact, as it suggests that not only the law and the activists but also the general public will come down hard on non-compliant education providers.

### **Use of voluntary binding agreements (under Section 5 of the Disability Rights Commission Act):**

- Since 2004, the DRC has entered into **voluntary binding agreements** with two universities in relation to their earlier failure to meet their duties under the legislation.
- The first agreement has committed the university to improve the accessibility of its teaching, learning and assessment materials to disabled students. This has involved an extensive audit of the university's teaching, learning and assessment processes, the second stage of which has now been completed, and the production of a Disability Strategy to improve their policies, practices and procedures.
- The intention of leveraging wider sectoral change through the agreement has been attempted through events such as that hosted by the university in July 2006 to promote the work they are conducting with the DRC in relation to the agreement.
- The second agreement (entered into December 2006) sets out to review and enhance the institution's provision of education and services to disabled students. The university is now undergoing an extensive review which will focus on how students are able to disclose their impairment, how that information is passed on, making reasonable adjustments and access to website information particularly for students with dyslexia. This university will, as in the case of the first, also be working with the DRC to increase awareness of the DDA and best practice improvements across the HE sector<sup>36</sup>.

### **8. About voluntary binding agreements**

These agreements (also known as 'Section 5 agreements') exist under a power given to the DRC under Section 5 of the Disability Rights Commission Act 1999, and commit organisations to:

- Tackle disability discrimination which the DRC has reason to believe has been or is being committed.
- Improve their services in a specific area or areas (eg application and admissions procedures in a University) by taking such action as agreed.

In return, the DRC agrees not to undertake a formal investigation (FI) in relation to the unlawful act in question. The DRC will also provide a lead officer to work in partnership with the other party and to support them to achieve the aims of the agreement.

To date, most agreements have arisen out of legal action by the DRC, often as part of a settlement between the parties. However, the DRC has also entered into agreements as a result of reports from external legal sources and as a result of 'mystery shopping' information-gathering exercises carried out by the DRC.

The Commission usually enters into voluntary binding agreements with other parties which they believe will be willing to use their learning to influence best practice in the sector in which they operate. Once an agreement has been entered into, the DRC has the power to enforce the agreement through the courts if necessary.

### **The evaluation fieldwork suggests that:**

- Those with rights, their representative organisations, and staff within the DRC itself, believe this unique power has been under-used.
- There is confusion and lack of awareness about the nature and purpose of the agreements amongst FE and HE staff.
- Some disability rights professionals and activists believe these agreements have less impact than court cases, as are much less public and do not make case law, whilst others believe they can have much greater impact than court cases in the long term.

### **Analysis of the evidence of how successful the DRC has been in forcing education providers to improve practice through its legal activities**

Across its four thematic areas of work, the DRC has committed itself to pursuing cases that will test the law rather than 'straight forward' cases where the law is already clear. Evidently where cases have been brought and won, the institution against which the action has been taken has, indeed, been forced to improve its practice. And it is also apparent that media coverage of these cases significantly affects the actions of institutions across the sector, with one interviewee from a Southern HE institution stating that:

I think it helps having stories in the media. To have particular examples held up can send shock waves through other organisations.

Another (from a Northern HEI) said that:

Some of the cases on the website about reasonable adjustments on examinations have inspired us to look at our policies here.

With news of relevant education cases reported through sector media and, less frequently, the mainstream press, education professionals are given a greater sense of urgency about the practices they need to embed. Better still if that media coverage is positive, inferring that not only will the law come down hard on education providers if necessary, but so may press (and thus public) opinion.

Whilst evidence suggests the DRC has been correct in its logic to take strategic cases, have enough cases been brought in the first place? Whilst often successful in selecting and winning the cases it has taken, the balance of opinion amongst those both with rights and with duties that were interviewed within the fieldwork of this evaluation was that legal action under Part 4 of the DDA has, overall, seemed thin on the ground.

They could have taken more cases, particularly in the education field. They've only taken a few... there was the Shubbrook one involving a sixth form college where they got a high court ruling, but there have been no high profile cases in HE (Disability education advocacy and training organisation)

In the great majority of instances, the DRC's intervention has led to parties settling outside court, bringing favourable outcomes for the claimant without the time and stress of a court case, whilst inducing the school, college or university to improve its practices lest it should find itself in a similar situation in future. Such out of court settlements fulfil the DRC's objective of education providers being forced to improve their practice, but fall short of the joint objective to influence other education providers, which media coverage of court cases often yields.

Far too many cases have been out of court settlements (Disability education advocacy and training organisation)



There aren't enough cases in education, so not enough case studies for other organisations to learn from. There have been a few cases, but not that many (HE disability equality lead – Southern HEI)

I don't think there's been big coverage of education stories. The Ryanair one [ie a transport, goods and services case] was well managed, but I haven't seen as much for education. There was one this week about someone not being able to cross the stage at graduation, but it only got 4 lines in the Times Higher (our trade paper) and no mainstream media coverage, so it's not having the same splash as some topics (HE disability equality lead – Northern HEI)

It seems it would have been beneficial for more education-related cases to be highlighted in the media; DRC staff acknowledge this, but also feel there is little more they could have done to improve the situation in the face of widespread lack of media interest in disability equality.

The DDA is felt by a wide range of stakeholders interviewed as part of the evaluation to have been particularly weak on education in Scotland. Legal professionals state there have been no Part 4 (Education) cases brought here because there's insufficient enforcement mechanisms behind it. Whilst in England pre-16 cases go to the Special Educational Needs and Disability tribunal, which may result in the recommendation to train teachers more effectively, for instance, there are no such tribunals in Scotland and a court would never make such recommendations:

The DRC [in Scotland] has worked extensively to look for cases and to push them, but there's no point around Part 4 (DRC legal team).

As is true of other areas of DRC's work, there is some concern as to whether legal work (as well as other areas of work) on education has been sufficiently joined up between the three nations. Staff in Scotland had not been aware that there was work going forward on education with regard to the possibility of a Single Equality Act, for instance, until part way through its development.

The main question to be addressed regarding the DRC's legal approach applies to all its thematic areas of work: was the DRC right to focus on strategic test cases only and invest less resource in the more 'run of the mill' cases? There will always be arguments that the DRC has a role as advocate of disabled people and enforcer of the law, and that as such it should have done more to aid disabled people even when the case offered nothing groundbreaking to the use and interpretation of the DDA. The DRC has articulated its case clearly and forcefully, however, that with limited resources its attentions are, for the long term good, best given to cases that push and clarify the law. The feeling of stakeholders, however, is that even here the DRC has done too little; that the approach has been right, but the undertaking of it too short on headline successes. Based on the limited evidence available, we would conclude that the Commission's approach was the right one, but their articulation and justification of that approach to a broader range of stakeholders could have been stronger. (It is also important to recognise that the DRC also considers how the DDA can be made to work better and most effectively for disabled people in general, and that such an approach underlies the DRC's approach to 'strategic' and/or 'test' legal cases. Please see the box on the DRC's approach to legal work and enforcement in Section 4.1.)

### **Use of further enforcement powers**

The power to conduct formal investigations and make voluntary binding agreements has provided the opportunity for the DRC to use the law in ways other than through court

cases. In its 2004 Strategic Plan, the Commission stated that it would consider a formal investigation relating to education 'to help remove specific barriers, for instance exclusions of disabled students from school'<sup>37</sup>. Had this happened, the issue of exclusion would have been raised and the DRC may have moved closer to achievement of its second strategic outcome.

### **9. About formal investigations**

The DRC has a range of statutory powers to back up its duties to eliminate discrimination, promote equal opportunities and to encourage good practice, and these include the power to conduct formal investigations. The Commission may decide to carry out an investigation into any area relevant to the participation of disabled people in society. Certain aspects of formal investigations are prescribed by statute (for example the DRC has to publish an investigation's terms of reference at the outset) but the actual content and process of an investigation varies according to the subject matter. Typically though, formal investigations involve an in-depth review of relevant policy and practice at a national level, detailed research, and consultation both with the sector or organisation under investigation and disabled people themselves. At the end of an investigation, the DRC sets out its conclusions and may make recommendations for changes to policy or practice, or even to the law itself.

There are two main categories of formal investigation: 'general' investigations such as the 'Health Inequalities' investigation of 2006 and the Web Access and Inclusion investigation of 2004, which look at a broad issue of concern to the DRC, and named-party investigations,

which focus on the activities of a particular organisation which the DRC has reason to believe may be acting unlawfully (or may have done so previously). The DRC will not have undertaken a named-party formal investigation by September 2007, however.

The powers to make **voluntary binding agreements** under Section 5 of the Disability Rights Commission Act have only been used by the DRC late on in its life, and there are many within the field of disability discrimination law – and the DRC – who feel that too little has been made of this unique power. The agreements allow institutions to work with the DRC and benefit from their expertise, rather than have it used against them in a court case situation. It is too early to say whether the long term outcomes for disabled people at the two universities that have entered into voluntary binding agreements will be substantially improved as a result of these agreements, but the rigorous processes that both are having to undergo as part of their agreements with the DRC makes that at least seem likely.

Less clear at this stage, however, is the effectiveness of these agreements at inspiring change across the sector. This is one of the purposes of the voluntary binding agreements as a tool: to be a more subtle means of encouraging substantive change in other organisations through sustained input from the DRC and the initially non-compliant institution becoming an exemplar of best practice for others to follow. Through sector-wide events such as that held by the first university, fellow HE institutions have been able to share in the learning from the DRC, but it seems from the fieldwork conducted that there are those in the sector who remain in the dark about the background to and precise purpose of the agreements, and thus their impact is limited. One of our HE sector interviewees said of voluntary agreements:

The basis of these isn't clear. I don't know why they are entered into, what's behind them, so it doesn't make us think really. I do understand that it's more productive than a legal case, and more likely to result in better change in that university. I know of one uni where there's an agreement in place, but it doesn't have much impact beyond them I don't think (HE disability equality lead – Northern HEI)

There are also concerns from the 'rights' perspective that such voluntary binding agreements are played out 'behind closed doors' to some degree, and that even if they do manage to have a broader influence on education providers, they don't make the necessary case law that will force institutions to do things differently in future.

Section 5s [ie voluntary binding agreements] haven't been effective on a wider scale either – they're a bit of a private deal, unlike court cases. These deals in private don't help as they don't make case law (Disability education advocacy and training organisation)

At this relatively early stage in the lives of voluntary binding agreements with education providers, it is difficult to draw any firm conclusions about the wisdom of the DRC's approach in this area. What can be said with more confidence is that as a legal tool, the voluntary binding agreement is not as well understood throughout the sector as might be. One comment from an equalities professional at one HE institution cannot be extrapolated out to represent the feelings or awareness of the entire sector, but it is unlikely to be a unique example. If others are not picking up on the messages being forged out of the agreements that exist, the extent of their impact will be low, at least in the more immediate term.

Whilst progress has been made in most HE institutions with regard to admissions, examinations, assessment and student support, teaching and learning remains an area requiring significant change. The research identified inherent contradictions. Hence, whilst universities were committed to identifying the needs of disabled students, this was not matched by a willingness to adapt their teaching and assessment practice<sup>38</sup>.

### 2.3 Conclusions

The DRC has made important contributions to raising awareness about the inequalities and barriers faced by disabled people in education. The extent to which it has been successful in starting to bring down those barriers is less obvious from current evidence. The evidence illustrates that there have been successes in relation to each of the intermediate outcomes (see below), with policy makers influenced by the DRC's research, the law used and clarified, and information, advice and support contributing to increased awareness of the law both for those with duties and those with rights. It also illustrates, however, that the experiences 'on the ground' are highly variable, and that for many disabled learners and their parents, improvements are rarely felt, understanding of rights and how to secure them often limited, and awareness of the DRC as a resource for advice and information incomplete.

Evidence about the impact of the Educating For Equality campaign suggests that the DRC has played an important role in raising awareness about disability equality in legislation. But this field, even more so than the other thematic areas, can be viewed as a crowded market place, with a number of other organisations working on the ground and at a lobbying level to improve education outcomes for disabled people. Unpicking the DRC's specific role within this is difficult, and firmly establishing the magnitude of change attributable to the work of the DRC thus impossible.

### Strategic Outcomes

Two of the three strategic objectives below were set out in the DRC's Strategic Plan 2004/05 to 2006/07. These were long term aims to be realised by 2010, so the DRC would not expect to have achieved them by 2007. Nevertheless, progress has been made.

#### **1. Reduce the attainment gap between disabled and non-disabled people**

The evidence suggests that there has been a narrowing of the attainment gap between disabled and non-disabled young people in education during the lifetime of the DRC. It is difficult to discern how much of this change can be attributed to the DRC. There nonetheless remains a stark disparity between the qualifications acquired by disabled and non-disabled students. Figures from the Labour Force Survey 2005 demonstrate that disabled people between the ages of 16 and 24 are almost twice as likely to have no qualifications as their non-disabled peers (23 per cent compared to 13 per cent). Further to this, at age 16, young disabled people are still almost twice as likely not to be in any form of education, employment or training as their non-disabled peers – 15 per cent compared to 7 per cent. The most recent figures available from the Higher Education Statistics Agency show that the proportion of disabled students on UK HEI programmes remains very low – just 5.9 per cent of students were known to be disabled in 2004/05.

#### **2. Reduce the number of disabled students excluded from the school of their choice or from school activities on the grounds of disability**

Evidence indicates that in a minority of cases, disabled children are unable to get access to all school resources, and find themselves excluded from certain activities. Of those

surveyed in research undertaken by DRC in 2003, 11 per cent had been unable to get access to all school resources, and many also said they had missed out on school sports or trips. Recent research suggests that the great majority of disabled children are at the schools of their parents' choice, but the figure is lower than for non-disabled parents, reflecting that the exercising of choice remains limited for disabled children and their families. There is no earlier data available against which to benchmark this evidence, so change over time in the reduction of exclusions cannot be firmly established; there are, however, positive indicators at the intermediary level.

### **3. Raising the expectations of disabled learners in post-16 education**

Evidence shows that the expectations of disabled young people diverge significantly from those of non-disabled young people after 16. A survey by the DRC in 2003 found evidence of exclusion and subsequent low expectations, with almost one third of respondents saying that they expect to be earning less than their peers by the time they are aged 30. Whilst the evaluation has identified a greater assertiveness amongst learners and their parents there is not, as yet, quantifiable evidence of raised expectations.

## **Intermediate Outcomes**

### **A. Embedding education rights for disabled people in legislation, processes and guidance**

The evidence collected as part of this evaluation suggests that the DRC has been successful in making its voice heard amongst decision makers with regard to the need for strengthened education legislation and better collection of data to support future policy decisions.

Examples include the provision of evidence to the Education and Skills Select Committee's Inquiry into Special Education



Needs and collaboration with DfES and LSC on proposals. Similarly, the DRC made a successful contribution to the Foster Review of Further Education colleges, which resulted in specific recommendations in the FE White Paper regarding the LSC's development of a national strategy for delivering FE to disabled learners.

In the devolved contexts of Scotland and Wales, DRC staff have had particular success in winning the support and co-operation of decision makers. These include DRC Scotland providing evidence during the passage of the Additional Support for Learning Act, leading to changes in the Act, and working with the Scottish Executive on the potential for widening the additional support tribunal hearings to hear DDA schools cases, and DRC Wales organising an international congress for young disabled people which was followed by a two-year investigation by the Welsh Assembly Government's Equality of Opportunity committee.

### **B. Raising students' and parents' awareness of and ability to fulfil their rights**

Evidence collected as part of this evaluation suggests that general public awareness of the new education law went up over the period of the DRC's biggest education-focused campaign 'Educating for Equality' in 2003. A causal link between the DRC's work and the increase in awareness cannot be established beyond question, but it is highly plausible.

More specifically, parents of children covered by the DDA are now more aware that the DDA exists, but not all of these are aware that it applies to education and how, if at all, it has benefited their child. Whilst some parents have high awareness of the information and resources available to them from the DRC, it appears that many are more likely to go to their local authority or local voluntary organisations for

advice. Successful dissemination of its guidance materials to these ground-level support networks and information providers means that the DRC has been more effective than parents and disabled people sometimes give them credit for, but there is a consensus that a higher profile for the Commission would have given those disabled students, along with their parents and carers, more confidence to pursue their legal entitlements with regard to education.

### **C. Encouraging education providers, teachers etc. to work proactively to meet the needs of disabled students**

The evidence collected as part of this evaluation suggests that education providers' awareness of the duty placed upon them by the DDA is increasing. For example, it was found that the Educating for Equality objective to raise awareness of the DDA Part 4 amongst education providers 'had been largely met' and that this had happened at 'several levels'. But whilst it seems that progress has been made in most institutions with regard to admissions, examinations, assessment and student support, teaching and learning remains an area requiring significant change. Some evidence sources illustrate that whilst universities, for instance, are increasingly committed to identifying the needs of disabled students, this is often not matched by the necessary and proactive willingness to adapt teaching and assessment practice.

The limited evidence we have drawn on here points towards education institutions being confident about their awareness of the duties they have under the DDA and believing that their policies and practices have seen significant improvement with regard to disabled students in recent years.

On the one hand, their references to DRC Codes of Practice, the website and e-bulletins suggest the importance of the DRC in informing these professional institutions directly. For example, research following the Educating for Equality campaign found that the majority of FE and HE respondents

to DRC-commissioned surveys either had their own copy of the Code of Practice or knew where they could look at one. Furthermore, 56 per cent of schools sampled in the same research stated that they had used the Code of Practice.

On the other hand, however, when information and advice is sought, there is often reliance by education organisations on their own professional networks and organisations other than the DRC. Those with responsibility for disability equality in post-16 education sometimes get their information direct from the DRC via e-bulletins and visits to the website, but also through other organisations and their own professional networks.

The DRC has looked to work through networks and partnership arrangements – working, for example, with the Teacher Training Agency and the General Teaching Council to produce guidance on teacher training. The evaluation found mixed feelings regarding how effective the DRC had been in building relationships with education intermediaries. Those organisations involved in collaborative activities were positive about the approach; those ‘on the ground’, however, had little awareness of the DRC’s partnership work.

### **D. Using the law to bring about changes to institutional practice**

The DRC has supported some high profile legal cases around the education duty of the DDA, testing and clarifying the law and making other education providers realise the importance of fulfilling their duties. The DRC’s website lists 56 Part Four (education) legal cases that the DRC has supported, the majority of which related to less favourable treatment and reasonable adjustments in schools. Those cases have, however, been less numerous than in other fields of the DRC’s enforcement work, and the resulting media coverage of education cases has been relatively low. The evaluation fieldwork suggests, however, that Higher Education

professionals, for example, do respond to education-related cases in the media. Evidence suggests that the wider tendency for settlements to be reached out of court have frustrated the DRC's efforts to bring more landmark education cases.

The evidence collected as part of this evaluation also indicates that through voluntary binding agreements in the HE sector, the DRC has used another means of legal enforcement to build more thorough, lasting change in an atmosphere of trust and support rather than through the 'one-off confrontation' of court. For example, the first agreement with an HEI committed the university to improve the accessibility of its teaching, learning and assessment materials to students and the production of a disability strategy to improve the HEI's policies, practices and procedures.

However, voluntary binding agreements have only been employed late on in the DRC's life.

## 3. Employment

### 3.1 Context and DRC strategic outcomes

The DRC's specific strategic objectives under the Employment theme, which form the frame of reference for all of the activities evaluated herein, are to:

1. Reduce the employment gap between disabled and non-disabled people.
2. Reduce the gap in earned income levels between disabled and non-disabled people.
3. Dismantle the barriers that disabled people face to career progression and leadership positions.

#### **Evidence of progress towards these strategic outcomes**

As with Education, two of the three strategic objectives listed above were long-term expectations set out in the DRC's Strategic Plan. The third was agreed by the evaluation Steering Group, and felt to be just as important for the purposes of this evaluation. The section below presents evidence of the current context in relation to each of these long term objectives, and considers whether any progress towards these objectives is evident to date. Our attention will then turn to the intermediate outcomes – the indicators of progress – against which we can more reasonably judge the DRC's success.

#### **1. Reduce the employment gap between disabled and non-disabled people**

There are over 2.6 million working-age disabled people currently in employment, and evidence suggests that of the 3

million not in employment around one million would like to work<sup>39</sup>. As illustrated in Figure 4.1, the employment rate for disabled people has gradually increased in recent years and the gap between the overall employment rate for people of working age and the employment rate of disabled people has decreased. When the DRC was established in 2000 the employment rate of disabled people was 46.6 per cent and the gap between this rate and the overall employment rate was 34.2 percentage points. By 2005, the employment rate of disabled people was 50.1 per cent and the gap in employment rates had narrowed to 30.4 percentage points<sup>40</sup>.

**Figure 4.1: Employment rate of disabled people and overall employment rate for people of working age in Great Britain**



Nevertheless, employment rates vary greatly according to the type of impairment a person has. In 2005, disabled people with, for example, mental health conditions had the lowest employment rates of all impairment categories at only 20 per cent and the employment rate for people with learning disabilities was 25 per cent (see Table 4.1 in Appendix 2 for the full figures). Whilst the employment rates of people with mental health conditions and people with learning disabilities have increased since 1999<sup>41</sup>, in line with the overall employment rate of disabled people, the gap remains particularly large for disabled people with these conditions.

### **2. Reduce the gap in earned income levels between disabled and non-disabled people**

Working-age adults living in families with at least one disabled adult or child are more likely to live in a low-income household. Working-age adults who are disabled or have a disabled partner account for around three in ten of those in households with incomes below 60 per cent of median income<sup>42</sup>. In 2005, the average gross hourly pay (£) of disabled employees was about 10 per cent less than that of non-disabled employees: £9.88 per hour compared to £10.85 per hour<sup>43</sup>. Since 1999, the gap between the average gross hourly pay earned by disabled people and that earned by non-disabled people has fluctuated, showing an initial reduction until 2003, since when it has gradually increased again (see Table 3.2 in Appendix 2 for all figures). As with employment rates above, gross hourly pay also varies by impairment category.

### **3. Dismantle the barriers that disabled people face to career progression and leadership positions**

In 2005 disabled people in employment were more likely to work in manual and lower-skilled occupations, and less likely to work in managerial and professional occupations<sup>44</sup>.

Further to this there are also distinct differences in the employment rates of disabled and non-disabled people holding the same qualifications. For example, whilst 78.8 per cent of non-disabled people with GCSEs at grade A\*-C or equivalent as their highest qualification were in employment in 2005; only 55.8 per cent of disabled people with the same level of qualifications were. Nevertheless, in line with the overall employment rate of disabled people, the employment rates of disabled people with an A-Level or equivalent and above have increased since 1999. However, the employment rates of disabled people with a GCSE grades A\*-C or equivalent and below have shown little progress since 1999<sup>45</sup> (see Table 4.3 in Appendix 2 for all figures). Regarding leadership positions, currently 2.8 per cent of the Senior Civil Service, for example, are disabled people, compared to 4.5 per cent of Civil Service staff. Longer-term trends do show an increase in the number of disabled people in leadership roles (up from 1.5 per cent in 1998) – with the government working to a target of 3.2 per cent by 2008<sup>46</sup>.

Evidence from a research report published recently by the Department for Work and Pensions, which builds on a similar study undertaken in 2003 and explores organisations' awareness of and responses to the Disability Discrimination Act, does appear to suggest that progress has been made towards reducing some of the barriers faced by disabled people in employment and career progression, but that there is still a great deal of work to do<sup>47</sup>.



### **10. The DRC Helpline and website**

The DRC's Helpline began as a service originally designed to simply fulfil requests for publications, but has evolved over the lifetime of the Commission into a service which receives 100,000 annual contacts by voice, text, videophone, freepost, fax and structured email via the DRC's website. The Helpline is delivered in partnership with the customer care company Sitel, with the DRC providing knowledge of the law, general intelligence, contact monitoring and performance management. The Helpline handles contacts through a three-tier system, starting with basic signposting and literature requests, moving to in-depth advice on disability discrimination law, to on-site DRC information officers. The Helpline also works in partnership with other organisations such as the Centre for Accessible Environments to enhance the range of services offered to contacts.

Staff working for the Helpline reported a strong sense of shared ownership and purpose, with one adviser commenting that 'we feel like we are all working towards the same goals ultimately'. This was felt to be down to the co-location of DRC and Sitel staff, lack of a strict hierarchy, and good communication. Challenges reported by Helpline staff included balancing the need to deal with a high volume of calls with the need to provide a personalised service, responding to the wide range of needs of an increasingly diverse disabled population, and effective proactive marketing of the Helpline, particularly to those who may not have heard about the service previously. One of the main points made in criticism by stakeholders interviewed was that the DRC had not made best use of Helpline monitoring data (for example from

quarterly surveys of contacts) to inform its strategies and objectives.

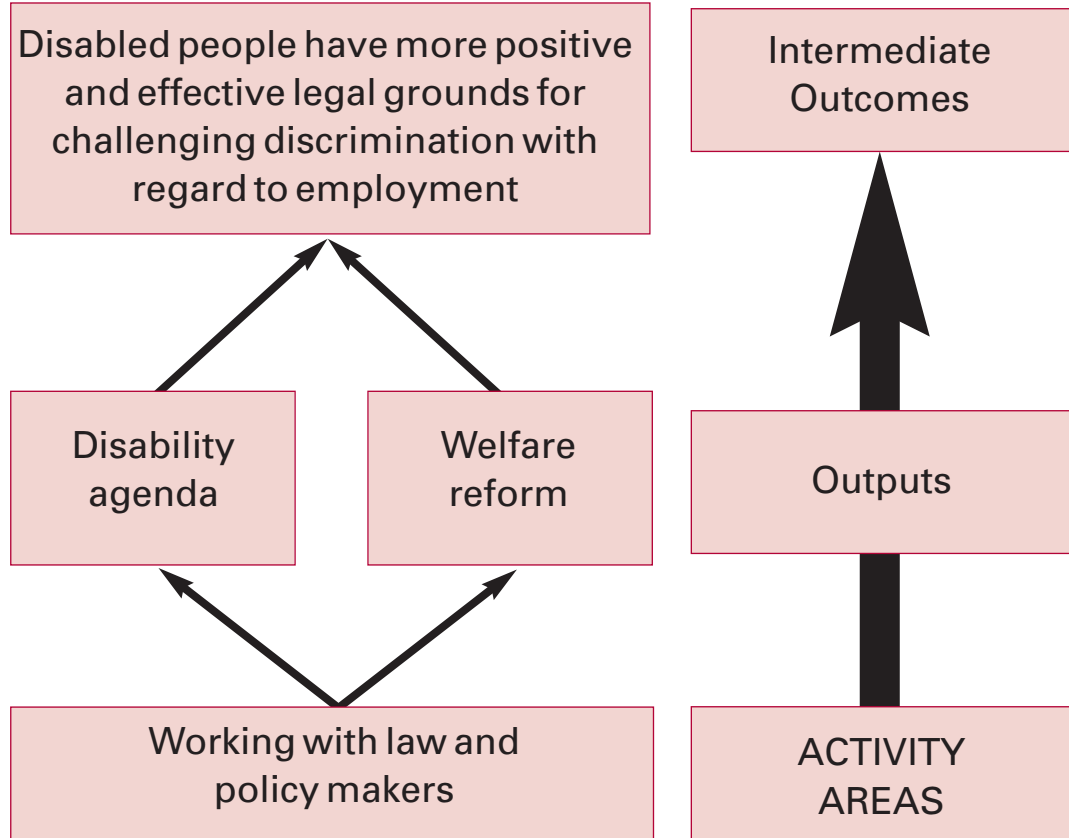
The findings of a recent survey exploring the relationship between the DRC Helpline and website pointed particularly to the close relationship that exists between the two communications tools from the point of view of contacts. As such, the Helpline is often used in conjunction with the website by contacts who need help with interpreting website information or to discuss the implications for their specific case. In addition, Helpline data can provide important guidance on the kind of information that needs to be on the DRC website, and Helpline staff have played an important part in producing a range of Frequently Asked Questions for the DRC website.

A large number of the people who participated in the focus groups and interviews conducted as part of this evaluation mentioned the Helpline and website as key sources of advice about their rights or duties. Those who had made use of the Helpline or website were almost universally positive, irrespective of whether they had rights or duties under the DDA. However it also seems that awareness of these sources of information and advice is not particularly widespread, with one parent of a child with learning disabilities, for example, commenting that 'no one has told me that the DRC can help [in this way]' and another focus group participant stating that he was 'not sure whether people would know about the Helpline'.

### 3.2 Intermediate outcomes

#### A. Influencing the legal framework for challenging discrimination with regard to employment

The first of the intermediate outcomes under the Employment theme is 'disabled people have more positive and effective legal grounds for challenging discrimination with regard to employment'. The evaluation focused on assessing whether the DRC's work to enshrine the Disability Agenda in the development of employment policy and legislation, as well as its efforts to influence welfare reform, mean that the legal tools at the disposal of disabled people regarding employment are strengthened. The DRC's work with SMEs, whilst a vitally important aspect of influencing the legal framework with regard to employment, is considered in Section 3.2B – raising awareness amongst employers of their duties under the DDA.



### What the evidence says about the DRC's success in this area

- In 2000 the DDA did not apply to employers with less than 15 employees and a large proportion of employers were unaware of their legal duties towards disabled people. Occupations including police officers, firefighters and prison officers were exempt from the legislation altogether<sup>48</sup>. All employers (with the exception of the armed forces) are now covered by the DDA.
- Respondents to the 2006 survey of opinion formers (see box above) cited legislative drivers, in particular the DDA and DED, as the principal reasons why their organisations were now prioritising disability equality to a greater extent than previously in their approach to employment. There were high levels of agreement amongst OFR interviewees about the important role the DRC plays in influencing legislation and policy in relation to disability and some individuals attributed changes in legislation to the DRC's work.
- Considering the changes to policy more broadly, individuals from the voluntary sector in England and Wales interviewed as part of the OFR felt that the emerging plans for the CEHR contained an appropriately high level of focus on disability, and that the Disability Debate and subsequent Disability Agenda had been a major achievement (the Disability Debate was rated 'very highly' or 'quite highly' by three-fifths (61 per cent) of those surveyed).
- The evaluation fieldwork suggests a high level of recognition amongst disabled people and employers of the importance of amendments to the DDA for employment rights, and the role that the DRC played in achieving these.

- The recommendations of the DRC's first review of the DDA (Disability Equality: Making it Happen) were an important driver in this respect and the majority of those recommendations for changes to legislation have now been implemented.

### **Analysis of the evidence of the DRC's effectiveness in this area**

The evidence from several of the sources described above suggests that disabled people are more aware of their rights as (potential or actual) employees, and there is a consensus that more positive and effective legal grounds for challenging discrimination with regard to employment do exist. This has largely been thanks to the DDA and subsequent duties. The fact that there was a revision to the DDA so soon after it was first introduced was widely felt to have been a positive change, and in particular that it ensured that people with MS, HIV and cancer (for example) would enjoy the same employment rights as other disabled people from the point at which they had MS, HIV or cancer. The impact of legislation is explored in more detail in the sections on the DRC's other intermediate outcomes around employment.

Another important recent change has been the accepting of DRC-supported amendments to the bill that became the Welfare Reform Act 2006. The Government in Westminster announced a change in the rules governing the new Employment and Support Allowance (ESA) that will replace Incapacity Benefit and Income Support paid on the grounds of incapacity or disability. Currently people receiving Income Support can only earn a limited amount of income until their benefit is reduced – presenting an additional obstacle to disabled people re-entering employment, where volunteering or part-time work may be an important first step. From October 2008 when the ESA is introduced, disabled people will have the opportunity to take on

voluntary or part-time work without the possibility of losing part of their income. There was also a change to the law to allow people receiving incapacity benefits to be better involved in advising public bodies on issues such as improving service quality: current rules actively prevent people receiving benefits from giving advice, despite this being a vital element of Disability Equality Schemes.

What are we able to say about the DRC's contribution to this progress? Employers interviewed as part of this evaluation felt that in the main 'the legislation is pushing forward change' and that the DRC could be credited with bringing about an amendment to the legislation so soon after its initial introduction. The DRC was considered by participants in the Opinion Formers Research to be pushing the boundaries of legislation due to its statutory responsibility for writing Codes of Practice, as well as driving legislation through Parliament. The DRC's biggest achievements were seen to be winning the amendment to the DDA in 2005. One interviewee said that:

A lot of changes in legislation have been driven by the DRC.

Another public sector employment specialist said that one of the main achievements of the DRC was the introduction of the Disability Equality Duty, and so 'bringing disability on a par with race and gender ... a great success'. In Wales and Scotland there have been unique opportunities to influence law and policy thanks to the open, accessible and transparent policy-making processes that have accompanied devolution. DRC interviewees from both the Scottish and Welsh offices felt that they had enjoyed a close and collaborative working relationship with policymakers, but one based on a clear understanding of respective roles and remits. Interviewees in Scotland, for example, felt that the Disability Agenda had provided a 'punchy platform' and had enabled the DRC to put disability 'at the heart of public policy in Scotland', and that it

benefited from a multi-strand approach, including cross-cutting issues such as terms of employment.

Disabled people who were interviewed for this evaluation said that in relation to employment rights

The main thing the DRC has done is push forward legislation' and that as a result there was 'much more awareness of employment rights, especially amongst younger generations.

These interviewees also felt that this had led to an increase in confidence amongst disabled people about gaining and progressing employment. However, as explored in more detail in the later sections of this chapter, many disabled people participating in the evaluation expressed the view that there had been very little or even no improvement in employment and the prospects of employment for people with learning difficulties or mental health conditions. Employers' representatives interviewed echoed this concern, with one saying that:

The general public would say that disability issues are well recognised and addressed ... and superficially this is true – if you compare now to before the DDA there is a wider understanding of issues on a superficial level. But we need to get employers to think about difficult and hidden issues such as MS. This is a real challenge for the DRC.

Whilst it is too early to evaluate the extent to which the Disability Agenda and welfare reform have impacted upon the quality of legal tools at the disposal of disabled people regarding employment, it is clear from this evaluation that the DRC's work on both fronts, in addition to its effort to influence core disability legislation, has established a powerful framework with the real potential to contribute to reducing the employment gap; raising income levels; and

overcoming barriers to career progression. (Note that the DRC's work with SMEs is considered in Section 3.2B – raising awareness amongst employers of their duties under the DDA.)

### **11. About the Disability Equality Duty (DED)**

The Disability Discrimination Act in 1995 made it unlawful for employers and service providers to discriminate against disabled people. The amendment to the DDA passed in 2005 introduced a new Disability Equality Duty (DED) for public authorities, which extended their obligation to disabled people beyond simply avoiding discrimination. In particular, public authorities must now have due regard to the need to: promote equality of opportunity between disabled and non-disabled people; eliminate discrimination and harassment; promote positive attitudes towards disabled people; encourage the participation of disabled people in public life; and the need to take steps to take account of a person's disability, even where that involves treating disabled people more favourably than others. Since December 2006 almost all public authorities had to have in place a Disability Equality Scheme (DES) which details how they plan to implement the duty.

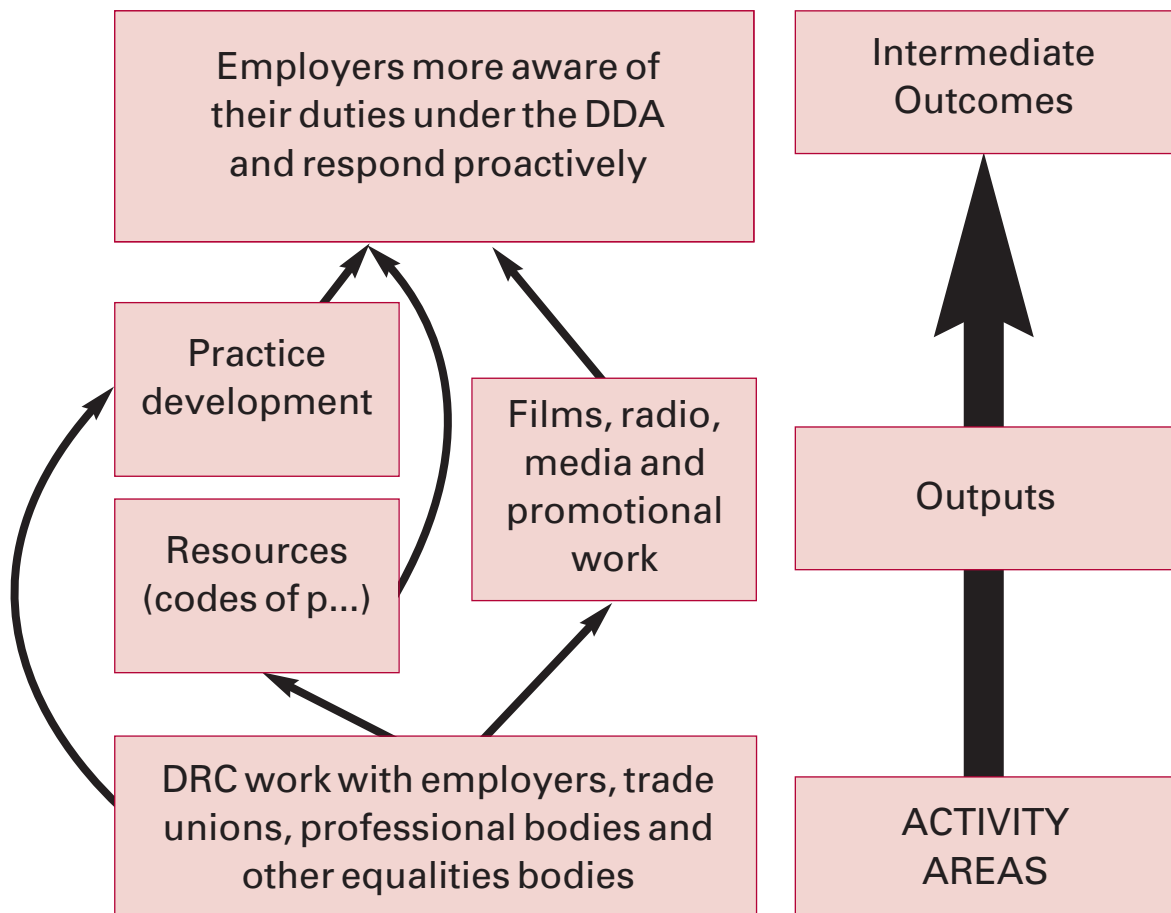
The findings of the evaluation suggest that the introduction into law and implementation of the DED has been one of the DRC's biggest successes. Disabled people, even if they are not particularly aware of the DRC or even the DED, are aware that there has been a significant change in the legal framework as it applies to public bodies, and have seen concrete change as a result. Service providers and employers value the support and



advice the DRC provides, and welcome the collaborative approach the Commission takes. Whilst there are criticisms from some sectors about delays in introducing guidance documents, the information provided by the DRC (for example Codes of Practice and on the website) is widely praised. However with the DED only coming into force in December 2006 – around the time fieldwork for the evaluation began – it is too early to assess the impact of this important change.

### **B. Raising awareness amongst employers of their duties under the DDA**

As is the case with the Transport, Goods & Services theme, implementing and promoting duties and rights through support and awareness raising has been the area of activity where the DRC has invested most effort and resource to date under the Employment work programme. One of the specific intermediate outcomes in this area is to raise employers' awareness of their duties under the DDA and encourage a proactive response to meeting them. This makes employers more likely to take actions that will lead to increased recruitment and retention of disabled people; better pay; and greater likelihood of career progression, including into leadership roles. The principal activities undertaken to achieve this outcome evaluated were work through intermediaries, including training and workshops, and the dissemination of Codes of Practice/other guidance and campaign material.



### What the evidence says about the DRC's success in this area

- In 2006, DWP research found that 80 per cent of respondent organisations across Great Britain were aware of the employment provisions of the DDA, compared to 63 per cent of organisations in 2003<sup>49</sup>. Research commissioned by DRC Scotland reported similar levels of awareness amongst businesses there.
- There remain differing views from employers on employing disabled people. When asked how easy or difficult it would be to employ people with certain disabilities or conditions, employers surveyed as part of the DWP research had mixed views, depending on the impairment. For example, 70 per cent of employers felt that it would be easy to employ someone with dyslexia.

- Only around half of employers considered it would be easy to employ someone with, for example, clinical depression. Less than half (40 per cent) thought it would be easy to employ someone who has, for example, a learning disability.
- In comparison to 2003, in general, employers are now more likely to regard disabled people as being easier to employ. Furthermore, the proportions reporting that it would be 'impossible' to employ someone who needs to use a wheelchair or other types of impairment have all decreased significantly since 2003.
- Despite a high proportion of employers claiming that they always sought to recruit the best person for the job, 22 per cent agreed that recruiting a disabled person was a major risk for the employer (the authors of this report do not make it clear what the researchers or respondents may have meant by 'a major risk'). Nevertheless, compared with 2003 (33 per cent), the proportion of organisations who regard taking on a disabled person as a major risk has decreased significantly. Only one in ten workplaces agreed that disabled people tended to be less productive than other employees (10 per cent), compared to nearly two in ten (18 per cent) in 2003.
- Approximately three-quarters of employers (76 per cent) felt that their workplace had the flexibility to employ a disabled person. In 2003, there was a greater propensity to regard the workplace as not being flexible enough. Further to this, one-third (33 per cent) of employers felt that they would find it difficult to retain employees who became disabled compared with nearly half (48 per cent) of organisations in 2003.
- When organisations were asked about any adjustments they had made or were planning in order to accommodate disabled employees more establishments, in comparison

to 2003 reported that changes have been made regarding more flexible work organisation, transferring people or jobs to other premises or parts of the building, and making appropriate changes to the physical working environment<sup>50</sup>.

- Separate DWP research into awareness of the DDA amongst SMEs found that spontaneous awareness of the DDA among small employers rose from four per cent in 2003 to 17 per cent in 2005, and that 63 per cent were aware of the DDA spontaneously or after being prompted, compared to 58 per cent in 2003. The parallel qualitative study found greater awareness that legislation existed to help prevent discrimination on the grounds of disability (although little awareness of 'the Disability Discrimination Act'). Respondents could generally give more specific detail when asked what they thought the main provisions of the Act were regarding employment.
- Research suggests that a small proportion of small employers (around one in ten) proactively seek advice about employing disabled people, and that they generally thought they had heard about the DDA through non-governmental sources such as the media, lawyers, trade unions or professional bodies.
- A parallel DWP study of public bodies' approach to implementing the DDA 95 (and taking pre-emptive steps to meet their new duties under the 2005 amendment) found that the vast majority of organisations had adapted their work environment, implemented flexible working time and flexible work organisation to help disabled employees.
- One of the DRC's activities which sought to reach a wide audience of employers was 'The Appointment' short film. It features a man who finds out he has diabetes and is concerned about the consequences. This, and a trusted current employee telling him that she has manic

depression, cause the employer to hire a disabled candidate interviewed earlier for a job, who he had earlier made up his mind not to employ on the grounds of the interviewee's impairment. The film was shown in selected cinemas across Britain in four waves, and also shown at relevant conferences such as NHS Employers and Employability 2005. Copies were distributed through the Helpline.

- An independent evaluation of the impact of 'The Appointment' on a matched sample of viewers, including around a quarter who were employers or managers, suggested that viewing resulted in different opinions about disabled people in the workplace in comparison to people who had not seen the film. For example nine out of ten of the people who had viewed 'The Appointment' (90 per cent) agreed with the statement 'disabled people have a lot to offer at work', compared with just three-quarters (76 per cent) of the control sample. Recall of the main messages of the film was also high, and a majority of those who had seen it thought it was interesting, clever, and held their attention<sup>52</sup>.

### **Analysis of the evidence of the DRC's effectiveness in this area**

It would seem that at least some progress has been made around raising basic awareness amongst employers of the DDA, and a degree of improvement in employers' views of the 'challenges' of employing people with different impairments. But there is still a great deal more to do, and in particular a great deal of complacency or superficial understanding. For example almost all organisations (95 per cent of those surveyed as part of the DWP research) believe that they always sought to recruit the best person for the job, irrespective of whether they had a disability or not. This is not significantly different to 2003, and when juxtaposed with

findings such as the fact that over a fifth of employers (22 per cent) felt that recruiting a disabled person was a major risk, suggests a lack of penetration of key messages.

The picture with regard to **small employers** is, as one might expect, even more mixed. The DWP research into the response of small employers to their new DDA duties suggested that there had been a small increase in awareness of Part 2 of the DDA since the research was conducted two years previously<sup>53</sup>. Whilst basic awareness of legislative duties may have improved, the evaluation fieldwork on the one hand, and the qualitative research conducted in parallel with the DWP survey on the other reveal the amount that still needs to be done. The authors of the DWP research with small employers report that their qualitative study revealed that employer understanding of disability was still poor, with definitions of disability focusing on mobility issues ... and severe sensory impairments.

This and the conclusion of the study, that 'employers had generally given little thought to the employment of disabled people' and that there is a perceived need for more information on and understanding of the DDA was mirrored by focus group participants who said that the 'private sector needs more awareness of the DDA'.

As many DRC staff have themselves frequently highlighted throughout this evaluation, improved awareness is in any case only the first step towards improving employment conditions and prospects for disabled people, and is a genuine outcome only insofar as it leads to concrete change. Evidence on whether employers have actually made real changes is very mixed, with a sharp distinction emerging between large employers (whether in the public or private sectors) and between commitment at corporate level and practice on the ground. As noted above, research suggests that employers' views on disability tend to lack depth. The same research also found that, in reality, mentions of 'equal

opportunities' were almost non-existent in the recruitment practices of small employers, and that experiences of employing disabled people were reasonably limited: the people employed usually had minor impairments that required only the minimum of adjustments<sup>54</sup>.

The picture with regard to **public bodies** is far more positive, with research suggesting that the vast majority of organisations surveyed had adapted their work environment, implemented flexible working time and flexible work organisation to help disabled employees<sup>55</sup>. However, in common with the research conducted as part of this evaluation and in preparation for the DED toolkit for local authorities<sup>56</sup>, there was evidence of low or superficial involvement of disabled people, better practice in larger as opposed to smaller organisations, and unsystematic impact monitoring. With this said the research for the toolkit also uncovered a number of examples of innovative and high quality practice – around involvement, for example.

The disabled people who gave us their views as part of this evaluation were in agreement that employers focus on 'bricks and mortar improvements' but have done much less in terms of recruitment practices. Although this finding cannot be taken as representative – only three of the 14 focus groups and an equal proportion of the telephone interviews included a direct focus on employment – this view is corroborated by secondary research, including the DWP research into organisations' responses to the DDA. Participants in one focus group spoke of employers asking candidates to specify their health status and age, and that this was a barrier to getting employment as employers would immediately dismiss their application. In the words of one person, 'employers see the disability first, and the individual's skills last'. Whilst this strength of opinion was by no means universally expressed even among the small number of disabled people we spoke to, it would seem clear that employers still have more to do to convince disabled

people of their willingness to be genuinely inclusive.

There was also a strong similarity between the comments made by disabled people and those with duties, to the effect that employers – both in the public and private sectors – lack concrete guidance around making changes to employment practices. This feedback went as far as to say that advice from the DRC lacked concrete detail and was, in the words of one focus group participant, ‘too vague’. An interviewee from a trade confederation said that the DRC had not provided ‘enough concrete advice on what are reasonable adjustments’ and that ‘employers know they need to look beyond physical access but they don’t know how’: this point was made by several interviewees. This is at odds with the findings from the Opinion Formers Research (OFR), which suggested very high levels of satisfaction with DRC guidance, for example on advice/guidance contained in Codes of Practice.

The OFR suggested very positive feedback from employers on the Codes of Practice, website and other forms of DRC advice and guidance. Evaluations of the Helpline and website specifically report generally highly positive feedback from both disabled people and professionals<sup>57</sup>. And the evaluation of ‘The Appointment’ film, shown in cinemas to attempt to reach a broader range of employers, suggested an impact on attitudes. How, then, are we to square this with the fact that a major gap in understanding amongst employers seems to remain? The key may be in the findings of the DWP study that found that most small employers ‘filed’ or discarded information on the DDA that was not of immediate use, and that these employers would not proactively seek out information on employing disabled people. There is also something to be said for the view that the respondents to the OFR survey are unlikely to be the people responsible for actually acting on the guidance provided by the DRC (the vast majority were chief



executives, directors, senior managers and so on), and that at the frontline the usefulness of the guidance may be less, judging at least by the opinions of the employers we spoke to as part of this evaluation.

There was consensus also amongst research participants that whilst employers may have signed up to inclusive employment practices at a corporate level, frontline staff were simply not adequately trained to put this into effect. In the words of one interviewee from a trade confederation:

Businesses know they can't discriminate against staff but the employees aren't trained enough to ensure this doesn't happen.

DRC staff in Wales pointed to specific large corporations where there was evidence of a gap between company policy and implementation on the ground. Individuals themselves from large corporations, interviewed as part of the evaluation, acknowledged the difficulties in monitoring how well employment policy was being enforced, and ensuring that messages filter down to the frontline when this required going through a very stretched and sometimes under-skilled middle management tier. Nevertheless, there are employers that 'push the boundaries' in establishing good practice eg British Telecom and Marks & Spencer. These are organisations which are changing practice in their industry and 'leading by example'.

Available evidence suggests that a small proportion of SMEs – around one in ten – proactively seek information and guidance on improving their employment practices. Is the DRC the place these SMEs go? The evidence would suggest no – or at least not directly: SMEs tend to get their information on the DDA through the media, lawyers, trade or professional bodies. The DRC has, of course, been working closely with all of these individuals and organisations and can therefore

plausibly take this finding to be an indication of its contribution to raising awareness.

Evidence that these working relationships have (in themselves at least) been productive and genuinely collaborative is particularly strong in the DRC's work in Scotland, where joint work with the Scottish Retail Consortium and Federation of Small Businesses (for example) is felt to have been very successful. Measuring the concrete impact of such work is, however, very challenging, and whilst DRC Scotland's awareness survey suggests some improvements in employers' attitudes towards disability equality, there is also anecdotal evidence given during interview that practice around recruitment, for example, was still very poor. One possible explanation for this given by a DRC employee was that the trade networks had not yet taken on responsibility themselves for actively promoting awareness and approaches to meeting their employment duties, with the emphasis instead upon acting simply as a conduit for information from the DRC. Another explanation offered was the lack of sufficient 'fear factor', and a suggestion that promotion can only achieve so much in the face of low levels of enforcement.

### 12. The DRC's approach to involving disabled people

One of the three case studies conducted as part of this evaluation focused on the effectiveness of the DRC's involvement of disabled people in its work. The DRC has a long track record of raising the importance of involving disabled people. Not only is involvement built into its corporate ways of working, and a clear strategic aim for the Commission, it is also something that the organisation actively encourages other organisations to promote. For example the DRC's work to implement and enforce the Disability Equality Duty explains to public bodies the requirement to involve disabled people, which has led to the publications of extensive guidance on involvement which emphasises that involvement of disabled people is more than consultation, and involves a sustained two-way dialogue that leads to concrete change.

The DRC uses a variety of mechanisms to involve disabled people in its work, including formal consultation exercises relating to specific strategic plans, reports and other documents; action groups and forums (such as the Learning Disability Advisory Group); involving disabled people in shaping the design of research projects and the analysis of their findings; and conferences and events. The **outcomes** that the DRC seeks to achieve as a result of its efforts to involve disabled people include demonstrable impact linked to the stated recommendations of disabled people expressed; building the skills and confidence of the people involved; and influencing the way that other organisations involve disabled people.

In terms of the **effectiveness** of the DRC's approach to involvement, the Commission is seen as most effective when it moves beyond paper or web-based consultation, and takes its strategies and views out into a more participative environment. It was commended by stakeholders for having a genuinely open and transparent approach to formal consultation processes, but there was a widespread perception that the DRC lacks the infrastructure to involve disabled people on a sufficiently large scale. Specific criticisms ranged from the DRC having incomplete and out-of-date contact databases, not systematically analysing who responds to its consultations and plugging gaps where groups were not involved, and not having the capacity to conduct more face-to-face consultation. One member of DRC staff interviewed commented that 'in reality there has only often been enough capacity and time to involve those most interested'.

The **action groups** are seen both externally and internally as an important and meaningful vehicle to enable what was described by one person as 'deep and ongoing involvement'. The Learning Disability Action Group (LDAG) which was referred to by several interviewees as an example of good practice, has been successful at involving those with learning disabilities for several years. This Group is supported by a DRC project coordinator, and was felt to be effective because participants were able to track the impact of their suggestions upon what the Commission does. Other action groups include the Mental Health Action Group, Neuro-Diversity Group and a group focused on action for Black and Minority Ethnic disabled people.

Stakeholders interviewed felt that the **steering groups** set up to advise on the direction of specific projects or workstreams were engaging and places for open debate, with one individual commenting that 'I feel comfortable that I get heard and can talk openly'. The groups were seen by some as unrepresentative of the range of disabilities and centred on involving those in senior level positions, but it was acknowledged that the primary purpose of the groups was to bring expertise to bear on DRC projects, and that therefore the scope for achieving representative composition was, perhaps, limited. Stakeholders did feel that the DRC had done too little to monitor participation of disabled people in these groups, however.

The work of the DRC is supported through a programme of **research** which addresses a range of disability issues. The DRC seeks to involve disabled people in much of its research: in shaping the focus areas, design and research analysis associated with research projects. For example, in 2005 the DRC commissioned the University of Birmingham to conduct a study into the the experiences of disabled children, young people and their families. This research critically involved a large sample of disabled research participants, but in addition placed disabled people at the heart of decision making about the objectives and research strategy which underpinned the study. The project involved a core advisory group of two disabled people plus the project team. This group met regularly face to face and also more frequently over the telephone and by email. There was consensus amongst the informants that this approach was having a positive impact on the research both in the quality of the studies, but also their influence in the field. As one participant told

us, 'It is because the DRC involves disabled people meaningfully in its research, that it is able to have the influence it does on policy makers and practitioners.'

In Scotland, the DRC has also established a strategic Action Group with the remit of involving disabled people in strategic decision making. Before this the involvement of disabled people as a group directly in the strategic direction of the DRC was increasingly seen as limited and disjointed. One informant told us, 'We were not good at the strategic level – we never had a strategy steering group for Scotland as a whole. We needed a group that could pull all the different strategies, themes and issues together.'

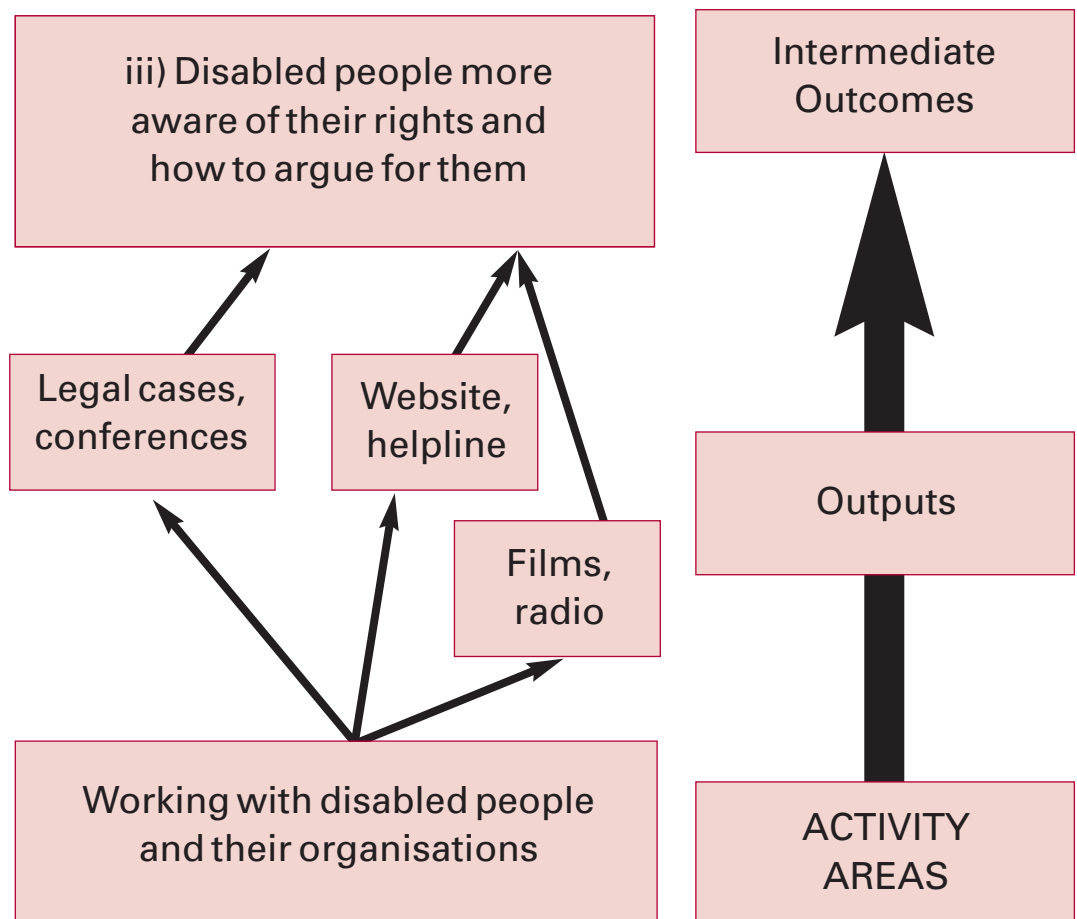
In view of this perceived problem, the DRC decided to establish a national strategic consultative body with the aim of involving disabled people directly in strategic discussions on the 'core issues' affecting the body. The DRC in Scotland therefore went on to establish the Scottish Involvement Group which would have a role in commentating regularly on key policies, strategies and projects from the perspective of disabled people. The group meets about every six to eight weeks and is responsible for scrutinizing and informing the work of the DRC at the strategic level.

In Wales the DRC's primary method of involvement has been its bi-annual road shows including workshops on priority areas of work which help to shape DRC Wales' policy position. On the alternate years the DRC has sponsored the Disability Wales Conference and again has run workshops on topical subjects which can inform policy development. In addition, Reference Groups for

specific pieces of work have been established including a Race Advisory Group and one for the Health Formal Investigation. The Director for DRC Wales also meets regularly with the Wales Disability Reference Group made up of five umbrella organisations in Wales. This allows for the regular exchange of information on work priorities and coordinated activities in areas of shared interest.

### C. Raising awareness amongst disabled people and providing support

In parallel with the work to raise awareness amongst employers, the DRC has undertaken a range of activities to raise awareness amongst disabled people of their employment rights, and to support them in realising these rights. The specific activities evaluated include high profile media coverage on screen and radio, and promoting the website and the Helpline as sources of advice and support in how better to secure rights.





- Secondary evidence about the level of awareness amongst disabled people about their employment rights is less prevalent than comparable evidence about employers: the most recent large-scale survey of disabled people was conducted in 2002.
- The limited primary evidence generated as part of this evaluation suggests that awareness of employment rights amongst disabled people has improved, with interviewees pointing to greater confidence and increased expectations of gaining and progressing in employment, for example, and more awareness of rights amongst younger generations in particular.

### **Analysis of the evidence of the DRC's effectiveness in this area**

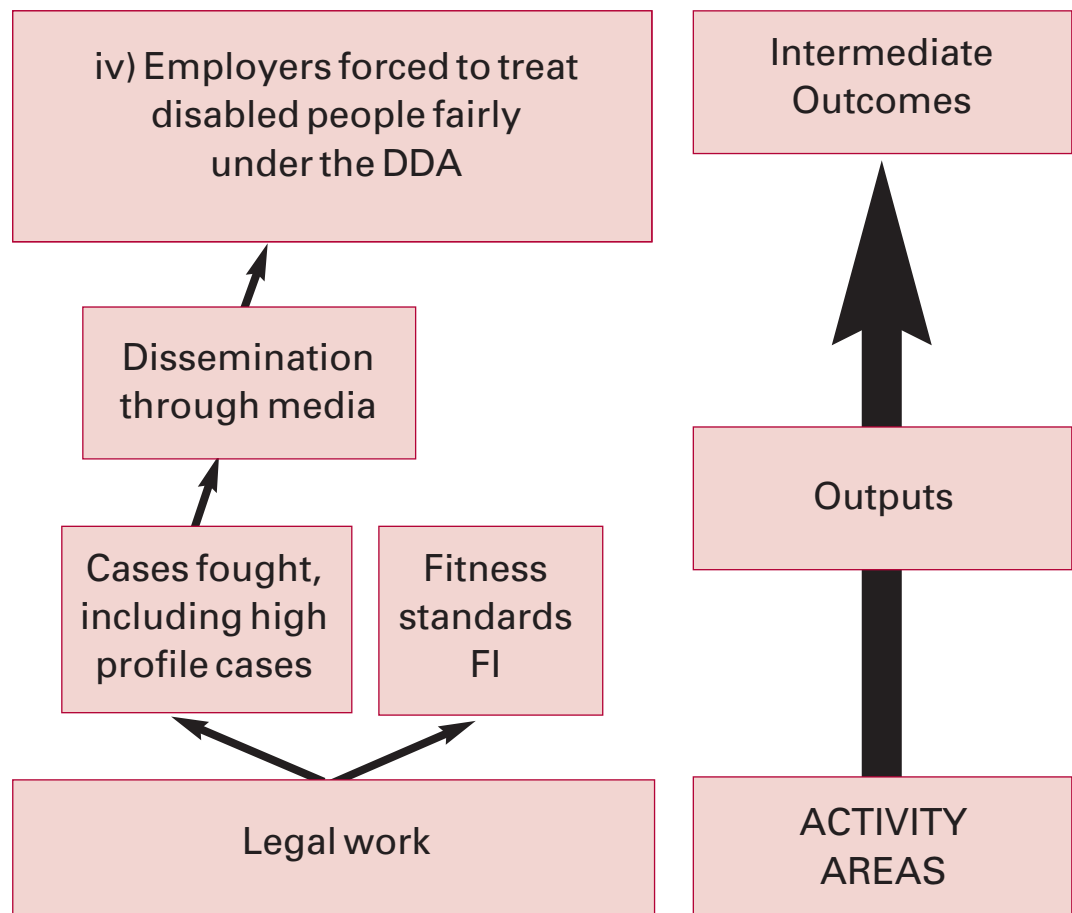
An important message from the focus groups and interviews about employment, echoed in many other research findings, is that whilst there have been improvements in the awareness of disabled people of their rights, these are not evenly distributed across disabled people. Participants in one focus group, for example, felt that people with learning disabilities like themselves were 'falling through the system', facing a lack of support into employment, poor training and support once in a job, all often accompanied by low wages. This is corroborated by reports such as that of the recent Working Group on Learning Disabilities and Employment. The DRC website and Helpline, important sources of advice and support for disabled people around employment, are very widely praised where an individual has direct experience, but there is some doubt from the findings of the new research conducted as part of the evaluation whether awareness of them (or in fact the DRC in general) is very widespread at all. Against this we must recognise the sheer volume of calls made to the Helpline, which means that awareness cannot be as restricted as some of our research participants suggested.

Nevertheless, in keeping with the findings reported elsewhere in this report, there was a consensus amongst the disabled people who participated in this evaluation that the DRC felt rather remote, and that as a result there was a gap at the local or regional level. It was felt that this gap could be filled by an organisation that could educate local employers about disability and the DDA, as well as support local disabled people in securing their employment (and other) rights.

### **D. Using the law to bring about fairer treatment of disabled employees**

This evaluation also sought to assess the validity of a number of hypotheses about the impact of the DRC's enforcement work on key employment outcomes. The DRC has been involved in a series of high profile legal cases in relation to employment and has intended that by fighting employment cases on behalf of disabled people, offending employers will be forced to improve their practice and treat disabled people fairly – whether in recruitment, everyday employment, retention or career development.

This intention to influence the actions of employers through the force of law extends further. Besides funding cases directly, the DRC has been able to intervene in cases where it does not support either party (judicial reviews); it has had at its disposal the power of formal investigations and, under Section 5 of the legislation, has been able to enter into voluntary binding agreements with non-compliant bodies (though none of these to date are based on breaches of the DDA with regard to employment). It has, moreover, sought to increase the impact of its legal work through dissemination of news of the cases it has taken and, through capacity building and partnership work with the DRC's legal expertise.



### What the evidence says about the DRC's success in this area

- The DRC website lists 159 employment-related court actions funded by the DRC since 2000.
- The interviews conducted with members of the legal profession suggest that the DRC is very positively regarded: for the experience and abilities of its legal team and for its commitment to acting as a repository of information around disability discrimination law.
- Research confirms that personal experience of a DDA case often had an impact on employer's policy and practice, especially with regard to: the need to understand the causes of employee absence; the need for medical evidence to inform decisions regarding employees who

may have a disability; and the need to increase disability and equality awareness among staff<sup>58</sup>.

- In its guide to legal case selection priorities, produced in March 2006, the DRC reiterated its strategic intention to fund only employment test cases in the future, and move away from funding routine cases where the legal point had already been proved and where the law was already 'warm'.
- Mindful of its limited resources, there is strong support for this decision amongst those engaged in the field of disability discrimination law, but in the view of the vast majority of disabled people who took part in focus groups or interviews as part of this evaluation, there was insufficient enforcement of the duties of employers towards disabled people.
- In September 2007, the DRC published the report of a general formal investigation into the impact on disabled people of health standards in certain professions. However, the timing meant that this investigation was outside the scope of the evaluation.

### **Analysis of the evidence of the DRC's effectiveness in this area**

To what extent has the law led to disabled people being treated more fairly by employers? Firstly, through direct court action, a number of employers have been forced to face up to their failings under the law. For the DRC to support cases, it has had to be able to identify them effectively. The DRC Helpline has been an important mechanism for bringing potential cases to the legal team's attention. Amongst the individual callers surveyed as part of the DRC's 2005 Helpline Evaluation, around a third had been calling to request help with a case<sup>59</sup>:

They've had a very good system with the Helpline; it allows them to pick up what's happening very quickly, and the filtering of that to the lawyers has been very good, and very efficient (legal professional).

Also central to the DRC's ability to become involved in significant cases has been the relationship it has fostered with the legal profession. Early in its life it established a panel of interested practitioners, has made presentations to the relevant legal associations and sends legal bulletins – also available on the website – to panel members.

By establishing good relationships with the key legal practitioners, we have managed to get involved in some of the most significant cases (DRC legal team).

**13. Key DRC legal cases 2000 – 2005: (source: DRC website)**

***Jones v 3M Healthcare Ltd and three others* 2003 IRLR 484 House of Lords**

These cases established that post-employment termination discrimination was covered by the DDA's employment provisions. The cases were heard with similar cases concerning the operation of the Sex Discrimination Act and the Race Relations Act. This was the first time the House of Lords had considered the DDA.

***Paul v National Probation Service* 2004 IRLR 190 Employment Appeal Tribunal**

This case established that the duty to make reasonable adjustments can extend to giving thought to making adjustments to a job to overcome difficulties identified by an adverse occupational health assessment.

***Collins v Royal National Theatre Board Ltd* 2004 IRLR 395 Court of Appeal**

This case established that the possibility of justifying a failure to make reasonable adjustments is very restricted. It therefore moderated the impact of an earlier, much criticised, Court of Appeal decision concerning justification of less favourable treatment (*Jones v Post Office* 2001 IRLR 384). It also foreshadowed the changes to the employment provisions of the DDA on 1 October 2004, which removed the provision allowing justification of failure to make reasonable adjustments.

### ***Law v PACE Microtechnology Ltd* Court of Appeal**

This case was on the same point as Collins, and was conceded by the respondent in the Court of Appeal, because of the outcome of Collins. The respondent was refused permission to appeal to the House of Lords.

### ***Archibald v Fife Council* 2004 IRLR 651 House of Lords**

This was the first case where the House of Lords had to consider the operation of the reasonable adjustment aspect of the DDA, as compared to other anti-discrimination legislation. In a key judgment which was very widely reported, and will be in use by courts and tribunals for years to come, the House of Lords unanimously allowed Mrs Archibald's appeal, which was backed by the DRC. The House of Lords judgment contains some very important principles. The House of Lords stressed that the DDA is different to the Race Relations Act and the Sex Discrimination Act, and may require a difference in treatment to attain equality. The reasonable adjustments provisions are the mechanism for achieving this. The judgment made it clear that the reasonable adjustments provisions are very broad in scope. They cover the situation where a person becomes incapable, through disability, of carrying out his or her job. Employers may have to make adjustments to their usual policies (such as a redeployment policy requiring competitive interviews). The 'merit principle' which applies to local government appointments is subject to the DDA's reasonable adjustments duties. The House of Lords also said that the question of justification of less favourable treatment cannot be determined until a determination has been made about reasonable adjustments. This was an important finding, and built on the decision on Collins, thus further limiting the scope of Jones v Post Office.

### ***Nottinghamshire County Council v Meikle* 2004 IRLR 703 Court of Appeal**

This case further developed the principles established in **Archibald**. The Court of Appeal's judgment makes very clear the importance of the reasonable adjustments provisions in relation to the question of justification of less favourable treatment. This case established that constructive dismissal is covered by the DDA's discrimination provisions, and that the payment of sick pay is subject to the reasonable adjustment provisions. On the facts of the case, which were that Mrs Meikle would not have been off sick if reasonable adjustments had been made by her employer, the Court of Appeal held that reduction of sick pay in line with the respondent's sick pay policy was both a failure to make a reasonable adjustment and unjustifiable less favourable treatment.



In practice, only a tiny proportion of non-compliant employers ever face court action, so for the impact of enforcement to really be felt, the DRC has always worked to **disseminate news** of its legal activities. In other words, it is the threat of the law rather than its execution that will be the most important way in which enforcement inspires change. It is felt both internally and externally that there has been an effective synergy between the work of the legal team and the media outputs based on their work. In the early part of the DRC's existence, legal staff in DRC Scotland did not enjoy that synergy with the media arm of the organisation, as they had to work through the London office. Since the post of media officer was introduced in Scotland, those difficulties have been removed.

In fact, in Scotland it was felt that in recent years it has in any case become easier to get press coverage, in part because there have been more enforcement stories to report on – in the words of one staff member from DRC Scotland: '...the press love the big stick thing.' There can, however, be tensions between the story that the DRC wants to tell and the message that emerges in the media, particularly as the DRC is sensitive about being seen as too aggressive.

There was a case on provisions of the DDA in which we got involved successfully, with a good result. Ironically, our people didn't want to publicise it for fear of putting the frighteners on employers, which meant it wasn't used as much as it could have been by DRC (DRC legal team).

In such instances, it can be other bodies that work more vigorously to spread the word, even though it is DRC that has been involved in the case: 'The ruling was widely reported by human rights agencies and unions, so it probably has had an impact, but not from the DRC (DRC legal team).

There have also been other barriers to the DRC's legal activities being fully exploited for their strategic worth through the media, reflecting the DRC's acceptance that some work must be done 'quietly' as a concession to the parties involved. A large proportion of cases supported by the DRC are settled by employers out of court. This brings quicker and easier resolutions for the individuals involved, and in the vast majority of cases will lead the employers concerned to review and improve their practice, but it does mean that the prospect of media coverage (and thus wider sectoral change) is removed. In Scotland, confidentiality is less of an issue in these cases and they can still result in some significant media coverage.

This lack of widespread coverage of successful enforcement may go some way to explaining why, in the views of the vast majority of disabled people who took part in focus groups or interviews as part of this evaluation, there was felt to be insufficient enforcement of the duties of employers towards disabled people. One focus group participant said that

There is a feeling that employers are getting away with most of their duties.

Interviewees spoke of the 'frustration' at the lack of perceived enforcement, and the challenges faced around progress to senior positions. As noted throughout this report, we were only able to speak to a relatively small number of disabled people in support of this evaluation, and caution must be exercised when generalising based on views expressed. But, with this said, the perception that enforcement had not been visible enough was one of the most frequently and consistently expressed.

Legal professionals both within and external to the DRC felt that the **formal investigations** power had been underused and should have been prioritised, particularly as this was a

relatively distinctive power. All formal investigations to date have been 'general' rather than 'named party' – investigations into an area of concern or a sector rather than an individual organisation. As one DRC lawyer said:

We should have started by doing some research and kicked off a major programme in year 2 or 3, instead of incrementally – and now its too late to get going on it.

Another commented that:

Those sort of FIs are more effective in the long term than running strategic legal cases, where you're lucky if you can get some good case law that makes a difference and leads to change. It may have been a better use of resources to conduct an FI against a company or public sector organisation and throwing that one into the mix (legal professional)

Currently in progress is another general formal investigation into 'fitness standards', exploring the barriers people with impairments and long-term health conditions face in trying to pursue careers in teaching, nursing and social work, based on the notion that they are unfit for a particular job or will be a risk to the public. The investigation will result in a final report in September 2007, which will set out recommendations for changes to policy and practice, and the law itself.

The DRC has engaged in extensive **capacity** building amongst legal and advisory bodies across Britain, as described by a member of the Commission's legal team:

Increasingly our role has been trying to move things at grassroots level, operating as a catalyst... and given our range of powers and budgets, this has probably been the best use of what we've got.

This has been particularly important in the context of the decision to end DRC's case work function and, in England, to fund a number of posts at Law Centres through the Law Centres Federation (LCF). This agreement was worth over £1.4 million to the LCF and law centres themselves when it was made in January 2006, and sought to embed expertise about the legislation at a local level. In an example of how DRC's enforcement work can blur into the implementation and promotion aspect of its remit, the regional disability rights workers based in law centres were tasked not only with the undertaking of casework, but the building of awareness of disability rights in local communities, particularly among disability special interest groups, on Part 3 of the DDA.

Published in February 2003, the Snakes and Ladders report was jointly commissioned by the DRC, CRE, EOC and Legal Services Commission in Wales to assess what advice and representation provision there was for people with employment discrimination cases – and the findings confirmed that much of Wales was an 'advice desert'<sup>60</sup>. DRC Wales argued that with only one (Cardiff-based) law centre in the whole country, which provided good advice, at least, in the south east of Wales, this option would not provide sufficient coverage for disabled people in Wales. In order for DDA advice and representation to reach out into communities in the areas of highest population in North and South Wales, they established a partnership instead with Citizens Advice Bureaux, who are the main advice providers in Wales.

The DRC's Legal Director has spoken of statutory codes, good practice models and related materials as pointing towards a new regulatory regime; a school of 'enforcement' which places the emphasis upon challenging the potential 'perpetrator' of discrimination rather than assimilating, or restoring, its potential victim<sup>61</sup>. It is debatable whether such documents constitute enforcement or implementation and promotional activities, but the point is about mainstreaming

legislative theory into social practice, and can at least be viewed as an aide to enforcement. Statutory codes, developed in consultation with stakeholder organisations, are highly regarded.

The statutory Codes of Practice have been extremely successful – the Part Two [employment] and Part Three [Transport, Goods and Services] Codes are considered to be models of their kind. They're written extremely clearly, and they illustrate the points of law that have been made with examples (legal professional).

The Codes of Practice have been described as 'amplifying' the law in a way that those produced by the other commissions tended not to do.

The standard code of practice from EOC and CRE would just be good practice – they'd just be saying 'if you're an employer, you could consider doing xyz,' but DRC has gone further and put its money where its mouth is, saying 'here's an example of something that we think is unlawful' and visa versa (legal professional).

What evidence do we have that things are changing for the better – that outcomes around enforcement have been achieved at the GB-wide level? We know from our interviews with employers conducted as part of this evaluation, for example, and from the OFR, that an important driver of awareness has been enforcement. The fact that a DWP report produced this year (which used 2000 interviews and 50 case studies with employers to explore organisations' responses to the DDA) found that 80 per cent of employers were aware of the employment provisions of the DDA; an increase on 2003, can plausibly be attributed at least in part to

enforcement (whether the DRC's or not)<sup>62</sup>. However we have seen in a previous section – Section 3.2B – how increased awareness exists only in a reasonably superficial sense, and that employers continue to have a fairly narrow perception of disability, focusing on sensory and mobility impairments. Indeed, that improvements are being felt by certain impairment groups but not others is evident from the statistics. In 2005, disabled people with mental health conditions had the lowest employment rates of all employment categories at just 20 per cent<sup>63</sup>. The employment rate for people with learning disabilities was only slightly better at 25 per cent.

As with implementing and promoting work, attributing change in the area of enforcement is challenging. What if the law existed but enforcement by the DRC did not? How differently would employers be responding to the fulfilment of their duties? Clearly without the DRC, there would have been fewer legal cases taken against employers – and yet the DRC has only taken forward a small percentage of the total number of Part 2 (employment) cases brought. Still, the cases that the DRC has taken would not, in most cases, have reached court were it not for the DRC's involvement. This is due to the lack of free advisory bodies able to offer good, clear advice to disabled people, and the lack of information and support sources for disabled people seeking advice on their rights.

Moreover, fear of the law has been strengthened by the cases that have been brought and won; were the law not to have been seen in action, those fears would have diminished as time passed. High profile cases have for the most part involved the DRC, and have become well known amongst legal practitioners and, to a lesser degree, diversity and HR professionals within the larger public and private sector organisations. This point of view was summed up by one interviewee who said:

Until the DRC came along, disability discrimination was such a legal backwater – but they have managed to put it at centre stage (legal professional)

This is not to say that the DRC has been alone in using the DDA; law centres, CABx, unions and commercial solicitors were already employing the DDA when the DRC came into being. It is nonetheless true, however, that without the capacity building work of the DRC, the numbers now confident and qualified to identify and take forward these cases would be significantly lower than it is.

Sometimes people go to their unions and don't need the DRC. But remember that often when DDA cases emerge this way, they have had advice from the DRC Helpline – so the DRC has helped people directly, yes, but also indirectly through people like unions... Our disability policy officer works very well with the DRC (disabled trade union employee).

The existence of the DDA is clearly central in driving employers to improve practice. Employers, their representatives and those who work with them agree that legal compliance has been a primary concern. That said, there were mixed feelings amongst the people representing organisations with employment duties with whom we spoke, about the extent to which improvements currently being made to employment practice are driven by the law. (It is important to recognise here and throughout this report, however, that the DRC does not just take legal cases for the benefit solely of the individuals involved in a particular case (though individual case outcomes are important). Where solicitors or legal representatives, for example, look to use the DDA in the best way for individual clients, the DRC also considers how the DDA can be made to work better and most effectively for disabled people in general. Such an approach

underlies the DRC's approach to 'strategic' and/or 'test' legal cases. Furthermore, the DRC also involves legal policy in discussions on how to pursue specific cases, and the key aspects within them relevant to the disability discrimination legislation, to achieve a more effective DDA. Please see the box on the DRC's approach to legal work and enforcement in Section 4.1.

On the one hand it was felt that ultimately, it is always going to be their legal position that most motivates employers – the avoidance of prosecution is a necessarily high priority. This was felt to be particularly true of SMEs, which were identified as almost always reactive rather than proactive, but also large operators and even public sector bodies (though they may not have been so willing to admit it). On the other hand, whilst all acknowledged the importance of enforcement as a basis for instigating change, it was felt that larger organisations had moved beyond legal concerns and were improving practice for other reasons. Being seen as a 'good company', for instance – an 'employer of choice' – was identified as being increasingly important for many.

For investment banks it's about widening their pool of talent, for retailers it's about reflecting their customer base – and competition with others in their sector is a big driver here (business representative body)

The findings from this evaluation suggest that, the frustration felt by disabled people at the low quantity of employment cases supported by the DRC aside, the DRC's approach to employment enforcement has been successful within the constrained resources at its disposal.

DRC is regarded as a great success story because they took a proactive stance and asserted bold positions in terms of interpretation and enforcing of



the law. It's proved largely successful – hence their legal team receiving Legal Team of the Year Award (legal professional).

Within the DRC and amongst the legal professionals most familiar with them, there is a general agreement that the DRC was right to decide on a strategic approach to its case work, bringing only those cases that would test the legislation. All acknowledge that, if resources had been greater, it would have been better if more 'standard' cases could also have been supported, but most feel that the DRC's strategic approach has been the best use of resources. One interviewee did express the view, however, that such an approach is inevitably a partial approach:

There's always that balance where [a body like the DRC] has to provide help for the majority who otherwise would find it difficult to make use of the law, and pursuing test cases. I can see why they did what they did, but that still leaves a gap. ... DDA cases are so difficult to run, so there's a risk of undermining the legislation if there isn't that access to help (legal professional).

The transfer of expertise to external professionals was recognised to have ameliorated this to a significant degree. In the words of an interviewee from an external stakeholder body

We did discuss that they maybe have legal surgeries around the country, and they have done something on that with law centres

Disabled people who took part in focus groups or interviews as part of this evaluation often felt that the DRC did not provide sufficient support to individuals who sought to bring

cases, and that they should have made legal support more forthcoming.

People are losing confidence. The DRC focuses on the big cases, but the rest are put on the shelf... how many people have the knowledge or energy to take on an employer? (local disabled group)

Participants at one of the focus groups conducted for this evaluation felt that enforcement should extend beyond legal cases, and that the DRC should also be monitoring the percentage of disabled people who get made redundant; this was based on a concern that disabled people are the first to be made redundant. This group felt that the DRC has placed too much emphasis on enforcement around access and services and not enough on education and employment. Not all of the disabled people we spoke to in support of this evaluation held a negative view of the DRC's enforcement work, however. Others are much more positive about the impact that legal cases have had on the employment situation for disabled people, with one person who had more direct knowledge of the DRC's legal strategy commenting that:

Things have improved in recent years, because of the number of cases that the DRC have been brought under DDA – because of that muscle, precedents are set (member of Mental Health Action Group).

Even where it is felt that the DRC should have done more to provide legal support to disabled people with 'run of the mill' complaints, those familiar with the cases that DRC has taken were generally positive about the choices made and their strategic value.

The DDA used concepts different to existing discrimination laws. The DRC therefore had to work out how it could spread its understanding of the meaning of the law amongst lawyers and practitioners. It did this by selecting very well its test cases (legal professional).

One external respondent qualified this with the comment that more recently, extensions of the law had made the selection and execution of good cases more difficult:

Sometimes in early stages they were very good at picking out cases to fund. As the law has become more complex, it's become more difficult to pick the right cases and the vision hasn't been as clear as it could have been. For instance, in a case recently, they were backing the claimant but switched their line in relation to why, which sends out unclear messages.

It is in some ways easier to measure the impact of DRC's enforcement work than its other activities: there are elements that can be counted, such as the number of cases taken (and won), the number of cases that have appeared in legal journals etc. But in the process of using its enforcement work to really achieve its goals, this work spins off into untraceable directions, making an impact far beyond those parties directly involved in cases. Stakeholders contest the degree to which forcing employers to act properly yields results. Certainly the tacit threat of the law, extended through media coverage of those already caught out, has been a central driver to employers making more effort to fulfil their duties. But that so many continue to bury their heads in the sand and hope that the law will not reach them shows that enforcement, within the limits of the DRC's resources, can only be part of the picture.

### 3.3 Conclusions

The DRC's activity in support of achieving the four employment intermediate outcomes considered within this evaluation has been to make progress towards achieving the strategic outcomes of reducing the employment and income gaps facing disabled people, and reducing barriers to career progression. To what extent can we say this has been the case? The DRC has succeeded in its objective of influencing the law around employment, but not enjoyed as much success as it might around maximising the 'fear factor' potential of the law. Support to employers has been of a high quality, but perhaps necessarily limited by resources in terms of reach. There is a lack of evidence about the impact of the DRC's work to raise awareness amongst disabled people of their employment rights. This mixed picture of progress towards intermediate outcomes is, perhaps, one way of explaining the mixed picture of progress towards strategic outcomes.

As with its work under the other themes, the DRC has quickly established itself as a centre for expertise and a source of valuable information regarding employment. However, also as with its other work programmes, the Commission faces a mismatch between the experiences of disabled people and those with duties who have had direct experience of DRC advice or guidance, and those who have not. The data regarding awareness and attitudes of employers is robust and suggests definite improvement since 2003, but with a continuing level of superficiality and narrow-mindedness. Given its excellent partnership arrangements with sectoral and trade bodies, however, it is doubtful whether the DRC could have done much more in this regard within the resources it had at its disposal. There is very little recent data regarding the employment experiences of disabled people, and therefore difficult to come to substantive conclusions about the impact of the DRC's work here, save for saying that

the Commission's contribution to improving the terms of the DDA is widely credited. The DRC's approach to enforcing employment law is applauded by the legal profession but challenges around publicising the results of test cases mean that this perception is not shared by disabled people, and that the impact on wider sectors has not been as significant as intended.

### **Strategic Outcomes**

As with the Education theme chapter, two of the three strategic objectives below were set out in the DRC's Strategic Plan 2004/05 to 2006/07. These were long term aims to be realised by 2010, so the DRC would not expect to have achieved them by 2007.

#### **1. Reduce the employment gap between disabled and non-disabled people**

The evidence suggests that the employment rate for disabled people has gradually increased since the DRC was established in 2000. In 2000, the employment rate of disabled people was 46.6 per cent; by 2005, this had risen to 50.1 per cent. Furthermore, the gap between the overall employment rate for people of working age and the employment rate of disabled people has also decreased. In 2000, the gap was 34.2 percentage points, which had narrowed to 30.4 percentage points by 2005. Whilst this improvement is true across people with every type of disability, employment rates for people with, for example, learning disabilities and mental health conditions remain much lower than the average. The evaluation fieldwork corroborates this finding, with disabled people participating in the research highlighting that levels of confidence with regard to employment have not increased at the same rate amongst different groups, and that there has been very little or even no improvement in employment and the prospects of employment for people with learning difficulties or mental health conditions.

### **2. Reduce the gap in earned income levels between disabled and non-disabled people**

Since 1999, the gap between the average gross hourly pay (£) earned by disabled people and that earned by non-disabled people has fluctuated, showing an initial reduction until 2003, since when it has gradually increased again. In 2005, the average gross hourly pay (£) of disabled employees was about 10 per cent less than that of non-disabled employees: £9.88 per hour compared to £10.85 per hour. Evidence also shows that working-age adults living in families with at least one disabled adult or child are more likely to live in a low-income household.

### **3. Dismantle the barriers that disabled people face to career progression and leadership positions**

The available evidence strongly suggests that disabled people still face significant barriers to progressing in their careers and gaining leadership positions. Employment data shows that in 2005 disabled people were more likely to work in manual and lower-skilled occupations and less likely to work in managerial and professional occupations. There are also significant differences in the employment rates of disabled people and non-disabled people with the same qualifications. For example, whilst 78.8 per cent of non-disabled people with GCSEs at grade A\*–C or equivalent as their highest qualification were in employment, only 55.8 per cent of disabled people with the same highest qualification were in employment; there is a mixed picture regarding improvements over time regarding this. Regarding disabled people in leadership positions, currently 2.8 per cent of the Senior Civil Service, for example, are disabled people, compared to 4.5 per cent of Civil Service staff. Longer-term trends do show an increase in the number of disabled people in leadership roles (up from 1.5 per cent in 1998) – with the government working to a target of 3.2 per cent by 2008 – but

there nevertheless remain discrepancies between the numbers of disabled people and non-disabled people in positions of leadership.

### **Intermediate Outcomes**

#### **A. Influencing the legal framework for challenging discrimination with regard to employment**

There was strong consensus amongst the disabled people who took part in research for this evaluation is that, in the words of one individual:

The main thing the DRC has done is push forward legislation and that as a result there was 'much more awareness of employment rights, especially amongst younger generations.'

Similarly, respondents to the 2006 survey of opinion formers cited legislative drivers – and the DDA and Disability Equality Duty in particular – as the principal reasons why their organisations were now prioritising disability equality to a greater extent than before in their approach to employment.

Employers also credit the DRC with influencing the legal framework for challenging discrimination with regard to employment. The impact of this legislation is less clear – as explored below.

A further success that will help benefit disabled people is the acceptance of DRC-supported amendments to the bill that became the Welfare Reform Act (2007). These amendments mean that disabled people will now have the opportunity to take on voluntary or part-time work without the possibility of losing part of their income.

### **B. Raising awareness amongst employers of their duties under the DDA**

Implementing and promoting duties and rights through support and awareness raising has been a key area of activity for the DRC. Evidence suggests that employers' awareness of their duties under the DDA has improved: in 2006, research by the Department for Work and Pensions found that 80 per cent of respondent organisations across Great Britain were aware of the employment provisions of the DDA, compared to 63 per cent of organisations in 2003.

There remain, however, differing views from employers on employing disabled people with different impairments. For example, 70 per cent of employers felt that it would be easy to employ someone with dyslexia, compared to less than half who thought it would be easy to employ someone who has, for example, a learning disability.

DRC advice, guidance materials and Codes of Practice for employers have been very well received. For example, positive feedback has been received on Codes of Practice, the Helpline and a short film created by the DRC – called 'The Appointment'. There is doubt, though, as to the extent to which the messages contained within the DRC's advice and guidance have filtered through to a sufficient number of employers in a meaningful way to have achieved widespread change in attitudes and awareness, let alone changes in practice. Whilst basic awareness of legislative duties may have improved, secondary data and the primary research conducted as part of this evaluation reveals the amount that still needs to be done, particularly to continue to cascade the messages about employing disabled people to a wider range of SMEs, and to ensure that even when large employers have officially committed to implementing the DDA, this translates into practice 'on the ground'.

Within public bodies, research by the DWP had suggested the vast majority of employers adapted the work environment



and implemented flexible working policies to help disabled employees. This evaluation, however, showed evidence of low involvement of disabled people in developing policies and better practice in larger as opposed to smaller organisations.

Positive and collaborative relationships with SME confederations – in England, Scotland and Wales – clearly exist. For example, DRC Scotland has established a strong joint working relationship with the Scottish Retail Consortium and Federation of Small Businesses. The concrete impact of such relationships, however, is difficult to demonstrate.

### **C. Raising awareness amongst disabled people of their rights and providing support in fulfilling them**

There is a lack of recent survey evidence relating to the employment experiences of disabled people. The findings from the evaluation fieldwork were generally positive: the DRC website and Helpline, important sources of advice and support for disabled people around employment, are very widely praised where an individual had direct experience, but there is some doubt from the findings of the new research conducted as part of the evaluation whether awareness of them (or in fact the DRC in general) is very widespread at all.

### **D. Using the law to bring about fair treatment of disabled employees**

The DRC is very highly regarded in the legal profession in the area of employment law, and there is strong support amongst those engaged in the field of disability discrimination law for its decision to fund only employment test cases, and move away from funding routine cases where the legal point has already been proved.

The DRC website lists 159 employment-related court actions funded by the DRC since 2000. The DRC Helpline has helped bring potential cases to the legal team's attention; an evaluation of the DRC's Helpline in 2005 noted that around a third of all individual callers had been calling to request help with a case.

There is less appreciation of the necessity of the decision to fund test cases amongst disabled people. In the view of the vast majority of disabled people who took part in focus groups or interviews as part of this evaluation, there was felt to be insufficient enforcement of the duties of employers towards disabled people.

For the impact of enforcement to be most beneficial, the DRC has always worked to disseminate news of its legal activities, and there has been an effective synergy between the work of the legal team and the media outputs based on their work. It is often the case, however, that cases are settled by employers out of course. Though this brings quicker and easier resolution for individuals, it does mean that the prospect of media coverage (and thus wider sectoral change) is removed.

The DRC's formal investigation power was felt by legal professionals, both within and external to the DRC, to have been underused. In September 2007, the DRC published the report of a general formal investigation into the impact on disabled people of health standards in certain professions. However, the timing meant that this investigation was outside the scope of the evaluation. Where the DRC has undertaken a formal investigation, they have been 'general' rather than 'named party', ie investigations into an area of concern or a sector (such as Health Inequalities or Web Accessibility) rather than an individual organisation.

Attributing change in the area of enforcement is challenging. Clearly, without the DRC a smaller number of legal cases would be taken against employers. This is not to say that the DRC has been alone in using the DDA: law centres, Citizens

Advice Bureaux, unions and commercial solicitors were already using the DDA when the DRC came into being. Nonetheless, the capacity building work the DRC has done with organisations such as trade unions and CABx has increased the number of people confident and qualified to identify and take forward DDA-related cases. (It is important to recognise, however, that the DRC also considers how the DDA can be made to work better and most effectively for disabled people in general, and that such an approach underlies the DRC's approach to 'strategic' and/or 'test' legal cases. Please see the box on the DRC's approach to legal work and enforcement in Section 4.1.)

Employers' fear of the law has been strengthened by the cases that have been brought and won – were the law not to have been seen in action, those fears would have diminished as time passed. The existence of the DDA is clearly central in driving employers to improve practice. On one hand, the findings of the evaluation found that it would always be the legal position of an employer that would most motivate them to observe their duties under the DDA. On the other hand, it was also suggested that larger organisations had moved beyond legal concerns and were improving practice for reasons such as being 'an employer of choice'.

The findings of the evaluation suggest that the DRC's approach to employment enforcement cases has been successful within the constrained resources at its disposal.

# 4. Transport, Goods and Services

## 4.1 Context and strategic outcomes

The DRC's specific strategic objectives under the Transport, Goods & Services theme, which form the frame of reference for all of the activities evaluated herein, are to:

1. Improve disabled people's levels of confidence in using public transport.
2. Improve access to the built environment, including houses.
3. Improve access to services, including housing services.

### **Evidence of progress towards these strategic outcomes**

Two of the three strategic objectives listed above were set out in the DRC's Strategic Plan. Bearing in mind the long term nature of these objectives (to be realised by 2010, not 2007) our approach throughout this evaluation has been to focus on the 'next level down' and assess the DRC's success in achieving intermediate outcomes presumed to contribute to those ultimate goals. The section below presents evidence of the current context in relation to each of these long-term objectives, and considers whether any progress towards them is evident to date. The chapter then turns to the intermediate outcomes – the indicators of progress – that provide a more realistic benchmark for DRC impact.

### **1. Improving disabled people's levels of confidence in using public transport**

Recent evidence highlights the extent of the challenge that exists in building the confidence of disabled people in relation to public transport.

- A recent Great Britain-wide poll by the DRC surveyed seven thousand British people and found that disabled people are four times more likely to lack confidence using buses and trains than non-disabled people (26 compared to 6 per cent). This was particularly likely to affect people with mental health conditions: of those disabled people who said they lacked confidence using public transport, 38 per cent had a mental health conditions, 32 per cent a sensory impairment and 30 per cent a physical impairment<sup>64</sup>.
- According to this survey, 40 per cent of disabled people are not confident taking an unplanned journey on an unfamiliar route – twice the figure for non-disabled travellers (20 per cent)<sup>65</sup>.
- To address this issue of confidence, the DRC undertook in summer of 2007 a significant transport campaign – the GOJO campaign. The GOJO campaign was rolled out regionally and concentrated on increasing the confidence of 16 – 24 year olds in making public transport journeys.

#### **1a Improving physical access to public transport**

Confidence in public transport use relates in part – though by no means solely – to the ease with which it can physically be accessed. The evidence suggests the following about physical access to public transport in Britain:

- Accessible public transport has been rolled out progressively, and deadlines have been set by which all

public transport will be accessible. The Department for Transport has introduced accessibility regulations ensuring that all new rail vehicles (including light rail, underground and trams), buses and coaches (used to operate scheduled or local services) are accessible to disabled people, including wheelchair users.

- By the end of 2005, over 4,400 compliant rail vehicles had already been introduced into service and 46 per cent of the bus fleet was accessible. Nevertheless these figures vary greatly according to region<sup>66</sup>.
- Currently less than half of the 67,000 licensed taxis in England and Wales are wheelchair accessible. There is significant variation by region, with London boasting wheelchair access to all its licensed taxis but in Wales and the North of England, only 6 per cent of licensed taxis provide wheelchair access<sup>67</sup>.
- Figures from the National Travel Survey show that between 2002 and 2004, the number of disabled people reporting difficulties using public transport did not fall, but the proportion reporting difficulties in using buses has declined. There has been a similar decline in relation to more specific items in the National Travel Survey data – for example, difficulty reported in waiting at bus stops, getting on and off buses, and getting to and from a seat<sup>68</sup>. No comparable evidence exists from the period since 2004.

## **2. Improving access to the built environment, including houses**

- In a 2002 survey, one in five disabled people said that they had experienced difficulties accessing goods and services (eg getting into shops, being offered a lower level of service in banks etc). Physical barriers to access to goods, services and leisure venues were the most commonly

reported difficulty.

- The other main areas of difficulty that respondents discussed were being unable to enter buildings and the accessibility of public transport, which caused them problems when trying to travel to places. The main physical access difficulties that disabled people had experienced related to accessibility on a premises. Almost half (44 per cent) of all disabled people experiencing difficulties had problems getting into a premises and over a third (39 per cent) said that getting around inside the place was difficult<sup>69</sup>.
- Feedback from the fieldwork with disabled people regarding accessible service provision was on the whole positive, and many attendees stated that significant improvements have been made. However, they have ranged considerably across regions. Some respondents attributed the changes directly to the DRC.
- In 2006, 61 per cent of service providers said they had made or planned changes to physical accessibility compared to 47 per cent in 2003<sup>70</sup>.
- When asked in 2006 if they had made or were definitely planning to make any adjustments to the provision of goods, services or public functions, the vast majority of providers surveyed (87 per cent) had made or were planning at least one type of adjustment. The most common type of change made or planned for disabled customers and clients were changes to physical accessibility. Examples of changes to the physical accessibility or physical features of buildings included having made adjustments as part of general refurbishments, and specific adaptations such as installing disabled toilets, providing optimum door widths, adjusting the height and style of door handles and using different types of glass for customers with impaired vision<sup>71</sup>.

- In research undertaken by DWP in 2006, the vast majority of public sectors organisations covered (nine out of ten) had acted to improve access to premises for disabled people, but less than one-third had engaged with disability organisations to review the extent to which services met the needs of disabled people.
- This 2006 research also found local authorities to have performed best in terms of actions currently taken to improve accessibility for disabled customers and service users. Larger organisations performed better in terms of improving accessibility than their smaller counterparts.

### **3. Improving access to services, including housing services**

- In 2001, 46 per cent of disabled adults reported having difficulties accessing goods, services and facilities – a marginal increase on the 42 per cent who reported difficulties in comparable 1996 research. The activities that disabled people most frequently had difficulty with were: shopping (16 per cent); going to the cinema, theatre or concerts (10 per cent); eating out in a restaurant or having a drink in a pub (10 per cent); going to the library, art galleries or museums (7 per cent) and going to a football match or other sporting event (7 per cent)<sup>72</sup>.
- In 2003, another study found that seven in ten (73 per cent) disabled people with mobility and sensory impairments in Britain said that they had difficulty accessing goods and services. In England, 72 per cent reported at least some difficulty, whilst 76 per cent did so in Wales and 79 per cent in Scotland. The main difficulties cited regarding buying and receiving services are concerned with accessing premises<sup>73</sup>.
- In the 2003 survey, the factor most likely to influence future use of services amongst those with mobility and sensory impairments, other than access, was the attitude of staff towards disabled people. Four out of ten (41 per cent) disabled people gave this answer<sup>74</sup>.



- In 2006, over half of service providers had made or planned changes to the way their service could be provided (57 per cent) compared to a third (35 per cent) in 2003.
- Similarly, just under half had made or planned changes to staff training on disability issues and awareness (47 per cent), compared with just a quarter (25 per cent) three years earlier. Further to this the proportion of providers who had made or planned improvements to communication has more than doubled (14 per cent in 2003 and 36 per cent in 2006)<sup>75</sup>.

### **14. The DRC's approach to legal work and enforcement**

The DRC has chosen the legal cases it supports carefully. As the DRC's Legal Director has written:

With inevitably limited resources, a publicly funded equality commission faces hard choices in prioritising its activities. The aspiration, in the provision of legal services, must be that every case really counts as a significant contribution to the broader strategic agenda<sup>76</sup>.

It is important to recognise throughout this evaluation that the DRC has not just taken legal cases for the benefit solely of the individuals involved in a particular case (though individual case outcomes are important). Where solicitors or legal representatives, for example, look to use the DDA in the best way for individual clients, the DRC also considers how the DDA can be made to work better and most effectively for disabled people in general. Such an approach underlies the DRC's approach to 'strategic' and/or 'test' legal cases. Furthermore, the DRC also

involves legal policy in discussions on how to pursue specific cases, and the key aspects within them relevant to the disability discrimination legislation, to achieve a more effective DDA.

The provision of legal services in which every case counts as a significant contribution to the broader strategic agenda is something that the DRC seems satisfied that it has, on the whole, achieved, and prominent people within the legal profession agree. Certainly most of those cases which receive significant coverage in the media have some DRC involvement. However, as the Guide to the DRC's Legal Case Selection Priorities highlights, there remains ignorance among service providers as to the full scope of the law, as there has been a paucity of reported cases.

Formal investigation powers are something that the DRC has come to employ more latterly. Some in the DRC think they have probably been wise to have left this and utilised individual litigation first, but do acknowledge that this power has been an underused weapon in the DRC's armoury. External stakeholders tended to agree, and would have liked to see this tool used more effectively.

The DRC has produced a huge amount of legal guidance material, much of it aimed at legal and HR staff, government bodies and other professionals, but also a range of self-help guidance for those with rights under the DDA. External respondents praised the guides for their accessibility, clarity and solid use of examples to illustrate points. The employment Codes of Practice were described as 'models of their kind', using examples not only to illustrate the law but to amplify it.

Stakeholders raised questions about the extent to which the DRC had struck an appropriate balance in catering for the full range of disabled people in its legal work. The intention of the DRC has been to target not only those cases most likely to 'add value' to the law, but those disabled people least likely to have any recourse to legal proceedings in the past. But of the Part 3 cases funded by the DRC only a small proportion had been on behalf of people with learning difficulties or a history of mental illness.

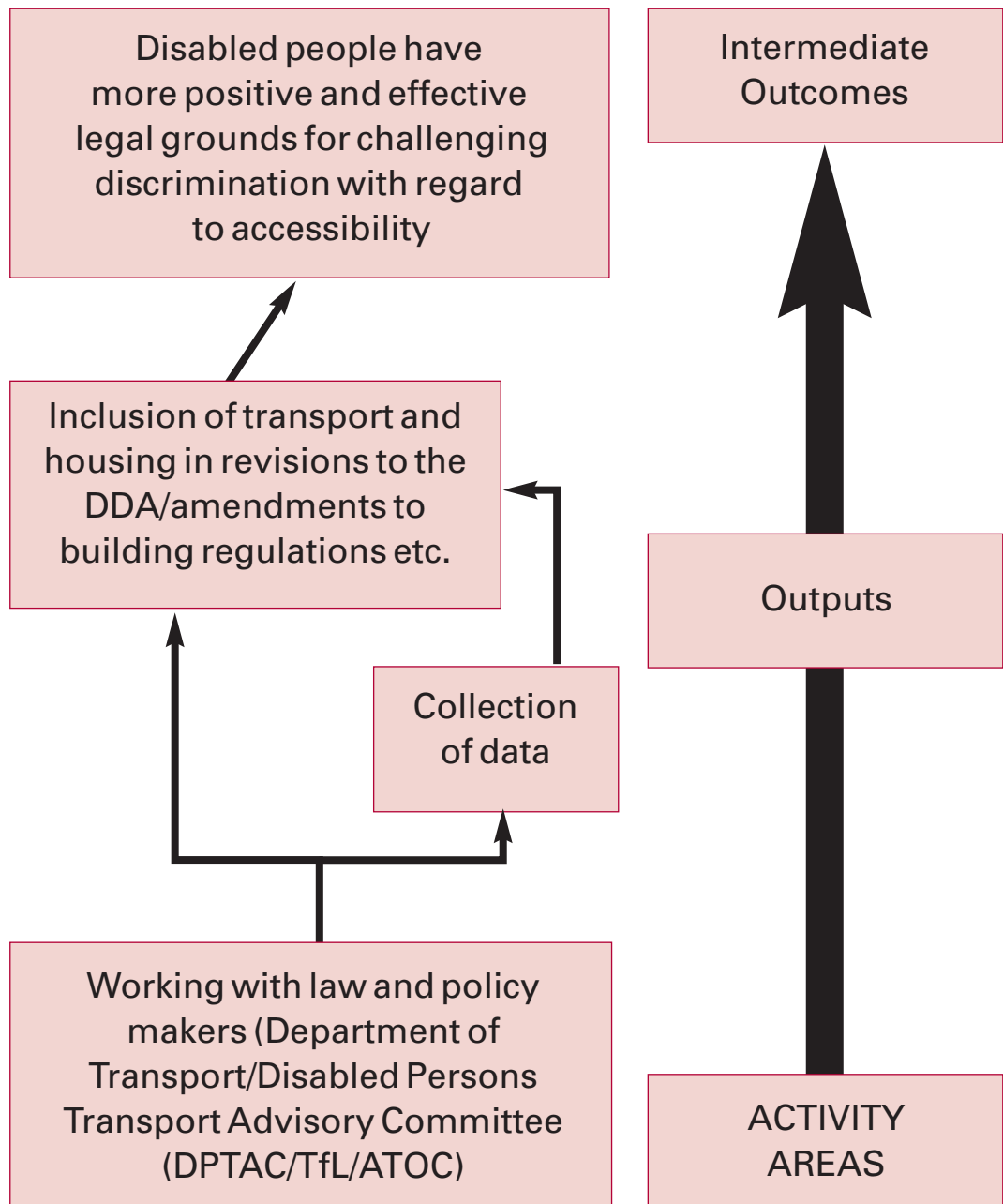
All interview respondents agreed that the DRC was greatly respected for the quality and use of its legal work by legal professionals, and all felt that this was truer of the DRC than either of the other existing equalities commissions. This was down to a combination of factors, including the advantage of being a Commission formed around the same time as the legislation pertaining to the DRC's area, but more relevantly because of the talent and strength of its legal team and the Commission's commitment to being the key repository of information on the law as it relates to disability discrimination.

**A note on terminology:** Throughout this report we refer to 'test cases' – legal cases taken because they aim to establish legal precedent in an important area of law; 'strategic cases' – cases taken because they play a key role in supporting one or other of the DRC's strategic priorities (note that test and strategic cases may often overlap); and 'standard cases' – the remainder of legal cases taken by the DRC which do not serve a strategic or legal precedent-setting purpose.

## 4.2 Intermediate outcomes

### A. Influencing the legal framework for challenging discrimination with regard to accessibility

Ensuring that the rights of disabled people are enshrined in the law is an important part of the DRC's work – with stronger legislation, disabled people have more positive and effective legal grounds for challenging discrimination with regard to access to transport, goods and services.



### **What the evidence says about the DRC's success in this area**

Ensuring that legislation is in place to make the built environment more accessible:

- In England, the DRC has worked with the (former) Office of the Deputy Prime Minister (ODPM) in developing Part M of the Building Regulations. This has resulted in important revisions being made to the legal requirements, extending them to include considerations of usage and enjoyment of services rather than simply physical accessibility.
- Furthermore, the requirements of Part M now reflect to a much greater extent the notion that people's abilities are not uni-dimensional, and may change over time, and as such are much closer to the aims of the DDA than the previous regulation.
- In Wales, the Wales Built Environment Forum (WBEF) was set up in 2005, made up of representatives from the Welsh Assembly, academics, built environment professionals and disability organisations, to discuss and identify areas for lobbying and joint work. The WBEF has played a key role in advising the National Assembly Wales on the introduction of Access Statements in Wales and the preparation of guidance about the requirements of statements.
- In Scotland, the Scottish Built Environment Reference Group (BERG) has also undertaken important work to increase accessibility, meeting regularly to provide advice and guidance on planning, architectural and design issues in Scotland. As part of this, the DRC co-ordinated seminars for access panels on the DDA and for key professionals and lecturers on issues of the built environment and disability equality.

- Through DRC Scotland's BERG links were also developed with the Building Standards Agency and the Scottish Executive Planning Department, which in turn led to the DRC being consulted over the proposed changes in the building regulations and the expected Planning Bill, as well as opportunities to address Planning Officers from across Scotland<sup>77</sup>.
- Evidence was given to the Scottish Parliament on Planning and Housing Bills, which resulted in the Government agreeing to extend the DRC's right to issue Codes of Practice in relation to certain housing provisions. This also led to an amendment to the Equality Bill in Westminster.
- A DRC proposal resulted in the amendment of the Scottish Executive's new Building Act, enabling the creation of new regulations on accessibility and usability of buildings for disabled people<sup>78</sup>.
- The process for revising and consulting on the Part 3 Code of Practice of the DDA to include the new duties contained in the 2005 DDA included some work on the **housing sector** – a new area of work for the DRC. For this, the DRC consulted with both private and social landlords on disabled people's rights in relation to rented housing. This involved speaking at a number of high profile conferences in this area which has in turn contributed to preparing guidance around the duties for social landlords. This evaluation did not, however, uncover any evidence about the impact that these engagements had.
- The DRC worked with partners including the Disabled Persons' Transport Advisory Committee (DPTAC) to argue for a strengthening of the DDA to include transport, which was exempt in the 1995 legislation. This exemption on all but non-land based transport lifted in 2005 and came into effect a year later.

- The DDA has also been extended by the DDA 2005 to cover 'public functions' of public authorities, which can include responsibility for the built environment.

### **Analysis of the evidence of the DRC's effectiveness in this area**

The DRC has worked to collect data on accessibility of transport, housing and other services in order to influence the course of new legislation. The data provided by the DRC in relation to transport and housing was an important factor influencing the decisions of central government, which resulted in extensions of the DRC's rights to deliver legal Codes of Practice in certain areas, and in the lifting of the exemption on transport providers from the DDA.

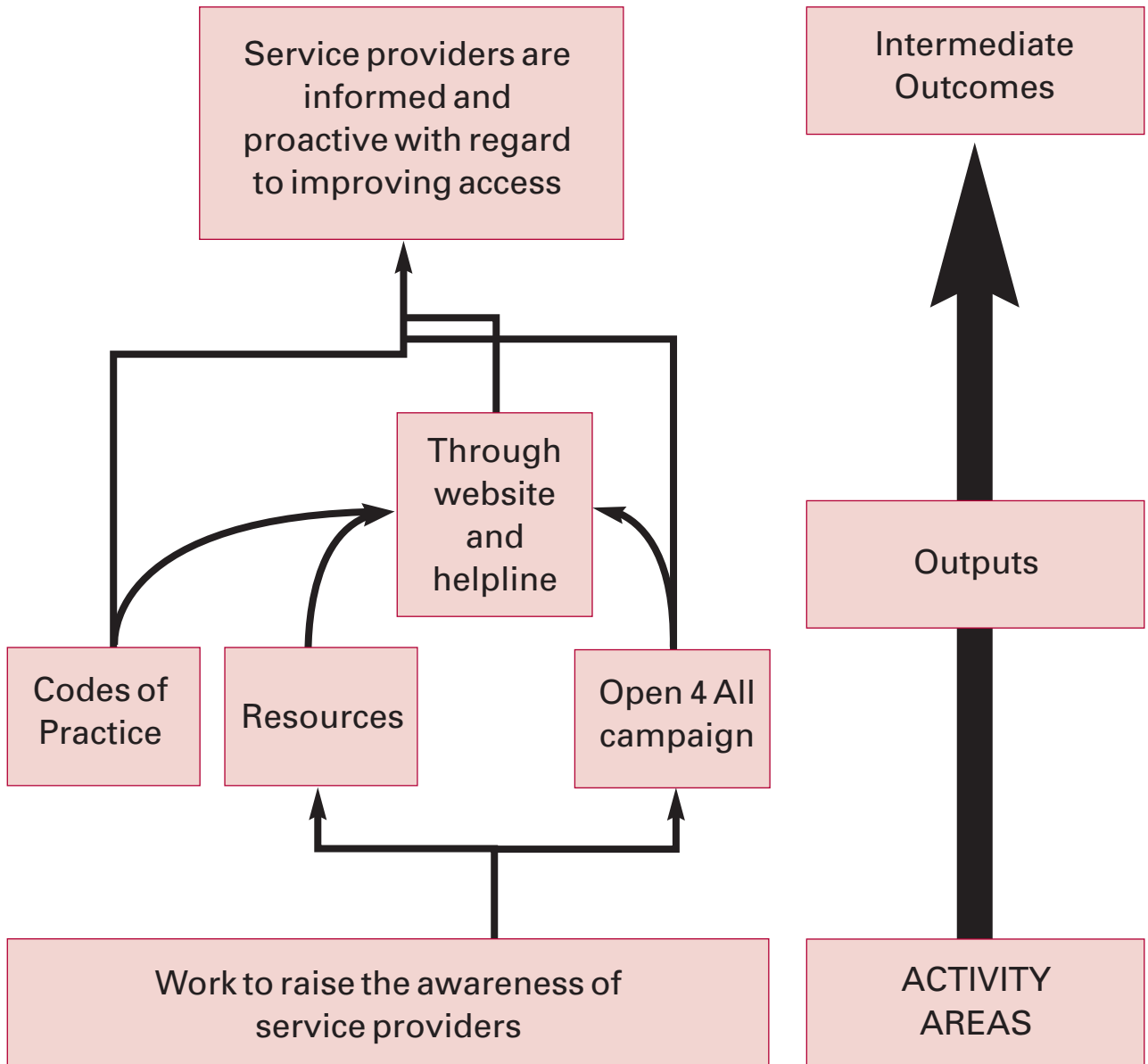
Also evident is that the DRC's work on planning regulations has influenced the scope and underpinning principles of the new regulations, and in Wales and Scotland the DRC has worked with partners to increase its influence on decision makers in this area.

We can see from the changes to policy and guidance detailed above that the DRC has had a significant role in improving the legislative framework regarding accessibility. The evaluation did not, unfortunately, uncover evidence regarding the extent to which the DRC had been as effective as possible in its approach to this intermediate outcome.

### **B. Raising awareness amongst service providers about access**

Much of the DRC's work has been focused on raising awareness amongst service providers around how to make services more accessible, and their duties under the DDA. Some of the DRC's awareness-raising activity has been specifically targeted at the private sector, some at the public sector, and others at both. There has been a particular focus on getting the message across to SMEs.

## Evaluating the Impact of the Disability Rights Commission





### What the evidence says about the DRC's success in this area

- The DRC has used its website as a means of communicating its activities to service providers, through ensuring that documents, strategies and guidance are easily accessible. The DRC conducted a formal investigation into website accessibility, which was then taken forward with the British Standards Institute to develop guidance to improve access to the internet.
- Following the lifting of the exemption on transport providers in the DDA, a supplementary Code of Practice for the transport industry was produced for launch in April 2006.
- A 2006 DWP report which surveyed 1,160 representatives of public bodies found that 90 per cent of those surveyed cited the DDA as a motivation behind improving accessibility of service delivery.
- Furthermore, wider fieldwork with service providers suggests that the DRC is the **first port of call** for information for many of those public sector bodies contacted, although other organisations and professional networks are also relied on.
- DWP research showed that spontaneous awareness of the DDA with regard to customer service provisions had risen from one per cent in 2003 to 15 per cent in 2005, and that those who were public-facing were more likely to be able to specify the DDA.
- In the same 2005 survey, two-fifths of those aware of some legislation (39 per cent) said the main provision was to improve access to and movement around buildings.
- The qualitative research in the 2005 study highlighted that more adjustments were made in response to the needs of customers and clients than were made for disabled employees<sup>79</sup>.

- In Wales in 2002-03 the DRC, in partnership with the Welsh Assembly and Disability Wales, ran 'Barriers Coming Down', a series of four events across Wales targeting businesses and attended by around 400 people. The events resulted in a significant increase in queries to the Helpline from small retailers in Wales and evaluation revealed that a sizeable proportion had made changes to their premises as a result.
- In summer 2003, within the framework of the Open 4 All (O4A) campaign, the DRC ran four joint seminars with the WLGA to raise awareness of the duties amongst local authorities in Wales; this attracted a strong attendance and aimed to draw senior officers from a variety of departments to ensure that the duties had a high profile throughout councils and not only amongst equalities officers<sup>80</sup>.
- In Scotland, two major conferences attracting over 600 delegates were held in Edinburgh and Inverness outlining the new October 2004 employment and access duties under the DDA, and information outlining the new access duties was sent to 18,000 Scottish small businesses<sup>81</sup>.
- At the start of 2006 in Scotland, the DRC addressed five events that highlighted the implications of the DED for public bodies as well as undertaking a major three-commission event in November 2005.
- In Wales, the DRC jointly organised a conference around the DED with the Welsh Local Government Association (WLGA), which was attended by over 130 delegates representing all local authorities and emergency services in Wales.
- There has been a similar range of activity in England. In December 2005 around 200 people attended the DRC's first DED conference to hear high profile speakers discuss the implications of the Duty for the public sector. The DRC

also conducted a wide-ranging advertising campaign targeted at public sector trade journals, based around the DED brand 'Raise Your EQ'.

### **Analysis of the evidence of the DRC's effectiveness in this area**

The 2006 DWP report highlighted the strong level of awareness of the DDA and its implications amongst respondents, and therefore implied the indirect impact that the DRC has had. Almost a fifth of respondents said that campaign and promotional materials from the DRC and other disability organisations were also instrumental in their changes to service delivery. This suggests that in a sizeable proportion of cases, the DRC has been directly responsible for inspiring the improvements that service providers have made, although as is the case for the other thematic areas the Commission is not the only major player.

As DRC staff themselves acknowledge, one potentially negative result of the Open 4 All campaign's success has been to actually reinforce service providers' narrow focus on physical access at the expense of issues around communication and staff attitudes and reactions. If this is the case, is it because the campaign was misjudged? We would conclude not. Firstly, it was important to convey a clear message to service providers. The focus on tangible, visible, physical access made that easier. Secondly, whilst evidence from the DWP 2003 survey showed that staff attitudes are an important determinant of service usage by disabled people, physical accessibility came out as more important – it would not be much use if staff attitudes dramatically improved whilst disabled people were still unable to get onto the premises. As in so many aspects of its work, the DRC could have attempted to fight all its battles at once, but was right to fight them one at a time, starting with the issue of physical accessibility.

While many access officers working in **public bodies** interviewed as part of this evaluation have felt well supported by the DRC and will go to the DRC for advice and help, they were limited in the action they could take in support of the DDA due to structural and cultural issues present in their organisations. For example we know both from the evaluation fieldwork and the earlier research in support of the Beyond Good Intentions toolkit for local government that in the majority of district-level local authorities the officer with responsibility for access issues works within the building control and planning directorate. Policing of the DDA both internally within the authority and externally in the community is often focused on physical access rather than tackling attitudes and behaviour.

The access officer job I do is unpaid overtime in effect, and is on top of the regular building control job. If you're going to do it right, there's more and more work to get in that field... it may be that one day we need a dedicated access officer, or at least share one with another council.

There is acceptance that the DRC has largely been constrained to involving only the most senior and most involved stakeholders, at the detriment of involving a wider group of stakeholders or those seen to operate at the 'grassroots' level. This might mean that in many cases, public agencies, and even more private employers, are not yet disseminating good practice downwards to a wider group of employees.

There are those at the top of public organisations who are definitely signed up to disability equality and involving disabled people. And they are instigating real changes – such as setting up disabled people forums, increasing staff involvement. But below the top tier, there is still great work to be done – it's just not an issue (private sector trade organisation representative).

Open 4 All was, however, seen as a milestone in the DRC's communication with business. The **private sector** was particularly well targeted by employing more business-like techniques: events such as breakfast meetings with the DRC's chairman and a general 'wining and dining' of key business figures were felt to have been important networking events that introduced awareness of the new duties at a high level and won the DRC influential friends.

Achieving Confederation of British Industry and British Retail Consortium buy-in at the events was intended to ensure that the much anticipated 'business backlash' did not materialise. Indeed, reports from DRC staff involved in the campaign show that throughout the lifespan, they had learnt to speak in the 'language' of business and were well-received by the business community. The campaign was felt to have been particularly successful at reaching those with duties, and within that bracket, those from the private sector were more successfully targeted than those from the public sector.

It's ironic really – we're a public body, but are often more effective with the private sector<sup>83</sup>.

Open 4 All was also well received more widely, and was a finalist for the Institute of Public Relations Excellence Awards 2004. The judging panel noted that:

By using a clever mix of survey data, celebrity involvement, creative direct mailing and industry endorsement the regulatory message was balanced with the positive long-term message about disabled people as a new customer base

Evidence suggests that the 'Barriers Coming Down' events targeting businesses across Wales were effective at raising awareness and encouraging small retailers to think about the duties. The events run as part of Barriers Coming Down resulted in a significant increase in queries to the Helpline from small retailers in Wales and evaluation revealed that a sizeable proportion had made changes to their premises as a result<sup>85</sup>.

The fieldwork suggests that SMEs are becoming increasingly aware of their responsibilities around access, and Open 4 All was explicitly referenced by some interviewees as being the reason for this. There were mixed messages from participants in the fieldwork about whether SMEs or large businesses had in general been easier to influence and support, perhaps reflecting the fact that we were only able to speak to a small number of individuals with relevant knowledge in this area. One DRC member of staff put the case for SMEs as follows:

Big businesses might have a dedicated access officer, but their structure can be inflexible and mean that making changes takes a long time to instigate. Smaller businesses will be more reticent to start with, but we've often found them more inventive and more willing to accommodate disabled people in a flexible way<sup>86</sup>.

However, some feedback from representatives of SMEs pointed to a concern that small businesses may still find it difficult to understand what they need to do, being on the whole reactive rather than preemptive:

Big players are making the changes, smaller businesses are finding it difficult because of the issue of cost, and are not thinking about other ways to deliver their services, eg 'you've got a customer who can't access your building, what else can you do'. They can't think about things like websites, meeting people elsewhere for interviews, and tend to be very focused on wheelchairs and guide dogs (Public sector access officer)

This feedback is supported by findings from a focus group with disabled service users, who suggested that larger organisations performed better in terms of improving accessibility than their smaller counterparts. Many of the participants could 'get away with it', ie not improving accessibility even though they were aware of their duties, but there was also felt to be a lack of improvement because many were unaware of their duties.

The work of the DRC has been well received by SMEs, including campaigns such as Open 4 All and guidance such as Codes of Practice, but as is the case with the Commission's work around Employment, messages are often filtered through other organisations: with the result that (as the evaluation fieldwork suggests) it remains trade associations and local professionals such as accountants and solicitors who businesses will contact first for information on their legal duties<sup>87</sup>. It is unlikely that in this case – ie amongst employers – a lower 'DRC' profile is a problem (as on the other hand evidence suggests it may be for disabled people). Working through intermediaries has been a clearly stated DRC tactic: the Commission has worked to gain the support of these professions and organisations as a means of reaching small businesses. The DRC has worked closely with some of these organisations to prepare guidance and organise events, the cumulative impact being that the DRC is trusted as a source of information and support, and is promoted as such

by its strategic level partner organisations. A comment from a business representative substantiates this:

The large companies would have their HR and legal teams, SMEs usually go for advice to trade associations and the DRC itself. While the DRC is not a prime source of information, businesses do trust the DRC. We've always said there's a spectrum of equalities commissions in terms of how to get advice, and the DRC always comes out on top (small business organisation).

In terms of what has helped to achieve this level of trust, one member of DRC staff felt that:

Where it is the websites, trade publications and access network newsletters etc that have introduced service providers to the DRC website and Helpline, this may be an indirect consequence of profile-raising work that took place within Open 4 All three years ago; it is impossible to attribute (DRC staff)

For larger organisations, the evidence suggests that the DRC is not the first point of contact for customer-facing managers, although this is perhaps unsurprising given that many have their own Human Resource and legal teams to whom they go first. Members of these departments are, judging by the evaluation fieldwork, the people who make most direct use of DRC information, advice and guidance. On the whole, feedback from the fieldwork suggests that campaigns have been well received, although some feedback from the British Retail Consortium suggests that its members need more concrete guidance and training opportunities from DRC.

Both the public and private sectors appear to be on the whole positive in terms of the impact that the DRC has had in raising awareness of the disability equality agenda. This is backed up



by the findings of the Opinion Formers Research – here, views amongst opinion formers ranged from the DRC being very effective in terms of its impact to being moderately effective with none of the interviewees stating that the DRC had had no impact in raising awareness of the disability equality agenda.

They do the promotion part well. The profile of disability equality has risen enormously and this in part can be attributed to the DRC ... they use statistics effectively to raise awareness and win hearts and minds (senior private sector manager, interviewed as part of the OFR).

The Helpline and the website have been well received by service providers on the whole, and are regarded as valuable resources. The most recent Helpline evaluation states that professional callers see the website and Helpline as being complementary and have no overall preference for either, using each interchangeably depending on their query. On the whole, professional callers tended to use the website where the information needed was fairly clear-cut or straightforward, but preferred the Helpline when some kind of interpretation was needed<sup>88</sup>.

However, the same survey showed that there was some lack of clarity around the type of support the DRC is able to offer. Just over a third of respondents said they were not clear about what kind of help the DRC could offer employers and service providers beyond the services they had used themselves. Furthermore, awareness of the DRC website was limited. The fieldwork conducted as part of this evaluation suggests that while on the whole the information contained on the website is well received by service providers, there is a feeling amongst some business representatives that the information contained on the website is very much geared towards people with rights over those with duties:

I do not find their website very forthcoming when trying to find specific stuff; it's mainly geared to 'you're a disabled person, what are your rights' – if I'm looking for low level but important questions that I want answered from an organisation's perspective, it's quite difficult (private sector trade federation representative).

Furthermore, there appears to have been a change in attitudes since the DRC moved to 'enforcer role', with some disquiet within the private sector around a lack of clarity in terms of accessing information:

[The private sector] doesn't know where to get advice from. Some industry members that have phoned the Helpline are told that they can't phone because it's for service users only (Business association representative).

As noted elsewhere, the importance of operating both the Helpline and the website as complementary services for service users has also been a strong theme. In the recent Helpline evaluation, while it has been suggested that manufacturers and service providers might only be offered information via the website, respondents almost unanimously opposed such a policy. Several reasons were given to support their argument, but the main one was that this would remove their only means of resolving ambiguities and getting information tailored to their own situation. More importantly, the Helpline was seen as an essential resource for small businesses, and its withdrawal would seriously undermine the quality of service provided for them by the DRC<sup>89</sup>.

Much of the research suggests that significant improvements have been made to make buildings more accessible,

although it is unclear the extent to which the DRC was responsible for these changes. A recent report by the DWP found that of the 1,160 public bodies surveyed, over 90 per cent had acted to improve access to premises for disabled people<sup>90</sup>. However, overall more progress has been made on ensuring that buildings are physically accessible than on other forms of access. In a recent report by Communities and Local Government (CLG), all of the authorities surveyed recognised that they had done more on physical access than in other areas<sup>91</sup>. The DWP survey showed that the main factors motivating organisations to make changes were the existence of the DDA, followed by good practice in the sector. Only 13 per cent of those surveyed specifically cited campaign materials and advertising from the DRC (and other disability organisations) as being a motivator for improving their buildings strategy.

The same study found that while participants had progressed on 'hard' improvements (such as the installation of physical ramps and rails) the 'softer' improvements, such as changing attitudes, were proving more difficult to address. There was also less knowledge in the authorities on how to achieve these 'softer' changes. Primarily this related to the extent to which authorities had involved users to contribute to the design and evaluation of these changes – an issue that the DRC has attempted to address, but which remains a problem, with less than one-third of public bodies surveyed in the DWP survey engaging with disability organisations to review the extent to which services met the needs of disabled people<sup>92</sup>.

Again, while it is not clear as to whether the DRC has been responsible for changes, improvements have been made to the accessibility of websites, although there is still some way to go. In the DWP survey, only a third of the public sector organisations surveyed had completed their website audits, and the same proportion had consulted disabled people or disability rights organisations when designing their website.

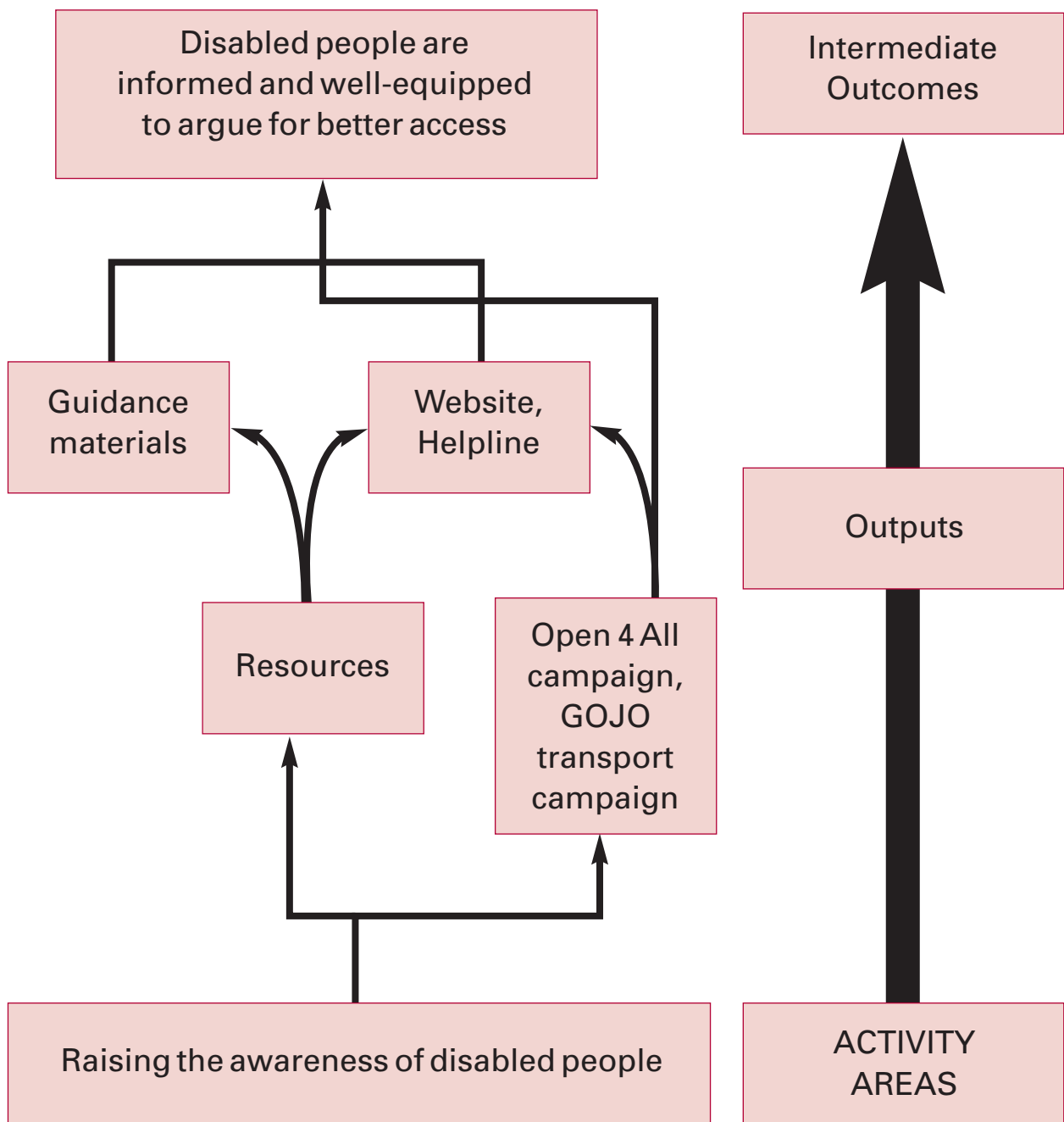
Local authorities, larger organisations and organisations where the relevant staff spend at least one-quarter of their time dealing with disability issues were most likely to have consulted over their website design, suggesting that the DRC's work on persuading local authorities to involve disabled users does have an impact on service design<sup>93</sup>.

Feedback from focus groups with disabled people conducted as part of this evaluation regarding accessible service provision was on the whole positive, and many attendees stated that significant improvements have been made. Accessible service provision was discussed in two-thirds of the focus groups conducted, enhancing the credibility of the feedback. Improvements were sometimes attributed directly to the DRC, and ranged considerably across regions. One focus group with disabled people said that 'physical access in shops and public transport has greatly improved' – an improvement that was attributed to the DRC. Improvements that participants mentioned most frequently were around physical access to buses (although these remained less accessible for visually impaired people or people with learning disabilities), more lifts at train stations and literature being more readily available in large print. However, these tended to vary by locality with, perhaps unsurprisingly, London and other urban locations reporting more improvements than rural areas.

Fieldwork participants in Scotland – one focus group and three interviews – felt that the DRC had dealt less well with transport issues, and had not addressed them to the same degree as other factors such as the built environment. Disabled people felt the main barriers to service access were linked to the continued need to plan journeys (eg having to book ramps for trains 24 hours in advance), a lack of support from staff, and a general lack of flexibility amongst service providers: 'my needs are individual but the services I use are not responsive to those individual needs'.

**C. Raising awareness amongst disabled people and supporting them to achieve better access**

As with raising the awareness of service providers, raising the awareness of disabled people has formed an important part of the DRC's strategy to ensure that access to transport, goods and services increases. This has included guidance documents, improvements to the Helpline and the website.



### **What the evidence says about the DRC's success in this area**

- The DRC conducted awareness raising work as part of the Open 4 All campaign, including 19 events with disabled people and 50 speaking engagements. These ensured that its message was heard across GB by hundreds of disabled people first hand.
- Over all, however, the campaign was found to have been less successful at reaching those with rights than it had those with duties.
- The Helpline has been a key source of information for disabled people and its satisfaction ratings have seen strong improvement. Statistics from the Ricability's monthly Helpline reports show that over 90 per cent of callers claim they would use the service again (note this includes those enquiring about their duties as well as those enquiring about their rights).
- Regarding confidence in accessing public transport, the DRC undertook in the summer of 2007 a significant transport campaign – the GOJO campaign. The GOJO campaign was rolled out regionally and concentrated on increasing the confidence of 16 – 24 year olds in using public transport for journeys. A full evaluation of this campaign will be published on the DRC's website.
- Fieldwork suggests that disabled people often have good awareness and understanding of their rights, and of the advice and information available to them through the DRC specifically.
- However, as is the case with regard to the Employment theme, there is markedly less large-scale data about disabled people's experiences of access to transport, goods and services than there is about employers' approach to these things.

### **15. Influencing policy and the public debate around disability equality**

The DRC's policy and parliamentary affairs teams in London conduct a wide range of activities with a view to influencing the policy and public debates around disability. These include regular briefings for MPs and peers, meetings, and cross-party events. Whilst in its early years the Commission's focus was on influencing legislation, since 2003 it has tried to ensure that decision makers see disability as an absolute and urgent interest, with the result that disability equality was placed at the heart of public policy.

The DRC seeks to take a 'multi-layered, multi-faceted approach': seeking both to influence directly where it can, and working through other organisations to exert influence where, because of its statutory position close to government it feels it can not take a more direct approach. Stakeholders interviewed for the evaluation felt that the profile and persona of the DRC's Chairman was very influential in the House of Commons, with one senior opinion former highlighting how:

MPs and peers just love the latest 'Bert Massie story' and will jump on it.

In terms of challenges, DRC stakeholders did reflect on the fact that the Commission's decision-making processes sometimes made it difficult to respond quickly and flexibly to a 'live' parliamentary issue, such as a bill going through, with an agreed 'DRC line'. Despite this there have been a number of recent high profile success stories, for example the accepting of DRC-supported amendments during passage of the bill that became the

Welfare Reform Act 2006. More detail regarding the amendments secured can be found in the section on the 'influencing the legal framework' outcome in the 'Employment' chapter.

In both Wales and Scotland the context is very different and set by the circumstances of devolved power. DRC stakeholders interviewed emphasised that it was not so much that the approach was very different from London, but that the 'terrain' differs so markedly. Two things in particular stand out: one is the smaller size of the policy environment, which has allowed Commission staff in Scotland and Wales to build up closer relationships with civil servants and politicians; and the other is the relative embryonic state of the devolved administrations, which has, in the views of DRC staff, given the Commission a great deal of leverage in terms of offering expertise to decision makers. This has meant that concrete policy achievements are perhaps more numerous in Scotland and Wales than in England, as detailed elsewhere in the chapters on the thematic work programmes.

The DRC conducts regular monitoring of media coverage of disability. This shows that, over the period from April 2005 to March 2006 negative coverage of disability issues declined to nothing (admittedly starting from a low base), and there looked to be an increase in the range of media in which coverage appeared. Other indicators – such as number of words published about the DRC – also suggest increase in media presence over the 12 months (from under 70,000 words in April 05 to around 170,000 March 06). With this said, the latest figures do suggest that whilst the DRC enjoys good monthly coverage in the regional and specialist press, coverage in the national press is at



much lower levels. This finding was mirrored by some of the senior decision makers interviewed as part of the Opinion Formers Research, one said that:

The DRC gets good coverage in the specialist press but could improve in terms of their general press coverage.

### **Analysis of the evidence of the DRC's effectiveness in this area**

The DRC has aimed to increase disabled people's own awareness of their rights to access transport, goods and services, in order to raise their expectations, to encourage them to demand more of service providers and offer them the information and support to do so effectively.

The Helpline has been an important mechanism for providing information and advice around access rights. Changes have been made to the Helpline from when it was first set up to ensure that the calls that the DRC now deal with are appropriate – compared to earlier years when the Helpline was subject to a substantial amount of queries beyond the DRC's remit (such as blue badge enquiries and disabled facilities grants). The service has also been improved through the use of video phone technology, and HelpLive, an online messaging service, both of which are designed to ensure that questions and enquiries can be dealt with in the most appropriate manner for disabled people. The work of the Helpline is regularly independently monitored.

Whilst large-scale data on the disabled people's awareness of their rights to access does not yet exist, a clear majority of disabled participants in the evaluation fieldwork were aware of their rights in this regard – with many directly attributing

this to the DRC. As elsewhere, awareness is only the first step towards achieving change, but there is also evidence from the fieldwork to suggest that confidence is increasing amongst disabled people as well. As one focus group participant said:

The DRC gives disabled people more of a voice, and we are becoming more confident in putting our views forward. We know we have rights and we know where to turn if we feel mistreated.

However the DRC Open For All campaign was felt to be less successful in reaching disabled people and the groups that they belonged to compared to those with duties under the DDA. The DRC did engage in work with access groups and in capacity building with representatives of access groups, but this involved such a small number of people that it cannot be said to have represented a major contribution to communication with disabled people – at least in the short and medium term. There were some successes enjoyed however, for example in Scotland where events were generally well-attended, but the campaign overall seems to have been weaker on this front.

Since 2005, there has been an increased emphasis on producing guidance to enable individuals and advice agencies to pursue claims. As part of this, DRC Wales has undertaken detailed training on the Disability Discrimination Act for all advisors at all Citizens Advice Bureaux, and has set up local centres of disability discrimination expertise in Newport and Flintshire Citizens Advice Bureaux. Caseworkers in both bureaux take on enquiries referred to them by the DRC and local disability organisations, as well as other bureaux in their region. The DRC also assisted in establishing an accredited short course at Cardiff University. The course (now in its second year) was aimed at CAB

Advisors and trade union officials across Wales to equip them with the skills to deal with employment discrimination queries. An additional course has also been delivered through Bangor University in order to make the course accessible to those living in North Wales. This is an example of DRC staff responding flexibly to an initially challenging situation with a sustained strategic response.

There is little evidence available to evaluate the extent to which the DRC's decision to reduce its casework function and instead build capacity elsewhere has been a success. Feedback from the Opinion Formers Research and comments from our evaluation fieldwork reflect that the decision was not well received by disabled people and their advocates, however. Although some Opinion Former interviewees were aware of the DRC's capacity building programme to 'skill up' individuals and other organisations in the disability field to undertake a casework function, it was judged by some to have been ineffectual<sup>95</sup>.

### **D. Using the law to bring about improved access**

The legislative timescales linked to the DDA – and specifically the new disability equality duty only coming into force in December 2006 – mean that, for the DED at least, the approach of the DRC has been one of conciliation where possible. As such, awareness-raising work has been the main focus of the DRC's work regarding the DED. Legal cases have still formed an important part of the DRC's work, and increasingly DED enforcement work since the advent of the duty. Certainly, by the end of 2005/06, the DRC has taken on 91 cases regarding Part 3 of the DDA, where a service provider has discriminated against disabled people.



nearly twice as many agreements regarding access to transport, goods and services compared to those made with education bodies.

- Evidence presents a very mixed picture regarding what motivates businesses to improve access to services. Fieldwork suggests that whilst the business case, good practice and ethical behaviour are increasingly important drivers of change for service providers, remaining within the law and avoiding prosecution is still the primary concern of most organisations.
- However, when asked about what motivated them to make changes to improve service delivery for disabled service users in a 2006 study, three-quarters of organisations said that good practice in the sector was a motivating factor, while a similar proportion said that it was seen as essential to good service delivery. Only a minority cited threat of legal action against them.
- Disabled people often feel that the DRC has made too little use of the law in pursuing those organisations who fail to live up to their legal duties regarding access.

### **Analysis of the evidence of the DRC's effectiveness in this area**

It is difficult to ascertain the extent to which taking on test cases have had a positive effect on forcing service providers to improve access. This is partly due to the relatively small number of test cases that have come forward – half a dozen at most. A recent report carried out by the DWP surveyed over 1,000 public bodies. Those surveyed that intended to include references to disability in their organisational plans were asked why they were planning to do so. The DDA was the most common reason given – by two thirds of organisations, suggesting that most public bodies are well aware of the requirement under the DDA. However, less than one-tenth of

these organisations mentioned public pressure or threatened legal action as reasons for including these issues in organisational plans<sup>96</sup>.

Perhaps this is due to the lack of publicity around high profile access cases. It was reported that the lack of reported cases has led to ignorance among service providers of the legal position. As one DRC employee noted:

I don't think there has been much legal enforcement, and that's where we missed a trick – we only did Debenhams and it would have made a bigger difference if there'd been lots of media coverage of cases... Disabled people and businesses were waiting for something to happen when the duties came in, but nothing did<sup>97</sup>.

Despite the DRC having taken 91 cases on Part 3 (to the end of 2005/06), the sentiment above was backed up by some interviews with private and public sector representatives:

The [private sector] industry has been slow to respond, and so it would have been good if there had been a high profile court case. The DRC have been encouraging and more conciliatory than heavy handed. Perhaps this hasn't been effective in this industry and hasn't seen enough done (private sector trade association representative).

I think it's very hard to get councils to move because, whether consciously or unconsciously, councils will do what they have to do, but it's a case of nobody complains, nothing gets done... (local authority access officer)

However, it has been more widely acknowledged that there has been a great difficulty in finding businesses to take to

court over the new duties as most organisations have been eager to settle prior to that stage. Moreover, SMEs who were slower off the mark with regard to making improvements would not have been a popular target for action<sup>98</sup>. However, fieldwork in Scotland conducted as part of this evaluation, albeit limited in scope, suggests that the DRC should have used local voluntary groups to a greater extent in order to find other test case examples, albeit of a lower national profile. Some participants felt that access panels could have helped to point the DRC towards taking on some (nationally) lower profile legal cases that may have had bigger implications on a local/regional level than some of the national legal cases that were taken forward.

Furthermore, the tension between a persuasive and enforcing role has been a difficult one to manage, and as such – given the positive feedback above regarding the way in which the DRC provides help and assistance – this was perhaps inevitable. The evidence is not clear on how significant legal cases are in driving change amongst service providers. Some business representatives told us that the primary concern of their members was avoiding prosecution, and as such the high profile testing of the law was vital:

The legislation is pushing forward change and media coverage of legal cases is important [in changing the attitudes of businesses] (business association).

Others who participated in the fieldwork suggested their members were often beyond the point of legal compliance and were driven by the good practice of others in the sector and wanted to be exemplary organisations. Certainly the DWP (2006) report suggested that in the public sector, simply that the DDA existed was the biggest motivation for authorities, followed by the desire to exhibit good practice – only a minority felt the threat of the law drove them on<sup>99</sup>.

This appears to apply to the private as well as the public sector:

Organisations want to be seen as a good company and good employer – image is very important. We hear increasingly that businesses are starting to benchmark against each other, having realised this is a very effective way to drive change inspector. If a competitor is scoring better, it's a real driver (business association)

Findings from focus groups with disabled people undertaken in support of this evaluation show a lack of consensus amongst the participants as to whether the threat of legal action is driving change. Some attribute the perceived improvements to transport services (particularly bus services) as a direct result of the DDA and the threat of prosecution, while others feel that duties and rights are not being enforced sufficiently, leaving the onus on disabled people having to fight to get the duties and rights legislation through. Other mitigating factors for the feeling of a smaller number of cases being brought include the costs and challenges in bringing a case throughout the County (or Sheriff) Court process.

Voluntary binding agreements have been a means of the DRC seeking to embed change in a sector in a way that is more collaborative, nuanced and, it is hoped, more sustainable than a court case might be. On the whole the feedback from the relevant stakeholders and DRC staff we interviewed suggests that these have been well received by partner agencies. One representative whose organisation had entered into a voluntary binding agreement with the DRC made the following comment:



Whilst the issue started life as a negative, through entering into a Section 5 we have turned it into a positive – it's a learning curve... During the first meeting with the DRC, I went in [with trepidation], but the reality was all they wanted us to do was to get things right – all meetings have been positive and instructive, and this is a much better thing to do than sitting there wondering if you're doing the right thing.

Through its work with this organisation, the DRC were also able to instigate a trade meeting with the relevant sectoral umbrella organisation. Two thirds of this organisation's members were in attendance at the meeting – a number that the DRC would have been unlikely to attract on its own. While it was reported that the initial feeling amongst delegates was 'here's more legislation to hit us with', following on from the presentation the feeling was much more positive:

Because of the presenter from the DRC, it came across that the DRC's doors are open, so I imagine members went away with a different feeling.

It is too early to evaluate whether this contact with the industry is making an impact on practice beyond the individual organisation involved, but the potential significance of having an advocate in a sector (rather than a disgruntled victim of the law) and the success to date of engaging with other sectoral representatives makes long term impact seem at least highly plausible.

### 4.3 Conclusions

Overall, the evidence collected as part of this evaluation suggests that the DRC has made enough ground on each of its intermediate outcomes to be able to say that it is on course to reach its long-term strategic objectives with regard to transport, goods and services. The legislation has been extended and strengthened, and the law has been exercised tactically for maximum effect, albeit too infrequently to have been the driver that many think it ought to have been. Implementation and promotion methods can claim to have had the highest visibility, as would be expected, and it seems likely that its impact has been widespread, if not always sustained. In this sector of its work as in others, there are many disabled people who would have liked the DRC to be a more visible, hard-hitting champion, and there are times when a more hardline approach might have pushed the agenda forward and 'got things done'. Nevertheless, its success in winning the respect and even support of business, its success at selecting and working with partners and its resulting image as conciliatory rather than adversarial agent of change has justified its position and outweighed any shortcomings.

### **Strategic Outcomes**

Two of the three strategic objectives below were set out in the DRC's Strategic Plan 2004/05 to 2006/07. These were long term aims to be realised by 2010, so the DRC would not expect to have achieved them by 2007. Nevertheless, progress has been made.

#### **1. Improve disabled people's levels of confidence in using public transport**

Evidence collected as part of this evaluation suggests that disabled people's confidence in using public transport is significantly lower than that of non-disabled people – indeed, disabled people are four times more likely to lack confidence in using buses and trains than non-disabled people (26 per cent compared to 6 per cent). Lack of comparable data for previous years on the specific question of confidence means it is not possible to track change over time, however. There is evidence that physical accessibility of public transport (and buses in particular) has improved during the lifetime of the DRC, which is likely to have helped to improve levels of confidence. For example, over 4,400 compliant rail vehicles had been introduced into service by 2005 and 46 per cent of the bus fleet was accessible. It is also evident, however, that transport accessibility varies considerably between both regions and cities and other areas.

#### **2. Improve access to the built environment, including houses**

There is a lack of recent survey evidence regarding disabled people's experience of the accessibility of the built environment. One 2002 survey found that one in five disabled people said they had experienced difficulties in accessing goods and services. The evaluation fieldwork suggests that the situation has improved since the last major national

survey was conducted, although improvements have not been consistently felt. Evidence from service providers confirms that physical access to buildings is improving, and more public and private sector providers – some 61 per cent – have made or are planning to make improvements to their properties.

### **3. Improve access to services, including housing services**

Accessibility of services varies depending on the service and the locality in question. In 2001, 46 per cent of disabled adults reported having difficulties accessing goods, services and facilities. In common with issues around access to the built environment, the focus with regard to services has tended to be on improving physical access (for disabled people and service providers). After access, the attitudes of staff and other customers have been cited by disabled people as important determinants. These are less easily traced, but recent evidence points towards service providers taking more action on this element of access (such as through training). For example, in 2006, some 47 per cent had made or planned changes to staff training on disability issues and awareness, compared to 25 per cent three years earlier.

### **Intermediate Outcomes**

#### **A. Influencing the legal framework for challenging discrimination with regard to accessibility**

The evidence collected as part of this evaluation suggests that the DRC has been successful in its efforts to strengthen the DDA in relation to transport, goods and services accessibility. In England, for example, the DRC worked with the (former) Office for the Deputy Prime Minister in developing Part M of the Building Regulations which extends consideration to usage and enjoyment and not just (physical) accessibility. In Scotland and Wales, Built Environment Groups have both undertaken important work regarding accessibility. The DDA has also been extended by the DDA 2005 to cover 'public functions' of public authorities, which can include responsibility for the built environment.

Since the DDA first came into force, amendments have extended its reach to remove the exemption on transport. The extent to which these changes have been brought about by the DRC's efforts is unclear, but the high regard in which DRC research is held – providing data, for example, in relation to transport and housing – and the respect its voice appears to command amongst decision makers would suggest that the DRC is at least in part responsible.

#### **B. Raising awareness amongst service providers about access**

The evidence collected as part of this evaluation shows that service providers are generally more aware of their duties under the DDA than they were in the past. The DRC's Open 4 All campaign was followed by a tangible increase in awareness of the DDA by those with duties, and more recent evidence suggests there has been increased willingness to make adjustments to services and premises. Whilst a causal link cannot be demonstrated, the profile, reach and positive

response to the DRC's promotional work makes this link plausible at least. Furthermore, securing the buy-in of the Confederation of British Industry and the British Retail Consortium to the Open 4 All campaign was noted as important.

The criticism that the DRC has done too little to challenge the perception that access is solely about addressing physical barriers has weight, but must be balanced by evidence that suggests these are the most immediate and insurmountable obstacles for disabled people. The mostly positive perceptions of the DRC as supportive of business, rather than awkward and adversarial, point towards its approach to business as having been the right one.

The work of the DRC has been well received by service providers, with the Helpline and the website regarded as valuable resources. However, some lack of clarity was identified around the type of support the DRC could offer.

### **C. Raising awareness amongst disabled people and supporting them to achieve better access**

Evidence collected as part of this evaluation suggests that the Open 4 All campaign was less successful in reaching disabled people, and that more broadly it has been a challenge for the DRC to get its message out to the full range of people covered by the DDA. Overall there is little robust evidence as to whether disabled people are more equipped and willing to argue for their access rights than in previous years, nor of the extent to which the DRC is responsible for any change that has occurred.

What is evident is that DRC events and materials, when accessed by disabled people, are usually positively received, and the Helpline and website have been well used and popular mediums for disseminating information and

sourcing the appropriate advice and support. Developing the use of videophone technology and an online messaging service have both helped to improve the service provided by the Helpline.

Work with intermediaries, moreover, has ensured that the DRC has established itself as a key source of information for other organisations working directly with disabled people, even if not always the first point of access for disabled people themselves. For example, DRC Wales has undertaken detailed training of the DDA for all advisors at the Citizens Advice Bureaux in Wales, and has set up local centres of disability discrimination expertise, to provide the skills and expertise needed to deal with DDA enquiries. But with so many disabled people living outside these formal networks and groups, there remain large numbers with rights under the DDA who are in no stronger a position to argue for better access than ten years ago. Nonetheless, it is difficult to imagine what more the DRC could have done on this with the resources available.

### **D. Using the law to bring about improved access**

It is clear that in supporting successful legal cases in relation to transport, goods and services, the DRC has been responsible for forcing individual organisations to improve their practice. These include Debenhams and Central Trains, both of which were involved in high profile cases. This latter case was also important because it set out the principles of the DDA, taking a very purposive approach. Comments from the Roads case were subsequently included in the revised Part 3 Code of Practice. The evidence also suggests that through media dissemination of these cases, many more organisations have been reminded of the threat of legal action and spurred on to ensure they too are compliant with the law.

Within the fieldwork of this evaluation, there is a widely held belief, however, that there have been an insufficient number of these high profile cases, and that service providers have thus not been shaken into making the progress that they should have – this is a point argued not only by disabled people, but by businesses and public sector service providers themselves. It seems reasonable to assume that a greater number of ‘big’ legal cases would also have helped to clarify the law to the many organisations (particularly the smaller ones) who remain uncertain of their duties. Notwithstanding the context of taking Part 3 cases – including the difficulties associated in navigating the County or Sheriff Court processes – consideration of the DRC’s limited resources suggests it must have been right for the DRC to establish that it would be selective and pursue only cases of wider strategic importance, even though this inevitably disappointed many disabled people. (It is important to recognise, however, that the DRC also considers how the DDA can be made to work better and most effectively for disabled people in general, and that such an approach underlies the DRC’s approach to ‘strategic’ and/or ‘test’ legal cases. Please see the box on the DRC’s approach to legal work and enforcement in Section 4.1.) Having made that decision, however, the challenges involved in finding enough such test cases to support meant that impact has been reduced.

Voluntary binding agreements have also been a means by which the DRC has sought to embed change in a sector. On the whole, these agreements have been well received by organisations that have entered into them. Though it is too early to evaluate whether contact with a sector makes an impact beyond the individual organisation involved, the potential significance of having an advocate in a particular sector makes long term impact seem at least highly plausible.



# 5. Health & Independent Living

## 5.1 Context and strategic outcomes

The DRC's specific strategic objectives under the Health & Independent Living theme, which form the frame of reference for all of the activities evaluated herein, are to:

1. Increase the proportion of people enabled to live independently.
2. Achieve greater equality in healthcare outcomes between disabled and non-disabled people.
3. Achieve greater equality in access to healthcare between disabled and non-disabled people.

### **Evidence of progress towards these strategic outcomes**

All three of the strategic outcomes listed above were long-term expectations set out in the DRC's Strategic Plan. The section below presents evidence of the current context in relation to each of these long term objectives, and considers whether any progress towards these objectives is evident to date. Our attention will then turn to the intermediate outcomes – the indicators of progress – against which we can more reasonably judge the DRC's success.

#### **1. Increase the proportion of people enabled to live independently**

The DRC has defined independent living as:

Disabled people having the same choice, control and freedom as any other citizen – at home, at work, and as members of the community. This does not necessarily mean disabled people ‘doing everything for themselves’, but it does mean that any practical assistance people need should be based on their own choices and aspirations<sup>100</sup>.

Adequate levels of resources (both individual and public) have the ability to enhance the extent to which disabled people are able to exercise control over important aspects of their lives and live more independently. The two main sources of financial support to enable independent living are direct payments and Independent Living Fund (ILF) grants.

Direct payments enable people to live independently by giving them the means to organise their own support arrangements and the evidence suggests that there has been a significant increase in the use of direct payments over the past few years. In 2005-06 an estimated 37,000 adults in England and Wales aged 18 and over received direct payments during the year, increasing from 24,000 in 2004-05, a rise of over 50 per cent<sup>101</sup>. Similarly in Scotland, 1,829 people were in receipt of direct payments in 2006 compared to 912 people in 2004<sup>102</sup>. The evidence also suggests, however, that the take-up of direct payments is lower for people with learning disabilities and mental health conditions.

The Independent Living Fund was set up as a national resource dedicated to the financial support of disabled people to enable them to choose to live in the community rather than in residential care. Again, the data suggests that there has been a gradual increase in the number of users of the Independent Living Fund, from 15,944 users in 2002 to 19,046 users in 2006<sup>103</sup>.

Nevertheless, in 2006 there were still approximately 260,000 adults supported by local authorities in institutional care in England alone. However, since 2003, there has been an overall decrease in the rate of permanent admissions to residential and nursing care. This includes the number of supported residents aged 18 to 64 with mental health conditions which has fallen by three per cent since 2003. The number of supported residents aged 18 to 64 with learning disabilities has also steadily decreased since 2003 with falls of one per cent and two per cent in 2004 and 2005 respectively but has increased by one per cent in 2006<sup>104</sup>.

Encouragingly, many councils reported that:

The decrease in the number of supported residents in 2006 was due to the national policy to support more people to live independently in their own homes, and to reduce the number of permanent admissions to residential care through the provision of intermediate and respite care<sup>105</sup>.

One of the most significant social care trends over recent years has been the shift from residential to community care. In 2005, an estimated 3.6 million home help and care service contact hours were provided to around 354,500 households (or 367,700 clients) in England. Compared to 2001 the number of contact hours provided has increased by 24 per cent while the number of households receiving services has decreased by seven per cent. In 2005, the average number of contact hours per household was 10.1 hours. This is about one-third more than the average number of contact hours provided in 2001 (7.5 hours). Almost two-thirds (65 per cent) of households received six or more visits during the week in 2005, compared with 55 per cent in 2001. The evidence suggests that in England more intensive services are being provided for a smaller number of service users<sup>106</sup>.

Nevertheless a recent survey demonstrated the heavy reliance the current social care system places on informal carers across the UK. The survey revealed that 45 per cent of all people providing support for those with disabilities and/or long-term health conditions are 'immediate' or 'other family members'. Only 22 per cent of the survey respondents said that social services provided support – almost the same amount as the 19 per cent supported informally by friends. Nearly 70 per cent of local authorities provide support only to those who meet the highest levels of eligibility criteria – which means that there is a huge amount of unmet need that informal carers must provide for<sup>108</sup>.

The survey also found that independent living, as outlined in the Disabled Persons (Independent Living) Bill, has significant public support. Ninety per cent of respondents thought that it was important to receive support that enables people to live in their own home rather than be forced into residential care. Furthermore, half the public would support an increase in tax to fund better social care<sup>109</sup>.

### **2. Achieve greater equality in healthcare outcomes between disabled and non-disabled people**

The differences in healthcare outcomes between disabled and non-disabled people is an area in which there is still relatively little empirical evidence. Generally, the data is not sufficiently developed or analysed in a useful way to properly demonstrate progress or otherwise towards greater equality in healthcare outcomes. For example, Standard Mortality Ratios are not currently analysed by whether a person is disabled or not. Similarly, there are Public Service Agreement targets to reduce health inequalities, which include indicators on mental health, older people and access to local health and other services. Many of these indicators can be assessed more closely in terms of other factors, such as disability, but much of this data is not currently analysed or reported in a systematic way.

One of the most recent, in-depth studies into the health inequalities experienced by disabled people was undertaken by the DRC. In 2006 the DRC published the results of an 18 month formal investigation into the health inequalities experienced by people with mental health conditions and/or learning disabilities in England and Wales. The report found significant evidence about the scale of inequalities being faced by these groups of people including a greater likelihood of major illness, developing health conditions at an earlier age than the rest of the population, and dying earlier.

The investigation focused on primary healthcare services. Many people reported very helpful primary care staff. Others, however, said they had problems with gaining access to services, the attitudes of some staff, and getting the necessary treatment and support. The clinical evidence also shows that while many services are equally available to people with mental health conditions and/or learning disabilities, this is not universally the case.

### **3. Achieve greater equality in access to healthcare between disabled and non-disabled people**

The evidence suggests that access to healthcare services can be a significant problem for some disabled people. However, again there is virtually no robust trend data available to enable us to comment on whether the situation is improving.

A survey undertaken in 2003 on behalf of Leonard Cheshire found that disabled people face significantly greater difficulties in accessing primary healthcare services than the general population. Many of these difficulties arise from inadequate communication by service providers, inflexible service delivery patterns and inappropriate attitudes about disabled people's abilities. Of the disabled people who took part in the survey, 20 per cent said it was difficult or impossible to access healthcare. One in seven could not

collect prescriptions, and 20 per cent had deferred treatment, compared to just seven per cent of the general population<sup>110</sup>.

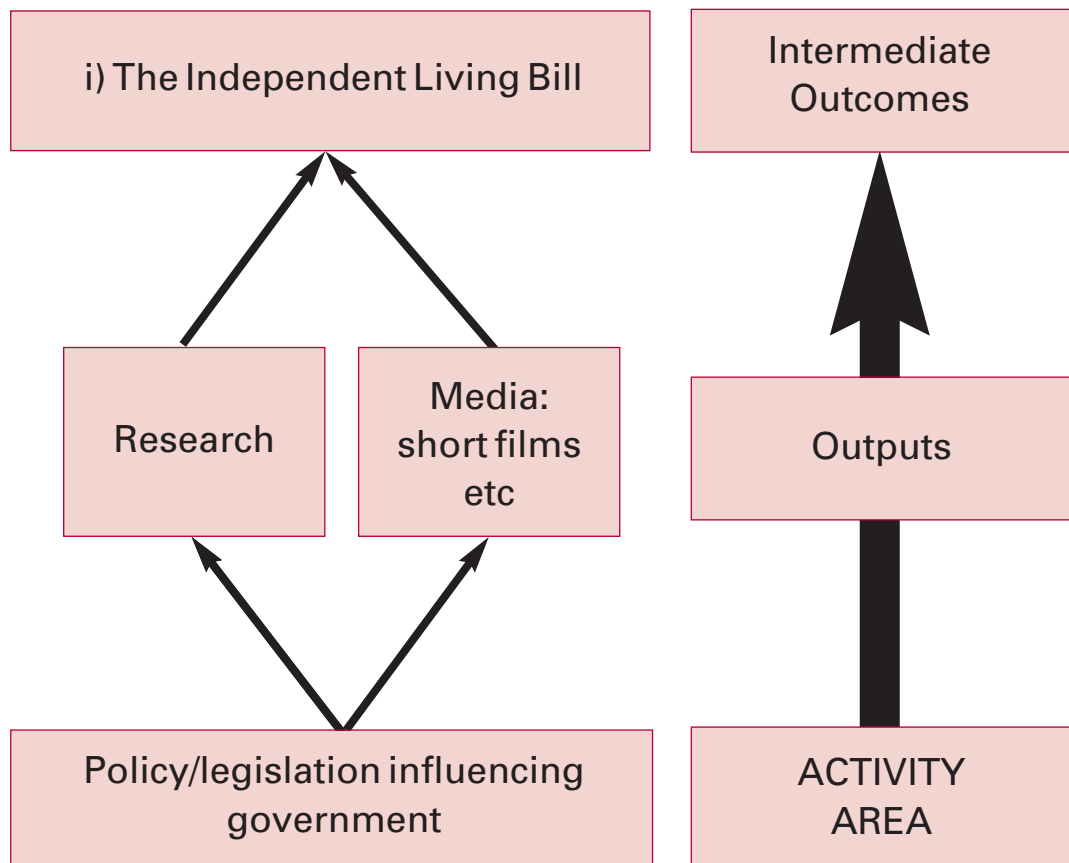
Another survey undertaken in 2002, on behalf of the Department for Work and Pensions, found that generally disabled people were aware of the type of medical services available and were able to identify access points to the system. There were, however, some instances where disabled people questioned the equality of access to the medical services they had been offered. This was particularly the case when people were discussing access to what might be termed 'medical aids' such as hearing aids. People with hearing impairments reported finding the hearing aids available through the National Health Service as 'rudimentary' and also difficult to obtain. Some felt that this was a reflection of the fact that hearing aids could be purchased in the private sector. Therefore, they felt little priority was given to upgrading the quality of those offered through the NHS<sup>111</sup>.

The survey also found that encounters with medical staff varied with some disabled people describing very positive encounters and others being less satisfied. The key factors affecting disabled people's experiences were staff attitudes and awareness of disability and the quality of the service provided. There were excellent accounts of medical staff being responsive to disabled people; others reported difficulties. For example, nurses spoke too softly for a person with a hearing impairment; ward staff failed to notify all the staff that a patient had a visual impairment and doctors interacted with interpreters or carers rather than the patient. Nevertheless, it is impossible to know from this survey whether these incidents arose from prejudice or a lack of awareness<sup>112</sup>.

## 5.2 Intermediate outcomes

### A. Influencing legislation and policy around independent living

The introduction to this chapter described the challenges facing disabled people in achieving independence. Whilst there has been an overall decrease in the rate of permanent admissions to residential and nursing care, and a substantial increase in the amount of help provided in the home, there remains a heavy reliance on informal carers and high eligibility criteria for support from local authorities.



### What the evidence says about the DRC's success in this area

- The DRC's efforts to influence independent living policy have centred on work with Lord Ashley on the Independent Living Bill, first on extensive stakeholder engagement to feed into the drafting of the Bill, and then on research and media/publicity work to raise awareness of the benefits of such legislation.
- The DRC has also sought to influence the government's agenda around independent living through other means, and at a more basic level – for example influencing the definition of independent living adopted by the administration.
- Progress on this front is evident from Chapter Four of the Prime Minister's Strategy Unit report *Improving the life chances of disabled people*, which states that the DRC definition of independent living and the philosophy that underpins it 'accords with the Government's new vision for adult social care and the debate that has underpinned the consultation leading to the forthcoming Green Paper'.
- In Wales, the Assembly Government decided to abandon its manifesto pledge to abolish home care charges for disabled people. Though this was felt to be a setback by the Wales Coalition on Charging – an umbrella body of voluntary organisations on which the DRC is an observer, and which had led the campaign for free home care – DRC staff in Wales used the abandonment of the pledge to try and promote a wider discussion on independent living, both within the Assembly and with disabled people's organisations.
- DRC Scotland has been working with the Scottish Executive to give an Independent Living Taskforce a strong evidence base from which to work, and thus commissioned the Executives 'favourite consultants' to conduct an extensive piece of research into the



challenges around independent living for disabled people in Scotland. This was jointly commissioned and supported by the DRC along with several other organisations in the independent living sector (such as centres of independent living).

- The findings from the fieldwork relevant to this intermediate outcome are limited, and paint too mixed a picture to be definitive in the absence of further secondary evidence. What they do suggest is that the DRC has faced significant challenges in shaping the political debate around independent living because of a lack of media interest and substantive buy-in from politicians at the highest levels.

### **Analysis of the evidence of the DRC's effectiveness in this area**

One of the principal activities the DRC has undertaken to achieve its intermediate outcome of influencing the legislative and policy framework around independent living, has been its work with Lord Ashley on the Independent Living Bill. There were high levels of agreement amongst senior policy makers interviewed as part of the Opinion Formers Research about the important role the DRC plays in influencing legislation and policy in relation to disability, and some individuals attributed changes in legislation to the DRC's work. As we have seen already opinion formers considered the DRC's biggest achievements to be winning the amendments to the DDA in 2005, and the recent support the DRC has given to the Independent Living Bill.

The DRC's approach to securing legislative change around independent living has been to build a broadly-based coalition of organisations, including many without a track record of working in partnership with the Commission on this issue – for example carers' bodies and the Equal

Opportunities Commission (EOC). Concrete evidence of this coalition includes an EOC press release from July 2006 which 'strongly welcomes' the Independent Living Bill, and recognises the importance of 'assistance from the Disability Rights Commission' in the Bill's introduction. The passage of the Bill in its current form is far from certain, and therefore the impact of this coalition is difficult to judge at this stage, but DRC staff interviewed as part of the evaluation fieldwork highlighted a growing recognition amongst civil servants that there is 'widespread support' for legislation in some form, and that the principles of the Bill are 'in line with government policy'.

As elsewhere, there was evidence of close working relationships in Scotland and Wales between DRC staff and policy makers around independent living. For example, DRC Wales has used the Welsh Assembly Government's u-turn on abolishing home care charges for disabled people to help promote greater understanding of independent living amongst assembly officials and some Members. Though not felt to be significantly influenced by the DRC, an alternative package of measures is being introduced by WAG to mitigate discrepancies in charging policies.

Understanding of the independent living agenda is less well developed in Wales, so working closely with Disability Wales, the Commission there has held seminars and focus groups to gather information about priorities for action for disabled people in this area. The findings were presented to a conference of policy makers in February 2006. As a result, the Equal Opportunities Minister committed to consider proofing all (Welsh) government policies to ascertain their impact on enhancing independent living.

Whilst the Independent Living Bill is not relevant to Scotland, DRC Scotland pursued a line of attack focusing on generating a robust evidence base, which was felt by staff to be an effective approach since it engaged potential 'competitors'

for policy-makers' attention at an early stage. Staff also felt this demonstrated the value the DRC could add: because of the Commission's size relative to its partners in this work it was able to commission research such as this when others lack the resources to do so.

The findings from the fieldwork about the DRC's influencing of policy on independent living are limited, and paint too mixed a picture to be definitive in the absence of further secondary evidence. The feedback we received from DRC staff about activity in support of this outcome was there has been a sharp distinction, in England at least, between the success of the Commission's influencing on the independent living front compared to that in influencing health policy. Whereas the DRC has been working closely with ministers and civil servants in DWP on the Independent Living Bill – in the words of one DRC stakeholder 'they don't see us as a nuisance, it's a constructive relationship and they view our input as positive even though it might be challenging' – ministers at the Department of Health have been less forthcoming. Constructive relationships with officials are reported by DRC staff, and corroborated by senior officials themselves, with one such individual stating that relations were 'very good, supportive of each other' and that the DRC had strong 'expertise, knowledge and a realisation of what organisations like ours have to do'. However, DRC staff interviewed felt that ministerial backing has been lacking, which has caused challenges, with one individual commenting that the relationship has been characterised by 'lots of promises, but little action'. One area of impact there is centres on the DRC's contribution to developing new Department for Health policy and practice guidance on direct payments.

In spite of the formal partnership agreement with the Department of Health, the DRC has also faced challenges in persuading the government to move away from a health inequalities agenda focused firmly on geographical

inequalities. And whilst the Commission has succeeded in persuading the government of the need for legislation on independent living, in the words of a senior member of DRC staff

The timescale for getting the legislation through is much longer than we would like.

With this said, very recent developments suggest that the Government is beginning to take disability equality monitoring seriously, as a result of DRC action. More detail is provided in Section 5.2D below.

Unsurprisingly, the DRC's influencing work around Health and Independent Living was not something the disabled people and people with duties we spoke to felt they were able to discuss at any great length. One of the key activities the DRC has pursued to influence the debate has been the dissemination of relevant stories through the media, and participants in one of the focus groups said that:

the media have focused more on the fair treatment of disabled people.

DRC stakeholders admitted that, in the field of health and independent living, the Commission had faced a basic challenge in that 'health inequalities are not that big news' and had only recently began to make inroads into the mainstream press on the back of the Independent Living Bill, which had given the media 'something concrete to talk about' and therefore sparked interest.

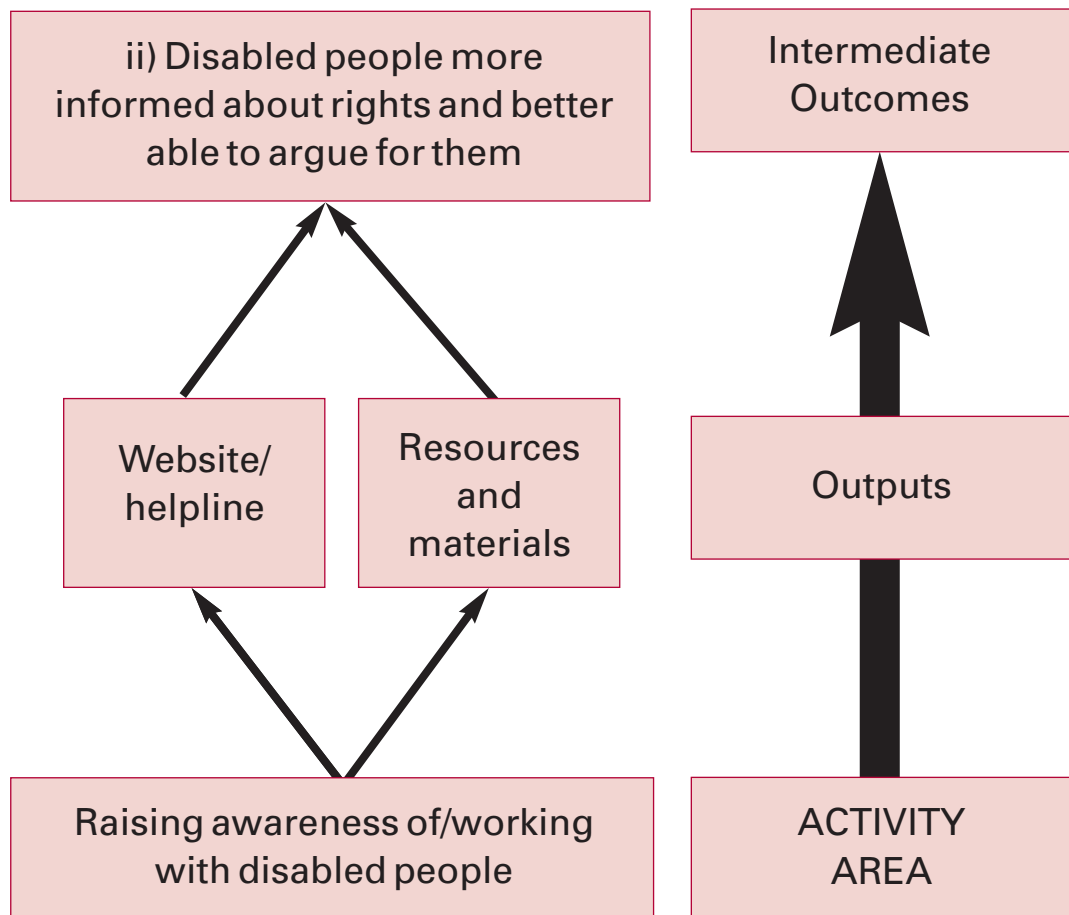
However the scale of the problem around independent living was highlighted by participants in a focus group in Scotland, who expressed:

Great concern that the government are wrongly and unfairly coercing disabled people back to work through manipulation of the benefits system.

Other comments made by this group about the DRC included concern that it had not always influenced government to the extent that adequate funding was put in place to enable the practical enactment of legislation.

### **B. Raising awareness of rights to fair and equal treatment amongst disabled people and providing support**

As with the other areas of the DRC's strategy, working with disabled people to raise awareness about rights, and providing support in fulfilling them is an important area of activity for the Health and Independent Living theme. The specific activity focused on as part of this evaluation was the provision of information and advice about accessing health and social care, through the Helpline, website, and printed materials.



### **What the evidence says about the DRC's success in this area**

- The focus groups and interviews with disabled people conducted as part of the evaluation gave a good deal of evidence about the success of the DRC in achieving this aim.
- Issues around health and social care and independent living were discussed most widely of all the thematic areas – featuring in 11 of the 14 focus group discussions and the majority of telephone interviews with disabled people.
- Research participants with higher levels of awareness or experience of the DRC rate its information and advice on health and social care issues very highly.
- Those individuals that were not so aware of the DRC felt that it should have made more effort to link up with local voluntary and community groups, and advertised its successes around healthcare more widely.

### **Analysis of the evidence of the DRC's effectiveness in this area**

The fieldwork evidence suggests that, in line with findings reported about the DRC's use of information to support disabled people in other areas of their lives, feedback depends heavily on the extent to which the individual had actually used the website or read a DRC booklet.

Those research participants that had done so mentioned, for example, 'easy access to the DRC through the internet' and said that 'when seeking information the first point of call is the DRC website'. Participants in another group said that the DRC gives disabled people more of a voice in influencing the provision of health and social care services, with one person saying 'we know where to turn if we feel mistreated'. When asked for a top-of-mind description of the DRC, the first

response from a focus group of parents with disabled children was 'information provider', with the Commission's website and booklets about health and social needs felt to be accessible and easy to understand.

The view was expressed by several individuals that with information more widely available came higher expectations, which had not always been met. For example, it was felt to be unreasonable to expect parents themselves to champion the rights of their disabled children, and that the DRC should be taking a more hands-on role in this regard. Welsh and Scottish interviewees did, however, identify problems for disabled people living in rural areas in gaining access to the internet, and whilst the Helpline was a recognised alternative these individuals were 'not sure whether people would know about the Helpline'.

Participants in the research who had not had any contact with the DRC about health and independent living stressed the difficulties caused by 'fragmented services' in knowing where to go for help or advice, with most of these people saying that instead of the DRC the first place they would go for advice or information about health and social care services was a local voluntary sector group. Participants in several of the focus groups asked the question 'why has the DRC not worked more closely with local voluntary organisations?', with the feeling that the Commission 'should be the umbrella that makes things happen'. This view was also held by a number of the disabled people who took part in telephone interviews, and was felt to be particularly important with regard to health and social care needs because of the importance of locally-accessible advocacy.

Even those who had positive feedback about the DRC's provision of information and advice around health and independent living said that the DRC is not widely enough known and 'needs a more public face'. People felt **the DRC needed to advertise itself more widely** to disabled people.

One participant had contacted the DRC and found them extremely friendly and professional. It was felt the DRC provided an important resource for disabled people which could be more widely used. One participant in a focus group of people with mental health conditions said of the DRC that 'what they have achieved is not visible, they're not effective at promoting themselves, they need to be more vocal', and another suggested that the DRC needs to 'blow their own trumpets more'.

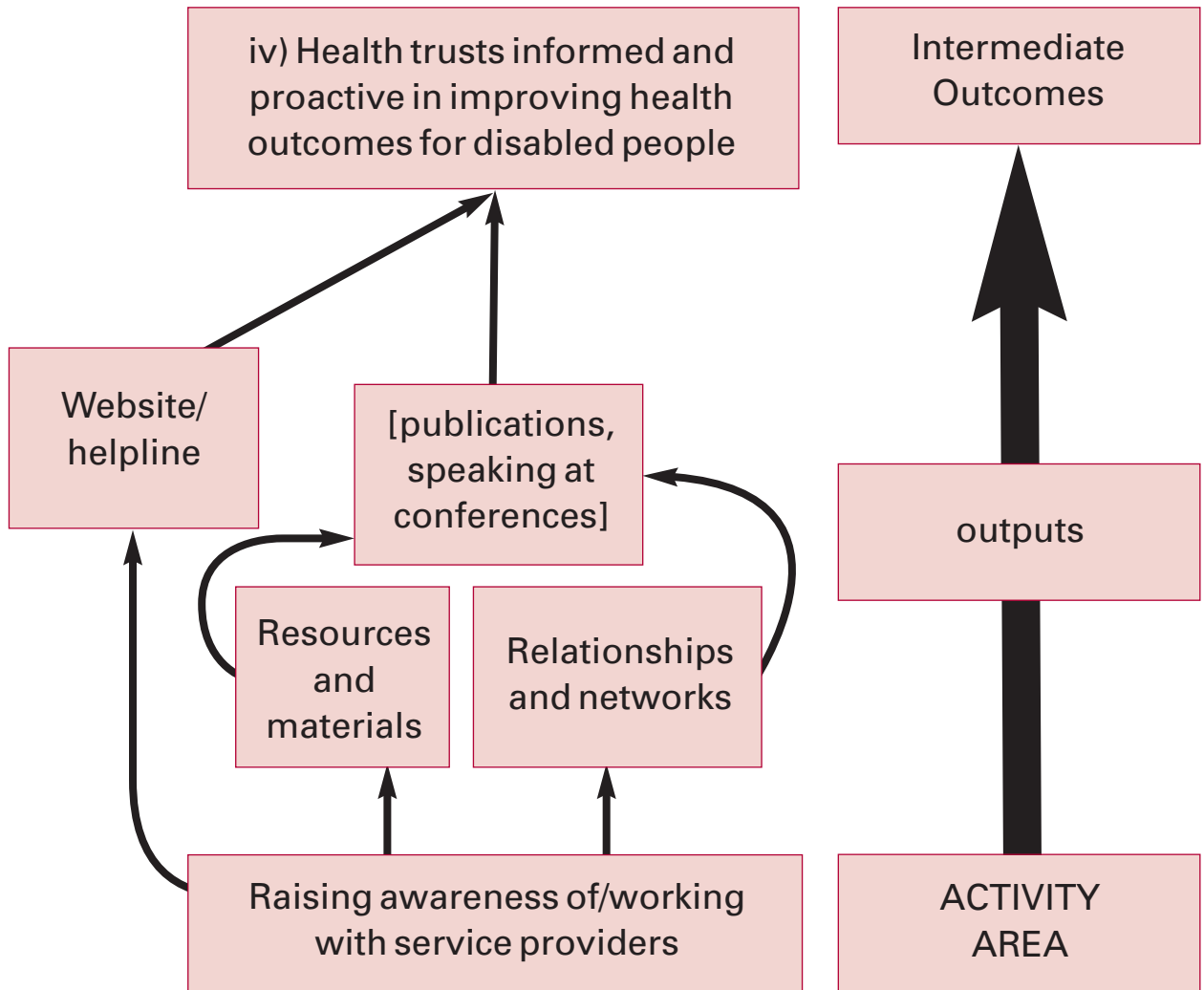
The other side of the argument was put by an interviewee who said that 'Bert Massie has come out with a lot of questions that need to be answered ... the DRC are on the right lines', but added that whilst the DRC was 'good at giving people with learning disabilities information' it 'needs to give more guidance and information about what's happening in the health service'.

### **C. Working with health trusts and boards to raise awareness of the barriers that disabled people face, with a view to improving access and health outcomes**

As elsewhere, the DRC has devoted a good deal of resource and time to activities aimed at raising awareness amongst managers and professionals in the health and social care sector, with a view to achieving the changes necessary to improve access and health outcomes for disabled people. The specific activities considered under this evaluation were the production of guidance and publications – for example the 'You Can Make a Difference' series of booklets for frontline staff – and speaking at conferences aimed at health and social care professionals. One of the central components of DRC Scotland's work around health and independent living has been the 'Fair for All' partnership. As part of this the DRC has visited all Scottish health boards and produced tailored guidance.



## Evaluating the Impact of the Disability Rights Commission



### **What the evidence says about the DRC's success in this area**

- A survey undertaken in 2002 on behalf of Leonard Cheshire found that 20 per cent of disabled people surveyed said it was difficult or impossible to access healthcare<sup>113</sup>. This finding was backed up by disabled people who participated in the evaluation fieldwork.
- Attitudes of health and social care professionals were widely discussed in focus groups and interviews with disabled people, and were generally felt to still be a major barrier. Other barriers to access identified included problems around the assessment process, in particular multiple assessments. A focus group with people with histories of mental health conditions was evenly split as to whether services had improved or not.
- A focus group conducted with gay HIV-positive men, which focused largely on health and independent living, had mainly negative feedback about the support they received from health and social care services, with a 'postcode lottery of support agencies' and 'lack of support at critical points, for example point of diagnosis' two of the problems mentioned.
- Healthcare managers interviewed for the evaluation had, in common with their colleagues from other sectors, high praise for the information and support provided by the DRC.

### **Analysis of the evidence of the DRC's effectiveness in this area**

As noted in the preceding section, issues around health and social care were widely discussed in the focus groups conducted as part of this evaluation. Research participants discussed in detail the continuing challenges around, for example, access to services and the attitudes of staff, but also mentioned a range of improvements. In general views varied

quite widely, suggesting that a larger-scale research exercise into the views of disabled people regarding health and social care services would be needed to gain a more representative picture of the situation. The fieldwork uncovered less evidence about the impact of the DRC – and this reflects the Commission's focus on high-level strategic influencing work around health and social care and partnership working.

**Access to services** was felt to be a barrier to many of the disabled research participants, with particular problems being caused by GPs' surgeries not being open at weekends – a finding corroborated by the secondary evidence available. A note of realism was added by a Scottish interviewee who said that whilst there were problems such as Accident & Emergency units being moved further away:

the DRC has done what it was meant to do [influence providers through the DED] but these improvements need time and money ... it will be the next generation who benefit, it's not going to happen overnight.

Many groups felt that health and social care services for disabled people were actually getting worse, citing problems around not enough health checks at GP or care trusts and sporadic services in rural areas

NHS dentists aren't accessible because of the lack of transport.

Experiences of health and social care service provision for disabled children were very mixed, with improvements cited, but with problems around access (particularly for children with complex needs and older disabled children) and, mirroring comments made by other groups, staff attitudes, with one parent reporting that health officials were:

intolerant and not very understanding, for example they ask children to be still.

Poor experiences such as this, even if not universal, were felt to have a serious impact upon confidence in the future.

The **attitudes of health and social care staff** were widely discussed in focus groups. Many were negative, for example saying that 'Staff don't listen or understand the needs of disabled people' and focus too much on the impairment and don't do enough to check for other health conditions. One interviewee with learning disabilities said that:

the dentist won't check my teeth because he thinks I'll bite him.

In other focus groups there were many people who felt there was a greater understanding from GPs and nurses of the needs of disabled people. Examples include receptionists in the local GP surgery being more accommodating, buildings being easier to enter and move around in, and doctors being better at talking to disabled patients and not just their carer.

The findings from the fieldwork conducted as part of this evaluation therefore suggest a high degree of variability in the experiences of disabled people with regard to staff attitudes, which is corroborated by the findings of the DRC's recent formal investigation into health inequalities. As we have seen, this investigation found that whilst some people with mental health conditions and/or learning disabilities reported very helpful primary care staff, this was far from being universally the case. The DWP survey conducted in 2002 also supports this conclusion<sup>114</sup>.

Other problems around social services included long waiting time for **assessments**, multiple assessments, and a process which felt like a 'tick box exercise'. Participants also cited problems around lack of information ('they provide only the most basic service to disabled people and nothing more' said one person at a focus group in England) and information that was not accessible, for example the writing on prescriptions

being too small. Other interviewees said that in some cases the information given by social care was 'excellent' but there needed to be more consistency in this respect. Participants at a focus group in Wales said that whilst accessible information was generally more widely available, it was still difficult to get the results of hospital tests in Braille.

Linked to this, research participants who had experience of PCT involvement processes in support of the DES commented, in one case, on people 'falling asleep' during a feedback event, and a scheme that was 'full of jargon and not accessible'. This and other criticisms of practice 'on the ground' amongst health and social care professionals perhaps reflect a general consensus amongst disabled people interviewed for this evaluation that whilst the NHS had improved in terms of their principles and statements around disability, these commitments had often not translated into practice. As part of its DED work, however, the DRC has undertaken an assessment of the Disability Equality Schemes of all Strategic Health Authorities in England and Wales, as well as a number of Primary Care Trusts, which consider such areas.

Improvements to health and social care identified by research participants included greater choice, direct payments, and in some cases more joined up working between health and social care services such as **joint assessments**. Individual budgets and the Expert Patient Programme – which allows disabled people to support and educate each other – were also mentioned. Several interviewees also cited a greater degree of choice as a positive improvement, with the caveat that, in the words of one person 'poorer people don't have so many choices'.

Participants in the focus group with gay men with HIV suggested that health and social care staff were not particularly helpful, and that respite care, for example, was hard to obtain, although they did comment that 'if you're

physically disabled it helps'. This group also said that there was a marked contrast between generalist GPs and HIV specialists, with the latter described as 'brilliant', although one participant said that 'having two separate GPs can be an issue as you feel you have two lives, one 'normal' and one HIV life' and that the DRC should have done more to resolve this split.

When asked where they would go for help or advice about their condition, participants in this group said that they relied heavily on the UK Coalition of People Living with HIV and AIDS (UKC) and in particular the UKC's magazine. The UKC was felt to be personalised and responsive, partly due to the fact that it has a voluntary workforce. The UKC was contrasted to the Terence Higgins Trust, which was perceived to be 'too big and faceless', with several reporting lack of contact or feedback. Few were aware of anything the DRC had done around HIV and AIDS.

When asked what the DRC could have done differently or do more of in the future, participants in this focus group had a variety of suggestions, including 'an A to Z of services, this would be really useful'; and 'if the DRC can do anything then it's positive confidence-building marketing campaigns – to improve attitudes'. In general, and in keeping with the feedback from some of the other groups who discussed this and other issues, there was consensus that the DRC needed to 'tell us who you are and what you do'. This group also felt that more education was needed, in particular for young people, and that 'the message given out about HIV and AIDS hasn't changed since the 80s – basically just 'safer sex'.

Participants in one of the focus groups, all of whom had current or previous experience of mental health conditions, were split exactly down the middle in terms of whether services for people with mental health conditions had generally improved in the last five years or so. On the plus side, some said that attitudes amongst staff were starting to improve, with one participant suggesting that it was 'no

longer considered acceptable to dope people up on drugs and keep them quiet' and that issues relating to mental health were no longer ignored or hidden away. On the other hand, focus group members cited fears about litigation amongst doctors and nurses leading to a fear of granting independence to people in their care, and in common with other groups mentioned a perceived postcode lottery of service provision. One interviewee did note that the last of these difficulties was 'a problem that's not just affecting disabled people'.

Several focus group participants and interviewees expressed the view that, in the context of resource constraints, social care support for disabled people 'is the first to go', which was particularly damaging when this included positive new innovations such as joint assessments. Staff shifting from full time to part time hours was also identified as an issue of concern, as were 'constantly changing social services organisational structures and staff'.

An interviewee from Scotland commented that 'Scotland is different from England because it has more support organisations for people with learning disabilities – 'it's more of a community' – but went on to say that local authority support was poor, highlighting fears about the resource implications of carer holidays, for example.

We were able to feed in the perspectives of health and social care managers into this evaluation through telephone interviews with staff at primary care trusts (PCTs) and local authorities. The feedback from these individuals was largely positive about the impact that the DRC had had on health and independent living, although this often depended on the extent of prior contact with the Commission. Those who had used the Helpline or website, or received and made use of DRC published materials said that (in the words of one interviewee) it was a 'trusted source' of information and that guidance aimed at the health and social care sector was

relevant and practical. 'Closing the Gap' was singled out in particular, with one interviewee suggesting that the Easy Read version of this document was 'excellent, a great example of what one should like'.

A manager from a PCT commended the DRC's emphasis on promoting involvement of disabled people, and said that she had been able to pass DRC information onto local voluntary groups with good impact. The DRC was felt to be a more supportive organisation than other bodies responsible for implementing and enforcing public sector duties. The point was also made, however, that the messages and guidance promoted by the DRC needed to be disseminated more widely, with some interviewees questioning the extent to which the potential of email bulletins had been sufficiently realised. This mirrors findings from the Opinion Former Research where respondents suggested that the DRC could have taken a more structured and systematic approach to its electronic bulletins.

One senior representative of a national healthcare body was generally very praiseworthy of the DRC, commenting that the Commission was 'the dominant organisation in terms of disability issues' and a 'particularly good and helpful source of information and advice' but, echoing the concerns of other stakeholders, this respondent suggested that the breadth of the Health & Independent Living theme required higher levels of resourcing:

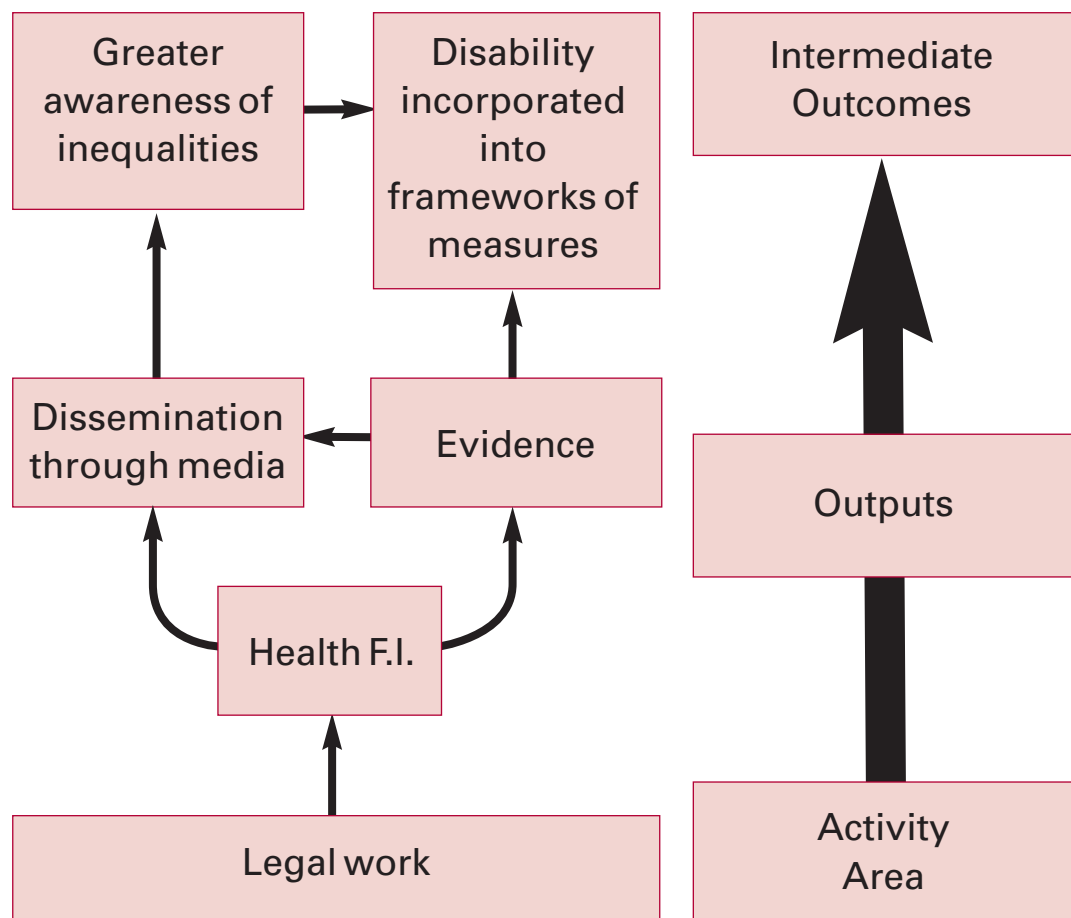
We have found that sometimes the people we're dealing with seem to be holding a very large portfolio ... and it sometimes feels as though they are stretched in terms of capacity.



### D. Raising awareness about health inequalities and incorporating disability into frameworks of measurement

In the introduction to this chapter we saw how data on the differences in health outcomes between disabled and non-disabled people is lacking, or under-utilised, where it does exist. As one of the senior DRC staff we spoke to put it persuading the government to introduce national monitoring of health outcomes for disabled people 'is our overarching aim – everything else flows from this'. The key activity that the DRC has undertaken to achieve this outcome has been a formal investigation into health inequalities experienced by people with mental health conditions and/or learning disabilities.

The diagram below, focusing as it does on the health inequalities formal investigation, is relevant to England and Wales only.



### **What the evidence says about the DRC's success in this area**

- The report from the formal investigation into health inequalities was only launched very recently, and it is therefore too soon to come to any robust conclusions about its impact.
- There are findings, however, concerning the investigation process, and in particular the extent to which this highlights some of the challenges involved in DRC cross-nation working.
- With regard to frameworks of measurement more generally, there have been successes in Scotland with the Scottish Executive's health department setting as key indicators coronary heart disease, mental health and cancer, and beginning to incorporate equality issues into performance frameworks.
- The Department of Health has also set up a high level implementation group to take forward DRC recommendations, and has published proposals for public consultation that, if put in place, would require strategic health authorities (SHAs) to monitor health outcomes according to disability.
- The Department of Health's independent inquiry into access to healthcare for people with learning disabilities is committed to taking into account findings from the formal investigation, although a date has not yet been set for the inquiry to report to the Department.
- Following the investigation the DRC has worked with the Royal College of General Practitioners (RCGP) in particular to produce learning material for GPs. These include an introduction to the issues uncovered during the investigation and the skills necessary to respond to them. By the end of June 2007 nearly 1000 learning packs had been provided to RCGP deaneries and several

hundred more to other organisations including the Royal College of Nursing.

### **Analysis of the evidence of the DRC's effectiveness in this area**

The DRC's formal investigation into health inequalities experienced by people with mental health conditions and/or learning disabilities aimed, amongst other things, to raise awareness about health inequalities amongst managers and professionals in the sector, and thereby ensure that disability is incorporated into frameworks of measurement of performance. With the report from the investigation only published very recently it is perhaps unsurprising that this evaluation uncovered little evidence about the impact of the formal investigation, although there were some important findings about the process behind this investigation, and in particular important findings about the success of the investigation in a GB-wide context.

One of the early concrete outputs to come out of the investigation process has been the Department of Health's 'Promoting Equality' response. This included an action plan with associated timelines and the establishment of a Delivery Group to take forward planned activities, although in its own response the DRC noted that some of the actions were 'quite vague' or not sufficiently aligned with the investigation's recommendations. One area in which the Department of Health refused to take on board DRC recommendations was around breaking down Public Service Agreement targets by disability group. A very recent redraft of the Department's action plan does, however, include more concrete proposals, and action around SHAs' monitoring work, noted above, suggests the potential for progress to be made in the future. The widespread distribution of learning packs to those responsible for training GPs (and others) is also in itself a positive

development, although it remains to be seen what impact on behaviours and awareness these have.

DRC Wales has twice given evidence to the Health and Social Services Committee, respectively about the Health FI and DRC Wales's response to the WAG's response to the recommendations of the FI. Furthermore, the reference group for the investigation included the Chief Executive of the NHS in Wales and other senior figures from within the Welsh Assembly Government. Concrete new policies have been introduced, including annual health checks for learning disabled people and GP contract that rewards accessibility.

There were, however, difficulties caused for DRC Wales by the lack of joined-up thinking around the implications of devolution for this investigation, the first to look at a fully devolved service area. Key policy staff from the Wales office were not originally invited to take part in initial senior decision making boards and had to, in the words of a colleague 'force themselves in'. Further problems were caused when, due to delays caused by Commissioners needing to sign off the FI report DRC Wales staff had to hold a separate launch event – which meant they had to dampen press stories triggered by the earlier England launch. There were also concerns expressed at the lack of synergy between the 'influencing' side of the investigation and the 'implementation' phase – with individuals involved in the former moving on to another area of work as soon as the FI report had been published, with a resulting delay before implementation could progress as a new team was brought on line.

### 5.3 Conclusions

In conclusion, the evidence collected as part of this evaluation suggests definite progress made by the DRC, but in the context of an exceedingly broad range of issues and challenges. Disabled people are yet to see a substantive improvement in the quality of healthcare, access to services or the extent to which they are enabled to live independently, but the DRC has begun to lay the foundations for improvement in the future.

The DRC has enjoyed considerable success, as elsewhere, in working collaboratively to provide support and guidance to professionals and managers in the health sector. Information is regarded very highly by disabled people, again as elsewhere.

The Commission has enjoyed some success in influencing high level policy. Early indicators are that the formal investigation has been taken seriously by Government, and the independent living coalition brought into being by the DRC is making it harder than ever for policy makers to avoid legislative change. Concrete outcomes have also been achieved in Scotland and Wales.

### **Strategic Outcomes**

#### **1. Increase the proportion of people enabled to live independently**

The available evidence suggests that there has been a significant increase in the take-up of direct payments. For example, in 2005/06 an estimated 37,000 adults in England and Wales received direct payments during the year, increasing from 24,000 in 2004/05. People with learning difficulties and mental health conditions are less likely to take up direct payments. There has also been an increase in the number of users of the Independent Living Fund. However, and despite a decrease in permanent admissions to residential and nursing care institutes since 2003, there remain over a quarter of a million adults supported by local authorities in institutional care in England alone. An increase in the amount of care provided in the community sits against a continuing reliance on the support provided by informal, unpaid carers such as family members. A survey revealed that 45 per cent of all people providing support for those with disabilities and/or long-term health conditions are 'immediate' or 'other family members'.

#### **2. Achieve greater equality in healthcare outcomes between disabled and non-disabled people**

There is a serious shortage of quality empirical data about the differences in healthcare outcomes between disabled and non-disabled people, partly because such data is not collected, and partly because of lack of analysis or reporting. However the DRC's recent formal investigation found significant evidence of the scale of health inequalities facing people with mental health conditions and/or learning disabilities.

### **3. Achieve greater equality in access to healthcare between disabled and non-disabled people**

The evidence collected as part of this evaluation suggests that access to healthcare services can be a significant problem for some disabled people. A survey undertaken on behalf of Leonard Cheshire in 2003 found that 20 per cent of the disabled people who responded said it was difficult or impossible to access healthcare and one in seven could not collect prescriptions. However, again there is virtually no robust trend data available to enable us to comment on whether the situation is improving or not. The survey data that does exist suggests wide variation in disabled people's experiences of service accessibility, including the attitudes and approach of healthcare professionals.

#### **Intermediate Outcomes**

##### **A. Influencing legislation and policy around independent living**

The DRC has enjoyed good levels of influence in its work with the DWP on the Independent Living Bill, and has established a broadly-based coalition of organisations working on this issue (for example, carers' bodies and the Equal Opportunities Commission). Frustrations remain over a slow timetable for introduction, though there is a growing recognition amongst civil servants that there is widespread support for legislation in some form.

Despite setbacks, more concrete progress has been made in Scotland and Wales, partly due to the very different policy environments in the devolved administrations. In Scotland, for example, (where the Independent Living Bill is not relevant), the DRC has pursued a robust, evidence-based 'line of attack'.

### **B. Raising awareness of rights to fair and equal treatment amongst disabled people and providing support**

Disabled people who had made use of the information and advice about health and social care services available through the DRC's website, Helpline or printed materials had very positive feedback, with one participant saying that 'the DRC gets it right and is a role model for everyone else' thanks to the accessibility of the information it provides. However, the majority of research participants, and in particular those who had not made use of DRC information and advice about health and social care services, felt that the Commission could have worked much more closely with local voluntary sector groups. There was also a strong consensus that the DRC was not widely enough known and 'needs a more public face'.

### **C. Working with health trusts and boards to raise awareness of the barriers that disabled people face, with a view to improving access and health outcomes**

The evaluation has made two main types of finding regarding this outcome: about the initial impact of the DRC's awareness raising work from the perspective of healthcare managers and professionals; and about the broader impact on access and health outcomes, from the perspective of disabled people.

In the first, a good deal of progress has been made, at least from the point of view of managers and professionals who had received DRC information or advice: in common with colleagues in other sectors they regarded Commission material very highly.

The picture in terms of health outcomes and access to services is very mixed, with challenges around staff attitudes and assessments remaining, as well as their being patchy



access to information for disabled people. Common problems included long waiting times for assessments and multiple assessments.

### **D. Raising awareness about health inequalities and incorporating disability into frameworks of measurement**

Whilst it is too early to evaluate the broader impact of the formal investigation into health inequalities, the Department of Health has issued a response committing to establish a Delivery Group to take forward planned activities. The Department of Health has set up a high-level implementation group to take forward the DRC's recommendations and has published proposals that, if put in place, would require Strategic Health Authorities to monitor health outcomes according to disability. As part of its DED work, the DRC has undertaken an assessment of the Disability Equality Schemes of all Strategic Health Authorities in England and Wales, as well as a number of Primary Care Trusts. The DRC has also worked with the Royal College of GPs to produce learning materials for GPs.

DRC Wales has already achieved concrete outputs, including annual health checks for learning disabled people and GP contracts that reward accessibility. This is despite suffering from a lack of a joined-up approach across England and Wales at times.

## 6. Overall conclusions

The DRC was a highly active Commission in its seven years 2000-2007, and has achieved a great deal. Throughout, it has focused on seeking to ensure that the progressive waves of disability rights legislation have had real and lasting impact. Around the middle of its lifetime, the DRC also turned to programmes to close the gaps in participation and positive outcomes between disabled and non-disabled people in key sectors of society. From around the same point, its involvement in the process to establish the new composite Commission for Equality and Human Rights (as well as the objective of influencing the CEHR's priorities) had an increasing effect on DRC planning and its allocation of effort.

Over its seven years the DRC did not taken a rigid approach, but has kept its eye on what best improves disabled people's lives. In doing so, the Commission has of course had to make choices and to prioritise as it judged best. The leading purpose of this evaluation study is to identify the impact and consequences of those choices and priorities.

In the short-medium term the DRC's approach – working in a collaborative fashion with policy makers, employers and providers wherever possible, seeking to promote the rights of disabled people rather than promoting itself, and working in coalitions even if that meant its own 'brand' was diluted – has undoubtedly been more effective than a more adversarial one. The DRC might have directly 'frightened' fewer people than if it had adopted a far more adversarial and aggressive approach, meaning that inevitably there are some who do less because they can get away with it. But the balance of advantage is clear.

In 'winning over' more people, the DRC has made future progress more self-sustaining: acting in the interests of

equality for disabled people is something people want to do because they understand why it is important rather than because they are being forced to comply.

There may also be a different question mark however regarding the longer-term. To the extent that self-sustainability comes from disabled people pushing for change themselves, then awareness of a high profile advocate with power at its fingertips is important. It certainly can be argued that a still more visible DRC would have built still stronger confidence among disabled people.

There is the further question to be addressed of whether the DRC has been able to strike the best balance across the broad activity areas of influencing, implementing/promoting and enforcing.

Largely reflecting the staged introduction of legislative provisions since 2000, a sizeable proportion of the Commission's resource has been focused on implementation and promotion. The findings of this evaluation suggest that the DRC has achieved considerable success in influencing, and that additional resource here would have been unlikely to achieve significant additional outcomes. However part of the price of focusing on joint working, support and awareness-raising among employers and service providers seems to have been a perceived downplaying of enforcement and perhaps, as a result, difficulties for profile-raising and achieving comprehensive impact (this is despite the in fact relatively high number of cases supported by the DRC each year).

The DRC's effectiveness as an organisation operating in the three countries of Great Britain is another issue to be addressed.

The DRC's clear organisational structure, with Directors for Scotland and Wales given full responsibility for the work in their offices, has been most important and has allowed the

Scottish and Welsh offices appropriate levels of autonomy and flexibility. Mentioned several times in this report are the strong, constructive, collaborative working relationships with the devolved administrations – it was helpful that the DRC was established in the same broad time frame as the devolution process. This is not to imply that all has been plain sailing. For example, greater shared understanding of the importance of differences resulting from devolution would have simplified the launch of some key campaigns.

### **6.1 Influencing**

The DRC has played a vitally important role in influencing legislation and policy, and is regarded as having pushed the boundaries of legislation through for example its statutory responsibility for writing statutory Codes of Practice. Furthermore, the recommendations of the DRC's first review of the DDA (Disability Equality: Making it Happen) were an important driver in influencing legislation, with the majority of these recommendations for changes to legislation having now been implemented.

The DRC has played a crucial part in establishing a robust and comprehensive GB legislative framework, particularly for employment, access to transport, goods and services and also education. In Scotland and in Wales too there are excellent, influential relationships between DRC staff and key decision makers in government, reflecting to a great extent the very different policy environments in the devolved administrations.

Stakeholders interviewed as part of this evaluation did however reflect upon the size of the overall task facing the Commission in comparison with its resources, and that this meant that at times it felt it had to become involved on too many fronts to be fully effective. (The onset of the CEHR from 2004 onwards may have had a similar effect on the DRC's planning.) There are certainly major policy areas where

significant work remains to be done. But this is also probably to an extent inevitable: the EOC and CRE were established over 30 years ago (in contrast to seven in the DRC's case), and both those Commissions acknowledge that much remains to be achieved in their own areas of responsibility.

### **6.2 Implementing and promoting**

The DRC has enjoyed considerable successes in the implementation and promotion of rights for disabled people, and examples are described elsewhere in this report. But questions also remain about whether the high level of resources invested in this strand of work have achieved appropriate lasting levels of impact.

Two of the most consistent themes emerging from this evaluation are that those individuals – whether disabled people or those with duties – who have had direct contact with the DRC (through written materials, the Helpline, Website, conferences etc) give very positive feedback about the DRC; but that the level of widespread awareness of the DRC is not especially high, and impact 'on the ground' is sometimes lacking. Awareness of the DRC and its work among opinion formers is however high.

There is no doubting the Commission's commitment to using the networks of partner organisations to spread the message about the rights of disabled people. But the desire remains among many disabled people for a clearly identifiable national champion – and the answer here may lie with closer partnering with local-level voluntary and community organisations that work with disabled people on a day-to-day basis. DRC's programmes of external partnership and transfer of expertise at local level were introduced from 2005 onwards but these, together with the DRC's involvement groups in connection with its statutory equality duties, had insufficient time to demonstrate a major impact across the country as a whole.

### 6.3 Enforcing

The DRC has directly supported legal cases in the courts and tribunals at an average of some 55 per year. This is considerably more than either of the other equality commissions.

The DRC's strategy and legal team are very widely respected by the legal profession (including equalities and disabled advocates specifically) and by others. It is widely recognised that the DRC has chosen cases well, been very successful in terms of case outcomes and interventions, and has clarified (and thus improved) the law. Its Codes of Practice and other guidance on rights, duties and their application also received high praise from the legal profession, although the practical use of all the Codes 'on the ground' is less proven. There have also been particular successes in innovative use of the human rights legislation, with the DRC driving the way in which the law is perceived and used, thereby benefiting partner organisations.

As noted at various points in this report, many stakeholders (both those with rights and those with duties) feel it is a shame that the DRC did not or was not able to take more high profile cases to court. There is a perception that more such cases may have forced more people into improving practice and in disabled people being given greater confidence in arguing for their rights. But there is a continuing question of low supply of good cases. And in a number of instances, promising cases in terms of profile and legal impact were in the event settled – often generously – out of court between the parties directly concerned (frequently with confidentiality clauses that ruled out publicity).

Nonetheless, that the DRC has chosen well in the cases it has taken is not questioned, and there are many examples of good integrated legal and media work to publicise the messages of such cases. Widely acknowledged and praised

landmark DRC cases include *Jones v 3M Healthcare Ltd*; *Collins v Royal National Theatre Board Ltd*; *Archibald v Fife Council*; and *Nottinghamshire County Council v Meikle*.

The DRC established around a dozen voluntary binding ('Section 5') agreements with companies as well as education and other service providers. And there have been some useful lasting gains from its general Formal Investigations into Website Accessibility (including a new BSI standard) and primary health care for people with learning disabilities and mental health service users. Its current Investigation into fitness to practise standards in certain key occupations also seems set to be widely welcomed. FIs are resource-hungry exercises but there is considerable consensus that they, and to an extent Section 5 agreements as substitute for legally binding named-party FIs, have been underused by the DRC. These legal powers allow more in depth and comprehensive coverage of issues and discrimination than individual legal cases, as well as having the potential for significant long-lasting impact. They were however only begun to be used in the last few years of the DRC's life.

The introduction of the Disability Equality Duty has been a key aspect of the DRC's influencing, implementing and promoting and enforcing work. The DED has ambitious aims, since it is designed to mainstream disability equality into the way in which the public sector carries out its business, thereby changing its culture and rooting out institutional discrimination.

The findings of the evaluation suggest that the introduction into law and implementation of the DED has been one of the DRC's biggest successes. Disabled people, even if they are not particularly aware of the DRC or even the DED, are aware that there has been a significant change in the legal framework as it applies to public bodies, and have seen concrete change as a result. Service providers and employers

value the support and advice the DRC provides, and welcome the collaborative approach the Commission takes. Whilst there are criticisms from some sectors about delays in introducing guidance documents, the information provided by the DRC (for example Codes of Practice and on the website) is widely praised. However with the DED only coming into force in December 2006 – around the time fieldwork for the evaluation began – it is too early to assess the impact of this important change. However, encouraging signs exist: submissions from disability organisations to the Discrimination Law Review show disability organisations highly value the DED. Similarly, research on ‘capturing the gains’ of the DED shows that, where organisations do comply with their duties, this produces real gains both for the organisation and disabled people.



# Appendix 1: Evidence database

See below.

| Section 1: Primary Evidence – Focus Groups    |  |   |   |
|---|--|---|---|
| Source  | Sample   | Scope   | Headline Findings   |
| <p><b>1) Focus group: Mencap (London)</b></p> | <p>Seven participants all with varying degrees of learning disability (mild to moderate)</p> | <p>Employment and Health and Independent Living</p> | <p><b>Employment</b></p> <p>Consensus that things had not improved for people with learning disabilities. Barriers were:</p> <ul style="list-style-type: none"> <li>• attitude of job centre staff and employers (this is the main barrier)</li> <li>• lack of support into employment</li> <li>• confined to low paid jobs with no progression</li> <li>• training does not lead to employment</li> <li>• lack of support once in employment.</li> </ul> <p>Improvements were:</p> <ul style="list-style-type: none"> <li>• slight improvement in managers’ attitudes to learning disabled employees</li> <li>• work right schemes</li> <li>• long term solution like job coaches.</li> </ul> <p>No one had accessed the DRC for employment support. Other sources of advice included: Job centre; Social worker; Community; Job coach at Council; Pathways at Mencap; Personal planning co-ordinators</p> |

| Section 1: Primary Evidence – Focus Groups                            |   |   |  |
|---|---|---|--|
| Source  | Sample  | Scope   | Headline Findings  |
|   |   |   | <p><b>Health and Independent Living</b></p> <p>Consensus that things were getting worse. Problems included:</p> <ul style="list-style-type: none"> <li>• Not enough health checks at GP or care trust.</li> <li>• Staff don't listen or understand the needs of disabled people – get sidelined by the fact that they have a disability and don't do enough checks for other health problems.</li> <li>• Information is not accessible – eg the writing is too small on prescriptions.</li> <li>• People with learning disabilities have a 'lack of confidence', can be 'brainwashed' by caseworkers or carers, and need encouragement and more self esteem.</li> <li>• Need to be more patterns of support within the learning disability community.</li> </ul> |
| <p><b>2) Focus group: John Grooms Lifestyle Choices (Bedford)</b></p> | <p>15 participants with a range of physical impairments and small number with learning disabilities</p> | <p>Transport, Goods and Services, Health and Independent Living</p> | <p>Low profile of DRC and concern that merging into CEHR will mean a watering down of interests.</p> <p>Concern that the DRC does not support the work that voluntary groups do 'on the ground'.</p> <p><b>Transport, goods and services</b></p> <p>Consensus that things have improved in relation to transport including:</p>  |

| Section 1: Primary Evidence – Focus Groups |        |       |   |
|--|--------|-------|---|
| Source                                     | Sample | Scope | Headline Findings   |
|  |        |       | <ul style="list-style-type: none"> <li>• lifts at train stations</li> <li>• wheelchair-friendly local transport schemes eg Plus Bus and Door To Door</li> <li>• bus access is much better – but there are regional differences</li> <li>• there are more services publishing information in large print</li> <li>• free bus pass</li> <li>• dept of transport is consulting people more</li> </ul> <p>Why have things changed?</p> <ul style="list-style-type: none"> <li>• New duties legislation – DRC has been instrumental – but improvements are not happening fast enough at regional and local council levels.</li> <li>• The work of voluntary &amp; access groups in advocating for change.</li> </ul> <p><b>Barriers to access &amp; transport:</b></p> <p>Legislation of DDA – individual not organisation challenged – the law is there but it is not being enforced – ‘lack of teeth’.</p> |

| Section 1: Primary Evidence – Focus Groups  |   |  |   |
|---|---|--|---|
| Source  | Sample  | Scope  | Headline Findings   |
|   |   |  | <p>Improved access to services due to legal duties for service providers to be accessible. Physical access has improved eg automated doors in M&amp;S – but still poor in restaurants. Should have a local ‘name and shame’ of poor services. General consensus that it is better – more understanding and empathy.</p> <p><b>Health</b></p> <p>Improvements include choice and direct payments. Barriers – fragmented services, too much emphasis on mobility disability, difficult to get insurance, GPs want to quieten disabled people.</p> |
| <p><b>3) Focus Group: Kingston Centre for Independent Living (Kingston-upon-Thames)</b></p> | <p>Eight members of the Kingston Centre of Independent Living support group. All with physical impairments.</p> | <p>Main focus on Health and Independent Living and Transport, Goods and Services</p> | <p><b>Health and independent living/transport, goods and services</b></p> <ul style="list-style-type: none"> <li>• Information about transport improved significantly – eg Transport for London (TfL) website, buses</li> <li>• Staff attitudes had improved in transport, and to some extent in shops, but not in healthcare.</li> <li>• Low awareness of DRC, and felt this did matter as it meant it was hard to feed back views on the DRC’s contribution – ie if you don’t know what the DRC is doing.</li> </ul>                          |

| Section 1: Primary Evidence – Focus Groups  |  |  |  |
|---|--|--|--|
| Source  | Sample   | Scope  | Headline Findings  |
| <p><b>4) Focus group: East Durham Positive Inclusion Partnership (Durham)</b></p> | <p>Eight people with range of impairments including visual, hearing and mother of learning disabled child.</p> | <p>Health and Independent Living and Education</p> | <p><b>Health</b></p> <p>There was a widespread feeling that there had been no change or improvements to health services that disabled people could access in the area.</p> <p>Particular issues were identified around the abilities of doctors and healthcare professionals to be responsive to the needs of disabled people. These issues included:</p> <ul style="list-style-type: none"> <li>• not having enough time for patients</li> <li>• not listening to the needs and wishes of parents and children</li> <li>• non-responsive attitude to needs of disabled people – eg visually impaired female had to be cared for in hospital by partner as staff did not provide basic assistance such as going to the bathroom.</li> </ul> <p>For advice and information on health and IL the group said they would go to local voluntary agencies such as the East Durham Positive Inclusion Partnership (EDPIP).</p> <p>No one had used the DRC’s helpline or website to access information about health related matters.</p> |

| Section 1: Primary Evidence – Focus Groups |        |       |   |
|--|--------|-------|---|
| Source                                     | Sample | Scope | Headline Findings   |
|  |        |       | <p><b>Education</b></p> <p>The group generally felt that the current education system does not meet the needs of disabled people. There was agreement that despite a greater focus on needs of disabled children this was not filtering down to positive actions on the ground.</p> <p>The group identified a number of barriers and issues which impacted negatively on disabled children and adults:</p> <ul style="list-style-type: none"> <li>• Lack of support in transition from childhood to adulthood especially around schools and adult education.</li> <li>• Inappropriate provision at college – courses on Independent Living did not develop people’s skills and there was no focus on what disabled person can achieve when they finish the course. One person’s daughter had repeated the course for four years with no significant benefits or outcomes.</li> <li>• Primary education – some teachers do not listen to parents and there is a lack of communication between the schools and parents.</li> <li>• Every Child Matters Agenda – focus on each child is not happening – lack of equipment is hampering some disabled children’s progress.</li> </ul> |

| Section 1: Primary Evidence – Focus Groups  |   |  |  |
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| Source  | Sample  | Scope  | Headline Findings  |
|   |   |  | <ul style="list-style-type: none"> <li>Some teachers in mainstream schools have not got the right qualifications and skills to deal with disabled children’s needs.</li> </ul> <p>Participants said they would go to the Council for information or advice on education or to raise any issues they had. The group also said they would go to voluntary sector organisations who would advocate on their behalf. The group were unaware of the work the DRC had done relating to education.</p>  |
| <p><b>5) Focus group: Worcestershire Association of Service Users (WASU) and the Sensory and Physical Impairment Network (SPIN) (Worcester)</b></p> | <p>18 participants with a range of physical impairments</p> | <p>Health and Independent Living and Transport, Goods and Services</p> | <p>Participants felt there had been a number of improvements in the field of health and independent living over the last five years, specifically:</p> <ul style="list-style-type: none"> <li>More joined up working between health and social care services such as joint assessments (however these are threatened when funding is withdrawn).</li> <li>Direct payments are a positive development provided there is proper support for service users.</li> <li>Individualized budgets were also considered as a positive development.</li> <li>The Expert Patient Programme was considered to be a good development as it allowed disabled people to support and educate each other.</li> </ul> |



| Section 1: Primary Evidence – Focus Groups |        |       |   |
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| Source                                     | Sample | Scope | Headline Findings   |
|  |        |       | <ul style="list-style-type: none"> <li>• Many people in the group felt there was a greater understanding from GPs and nurses for disabled people. Examples given were the receptionist in the local GP surgery being more accommodating, medical buildings easier to enter and move around in and the seating area arranged so that wheelchairs can move around in a GP surgery.</li> </ul> <p>Participants felt there were a number of reasons for these improvements:</p> <ul style="list-style-type: none"> <li>• Disabled people have stood up for their own rights.</li> <li>• The DRC gives disabled people more of a voice and we become more confident in putting our views forward. We know we have rights and we know where to turn if we feel mistreated.</li> <li>• Professionals have become more aware and willing to take onboard what we have to say and need.</li> <li>• The public and media have focused on the fair treatment of disabled people.</li> <li>• The fact that the Prime Minister has set up the Office for Disabilities Issues shows that it is now taken seriously.</li> <li>• The Equalities Duties have also had a positive effect - 'They have started a train that cannot be stopped.'</li> </ul> |

| Section 1: Primary Evidence – Focus Groups                          |   |   |  |
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| Source  | Sample  | Scope   | Headline Findings  |
|   |   |   | <p>There were mixed views as to whether legislation had been a factor in improvements with some saying there has not been enough enforcement of legislation.</p> <p><b>Transport and services</b></p> <p>Improvements related mainly to buses and people felt the had a DRC has key role to play in training and awareness raising.</p> <p><b>Barriers</b> that still remain: are underground, trains for deaf people, communication with staff and airplanes.</p> <p>‘My friend’s golf clubs are handled better than I am when I’m flying.’ When flying can be first on and the last out so a one hour flight can take five hours. The DRC has done a lot of work on this area and it was felt that airlines have now backed down and become more cautious.</p> |
| <p><b>6) Focus Group: Mendip Disability Forum (Glastonbury)</b></p> | <p>12 participants, all with physical impairments</p> | <p>Transport, Goods and Services, Health and Independent Living</p> | <p><b>Transport and services – improvements</b></p> <ul style="list-style-type: none"> <li>• Physical access in shops and public transport has greatly improved over the last 10 years– this improvement was attributed to the DRC</li> <li>• Rural areas more concerned about Blue Badge scheme misuse as more dependent upon private transport and parking</li> </ul>  |

| Section 1: Primary Evidence – Focus Groups   |   |   |   |
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| Source   | Sample  | Scope   | Headline Findings   |
|  |   |   | <p><b>Healthcare – no improvements</b></p> <ul style="list-style-type: none"> <li>• Most participants thought that healthcare had not improved due to constantly changing social services and staff – damaging for confidence.</li> </ul> <p><b>Awareness of the DRC</b></p> <ul style="list-style-type: none"> <li>• Lack of awareness about the DRC – go to the disability advocate in the local authority for advice. DRC should be raising its profile by celebrating its achievements.</li> <li>• Participants who had used the DRC helpline found it very useful</li> <li>• Felt that disabled people are becoming more confident – attributed to the duties legislation</li> </ul> |
| <p><b>7) Focus Group: Aldershot Garrison Parents Support Group (Aldershot)</b></p> | <p>10 participants from Aldershot Garrison Parents Support Group. All parents/carers of disabled children</p> | <p>Education, Transport, Goods and Services</p> | <ul style="list-style-type: none"> <li>• DRC website is excellent but LEAs don't know enough about it.</li> <li>• Blurring of responsibility between LEA and Ministry of Defence – with each organisation presuming that the other is taking responsibility for disability needs</li> </ul> <p><b>Education</b></p> <ul style="list-style-type: none"> <li>• Information about the DRC is not being filtered down to the individual parents by the LEAs. Parents go to local voluntary organisations for support and advice.</li> </ul>   |

| Section 1: Primary Evidence – Focus Groups |        |       |   |
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| Source                                     | Sample | Scope | Headline Findings   |
|  |        |       | <ul style="list-style-type: none"> <li>• Curriculum in special schools is making children more independent and is helping to build confidence but education is not challenging enough.</li> <li>• There is more awareness in mainstream schools about disabilities like Asperger’s syndrome due to increased media publicity.</li> <li>• Special needs schools helpful for children but progress is lost when child is transferred back to a mainstream school.</li> <li>• Gaps in support before school age and after finishing school is detrimental to parents confidence.</li> </ul> <p><b>Transport, goods &amp; services</b></p> <ul style="list-style-type: none"> <li>• School bus services have improved as have buses, but this improvement is not consistent across transport providers.</li> <li>• Improvements attributed to DDA and the threat of prosecution as well as the DRC focusing at a national level. Some participants thought that improvements only made after prosecution – the legislation should have a PR job.</li> </ul> |

| Section 1: Primary Evidence – Focus Groups                                |   |   |   |
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| Source  | Sample  | Scope   | Headline Findings   |
|   |   |   | <ul style="list-style-type: none"> <li>Leisure industry thought to be lax on making improvements but there has been much improvement in public buildings like museums</li> <li>Limited facilities for children with learning disabilities – have focused more on physical access</li> </ul>   |
| <p><b>8) Focus group: Pembrokeshire Access Group (Haverford West)</b></p> | <p>11 participants all with physical disabilities (sensory loss and physical impairment).</p> | <p>Transport, Goods and Services, Health and Independent Living</p> | <p><b>Transport &amp; services</b></p> <ul style="list-style-type: none"> <li>Consensus that it has improved. Attributed to duties legislation as opposed to DRC as group weren't aware of prosecutions against transport providers.</li> <li>DRC well known in disabled community, needs more awareness in general public – not enough media exposure.</li> <li>Attitudes of drivers are improving but much more slowly – will improve as transport becomes more accessible and therefore there will be more awareness amongst drivers.</li> <li>Public buildings more likely to have facilities for disabled people but they are often broken or not used.</li> <li>Larger shops are more accessible but SMEs getting away with their duties or are unaware.</li> </ul> |

| Section 1: Primary Evidence – Focus Groups                                    |  |  |  |
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| Source  | Sample   | Scope  | Headline Findings  |
|   |  |  | <p><b>Health &amp; independent living</b></p> <ul style="list-style-type: none"> <li>• Accessible information is more widely accessible</li> <li>• Health services not improving due to government policy of hospital closure – in rural areas have to travel large distances</li> <li>• Service staff not trained enough in disability needs</li> <li>• Professional bodies should have compulsory training in disability needs</li> <li>• Few initiatives that are disability led</li> </ul>   |
| <p><b>9) Focus group: Rhondda Cynon Taf Disability Forum (Pontypridd)</b></p> | <p>19 participants, range of impairments, mostly physically impaired</p> | <p>Employment, Transport, Goods and Services</p> | <p><b>Employment</b></p> <ul style="list-style-type: none"> <li>• Those with more severe disabilities don't think that employment has improved, those with less severe disabilities more likely to think it has improved</li> <li>• Employers getting away with their duties and have a tick-box mentality</li> <li>• DRC should be giving more concrete guidance to councils and employers – at the moment their guidance is too vague</li> <li>• More employment schemes but not publicised enough and put people into the wrong jobs</li> </ul> |

| Section 1: Primary Evidence – Focus Groups |        |       |   |
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| Source                                     | Sample | Scope | Headline Findings   |
|  |        |       | <ul style="list-style-type: none"> <li>• Health and safety legislation overriding equalities legislation</li> </ul> <p><b>Transport, goods and services</b></p> <ul style="list-style-type: none"> <li>• Buses are much better and now have ramps. Trains are better too BUT access to train station has not improved – there needs to be a lift</li> <li>• Concern about blue badge misuse</li> <li>• Public services have become more accessible but improvements are slowing down now that interest is lost access</li> <li>• More supportive of disabled people’s needs</li> <li>• Duties and rights are now legislated and legal but are not being enforced sufficiently – which is unfair as the disabled community had to fight to get the duties and rights legislation through.</li> </ul> |

| Section 1: Primary Evidence – Focus Groups                          |  |  |   |
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| Source  | Sample   | Scope  | Headline Findings   |
| <p><b>10) Focus group: Disability Hackney Hackney (Hackney)</b></p> | <p>13 participants with Disability, Hackney. Mainly physical impairments</p> | <p>Employment, Transport, Goods and Services</p> | <ul style="list-style-type: none"> <li>• Should be more publicity amongst the general public of DRC and disability</li> </ul> <p><b>Employment</b></p> <ul style="list-style-type: none"> <li>• Employers focus on ‘bricks and mortar’ – ramps/lifts (improvement?)but in terms of interviewing &amp; advertising jobs – they haven’t done enough</li> <li>• Employers attitudes have not changed</li> <li>• Private sector needs more awareness of DDA</li> <li>• There is a gap at the local level – for an organisation who can educate local employers about the disability and the DDA</li> <li>• DRC needs to focus on BME and disability – multiple disadvantages</li> </ul> <p><b>Transport, goods and services</b></p> <ul style="list-style-type: none"> <li>• Public transport has improved in some areas but attitudes of drivers is still a problem – management to blame for lack of training.</li> </ul> |



| Section 1: Primary Evidence – Focus Groups                                    |  |   |   |
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| Source  | Sample   | Scope   | Headline Findings   |
| <p><b>11) Focus group – Terrence Higgins Trust support group (London)</b></p> | <p>Seven participants with Terrence Higgins support group for gay men with HIV</p> | <p>Transport, Goods and Services, Health and Independent Living</p> | <p><b>Awareness</b></p> <ul style="list-style-type: none"> <li>• Very little knowledge about the DRC</li> <li>• DRC associated with image of wheelchair – problematic for people with HIV as their disability is hidden and unpredictable</li> <li>• Use UKC as source of information, advice is personalised and more responsive than THT and DRC. Also Citizens Advice Bureau</li> </ul> <p><b>Health</b></p> <ul style="list-style-type: none"> <li>• Health staff support is better if physically disabled. HIV specialists are excellent and very supportive but normal GPs not helpful – though they are getting more training about HIV now. Problematic having 2 health GPs, one for HIV, for everything else.</li> </ul> |

| Section 1: Primary Evidence – Focus Groups |        |       |   |
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| Source                                     | Sample | Scope | Headline Findings   |
|  |        |       | <p><b>Transport, goods and services</b></p> <ul style="list-style-type: none"> <li>• Service providers suspicious due to hidden disability</li> <li>• No improvement in housing services for HIV – should be equally eligible as for other disabled categories.<br/>Problems of criteria</li> <li>• DRC should focus on positive marketing campaigns to improve attitudes, especially for younger people – they are the future disabled.</li> <li>• Lack of support at critical moment eg point of diagnosis</li> <li>• Post code lotteries of support</li> <li>• DRC needs to focus on BME and disability – multiple disadvantages</li> </ul> <p><b>Transport, goods and services</b></p> <ul style="list-style-type: none"> <li>• Public transport has improved in some areas but attitudes of drivers is still a problem – management to blame for lack of training</li> </ul> |

| Section 1: Primary Evidence – Focus Groups  |   |  |  |
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| Source                                      | Sample  | Scope                                    | Headline Findings  |
| 12) Focus group: Parents' Consortium (Kent) | 12 parents of disabled children with varying conditions and impairments | Education, Health and Independent Living | <p><b>Education</b></p> <ul style="list-style-type: none"> <li>• Reforms adversely affected choice, as taken away by government and local council (whereas able children have choice)</li> <li>• There are good schools but difficult for all children to have their needs met</li> <li>• Gender of disabled children not thought about again, discerned a one-size fits all attitude</li> <li>• Need for special needs understanding in teaching</li> </ul> <p><b>Health and independent living</b></p> <ul style="list-style-type: none"> <li>• More information now therefore expectations have increased and problems now even bigger.</li> <li>• Previously were not even given the opportunity to fight</li> <li>• It is not reasonable to expect parents to champion their rights (time constraints of parents) expectation for DRC to take this hands on role.</li> <li>• Lifeline for parent/children</li> <li>• Social services are patronising – no transitional support</li> </ul> |

| Section 1: Primary Evidence – Focus Groups                                    |   |   |  |
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| Source  | Sample  | Scope   | Headline Findings  |
| <p><b>13) Focus group: Highlands Disability Access Panels (Inverness)</b></p> | <p>Nine participants from three different Scottish Access Panels (Lochaber, Inverness and Sutherland)</p> <p>six male, three female</p> | <p>Transport, Goods and Services, Health and Independent Living</p> | <p><b>Transport, goods and services</b></p> <ul style="list-style-type: none"> <li>• The DRC have dealt poorly with transport issues and have not really addressed them to the same degree as other factors such as the built environment.</li> <li>• No-one accepts responsibility for enforcing legislation</li> <li>• No joined up guidance/legislation because Local Authorities, SNH, Historic Scotland etc. have no powers under the 1995 act.</li> <li>• The DRC should have taken on some lower profile cases, possibly through Access Panels.</li> <li>• More involvement for Disabled Access Panels on a more formal basis combined with adequate funding, recognition and relative training.</li> <li>• DRC should also involve Citizens Advice Bureau</li> </ul> <p><b>Health and independent living</b></p> <ul style="list-style-type: none"> <li>• DRC should pressure the government to extend zero rating for VAT (S. 701 VAT Act) for more facilities and adaptations to help encourage businesses to adapt their premises and facilities.</li> <li>• Scotland uniquely means test families with disabled</li> </ul> |

| Section 1: Primary Evidence – Focus Groups   |  |   |   |
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| Source   | Sample   | Scope   | Headline Findings   |
|  |  |   | <p>children unlike England and Wales for community care – DRC should put pressure on the Scottish Parliament to bring this into line with England and Wales.</p> <ul style="list-style-type: none"> <li>• The DRC should be ensuring the social model of disability and not the medical model.</li> <li>• Disabled people should not be bed blocking when community care should be the preferred option, but neither Health nor Local Authorities can decide who pays for care.</li> </ul>  |
| <p><b>14) Focus group – RETHINK: Network South Gloucestershire Users Group (Bristol)</b></p> | <p>Eight participants – two female, six male<br/>Age – 20s to 60s<br/>Mental health conditions</p> | <p>Education, Health and Independent Living</p> | <p><b>Education</b></p> <ul style="list-style-type: none"> <li>• Still not enough being done about bullying</li> <li>• Not enough continuity between the different schooling stages</li> <li>• Social exclusion issues and respect should be taught at an earlier age</li> <li>• ‘What is the point in getting an education when you get nothing from it. A big barrier to accessing education.’</li> <li>• Feeling of abandonment in educational system – teachers don’t have any expectations of disabled students with a disability</li> </ul> |

| Section 1: Primary Evidence – Focus Groups |        |       |  |
|--|--------|-------|--|
| Source                                     | Sample | Scope | Headline Findings  |
|  |        |       | <ul style="list-style-type: none"> <li>• Participants felt that having to declare their disability in order to be covered by DDA left them feeling stigmatised.</li> <li>• ‘If you’re not confident its hard to access services’</li> </ul> <p><b>Health and independent living</b></p> <ul style="list-style-type: none"> <li>• There is more awareness: ‘people are talking about mental health now – before it was ignored, hidden’ – there are more benefits.</li> <li>• Attitudes are starting to improve but there still can be a lot more done. No longer considered acceptable to dope people up on drugs and keep them quiet.</li> <li>• 2003 Supporting People was a good development</li> <li>• Some doctors attitudes – GP told participant he was a drain on A&amp;E resources</li> <li>• Post code lotteries of care for disabled people. Service users losing out</li> <li>• Give disabled people more responsibilities as well as rights – will feel like more equal citizens</li> </ul> |

| Section 2: Primary Evidence – Interviews                               |  |   |  |
|--|--|---|--|
| Source   | Sample   | Scope   | Headline Findings  |
| <p><b>15) Duties interviews: public sector – local authorities</b></p> | <p>Eight access/diversity officers of mainly district and borough councils</p> | <p>Impressions of DRC, its impact, and the state of accessibility to LA services and employment</p> | <p><b>Impressions of DRC</b></p> <ul style="list-style-type: none"> <li>• All aware of the DRC, but variations in level of contact and impressions. Majority positive about their approach and the usefulness of their materials/website etc: <ul style="list-style-type: none"> <li>– DRC is often first port of call for queries about duty, a trusted source.</li> </ul> </li> <li>• Those less familiar with DRC generally less favourable, and less likely to feel that DRC is a helpful organisation, sensing that it waves a stick but no carrot: <ul style="list-style-type: none"> <li>– In some cases had asked for advice from DRC but received no response so had ‘given up’ trying).</li> <li>– Felt that there is insufficient acknowledgement of the difficulties small authorities face.</li> </ul> </li> </ul> <p><b>Position on duties</b></p> <ul style="list-style-type: none"> <li>• Often felt change within their authorities was piecemeal and difficult to permeate through the organisation</li> <li>• Varied, but many felt that their authorities tended to be more reactive than proactive in making changes: <ul style="list-style-type: none"> <li>– Resources stretched so councils will do as little as they have to (and sometimes frustration at having to prepare separate equalities documents).</li> </ul> </li> </ul> |

| Section 2: Primary Evidence – Interviews  |  |  |  |
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| Source  | Sample   | Scope  | Headline Findings  |
|   |  |  | <ul style="list-style-type: none"> <li>• In some authorities, whole range of service access issues dealt with by building control officers rather than equalities staff (who are on HR side).</li> <li>• Some feedback that the DRC did not have a sufficiently differentiated approach to the various types/sizes of local authority.</li> </ul>  |
| <p><b>16) Duties interviews: private sector – representatives of large businesses</b></p> | <p>Two officers – employment and risk strategy policy executive/policy advisor on disability</p> | <p>The awareness and attitudes of large employers towards the DRC and their legal duties under the DDA</p> | <p><b>Impressions of DRC</b></p> <ul style="list-style-type: none"> <li>• DRC more likely to be viewed positively as helpful to business, reasonable and common sense, good at working with business not attacking them unduly (ie better than the other commissions!): <ul style="list-style-type: none"> <li>– however, senses could be more helpful; that its members need more concrete guidance and training opportunities from DRC.</li> </ul> </li> <li>• DRC trusted and guidance seen positively, and would direct businesses to the website if they had not been there already, yet thought not to be the first port of call for either small or large businesses.</li> </ul> <p><b>Attitudes and actions of businesses</b></p> <ul style="list-style-type: none"> <li>• Employers felt to be improving practice, both in terms of attitudes towards disabled people as customers and employees</li> </ul> |



| Section 2: Primary Evidence – Interviews |        |       |   |
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| Source                                   | Sample | Scope | Headline Findings   |
|  |        |       | <ul style="list-style-type: none"> <li>• Easier to deal with physical accessibility issues, less understanding of how to address cultural barriers (eg staff training)</li> <li>• Motivation: some say primarily the law; want to know what they need to do to not get prosecuted, whilst others suggest it has gone beyond that – law important, but being seen as a good company, an employer of choice, is very important; for Investment Banks its about widening the pool of talent, for retailers about reflecting customer base – and competition with others in their sector a big driver here.</li> </ul> <p><b>Measurement of this</b></p> <ul style="list-style-type: none"> <li>• Increasingly businesses measuring their own equality targets, but little benchmarking available.</li> </ul> |

| Section 2: Primary Evidence – Interviews                                      |   |   |   |
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| Source  | Sample  | Scope   | Headline Findings   |
| <p><b>17) Duties interviews: private sector – representatives of SMEs</b></p> | <p>Eight representatives of sector specific and non-sector specific small business associations, some GB-wide and some nation/region specific</p> | <p>The awareness and attitudes of small and medium sized employers towards the DRC and their legal duties under the DDA</p> | <p><b>Attitudes and actions of SMEs</b></p> <ul style="list-style-type: none"> <li>• Open4All effective in raising awareness of the duties</li> <li>• Believes businesses are doing more; their mindset is being changed due to economic case, improving their standing in local community etc                             <ul style="list-style-type: none"> <li>– But, one representative still felt small businesses find it difficult to understand what they need to do, that they are on the whole reactive rather than preemptive.</li> </ul> </li> <li>• Still a lot of problems, but believes that disabled people will be seeing real change as regards accessibility to small businesses</li> <li>• DRC not usually first port of call for SMEs – profile low – will usually approach trade orgs, solicitor etc</li> </ul> |

| Section 2: Primary Evidence – Interviews             |  |  |   |
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| Source   | Sample   | Scope  | Headline Findings   |
| <p><b>18) Rights interviews: disabled people</b></p> | <p>14 telephone interviews with members of the DRC Mental Health Action Group, DRC learning Disabilities Action Group and three interviews from Glasgow Access Panel</p> | <p>Employment, Health &amp; Independent Living, Education, Transport, Goods and Services</p> | <p><b>Education</b></p> <ul style="list-style-type: none"> <li>• Law tends to err on the side of the service provider rather than the needs of the individual using too many ‘cop out clauses’ - it is currently still too weak despite improvements since December 2006.</li> <li>• Education professionals not listening to parents of disabled children</li> <li>• Facilities for learning disabilities have improved – eg ‘chill out rooms’ – and are increasing confidence of disabled children.</li> <li>• Increased media attention to learning disabilities and education – people now able to talk more openly about the subject – leading to increased confidence.</li> <li>• Parents get advice and information from voluntary organisations (support and advocacy)</li> <li>• Special need schools and courses providing good support but not helping people to get employment</li> </ul> <p><b>Employment</b></p> <ul style="list-style-type: none"> <li>• More confidence and increased expectations of gaining and progressing in employment but frustration around lack of enforcement.</li> <li>• More awareness of rights in employment especially amongst younger generations</li> </ul> |

| Section 2: Primary Evidence – Interviews |        |       |  |
|--|--------|-------|--|
| Source                                   | Sample | Scope | Headline Findings  |
|  |        |       | <ul style="list-style-type: none"> <li>• Duties legislation made huge difference and there is not as much discrimination as in the past. Main thing that DRC has done is push and publicise legislation but not always filtering down to ground level</li> <li>• More easy to get a job but still very hard to progress to senior positions or its felt to be tokenistic</li> <li>• Less improvements around mental health and attitudes of employers although there is more awareness of issues.</li> </ul> <p><b>Health &amp; independent living</b></p> <ul style="list-style-type: none"> <li>• Have been small improvements and it varies from council to council</li> <li>• NHS improved in terms of their theories about disability and their rules and duties but often not translated into working practice. DRC has done what it was meant to do in terms of giving providers information and notice – but improvements need more time and money to happen.</li> <li>• DRC website first point of call for information and it acts as a role model for other orgs in providing accessible information for all types of disabled people.</li> </ul> |

| Section 2: Primary Evidence – Interviews |        |       |   |
|--|--------|-------|---|
| Source                                   | Sample | Scope | Headline Findings   |
|  |        |       | <ul style="list-style-type: none"> <li>• Some areas of social care provide excellent information but needs more standardisation across board</li> <li>• Not meeting needs of people with hidden disabilities/people with moderate support needs</li> </ul> <p><b>Transport, Goods and Services</b></p> <ul style="list-style-type: none"> <li>• Significantly improved over last five years but lack of continuity amongst service/transport providers</li> <li>• Disability awareness training schemes for drivers are improving attitudes - although attitudes main barrier to using transport now that physical access has improved</li> <li>• Access panels should be consulted more by providers and DRC, although DRC has been good at listening – hard for access panels to generate publicity by themselves</li> <li>• Tokenistic improvements to access made by services without much thought to actual needs</li> <li>• Increasingly big discrepancy between old and new services – newly built services are much improved</li> </ul> |

| Section 3: Primary Evidence – Case Studies  |   |  |   |
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| Source  | Sample  | Scope  | Headline Findings   |
| <p><b>19) Case Study 1 (Enforcing Rights) interviews: legal professionals</b></p> | <p>Nine interviews with lawyers and legal experts within DRC/and external to DRC but with DRC familiarity</p> | <p>Assessment of DRC’s legal work – whether it has focused on the right areas, been well executed, what impact it has had on the legal field and disabled people</p> | <ul style="list-style-type: none"> <li>• Strategic approach to the cases it supports for maximum impact in testing the law and influencing new legislation.</li> <li>• Has shown ability to extend its impact (interventions where it doesn’t support one or other party, creative use of and pronouncements on the Human Rights legislation etc)</li> <li>• Highly regarded by legal field: has raised profile of disability law amongst legal field and understanding of how to use it</li> <li>• A very able legal team which has made the DRC the repository of the law on disability issues in a way that the other commissions have not attempted.</li> <li>• Has supplemented its enforcement role with a strong conciliation service, and advice and support via the helpline and website.</li> </ul> <p><b>Criticisms/areas of less success</b></p> <ul style="list-style-type: none"> <li>• Policy of taking on only landmark cases leaves a gap in the legal support available to disabled people with more ‘run of the mill’ cases</li> <li>• Formal Investigations power felt to have been severely underused</li> </ul> |

| Section 3: Primary Evidence – Case Studies                              |  |  |  |
|---|--|--|--|
| Source  | Sample   | Scope  | Headline Findings  |
|   |  |  | <ul style="list-style-type: none"> <li>• Lack of Part 3 cases taken to court has frustrated disabled people and employers who have made efforts to be compliant, and allows service providers to feel there is less need to improve their practices</li> </ul>   |
| <p><b>20) Case study 2 (Open 4 All) interviews: people involved</b></p> | <p>Six interviews with DRC staff/stakeholders involved in campaign</p> | <p>Assessment of the Open4All campaign 2003-2004, how effective it was in achieving its objectives and – importantly – the extent to which momentum and impact were sustained following the campaign’s end</p> | <p><b>Internal</b></p> <ul style="list-style-type: none"> <li>• Demonstrated effective cross-working within DRC</li> <li>• Good internal structures and decision-making processes</li> </ul> <p><b>With business/external partners</b></p> <ul style="list-style-type: none"> <li>• Framed message to business in a positive way and was well received by businesses (the focus of Phase 1), working to defuse potential backlash against the new duty</li> <li>• Guidance documents proved popular</li> <li>• Networking with businesses generally successful</li> <li>• Campaign felt to be example of DRC’s fostering of partnerships and wider coalition of support</li> <li>• Felt to be successful in choosing the appropriate partners</li> </ul> <p><b>Less successful in:</b></p> <ul style="list-style-type: none"> <li>• Involving disabled people in planning of campaign</li> <li>• other orgs had objectives that did not always match with DRC’s</li> </ul> |

| Section 3: Primary Evidence – Case Studies   |   |   |  |
|--|---|---|--|
| Source   | Sample  | Scope   | Headline Findings  |
|  |   |   | <ul style="list-style-type: none"> <li>reaching disabled people with the campaign (focus of Phase 2)</li> <li>maintaining the momentum and prolonging the impact.</li> </ul> <p>To some degree a victim of its success is that it reinforced idea that access always means physical access</p>   |
| <p><b>21) Case study 3 (Involving Disabled People in DRC’s work) interviews: people involved</b></p> | <p>Eight interviews with DRC staff/stakeholders with an opinion</p> | <p>Assessment of how successful DRC has been in involving disabled people in its work</p> | <p><b>Successes:</b></p> <ul style="list-style-type: none"> <li>DRC appears to possess clear and widely shared definition and approach to involvement</li> <li>Seen to produce credible publications and guidance because it is shaped by disabled people</li> <li>Has a genuinely open and responsive approach – willing to make changes in light of contributions</li> <li>Project steering groups regarded as the most effective route to engagement</li> <li>Action Groups (across the UK) effective at targeting under-involved groups</li> </ul> <p><b>Less successful:</b></p> <ul style="list-style-type: none"> <li>Involving disabled people from less advantaged communities, eg BME</li> <li>Databases and information systems do not support involvement</li> </ul> |



| Section 3: Primary Evidence – Case Studies |                                  |  |   |
|--|----------------------------------|--|---|
| Source                                     | Sample                           | Scope  | Headline Findings   |
|  |                                  |  | <ul style="list-style-type: none"> <li>• Reliance on consultation rather than engagement</li> <li>• Involves disabled people mainly through ‘representatives’</li> </ul>  |
| <b>22) Additional DRC Wales interviews</b> | Six staff members from DRC Wales | Covered Health Formal Investigation, transfer of expertise, implementation of the DED and influencing policy | <ul style="list-style-type: none"> <li>• Dealing with a totally devolved area of work, yet felt there was little consideration given to Welsh context in planning of campaign, and frustration that Wales staff had to force their way into important meetings.</li> <li>• Situating project within Legal Team felt not to have been best use of resources</li> <li>• Lack of sustained effort in implementing recommendations that were arrived at; stop-start nature of this has meant loss of momentum and lack of continuity in staff</li> <li>• Focus on this meant less resources for Welsh work on Independent Living, though felt to be worth it nonetheless.</li> <li>• Many of the recommendations have been taken forward more rapidly in Wales than England.</li> <li>• Access to and buy-in of WAG members has been important in achieving this –a vacuum of expertise that DRC can fill.</li> </ul> |

| Section 3: Primary Evidence – Case Studies    |                                      |   |   |
|---|--------------------------------------|---|---|
| Source  | Sample                               | Scope   | Headline Findings   |
|   |                                      |   | <ul style="list-style-type: none"> <li>• Was successful in engaging disabled people in the process, including people with learning disabilities and MH issues.</li> <li>• Transfer of expertise – had to do their own tailored thing because Cardiff Law Centre very under-resourced. ‘Advice desert’ beforehand. Wide range of training offered – big success.</li> </ul>  |
| <b>23) Additional DRC Scotland interviews</b> | Five staff members from DRC Scotland | Covered enforcement and legal work, Open 4 All and involvement of disabled people, influencing policy and the public debate | <ul style="list-style-type: none"> <li>• Major legal cases, but much fewer Part 3 cases and no Part 4 – doesn’t fit with Scottish legal system.</li> <li>• Very hard to get disabled people to take cases – general reluctance.</li> <li>• Extensive roadshow of workshops with SMEs (etc.) which have always been well attended, but hard to measure impact. Led to the creation of the ‘best database in the DRC – 3000 stakeholders</li> <li>• But challenges around getting through to ‘non activists’ - eg smaller community groups. Could have done more with local authorities to achieve impact in this respect.</li> <li>• Open 4 All was a very successful campaign, but there wasn’t a process of reflection following it in preparation for the next campaign.</li> </ul> |

| Section 3: Primary Evidence – Case Studies |        |       |   |
|--|--------|-------|---|
| Source                                     | Sample | Scope | Headline Findings   |
|  |        |       | <ul style="list-style-type: none"><li>• On a GB-wide level there has been something of an unhelpful switch from an exclusively communications working group to one that incorporated communications and planning.</li></ul> |

| Section 4: Secondary Evidence   |  |  |  |
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| Source  | Sample   | Scope  | Headline Findings  |
| <p><b>24) OPM, DRC Opinion Formers Research, 2006: telephone interviews</b></p> | <p>37 senior stakeholders from across Britain, covering c. govt, broader public sector, private sector, media, VCS</p> | <p>Overall impressions of DRC and disability equality agenda generally; perceived changes since 2003 (previous Opinion Formers Research); awareness of specific DRC activities; views on effectiveness of DRC's communications</p> | <ul style="list-style-type: none"> <li>• Main strengths of the DRC: professional, open and strategic approach; high level of internal expertise; influential – eg impact on legislative agenda.</li> <li>• Areas for improvement: perceived low profile outside of the disability sector; possible bias towards physical impairments, insufficient attention paid to multiple discrimination.</li> <li>• Multiple roles played by the DRC: enforcer, promoter, supporter, champion, profile raising, campaigning. Generally achieves a good balance.</li> <li>• Influencing work particularly effective, enforcement less so. Important and effective role in providing information.</li> <li>• Difficult to ascribe changes in organisations to the work of the DRC – partly due to breadth of sphere of activity.</li> </ul> |

| Section 4: Secondary Evidence                                     |   |   |  |
|---|---|---|--|
| Source  | Sample  | Scope   | Headline Findings  |
| <p><b>25) OPM, DRC Opinion Formers Research, 2006: survey</b></p> | <p>1056 senior stakeholders from across Britain, covering central government, broader public sector, private sector, media, VCS</p> | <p>Views on the broader disability equality agenda; level and type of contact with the DRC; awareness and effectiveness of DRC activities; opinions of the DRC; views on the future</p> | <ul style="list-style-type: none"> <li>• Majority of respondents reported at least some contact with the DRC, either currently or in the past. Main contact route was through using the DRC as a source of information. Of those who had been in contact, 84 per cent had used the website, 74 per cent received bulletins/newsletters; 63 per cent received other publications; 49 per cent had attended seminars etc.</li> <li>• Majority (75 per cent) rated disability equality issues as highly relevant to their role. 58 per cent stated that their organisation considers disability equality to be of equal importance to gender and race equality; 24 per cent said it was their organisation's top priority.</li> <li>• Overall impressions of the DRC very favourable. 77 per cent said they speak highly of the DRC. Disabled respondents more likely to be critical of the DRC compared to non-disabled respondents. Also more likely to say they did not feel the DRC was effective at achieving its goals.</li> <li>• Fairly positive about the way the DRC communicates with them. 82 per cent said that the DRC communicates with them in a relevant and appropriate manner. 77 per cent said they felt well informed of developments within the DRC.</li> </ul> |

| <b>Section 4: Secondary Evidence</b> |               |              |   |
|--------------------------------------|---------------|--------------|---|
| <b>Source</b>                        | <b>Sample</b> | <b>Scope</b> | <b>Headline Findings</b>  |
|                                      |               |              | <ul style="list-style-type: none"><li>• DRC written information received very positive feedback, as did the website.</li><li>• Lower levels of awareness of DRC campaigns, for example 49per cent not aware of 'Raise Your EQ'.</li></ul> |

| Section 4: Secondary Evidence  |               |  |  |
|--|---------------|--|--|
| Source   | Sample        | Scope  | Headline Findings  |
| <p><b>26) Department for Work and Pensions, Employment Retention and the Onset of Sickness or Disability, 2003</b></p> | <p>Report</p> | <p>Two objectives:</p> <ul style="list-style-type: none"> <li>– to estimate the numbers becoming sick or disabled in work, the rate at which they leave employment, and the characteristics associated with increased risk of job loss</li> <li>– to explore the potential of longitudinal Labour Force Survey datasets for analysis of disabled people’s employment.</li> </ul> | <ul style="list-style-type: none"> <li>• The percentage of employees becoming sick or disabled was found to be 2.6 per cent quarter on quarter</li> <li>• Estimates of retention rates are highly sensitive to the definition of sickness or disability need used</li> <li>• Most factors which are associated with increased risk of leaving employment following onset of sickness or disability are also associated with increased risk of leaving employment in general.</li> <li>• These common factors can be categorised as low human capital (lack of educational qualifications, short job tenure) and poor employment protection (small workplace, female gender or part-time employment, manufacturing or construction industry).</li> <li>• Three risk factors are specific to the onset of sickness or disability. These are: reporting mental health problems (a particularly strong effect), being aged 45 or over (especially for SSP/IB receipt), and living in a region with low labour demand.</li> <li>• The longitudinal Labour Force Survey datasets are a rich source of data on disabled people’s employment transitions, although they would be greatly enhanced by the inclusion of an indicator of severity of impairment.</li> </ul> |

| Section 4: Secondary Evidence                                 |               |   |  |
|---|---------------|---|--|
| Source  | Sample        | Scope   | Headline Findings  |
| <p><b>27) Learning Disabilities and Employment (2004)</b></p> | <p>Report</p> | <p>Explored the employment activities and support being undertaken by day centres and other organisations; the views and experiences of people with learning disabilities and their carers, to understand how people can be helped most effectively into employment and draw lessons from current practice.</p> | <ul style="list-style-type: none"> <li>• Numbers of learning disabled people in paid work, even part time, is low</li> <li>• People with learning disabilities in work are likely to                             <ul style="list-style-type: none"> <li>– work low hours</li> <li>– receive low pay</li> <li>– have little chance of earning a living wage, even if paid the minimum wage.</li> </ul> </li> <li>• Those with high level support needs less likely to be working.</li> </ul> <p><b>Barriers to work at an individual and carer level</b> include:</p> <ul style="list-style-type: none"> <li>• attitudes to work, confidence and level of skills</li> <li>• fear about loss of benefit</li> </ul> <p><b>Barriers at a local partnerships level</b> include:</p> <ul style="list-style-type: none"> <li>• transport problems</li> <li>• lack of awareness among employers</li> </ul> <p><b>Barriers at a systemic level</b> include benefits/tax system disincentives for people in part-time work:</p> <ul style="list-style-type: none"> <li>• Effectively, the permitted number of working hours for Income Support is incompatible with the number of working hours needed to qualify for Government employment schemes</li> </ul> |



| Section 4: Secondary Evidence |        |   |  |
|-------------------------------|--------|---|--|
| Source                        | Sample | Scope   | Headline Findings  |
|                               |        | <p>Nine Local Authorities across England, to obtain the perspectives of users of day services, their carers, managers and staff of day services, and managers of employment-related providers, both within the Local Authority and independent of it.</p> | <ul style="list-style-type: none"> <li>• People in residential care are systematically disadvantaged, since the need to retain their entitlements to relevant benefits effectively deters them from working for more than the Income Support disregard and so they can only earn £20 in addition to their benefit, even if they are capable of earning more</li> </ul> |

| Section 4: Secondary Evidence  |               |  |   |
|--|---------------|--|---|
| Source   | Sample        | Scope  | Headline Findings   |
| <p>28)<br/> <b>Department for Work and Pensions, Disability in the workplace: small employers' awareness and responses to the DDA (95) and the October 2004 duties, 2005</b></p> | <p>Report</p> | <p>Aimed to measure how many small employers were responding to the new duties introduced 1 October 2004, it followed on from similar survey 2003 in advance of the duty</p> | <ul style="list-style-type: none"> <li>• Overall, awareness of the DDA has increased, and negative attitudes towards employing disabled people have declined since 2003.</li> <li>• However, awareness levels and positive attitudes are still a long way from being universal, suggesting that there is a continuing need for communicating with small employers.</li> <li>• Attitudes towards employing disabled people have not changed considerably since 2003, but the changes that have occurred have been in a positive direction.</li> <li>• However the research reveals that small businesses respond to situations concerning disabled people as they arise, and will not tend to be proactive in making adjustments to the application process or workplace. This suggests that the communication needs will be ongoing for some time, so that information is available when needed.</li> <li>• There appears to be a trend towards seeking information from non-government sources and this has implications for the dissemination of publicity and advice, suggesting that an effective medium can be found through certain strategic organisations such as trade bodies and legal advisers.</li> </ul> |

| <b>Section 4: Secondary Evidence</b>  |   |  |   |
|---|---|--|---|
| <b>Source</b>   | <b>Sample</b>   | <b>Scope</b>   | <b>Headline Findings</b>  |
| <p><b>29)</b><br/> <b>Department of Work and Pensions, Employers and the New Deal for Disabled People, 2005</b></p>   | <p>Report</p>   | <p>Research and evaluation programme into New Deal for Disabled People (NDDP)</p>  | <p>Some employers nominated as exemplars of good practice by the Job Brokers were indeed very aware of NDDP, had recruited NDDP customers repeatedly through Job Brokers and had benefited from their post-recruitment support and advice; BUT remarkable number had low awareness of the programme, the Job Broker or the support available to them.</p>   |
| <p><b>30)</b><br/> <b>Communities and Local Government, Able Authorities? The Disability Discrimination Act, disabled people and local authorities in England, 2006</b></p> | <p>Qualitative. The first stage of the research involved asking disabled people's organisations and coalitions, national and local, for their views on how well the local authorities with which they had</p> | <p>Sets out findings from research examining how well local authorities in England were performing in terms of addressing disability issues across the full spectrum of disabilities in relation to their core activities.</p> | <p>Not all groups of disabled people were equally addressed and authorities found it more difficult to respond to the needs of people with mental health issues, learning disabilities or invisible impairments such as chronic pain or diabetes.</p> <p>Disabled people are widely consulted within authorities but often this falls short of involvement. In general disabled people considered local authorities more reactive than proactive in making changes and there was little evidence of co-ordinated change strategies being in place.</p> <p>All case study authorities recognized the identities of disabled people as both consumers and citizens but placed different emphasis on these identities. However, where disabled people were viewed as citizens there was a tendency to see them as citizens 'with special needs'.</p> |

| <b>Section 4: Secondary Evidence</b> |  |              |   |
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| <b>Source</b>                        | <b>Sample</b>  | <b>Scope</b> | <b>Headline Findings</b>  |
|                                      | <p>dealings were doing in terms of implementing the DDA 1995 and disability issues generally. Based on disability organisations' views, categories for assessing local authorities was developed using Oliver's (2004) framework. The local authorities about which disability organisations</p> |              | <p>There is still some way to go before all local authority actions and activities are automatically designed to be as accessible to disabled people as to non disabled citizens.</p> <p>Day to day experiences of equality for disabled people are defined by the way in which they are treated by local authority staff. Disabled people considered attitudes and approaches as important as practical responses.</p> |

| Section 4: Secondary Evidence |  |       |                   |
|-------------------------------|--|-------|-------------------|
| Source                        | Sample   | Scope | Headline Findings |
|                               | <p>had provided views were then ranked according to these categories.</p> <p>For the second stage of the research, six case study authorities were selected (five categorised as innovative and a sixth as compliant). In as far as possible, these were selected to try and ensure a good spread of authorities by type and</p> |       |                   |

| Section 4: Secondary Evidence |  |       |                   |
|-------------------------------|--|-------|-------------------|
| Source                        | Sample   | Scope | Headline Findings |
|                               | <p>geography. Interviews and focus groups were carried out in each authority, involving officers, members, local disability organisations and disabled people.</p> |       |                   |

| Section 4: Secondary Evidence   |               |  |   |
|---|---------------|--|---|
| Source  | Sample        | Scope  | Headline Findings   |
| <p>31)<br/> <b>Department for Work and Pensions, The Public Sector and Equality for Disabled People, 2006</b></p> | <p>Report</p> | <p>Studies public bodies' approach to implementing the DDA 1995 and provides evidence for a baseline against which to assess the extent to which the Disability Discrimination Act 2005 (the 2005 Act) prompts authorities to promote equality of opportunity for disabled people.</p> | <ul style="list-style-type: none"> <li>• Clear commitment to meet the needs of disabled people and customers</li> <li>• Great majority reported they were currently meeting the needs of their disabled employees; a fifth felt they were not.</li> <li>• Over nine tenths had adapted their working environment to help disabled employees; three thirds had a strategy for promoting or widening participation of disabled service users</li> <li>• Majority had a DES in place ahead of the deadline, but only a minority had involved disabled employees or service employees.</li> <li>• DDA 1995 identified as being the main driver for improvements</li> <li>• Suggested that larger organisations are more likely to score higher on the five indices, but smaller organisations can do better than their larger counterparts on specific aspects of promoting equal opportunities for disabled people.</li> </ul> |

| Section 4: Secondary Evidence  |               |  |  |
|--|---------------|--|--|
| Source   | Sample        | Scope  | Headline Findings  |
| <p><b>32) Disability Rights Commission, Attitudes and Awareness Survey, 2003</b></p> | <p>Report</p> | <p>Survey of attitudes towards and of disabled people; awareness of legislation etc.</p> | <ul style="list-style-type: none"> <li>• 10 per cent of respondents are disabled. 67 per cent of non-disabled respondents know a disabled person</li> <li>• 46 per cent of respondents think that disabled people are not, on the whole, treated fairly in society</li> <li>• 21 per cent of disabled respondents have experienced harassment in public in relation to their impairment</li> <li>• 35 per cent of respondents think that disabled people are not, on the whole, treated fairly by employers</li> <li>• Awareness of the DDA has fallen from 53 per cent in 2000 to 43 per cent in 2003. Awareness is highest amongst people who have a disabled work colleague (69 per cent)</li> <li>• General awareness of disability discrimination legislation is higher than knowledge of the DDA. 55 per cent of respondents say that they know there is a law against unfair treatment of disabled people in employment, 35 per cent say they know of such a law in relation to education and 25 per cent in relation to access to goods and services</li> <li>• Awareness of disability discrimination legislation on education increased from 17 per cent in 2002 to 30 per cent in 2003, and awareness of disabled pupils rights also increased</li> </ul> |



| Section 4: Secondary Evidence |        |       |  |
|-------------------------------|--------|-------|--|
| Source                        | Sample | Scope | Headline Findings  |
|                               |        |       | <ul style="list-style-type: none"> <li>• 58 per cent of respondents say that not enough is being done so that disabled children can participate effectively within mainstream schools and in further and higher education.</li> <li>• 30 per cent of respondents are aware of new legislation that will affect providers of goods, facilities and services.</li> <li>• 44 per cent of respondents think that not enough is being done to ensure that disabled people can buy goods and use services as non-disabled people can.</li> <li>• Awareness of the DRC has fluctuated from 20 per cent in 2000 to 17 per cent in 2003, but the 2002 survey found awareness at 23 per cent. Although figures for non-disabled respondents have fluctuated, the number of disabled people who have heard of the DRC has increased slightly every year, from 24 per cent in 2000 to 28 per cent in 2003.</li> <li>• 19 per cent of all respondents, and 28 per cent of disabled people, think that disabled people do not get the assistance they need in accessing healthcare.</li> <li>• 31 per cent of all respondents, and 40 per cent of disabled respondents, say that they do not think disabled people get the assistance they need with access to social care.</li> </ul> |

| Section 4: Secondary Evidence  |                       |   |  |
|--|-----------------------|---|--|
| Source   | Sample                | Scope   | Headline Findings  |
|  |                       |   | <ul style="list-style-type: none"> <li>• 94 per cent of respondents think disabled people should have the same opportunities to use public transport as non-disabled people.</li> <li>• 60 per cent of disabled respondents were aged over 55, compared to 33 per cent of non-disabled respondents.</li> </ul> |
| <p><b>33) Disability Rights Commission, Guide to DRC's Legal Case Selection Priorities, 2006</b></p> | <p>Legal Strategy</p> | <p>Sets out criteria for selecting legal cases against priorities</p> | <p>NA – sets out DRC's priority areas as regards case selection, based on work to date and the elements of the legislation that are new or felt to have been under-used.</p>   |

| Section 4: Secondary Evidence  |               |   |  |
|--|---------------|---|--|
| Source   | Sample        | Scope   | Headline Findings  |
| <p><b>34)</b><br/> <b>DRC/CRE/EOC</b><br/> <b>/Legal Service</b><br/> <b>Commission,</b><br/> <b>Snakes and</b><br/> <b>Ladders:</b><br/> <b>Advice and</b><br/> <b>Support for</b><br/> <b>Employment</b><br/> <b>Discrimination</b><br/> <b>Cases in</b><br/> <b>Wales, 2003</b></p> | <p>Report</p> | <p>Aims to outline the current pattern and level of information, advice and representation for people in Wales seeking redress under the equalities legislation in employment discrimination.</p> | <ul style="list-style-type: none"> <li>• Significant information gap in Wales</li> <li>• Considerable unmet need in Wales</li> <li>• Applicants often experience persistent discriminations over long period of time yet fail to define experiences as discrimination in legal context.</li> <li>• Advice-giving agencies unevenly spread, whole areas have no specialist employment provision</li> <li>• Lower per capita funding of generalist providers than in England</li> <li>• Generalist advisors lack training and support to identify discrimination cases appropriately.</li> <li>• Training of specialists inconsistent</li> <li>• Referral system unsystematic – users shunted from pillar to post</li> <li>• Co-ordination between advice agencies ad hoc and not structured</li> <li>• Transfer of expertise unsatisfactory</li> <li>• High levels of stress characterise users’ experience of attempts to gain redress.</li> </ul> |

| Section 4: Secondary Evidence  |               |   |   |
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| Source   | Sample        | Scope   | Headline Findings   |
| <p>35)<br/> <b>Department for Work and Pensions, Diversity in disability – exploring the interactions between disability, ethnicity, age, gender and sexuality, 2002</b></p> | <p>Report</p> | <p>To explore the attitudes and experiences of disabled people from different groups, their perceptions of social exclusion, and their experiences of discrimination and prejudice within the context of factors such as ethnicity, age, gender and sexuality</p> | <p><b>Education and training</b></p> <ul style="list-style-type: none"> <li>• Significant progress was felt to have been made in recent years towards making education feasible for disabled people and removing barriers to this.</li> <li>• In addition, attitudes towards the education of disabled people were also felt to have changed fairly significantly in recent decades.</li> </ul> <p><b>Employment</b></p> <ul style="list-style-type: none"> <li>• Treatment by employers was similarly mixed. In the most positive examples employers were praised for their flexibility and supportiveness.</li> <li>• However, less positive experiences were also reported.</li> <li>• It appeared that treatment by employers was determined primarily by the attitude of the employer to disability, but there were some instances where sexuality, ethnicity and gender were perceived to have been additional factors.</li> </ul> <p><b>Accessing support and services</b></p> <ul style="list-style-type: none"> <li>• There were variable experiences reported of accessing services for disabled people.</li> </ul> |

| Section 4: Secondary Evidence |        |       |  |
|-------------------------------|--------|-------|--|
| Source                        | Sample | Scope | Headline Findings  |
|                               |        |       | <ul style="list-style-type: none"> <li>• The role of social workers, and other support workers, was often crucial in accessing services. People did not generally feel they had been treated differently by their social worker because of factors such as ethnicity, sexuality, age or gender.</li> <li>• Among Indian and Pakistani participants, some reported reluctance within their communities to access external support or services for disabled people, with families preferring to provide support themselves.</li> <li>• A number of problems were reported by people accessing housing services. These related to long waiting times and housing that did not meet their needs as a disabled person. Some Indian and Pakistani people had also been critical of housing if it was not large enough to accommodate their families, or if it was situated outside their local communities.</li> <li>• Experiences of accessing financial services were limited amongst those who participated. However, where people had accessed services, there were reported instances of discrimination by financial institutions on the grounds of disability, ethnicity and sexuality.</li> </ul> |

| <b>Section 4: Secondary Evidence</b>   |               |  |   |
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| <b>Source</b>  | <b>Sample</b> | <b>Scope</b>   | <b>Headline Findings</b>                              |
| <p><b>36)</b><br/> <b>Connexions,</b><br/> <b>The</b><br/> <b>Experiences of</b><br/> <b>Disabled</b><br/> <b>Students in</b><br/> <b>Higher</b><br/> <b>Education</b><br/> <b>(Aim Higher</b><br/> <b>Essex, Essex,</b><br/> <b>Southend &amp;</b><br/> <b>Thurrock, 2006</b></p> | <p>Report</p> | <p>Gathered through discussion and field research with disabled students and other interested parties (staff, parents etc)</p> | <p>Long list of specific experiences – see report</p> |

| Section 4: Secondary Evidence  |   |  |   |
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| Source   | Sample  | Scope  | Headline Findings   |
| <p><b>37) Disability Rights Commission, Fitness Regulatory Review – Interim Report, 2006</b></p> | <p>Review as part of the Fitness Standards Investigation (May 2006 – Summer 2007)</p> | <p>Prepared by legal professionals: a review of the statutory and regulatory frameworks governing the three core professions of nursing, social work and teaching; also looks at legal cases and some complaints concerning disability discrimination or fitness standards within this (wider) group of professions.</p> | <ul style="list-style-type: none"> <li>• There are very few references to the DDA, except within the regulatory framework for the teaching profession.</li> <li>• The concept of ‘fitness’ is described and defined in many different ways throughout the legislation, regulations and guidance.</li> <li>• The requirement for disclosure of health conditions or impairments relevant to fitness to practise often has a statutory basis, but this is problematic for several reasons.</li> </ul> |

| Section 4: Secondary Evidence   |               |  |  |
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| Source  | Sample        | Scope  | Headline Findings  |
| <p><b>38) Disabled People and Direct Payments: A UK Comparative Study (ESRC End of Award Report, August 2006)</b></p> | <p>Report</p> | <p>To identify the key differences in legislation and policy relating to direct payments in different parts of the UK and devolution context</p> <ul style="list-style-type: none"> <li>To identify variations in practices/ patterns/ cultures of usage of direct payments across and within the UK in relation to user characteristics /different areas</li> </ul> | <p>Impossible to understand the dynamics of uneven implementation without considering the UK as a whole. The picture is complex but three themes are particularly important:</p> <ul style="list-style-type: none"> <li>Divergence of policy in context of devolution: case made more strongly in England, whilst traditional. Old Labour Scotland/Wales more suspicious of this as Westminster modernisation and 'creeping privatisation'.</li> <li>Local economies of welfare and the micro-politics of purchasing authorities remain critical factors: ease/complexity of local purchasing mechanisms impacts implementation on the ground, as does degree to which there are 'champions' amongst key politicians and senior managers.</li> <li>Influence of disability movement: where there had been an absence of strong advocacy for direct payments, or peer-to-peer knowledge sharing about direct payments, there was little evidence of local or regional policy development.</li> </ul> <p>Variations in supply and demand for direct payments cannot therefore be explained simply in terms of 'local' factors (although these are important). They must be addressed in the context of devolution, drawing out the</p> |



| Section 4: Secondary Evidence |        |  |   |
|-------------------------------|--------|--|---|
| Source                        | Sample | Scope  | Headline Findings   |
|                               |        | <ul style="list-style-type: none"> <li>• To examine the take-up of direct payments in the context of the relationship between the purchasing authority and groups of disabled people and the provision of information, advice and practical support.</li> <li>• To consider the regulation of direct payments in different countries and purchasing</li> </ul> | <p>complexities of different cultures and styles of government; different economies of welfare production; different techniques of devolved governance; and different political histories of disability activism.</p> |

| <b>Section 4: Secondary Evidence</b>   |               |   |   |
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| <b>Source</b>  | <b>Sample</b> | <b>Scope</b>  | <b>Headline Findings</b>  |
| <b>39) Ricability, Helpline Report Update, October 2006</b>                  | Report        | Update on use and experience of the DRC Helpline  | Very detailed – see report.   |
| <b>40) Ricability, Helpline Report for April – June 2006, September 2006</b> | Report        | Most recent report on use and experience of the DRC helpline, focusing on its relationship with the DRC website | <ul style="list-style-type: none"> <li>• Well established pattern of website and helpline being used in tandem; seen as complementary and both often used as a regular resource – almost three quarters of sample who called helpline used website in process of dealing with their query.</li> <li>• Quality of information perceived to be high, and great majority thought the information was directed at the right level for people like them.</li> <li>• Most felt that all DRC information carried equal authority, though professionals more likely to prefer web for being concrete, in black and white; others, however, particularly individuals, felt helpline had more authority as advisors could be questioned for clarity.</li> <li>• For professionals, website seen as a reference source rather than site for general interest.</li> </ul> |

| <b>Section 4: Secondary Evidence</b>  |  |   |   |
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| <b>Source</b>   | <b>Sample</b>  | <b>Scope</b>  | <b>Headline Findings</b>  |
| <b>41) Disability Rights Commission, Train the Trainers – Part 3 of the DDA Pilot with NDWG of Citizens Advice, Participants evaluation, 2006</b> | Report: Citizens Advice staff who took part in training on Part 3 of the DDA | Evaluates training courses  | Overwhelmingly positive response to training: expectations met, most felt that all aspects of the events felt to be useful and well-delivered   |
| <b>42) Disability Rights Commission, Best Practice Training Resource Project Evaluation, 2002</b>   | Report   | Evaluates the first year of roll-out of the DRC Best Practice Training Resource Workshops | <p>Project presented some significant challenges, both to DRC staff involved, and to external partners. There was a 'steep learning curve' for many, especially given that this project is unique in terms of DRC work, and therefore there were many policy and process issues to tackle and resolve along the way.</p> <p>In terms of the project achieving its objectives, it has not really been possible to really quantify convincingly at this early stage, and therefore the DRC team should continue to monitor and evaluate the project into the new business year.</p> |

| Section 4: Secondary Evidence  |   |   |  |
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| Source   | Sample  | Scope   | Headline Findings  |
|  |   |   | It is clear that there is a real demand for this type of resource, although it is questionable about how much this should continue to be a DRC run project in the form that it has been delivered this business year.  |
| <b>43) Disability Rights Commission, E4E Evaluation Report, 2003</b> | Campaign Evaluation: data sourced from a questionnaire sent to a larger set of educational opinion formers; evaluation forms returned on the 2002 DRC national conference and Scotland's Beyond the Ramp events; evaluation | Evaluates the first year of roll-out of the DRC Best Practice Training Resource Workshops | <p><b>Against Objective 1:</b></p> <ul style="list-style-type: none"> <li>• Public awareness of the new education law went up over the campaign period</li> <li>• Disabled people's awareness went up from 21 per cent to 32 per cent.</li> <li>• By 2003 72 per cent of the public surveyed believed discrimination in schools, colleges and universities was illegal (even if they were not aware of a specific new law).</li> <li>• The link between DRC activities and increased awareness cannot be proved – and many partners and other organisations contributed. DRC impact on these figures is however possible, since the rise in awareness coincided with the DRC campaign and no other concerted mass media campaigns were occurring over the same period.</li> </ul> <p>10 out of 13 disabled young people recalled the poster campaign 4 months later, with lower awareness amongst non-disabled young people. 21 of 33 opinion formers were aware of the campaign. Helpline calls increased, with peaks</p> |

| Section 4: Secondary Evidence |  |       |  |
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| Source                        | Sample   | Scope | Headline Findings  |
|                               | forms returned on education-related publications; evaluation feedback on the DRC Classroom Citizenship Resource Pack (in progress); process review through discussion at an Education thematic awayday and interviews with a selection of staff involved in the campaign |       | <p>coinciding with campaign activities</p> <p><b>Against Objective 2:</b></p> <ul style="list-style-type: none"> <li>• The partnership strategy to embed new duties in the education sector was generally effective.</li> <li>• Interviews with education opinion leaders showed they thought the E4E objective to raise awareness with educational providers and disabled students had been largely met. The campaign had created momentum for change</li> <li>• Some aspects of partnership work could be improved, for instance involving partners earlier in campaign planning</li> <li>• In schools, colleges etc, awareness of DRC Code and Guidance was high; awareness of the duties variable</li> </ul> <p><b>Against Objective 3:</b></p> <p>Positive response from teachers to Disability and Citizenship resource pack</p> <p><b>Against Objective 4:</b></p> <ul style="list-style-type: none"> <li>• Knowledge of Educating for Equality was strongest in</li> </ul> |

| Section 4: Secondary Evidence  |               |  |  |
|--|---------------|--|--|
| Source   | Sample        | Scope  | Headline Findings  |
|  |               |  | <p>educational leaders, reasonable in Government, disability leaders and national journalists and low in business leaders and regional journalists</p> <ul style="list-style-type: none"> <li>• Comments made by those who knew of the campaign were generally positive</li> <li>• Media impact analysis shows the Educating for Equality campaign achieved pro-active coverage and that this marked a change from a previously reactive approach. The campaign positioned the DRC as there for all stakeholders – as compared to most DRC coverage which positions DRC as ‘us and them’ and ‘aggressive’.</li> </ul>  |
| <p><b>44) Disability Rights Commission, ‘The Appointment’ Evaluation, 2006</b></p> | <p>Report</p> | <p>The objectives of the evaluation were:</p> <p>To determine recall of and key messages;</p> <p>To assess the success of cinema as a medium for showing the short film;</p> | <ul style="list-style-type: none"> <li>• Those who have seen The Appointment tend to show different views towards disabled people in the workplace than the control sample. For example, for the statement ‘disabled people must inform their employer about their disability’: 76 per cent of the control sample agreed, compared with 54 per cent of those who have seen the film. For the statement ‘Disabled people have a lot to offer at work’: control sample 76 per cent agree, seen the film, 90per cent agree.</li> <li>• Through watching The Appointment has the affected understanding of the term ‘disability’: 39 per cent of the control sample mention ‘in a wheelchair’* compared with 29 per cent of those who have seen the film.</li> </ul> |

| Section 4: Secondary Evidence |        |  |   |
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| Source                        | Sample | Scope  | Headline Findings   |
|                               |        | <p>To measure attitudes towards the film among cinema-goers;</p> <p>To assess views of its suitability for cinema and TV;</p> <p>To gather awareness of and attitudes towards disability in the workplace; and to contrast the views of cinema-goers who have seen The Appointment with a control sample who have not seen the film.</p> | <ul style="list-style-type: none"> <li>Recall of film is detailed and shows understanding of message</li> </ul> |

## Evaluating the Impact of the Disability Rights Commission

| Section 4: Secondary Evidence  |        |   |  |
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| Source   | Sample | Scope   | Headline Findings  |
| <b>45) Disability Rights Commission, Open4All Fourth Evaluation Report, 2005</b>               | Report | Evaluate the success of the campaign against its objectives                                       | See report.  |
| <b>46) Synovate 'Are we taking the Dis' campaign evaluation, Powerpoint presentation, 2005</b> | Report | Evaluation of responses to and retention of the messages of the 'Are We Taking The Dis?' campaign | <ul style="list-style-type: none"> <li>• The 'Are we taking the Dis?' Campaign has had a real impact (thinking, debate, finding out)</li> <li>• Particularly amongst the target audiences (ABs, Key sectors)</li> <li>• Good ad recognition levels achieved considering media used</li> <li>• Key and general messages come across clearly in the most part</li> <li>• The 'Supermarket' ad deemed most impactful</li> <li>• Despite consensus, response to the campaign has been strong and seems to have inspired people</li> <li>• Around two fifths intend to find out more</li> </ul> |



| Section 4: Secondary Evidence  |               |  |   |
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| Source   | Sample        | Scope  | Headline Findings   |
| <p><b>47) Ricability, You can make a difference – evaluation on a joint information initiative carried out by the DRC and Department of Health, 2005</b></p> | <p>Report</p> | <p>Aims to evaluate the impact and effectiveness of the jointly produced guidance for front line health staff titled 'You Can Make a Difference', which was provided from June 2004.</p> | <ul style="list-style-type: none"> <li>• Majority felt it to be well targeted and useful. They realised that its prime audience were the front line staff who needed both prompting and reminding about their obligation towards disabled people.</li> <li>• Planners and policy makers needed more detailed information not provided by the leaflet.</li> <li>• Enhanced training was needed in addition to the leaflet if some of the negative attitudes it was designed to overcome were really to change.</li> <li>• Despite the scope of the leaflet, accessibility still tended to be thought of in terms of the building rather than including policies and attitudes.</li> </ul> <p><b>The experiences of disabled people</b></p> <ul style="list-style-type: none"> <li>• It is too soon to indicate whether the leaflets will in time make any positive difference to the experiences of disabled people as service users or patients of the NHS.</li> <li>• It is evident however that behavioural or attitude issues that prompted the leaflets remain of paramount importance to disabled people.</li> </ul> |

| Section 4: Secondary Evidence  |  |   |   |
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| Source   | Sample   | Scope   | Headline Findings   |
| <b>48) Disability Rights Commission, Media Impact Reports, 2005-06</b>     | Report tracking DRC media profile                            | Assesses DRC's success in gaining media coverage during the period  | <ul style="list-style-type: none"> <li>• Over the course of the period April 2005 – March 2006, negative coverage (only ever small amount anyway) declined to nothing, and there appeared to be an increase in the range of media in which coverage appeared.</li> <li>• Other indicators – such as number of words published about them – also suggested increase in media presence over the 12 months (under 70,000 April 2005 to around 170,000 March 2006).</li> </ul>  |
| <b>49) ORB, Disability Duty – Research amongst senior executives, 2005</b> | LAs; PCTs and NHS Trusts; schools, colleges and universities | Measures awareness and understanding of the disability duty amongst a sample of public sector senior executives | <ul style="list-style-type: none"> <li>• There is far greater understanding of this issue in the public sector</li> <li>• The Race Duty is a good comparator – we need to make this what the Race Duty did for race</li> <li>• The proposed Duty is understood and considered to be important. It is welcomed (perhaps more so in larger rather than smaller organisations)</li> <li>• There is unlikely to be internal opposition and in larger organisations there is a structure for implementation</li> <li>• CEOs want guidance on how best to assess their organisations – eg a 10 point plan. It mustn't be set in stone – but flexible, allow them freedom to adapt it to their own organisation. The smaller the organisation (eg school) the more structure/guidance is required for implementation.</li> </ul> |

| Section 4: Secondary Evidence                                  |         |  |  |
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| Source   | Sample  | Scope  | Headline Findings  |
|  |         |  | <ul style="list-style-type: none"> <li>• We need to educate these people that disability is as important as race. If organisations are aiming to reflect the ethnicity of their area, then they also need to reflect the disability of their area.</li> <li>• If we hit the key national/regional people then CEOs, Heads etc will sit up and pay more attention</li> <li>• We shouldn't talk about the public sector – talk about the NHS, LAs, Schools etc.</li> </ul> |
| <b>50) Disability Rights Commission, Impact Report 2005-06</b> | Various | Reviews the impact that the DRC has had under its key theme headings across the period | Provides a general overview of what DRC feels have been its successes, of the partnerships it has forged etc, materials produced and projects delivered  |

| <b>Section 4: Secondary Evidence</b>  |   |   |   |
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| <b>Source</b>   | <b>Sample</b>   | <b>Scope</b>  | <b>Headline Findings</b>  |
| <p><b>51) Youth Cohort Study: Activities and Experiences of 17 Year Olds: England and Wales, 2005;</b></p> <p><b>Youth Cohort Study: The Activities and Experiences of 19 Year Olds: England and Wales 2005</b></p> | <p>Series of longitudinal surveys that contacts a sample of an academic year-group or 'cohort' of young people in the spring following completion of compulsory education. The sample was all those who responded to the first three sweeps (around 7,800).</p> | <p>Examines proportion of young people in education, employment or training – including those young people who are disabled</p> | <p>Disabled young people remain much less likely to be in education, employment or training at age 19</p> |

| <b>Section 4: Secondary Evidence</b>  |  |   |   |
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| <b>Source</b>   | <b>Sample</b>  | <b>Scope</b>  | <b>Headline Findings</b>  |
| <b>52) DfES, Level 2 and 3 Attainment by Young People in England Measured Using Matched Administrative Data: Attainment by Age 19 in 2005 (Provisional), 2006</b> |  | Examines proportion of young people who have Level 2 and 3 Attainment – including those young people who are disabled | Although the gap in success rates has narrowed slightly in recent years, disabled young people remain much less likely to get to Level 2 or 3 qualifications (equivalent to 5 GCSE A* – C). |
| <b>53) Labour Force Survey, 2004, not seasonally adjusted, Great Britain</b>  | All people of working age (men 16-64, women 16-59). Quarterly sample survey. | Examines the proportion of disabled and non-disabled people with no qualifications by age group                       | Disabled adults (28 per cent) are more than twice as likely to have no qualifications, than non disabled adults (11 per cent).  |
| <b>54) Scottish School Leavers Survey (2005)</b>  |  | Examines destination of school leavers  | 10 per cent of young people covered by the survey cited being in poor health or disabled as a reason for not being in education, employment or training.                                    |

| Section 4: Secondary Evidence   |   |  |  |
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| Source  | Sample  | Scope  | Headline Findings  |
| 55) AGCAS, Disabilities task group  |   | Examines first destinations of graduates with disabilities                 | Lists first destinations of graduates with disabilities  |
| 56) University of Birmingham, Survey of parents and carers of disabled children and young people in Great Britain, 2006 | The final sample comprised parents of disabled children as well as those of non-disabled children. A total of 1776 parents/carers responded to the survey. Around a third of the returns were from parents/carers of pupils with SEN and/or disabilities and/or difficulties. | Examines choice and satisfaction with school; awareness of the DDA and DRC | <ul style="list-style-type: none"> <li>• On points of transition, 82 per cent of the non-DSD group parents compared with 69 per cent of parents of the DSD group felt that they had sufficient information to decide what to do next. Similarly 75 per cent of non-DSD group parents, compared with 65 per cent of DSD group parents, felt they were able to choose what to do next for their child.</li> <li>• The large majority (96 per cent) of non-DSD group parents, but 87 per cent of DSD group parents, reported that their child was at the school of the parents' choice.</li> <li>• There was no evidence that families in more affluent areas felt they had a better choice of school than those in deprived areas. Likewise, there was no evidence that families living in deprived areas were less satisfied with schools than those in more affluent areas.</li> <li>• Parents of pupils attending special schools were more likely to agree that DSD would curb participation in extra curricular activities (25 per cent as opposed to 15 per cent of mainstream parents). Page 21.</li> </ul> |

| Section 4: Secondary Evidence  |        |  |   |
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| Source   | Sample | Scope  | Headline Findings   |
|  |        |  | <ul style="list-style-type: none"> <li>Only just over half of the parent group with disabled children reported that they knew how the DDA helped their child at school. Overall, the written-in comments (question 9h) revealed a 50-50 split between parents who did not know about the Act (or thought it made no difference) and those who were more positive about its impact. It is encouraging that some parents reported a greater sense of empowerment for themselves and support for their children as a result of the legislation.</li> </ul> |
| <p>57)<br/> <b>Universities and Colleges Admissions Service (UCAS) data, 2000-2004</b></p> |        | <p>Includes data on post-16 attainment rates for young disabled people</p> | <p>The gap in attainment rates has narrowed in recent years, and the number of young disabled people participating in post-16 education and training has increased during the lifetime of the DRC. There nonetheless remains a stark disparity between the qualifications acquired by disabled and non-disabled students.</p>   |

| Section 4: Secondary Evidence  |  |   |   |
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| Source   | Sample   | Scope   | Headline Findings   |
| <p><b>58) Natcen, 'Disabled for Life? Attitudes Towards, and Experiences of Disability in Britain, Commissioned by the Department for Work and Pensions (2002)</b></p> | <p>The research was carried out in two phases and involved the following interviews and surveys:</p> <p>1 Qualitative: 35 individual in-depth interviews and seven discussion groups with disabled people; Two discussion groups with non-disabled people.</p> <p>2 Quantitative: A face-to-face survey with over 2,000 respondents,</p> | <p>The aims of the research were to:</p> <ul style="list-style-type: none"> <li>• provide a picture of work and the daily activities of disabled people</li> <li>• examine general attitudes toward disability</li> <li>• investigate people's experience of their disability, including discrimination and prejudice, across different areas of life.</li> </ul> | <p>(In relation to health):</p> <ul style="list-style-type: none"> <li>• Those interviewed had experienced a wide range of medical services and while some felt the medical support they had received was excellent, others were less satisfied. People were generally aware of what was available and knew how to access the medical and healthcare services. Long waiting lists for medical treatment seemed to be tolerated</li> <li>• Experiences of medical and healthcare services were varied for a mixture of reasons. The key factors affecting disabled people's experience of the medical service were: staff attitudes and awareness of disability, and the quality of the service provided.</li> </ul> |



| <b>Section 4: Secondary Evidence</b>  |  |   |  |
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| <b>Source</b>   | <b>Sample</b>  | <b>Scope</b>                                      | <b>Headline Findings</b>   |
|   | of whom 47 per cent were disabled  |   |  |
| <b>59) Burchardt, T, The education and employment of young disabled people: Frustrated ambition, Joseph Rowntree Foundation, 2005</b> | The research was based primarily on analysis of data from two sources: the 1970 British Cohort Study (BCS70), a nationally representative study of all children born in one week in 1970; and cohorts nine and 10 of the Youth Cohort Study (YCS), a nationally representative | Explores the aspirations of young disabled people | Burchardt’s research found that since the 1970s the aspirations of disabled 16 year olds have risen to the same level as non-disabled 16 year olds. However, by the age of 26 young disabled people are much more likely to think that their previous efforts have gone to waste. The effects of negative personal experiences of unemployment and a lack of opportunities to fulfil their ambitions lead these young adults to increasingly believe that anything they do will have little bearing on their life chances. |

| Section 4: Secondary Evidence   |   |   |   |
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| Source  | Sample  | Scope   | Headline Findings   |
|   | study of people of school-leaving age, who were born in 1982/3 and 1984/5.                        |   |   |
| <b>60) NOP, Young disabled people: A survey of the views and experiences of young disabled people in Great Britain, on behalf of the Disability Rights Commission, 2003</b> | 305 disabled young people aged 16-24 were interviewed across Great Britain, October-November 2002 | Examines the experiences of young disabled people | <ul style="list-style-type: none"> <li>• In 2002, almost a quarter of the young people interviewed said they had experienced problems at school for reasons related to their impairment, and 38 per cent of respondents said that they had been bullied.</li> <li>• Eleven per cent of those surveyed had been unable to get access to all school resources, and many also said they had missed out on school sports or trips.</li> <li>• Many young people said they had been discouraged from taking GCSEs, A-levels or going on to higher or further education.</li> <li>• Almost one third of respondents expected to be earning less than other people their age by the time they are aged 30.</li> <li>• In 2002, 30 per cent of young disabled people who had not gone on to further or higher education said they were prevented from doing so for a reason related to their disability.</li> </ul> |

| Section 4: Secondary Evidence  |  |   |   |
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| Source   | Sample   | Scope   | Headline Findings   |
|  |  |   | <ul style="list-style-type: none"> <li>Over a quarter (28 per cent) of respondents aged 20-24 said they had not achieved the things they hoped to when they were younger. The majority (74 per cent) of all the young disabled people interviewed felt that the government rarely listened to their views.</li> </ul>   |
| <b>61) Labour Force Survey, 2005, not seasonally adjusted, Great Britain</b> | All people of working age (men 16-64, women 16-59). Quarterly sample survey. | Gives statistics on disabled people in employment | There are over 2.6 million working age disabled people currently in employment, and evidence suggests that of the 3 million not in employment around one million would like to work. Disabled people continue to be far less likely to be in employment. Although there have been significant improvements in the employment rates of disabled people since 1997, it continues to languish below 50 per cent compared to around 80 per cent for the total population. |
| <b>62) Department for Work and Pensions' 2004 PSA target</b>                 |  | Gives statistics on disabled people in employment | The employment rate for disabled people overall has risen over recent years. However there is still a long way to go to meet aspirations of enabling all disabled people who are able and willing to work to do so, including those with learning disabilities and with mental health conditions who have the lowest employment rates, and so to substantially close the gap with the employment rate of the overall working age population.                          |

| <b>Section 4: Secondary Evidence</b>   |   |   |  |
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| <b>Source</b>  | <b>Sample</b>   | <b>Scope</b>  | <b>Headline Findings</b>   |
| <p><b>63) Policy Research Unit at the University of York and Equal Ability Limited, The Employment of Disabled People in the Public Sector, 2004</b></p> | <p>Further analysis of the Labour Force Survey comparing the situation of disabled and non-disabled employees in the public sector</p> <p>A review of the published research literature</p> | <p>The Employment of Disabled People in the Public Sector</p> | <p>The number of working age disabled people in public sector employment in Britain grew from more than 660,000 in 1998/99 to just over 790,000 in 2002/03, an increase of almost 130,000 or nearly 20 per cent over the four year period. This compares with a 161,000 increase among non disabled people, a modest growth of three per cent.</p> |
| <p><b>64) Department for Work and Pensions, Households Below Average Income, 2003-04</b></p>   | <p>National data sets</p>   | <p>Income of disabled people</p>                              | <p>Disabled people are more likely to live in poverty. 27 per cent of individuals in households with one or more disabled adults of working age have incomes below 60 per cent of median income, compared with 20 per cent of individuals in households with no disabled adults.</p>   |

| <b>Section 4: Secondary Evidence</b>   |   |   |  |
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| <b>Source</b>  | <b>Sample</b>   | <b>Scope</b>  | <b>Headline Findings</b>   |
| <b>65) Labour Force Survey, 2004, not seasonally adjusted, Great Britain</b>   | All people of working age (men 16-64, women 16-59). Quarterly sample survey.                                    | Average gross hourly pay for disabled and non-disabled people | The average gross hourly pay of disabled employees is about 10 per cent less than that of non-disabled employees (£9.52 per hour compared to £10.43 per hour)  |
| <b>66) Robinson C, Martin J and Thompson K, Attitudes towards and perceptions of disabled people – findings from a module included in the 2005 British Social Attitudes Survey, 2007</b> | The survey uses a random probability sample of adults aged 18 or above living in private households in Britain. | Attitudes towards and perceptions of disabled people          | <ul style="list-style-type: none"> <li>• Two-thirds of disabled respondents were confident with using public transport.</li> <li>• Most respondents thought that disabled students could do as well as non-disabled students.</li> <li>• The majority of respondents thought that a disabled person should not have to live in a residential home if they do not want to.</li> </ul> |

| <b>Section 4: Secondary Evidence</b>   |  |   |  |
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| <b>Source</b>  | <b>Sample</b>  | <b>Scope</b>  | <b>Headline Findings</b>   |
| <b>67) Department for Work and Pensions, Report 173, 2002</b>                          | Survey of disabled people in work  | Discrimination in the work place                                      | Looking at disabled people in employment, there is evidence that workplace discrimination still exists – 17 per cent of disabled people said they had experienced some kind of discrimination in the workplace and another 37 per cent had experienced some kind of prejudice or unfair treatment  |
| <b>68) Department for Work and Pensions, Organisations' responses to the DDA, 2007</b> | 2000 telephone interviews and 50 case studies and was conducted by the Institute for Employment Studies. | 'Organisations' responses to the Disability Discrimination Act (DDA)' | <p>Most establishments (80 per cent) were aware of the employment provisions of the DDA, although fewer were aware of the provisions relating to goods, facilities and services (66 per cent). Awareness of both aspects has increased since 2003.</p> <p>Employers continue to have a fairly narrow perception of disability, mainly focusing on sensory and mobility impairments.</p> <p>Compared with 2003, employers displayed more positive attitudes towards employing disabled people. Those who had experience of disabled staff and who were aware of the DDA tended to have the most positive views.</p> <p>Eighty-four per cent of employers that have had disabled staff and eighty-seven per cent of all goods, facilities and service providers had made, or were planning, adjustments to assist disabled people. Most workplace adjustments related to flexible working time or work organisation, while most of those for customers and clients were changes to physical accessibility.</p> |

| Section 4: Secondary Evidence  |   |  |  |
|--|---|--|--|
| Source   | Sample  | Scope  | Headline Findings  |
| <p>69)<br/> <b>Department for Transport, Public Transport Statistics, 2004</b></p> | <p>Survey of PSVAR compliance of public transport</p> | <p>Analysis of accessibility of public transport</p> | <p>Only 39 per cent of full size buses fully comply with Public Sector Vehicle Access Regulations (PSVAR). The figure varies greatly by area, 79 per cent in London compared with just 19 per cent in Wales. Furthermore, of the 47,000 full sized buses in Britain, 18,000 (39 per cent) were low floor vehicles, allowing access by wheelchairs.</p> <p>Almost 4400 (40 per cent) of the 10900 passenger carrying vehicles on the rail network in Britain are fully compliant with the Rail Vehicle Access Regulations (RVAR).</p> <p>Less than half of the 67,000 licensed taxis in England and Wales are wheelchair accessible. There is huge variation by region where in London all licensed taxis have wheelchair access but in Wales and the North of England, just 6 per cent of licensed taxis provide wheelchair access</p> |

| Section 4: Secondary Evidence  |  |   |  |
|--|--|---|--|
| Source   | Sample   | Scope   | Headline Findings  |
| <p>70)<br/> <b>Department for Work and Pensions, 'Disabled for life?' attitudes towards and experiences of disability in Britain, 2002</b></p> | <p>35 individual in-depth interviews and seven discussion groups with disabled people.</p> <p>Two discussion groups with non-disabled people.</p> <p>A face-to-face survey with over 2,000 respondents, of whom 47 per cent were disabled.</p> | <p>Explores attitudes towards and experiences of disability in Britain.</p> | <ul style="list-style-type: none"> <li>• Attitudes towards and experiences of discrimination at work</li> <li>• Attitudes towards and experiences of access to goods and services</li> </ul> |



| <b>Section 4: Secondary Evidence</b>   |   |   |   |
|--|---|---|---|
| <b>Source</b>  | <b>Sample</b>   | <b>Scope</b>  | <b>Headline Findings</b>  |
| <b>71) Jolly D, Priestley M, and Matthews B, Secondary analysis of existing data on disabled people's use and experiences of public transport in Great Britain, 2006</b> | Review of existing data   | Explores disabled people's use and experiences of public transport in Great Britain | It is difficult to find definitive evidence of improvement over time in the accessibility of public transport for disabled people in Britain. However, there is some indicative data that may indicate improvement. |
| <b>72) Survey of English Housing 2003-04</b>   | A nationally representative sample of about 20,000 private households in England. | Examines suitability of housing   | In 2003-04, 23 per cent of disabled people said they live in accommodation which is not suitable for them   |

| <b>Section 4: Secondary Evidence</b>  |  |  |  |
|---|--|--|--|
| <b>Source</b>   | <b>Sample</b>  | <b>Scope</b>                                     | <b>Headline Findings</b>   |
| <b>73) Department for Work and Pensions, In house report 114 – Disability and the DDA, 2003</b> | Face-to-face interviews with 6,922 people aged 16 years and over living in private households in Great Britain | Surveys access to goods, services and facilities | Over 40 per cent of all disabled adults have difficulties accessing goods, services and facilities   |
| <b>74) MRUK Research, Scottish Disability Awareness Survey 2003, 2004</b>                       | Survey of 1,014 people aged 16+ years, living in Scotland  | Surveys access to goods                          | 25 per cent of respondents felt enough was being done to ensure disabled people could buy goods like non-disabled people. 20 per cent of respondents perceived that enough was being done to make sure disabled people could buy services like non-disabled people |

| <b>Section 4: Secondary Evidence</b>  |  |  |  |
|---|--|--|--|
| <b>Source</b>   | <b>Sample</b>  | <b>Scope</b>   | <b>Headline Findings</b>   |
| <b>76) A formal investigation into physical health inequalities experienced by people with learning disabilities and/or mental health problems DRC (2006)</b> | Over 1,000 people with learning disabilities and/or mental health problems and the health records of eight million primary care patients from 488 general practices in England and Wales | Explores health inequalities   | The evidence of inequalities is overwhelming: greater likelihood of major illness, developing health problems at an earlier age than the rest of the population, and dying earlier. The reasons for problems are many; poverty is linked to poorer health, but our clinical evidence shows it is not the only factor.  |
| <b>77) National Statistics Department of Health figures to 2003</b>   | Statistics on rate of permanent admissions to residential and nursing care by impairment group   | Looks at data on local authority supported residents in staffed residential and nursing care | Despite an overall decrease in the rate of permanent admissions to residential and nursing care, the numbers amongst some groups of disabled people are still increasing. Between 1997 and 2002 the number of people with physical and sensory impairments in England local authority supported residential and nursing care decreased. But for people with learning disabilities, the number increased by nearly 20 per cent (25,446 to 30,345), and the figure for people with mental health conditions rose by more than 40 per cent (7,965 to 11,275). |

| <b>Section 4: Secondary Evidence</b>   |   |   |   |
|--|---|---|---|
| <b>Source</b>  | <b>Sample</b>   | <b>Scope</b>  | <b>Headline Findings</b>  |
| <p><b>78) Ipsos MORI, The Future: Who Cares? Commissioned by the DRC, Carers UK &amp; The Equal Opportunities Commission, 2006</b></p> | <p>Ipsos MORI conducted the survey in May 2006 via a face-to-face omnibus. The results are based on a nationally representative quota sample of 2,053 adults, aged 16+, interviewed throughout Great Britain.</p> | <p>Examines public awareness of disability and health conditions and attitudes to the allocation of responsibility for providing support.</p> | <p>The results show that the public has high awareness of people in their circle who are disabled or have long term health conditions; and expects to receive services that match their choices and aspirations if they develop impairments or health conditions. Most said that if they became disabled or developed long term health conditions they would want support to stay in their own home and the choice of not moving into residential care.</p> <p>A significant minority would not be prepared to provide informal care in the future, with no differences in this respect between women and men. A significant minority would also not be prepared to contribute to costs of support, again with no differences between women and men.</p> <p>Those already providing informal care were more likely to be unemployed or working part-time than full-time. The level of support they provided differed according to their employment position: for instance, people in professional and managerial positions provided far less hours of care than those who were unemployed or working in routine jobs.</p> |

| <b>Section 4: Secondary Evidence</b>   |                           |              |   |
|--|---------------------------|--------------|---|
| <b>Source</b>  | <b>Sample</b>             | <b>Scope</b> | <b>Headline Findings</b>  |
| <b>79) DRC (2004) Strategic Plan 2004/5 to 2006/7, available on the web at <a href="http://www.drc.gov.uk">www.drc.gov.uk</a></b>      | N/A                       | N/A          | N/A   |
| <b>80) Gorard et al, Review of widening participation research: addressing the barriers to participation in higher education, 2006</b> | Reviews existing evidence |              | Whilst progress has been made in most HE institutions with regard to admissions, examinations, assessment and student support, teaching and learning remains an area requiring significant change. The research identified inherent contradictions. Hence, whilst universities were committed to identifying the needs of disabled students, this was not matched by a willingness to adapt their teaching and assessment practice. |

| <b>Section 4: Secondary Evidence</b>                                  |  |  |                          |
|---|--|--|--------------------------|
| <b>Source</b>   | <b>Sample</b>  | <b>Scope</b>   | <b>Headline Findings</b> |
| <b>81) Disability Rights Commission, Beyond good intentions, 2006</b> | 37 local authority case studies, GB wide and across local government tiers | A resource to provide practical guidance and pointers for decision makers at elected member and director/senior management level, and for senior managers responsible for corporate policy, social inclusion and equalities in all local authorities in England, Wales and Scotland, seeking to implement the Disability Equality Duty (DED) | Not Applicable           |

| Section 4: Secondary Evidence  |  |  |   |
|--|--|--|---|
| Source   | Sample   | Scope  | Headline Findings   |
| <p><b>82) Meager N, Doyle B, Evans C, Kersley B, Williams M, O'Regan S and Tackey ND, Monitoring the DDA (1995), DfEE (Research Report RR119) 1999</b></p> | <p>The research methodology consisted of seven distinct but overlapping stages:</p> <ol style="list-style-type: none"> <li>1. Literature and case review</li> <li>2. Expert/intermediary interviews</li> <li>3. Identification of Part II and Part III cases</li> <li>4. Identification of 'potential' Part II and Part III cases</li> <li>5. Selection of cases for case studies</li> </ol> | <p>Examines how the DDA is being implemented through the employment tribunal system (Part II of the DDA, relating to discrimination in employment) and the court system (Part III of the DDA, relating to discrimination in the provision of goods, services and facilities). It also explores and analyses the views and experiences of participants in both actual and potential DDA cases through a</p> | <ul style="list-style-type: none"> <li>• A number of barriers continue to have an impact on the effective implementation of the DDA, cost and access to legal representation disproportionately affecting applicants or claimants, rather than respondents or defendants.</li> <li>• In Part II cases, the DDA definition of disability continues to be highly problematic for both applicants and respondents.</li> <li>• Among respondents, the justification defence was another legal issue in which there was confusion and lack of understanding, with many respondents relying on expert legal representation to make their case.</li> <li>• Evidence from the case studies illustrates a range of views on the role of third-party involvement and on the quality of advice received. While some interviewees were happy with the advice, others felt that their adviser or representative was not sufficiently well-informed.</li> </ul> |

| <b>Section 4: Secondary Evidence</b>  |  |   |   |
|---|--|---|---|
| <b>Source</b>   | <b>Sample</b>  | <b>Scope</b>  | <b>Headline Findings</b>  |
|   | <p>6. In-depth case studies of actual and potential cases</p> <p>7. Case-study analysis</p> <p>8. We discuss each of these stages briefly in turn below.</p> | <p>series of in-depth case studies.</p>   |   |
| <p><b>83) Office for Disability Issues , The First Annual Report from the Office of Disability Issues, 2006</b></p> | <p>N/A</p>   | <p>This first annual report from the ODI sets out the start that has been made towards the government's goal of achieving substantive equality for disabled people.</p> | <p>By the end of 2005, over 4,400 compliant rail vehicles had already been introduced into service and 46 per cent of the bus fleet was accessible. Nevertheless these figures vary greatly according to region</p> |



| <b>Section 4: Secondary Evidence</b>   |  |  |  |
|--|--|--|--|
| <b>Source</b>  | <b>Sample</b>  | <b>Scope</b>   | <b>Headline Findings</b>   |
| <b>84) Department for Transport, Public Transport Statistics, 2004</b>                         | Public transport providers in England and Wales  | Collates data on volume and accessibility of public transport in England and Wales   | Currently less than half of the 67,000 licensed taxis in England and Wales are wheelchair accessible. There is significant variation by region, with London boasting wheelchair access to all its licensed taxis but in Wales and the North of England, only 6 per cent of licensed taxis provide wheelchair access  |
| <b>85) NOP, Survey on disabled people's experiences of access to services in Britain, 2003</b> | Data was collected by Computer Assisted Telephone Interviewing (CATI) using a random sampling methodology. <ul style="list-style-type: none"> <li>The sample was selected from the general population and then screened for any mobility or sensory</li> </ul> | Explores disabled people's experiences of physical access to goods and services in Britain. The research was commissioned in summer 2003 as part of work to inform and support the Open 4 All campaign, which aimed to raise awareness | <ul style="list-style-type: none"> <li>Overall, seven in ten (73 per cent) disabled people with mobility and sensory impairments in Great Britain say that they have difficulty accessing goods and services. In England, 72 per cent reported at least some difficulty, whilst 76 per cent did so in Wales and 79 per cent in Scotland.</li> <li>Overall, seven in ten (70 per cent) disabled people report that their friends and family would consider using alternative services if they were told that a particular service wasn't available to their disabled friend/family member. This applies to 71 per cent in those interviewed in England, 57 per cent in Wales, and 66 per cent in Scotland. More detailed breakdowns for these results can be found in Section 5.1 of this report.</li> <li>When asked about making a complaint regarding access only 10 per cent say that they have made a complaint in the last 6 months. Only 11 per cent have</li> </ul> |

| <b>Section 4: Secondary Evidence</b> |   |   |  |
|--------------------------------------|---|---|--|
| <b>Source</b>                        | <b>Sample</b>   | <b>Scope</b>  | <b>Headline Findings</b>   |
|                                      | <p>impairment. A total of 500 interviews were conducted in August 2003.</p> <p>Computer tabulations were produced and appropriate corrective weightings applied. 100 interviews were conducted in each of the following regions of the UK; Wales, Scotland, South of England, English Midlands and North of England</p> | <p>of new duties on service providers regarding physical access for disabled people under Part III of the Disability Discrimination Act (DDA) 1995.</p> | <p>seen any improvement as a result. Two thirds have seen no change.</p> |

# Appendix 2: Statistical data

## Education

**Table 2.1: Awareness of the DDA across GB**

|         |          |                  | Aware of DDA? |       |            |        |
|---------|----------|------------------|---------------|-------|------------|--------|
|         |          |                  | Yes           | No    | Don't know | Total  |
| Country | Scotland | Count            | 65            | 50    | 5          | 120    |
|         |          | % within Country | 54.2%         | 41.7% | 4.2%       | 100.0% |
|         | England  | Count            | 795           | 490   | 62         | 1347   |
|         |          | % within Country | 59.0%         | 36.4% | 4.6%       | 100.0% |
|         | Wales    | Count            | 160           | 75    | 3          | 238    |
|         |          | % within Country | 67.2%         | 31.5% | 1.3%       | 100.0% |

Please note that figures do not always add up to 100 per cent due to computer rounding.

**Table 2.2: Awareness of the DRC across GB <sup>115</sup>**

|         |          |                  | Heard of DRC? |       |            |        |
|---------|----------|------------------|---------------|-------|------------|--------|
|         |          |                  | Yes           | No    | Don't know | Total  |
| Country | Scotland | Count            | 47            | 69    | 3          | 119    |
|         |          | % within Country | 39.5%         | 58.0% | 2.5%       | 100.0% |
|         | England  | Count            | 613           | 667   | 60         | 1340   |
|         |          | % within Country | 45.7%         | 49.8% | 4.5%       | 100.0% |
|         | Wales    | Count            | 135           | 100   | 3          | 238    |
|         |          | % within Country | 56.7%         | 42.0% | 1.3%       | 100.0% |

## Employment

**Table 3.1: Employment rates by broad impairment category**

|  | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 |
|--|------|------|------|------|------|------|------|
| Total  | 46.1 | 46.6 | 47.2 | 47.9 | 48.9 | 50.1 | 50.1 |
| Musculo-skeletal   | 44.9 | 44.4 | 45.1 | 44.8 | 47.4 | 48.9 | 49.0 |
| Sensory  | 55.3 | 57.5 | 55.4 | 52.3 | 49.8 | 58.9 | 55.5 |
| Circulation or<br>or digestive<br>problems                     | 47.1 | 47.6 | 50.6 | 53.0 | 53.6 | 56.6 | 57.0 |
| Chest, breathing<br>problems, skin<br>problems<br>or allergies | 59.0 | 61.5 | 62.0 | 64.3 | 65.2 | 63.4 | 64.2 |
| Diabetes   | 65.5 | 68.0 | 61.7 | 64.2 | 65.4 | 66.0 | 67.2 |
| Mental health  | 15.9 | 18.3 | 19.5 | 18.6 | 19.9 | 20.1 | 20.2 |
| Learning<br>difficulties                                       | 23.2 | 24.8 | 23.9 | 21.7 | 29.2 | 32.0 | 25.0 |
| Other  | 45.0 | 44.4 | 47.1 | 49.5 | 47.1 | 48.8 | 50.8 |

**Table 3.2: Average gross hourly pay (£) for disabled employees and employees who are not disabled**

|                     | 1999        | 2000        | 2001        | 2002        | 2003        | 2004         | 2005         |
|---------------------|-------------|-------------|-------------|-------------|-------------|--------------|--------------|
| <b>All Disabled</b> | <b>7.36</b> | <b>7.68</b> | <b>8.4</b>  | <b>8.8</b>  | <b>9.1</b>  | <b>9.37</b>  | <b>9.88</b>  |
| Men                 | 8.22        | 8.63        | 9.44        | 9.75        | 10.21       | 10.5         | 10.97        |
| Women               | 6.44        | 6.6         | 7.24        | 7.76        | 7.9         | 8.19         | 8.77         |
| <b>Not disabled</b> | <b>8.32</b> | <b>8.78</b> | <b>9.21</b> | <b>9.56</b> | <b>9.91</b> | <b>10.39</b> | <b>10.85</b> |
| Men                 | 9.49        | 9.98        | 10.41       | 10.76       | 11.12       | 11.73        | 12.07        |
| Women               | 7.03        | 7.47        | 7.9         | 8.28        | 8.62        | 8.96         | 9.55         |
| <b>% GAP</b>        | <b>11.5</b> | <b>12.5</b> | <b>8.8</b>  | <b>7.9</b>  | <b>8.2</b>  | <b>9.8</b>   | <b>9.8</b>   |

**Table 3.3: Employment rates by highest qualification attained by disabled and non-disabled people**

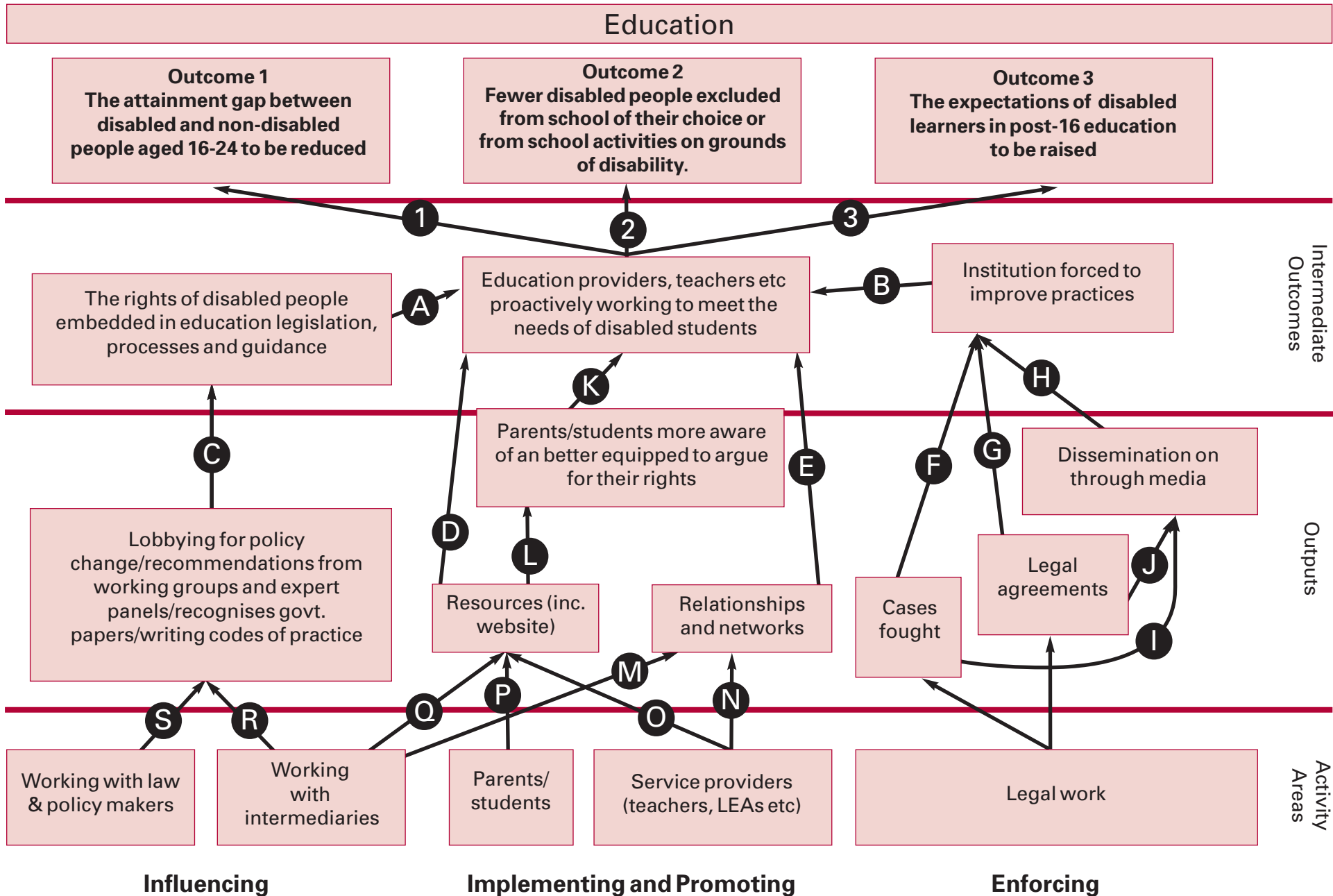
|                               | 1999        | 2000        | 2001        | 2002        | 2003        | 2004        | 2005        |
|-------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <b>All disabled</b>           | <b>46.1</b> | <b>46.6</b> | <b>47.2</b> | <b>47.9</b> | <b>48.9</b> | <b>50.1</b> | <b>50.1</b> |
| Degree or equivalent          | 73.2        | 73.4        | 72.7        | 73.6        | 75.3        | 74.9        | 75.7        |
| Higher education              | 63.5        | 63.3        | 64.4        | 64.8        | 67.6        | 68.4        | 71.0        |
| GCE A Level or equivalent     | 55.4        | 56.2        | 56.1        | 57.2        | 58.2        | 59.6        | 59.4        |
| GCSE grades A-C or equivalent | 56.1        | 53.8        | 55.4        | 56.9        | 54.5        | 55.7        | 55.8        |
| Other qualifications          | 47.2        | 46.8        | 46.5        | 46.4        | 46.6        | 50.2        | 47.2        |
| No qualification              | 23.6        | 24.8        | 25.5        | 23.5        | 24.8        | 24.6        | 23.1        |
| <b>All not disabled</b>       | <b>79.9</b> | <b>80.8</b> | <b>80.9</b> | <b>80.6</b> | <b>80.7</b> | <b>80.6</b> | <b>80.5</b> |
| Degree or equivalent          | 89.4        | 90.1        | 90.3        | 89.8        | 89.5        | 89.7        | 89.7        |
| Higher education              | 89.0        | 89.2        | 89.4        | 88.6        | 89.1        | 88.5        | 88.4        |
| GCE A Level or equivalent     | 82.2        | 83.1        | 83.0        | 82.2        | 82.3        | 82.2        | 82.2        |
| GCSE grades A-C or equivalent | 78.9        | 79.6        | 79.2        | 79.7        | 79.6        | 79.1        | 78.8        |
| Other qualifications          | 77.6        | 77.9        | 78.4        | 78.2        | 78.1        | 77.5        | 77.7        |
| No qualification              | 63.2        | 64.5        | 64.6        | 63.6        | 63.4        | 63.1        | 61.7        |

# Appendix 3: Evaluation framework diagrams

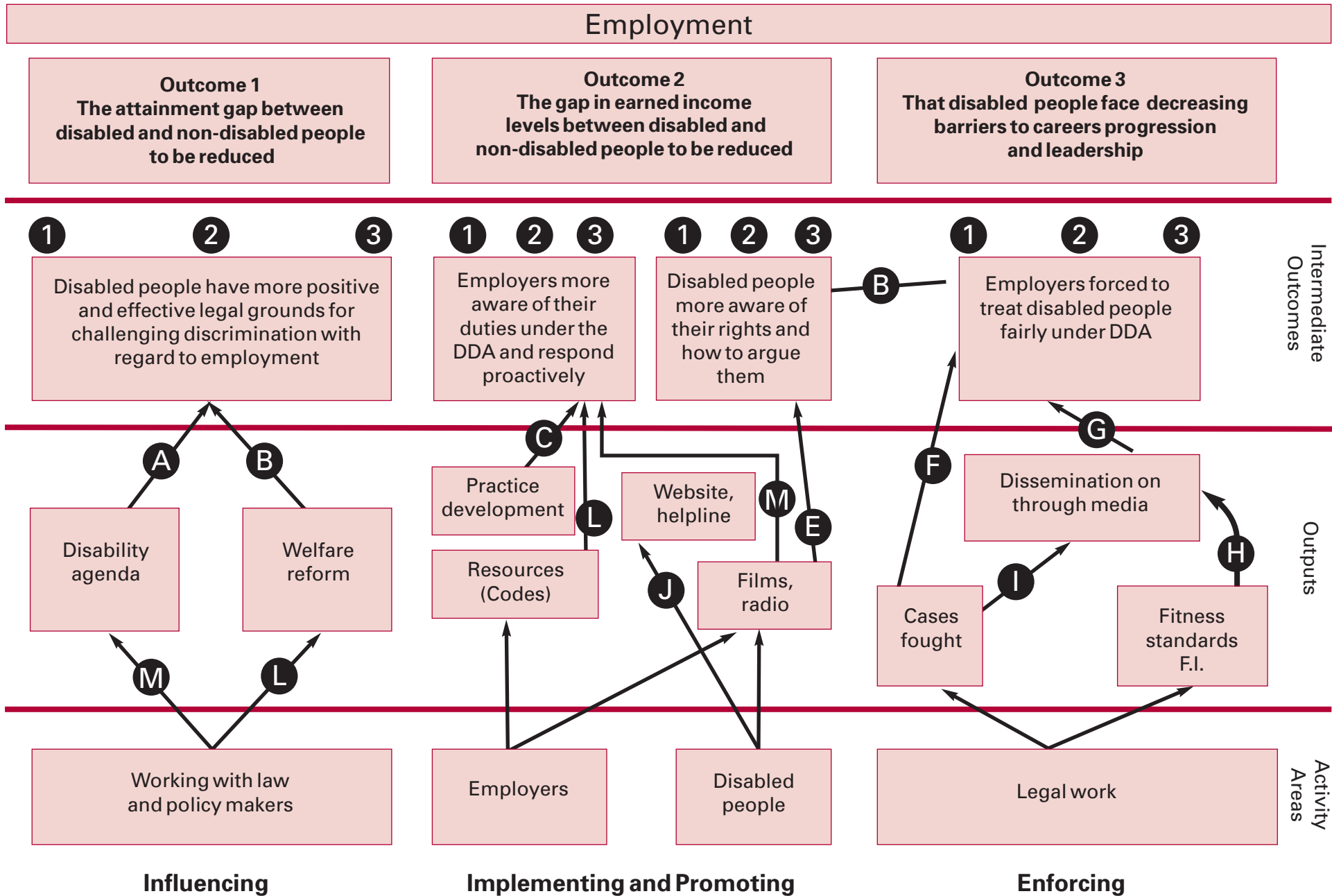
See below.



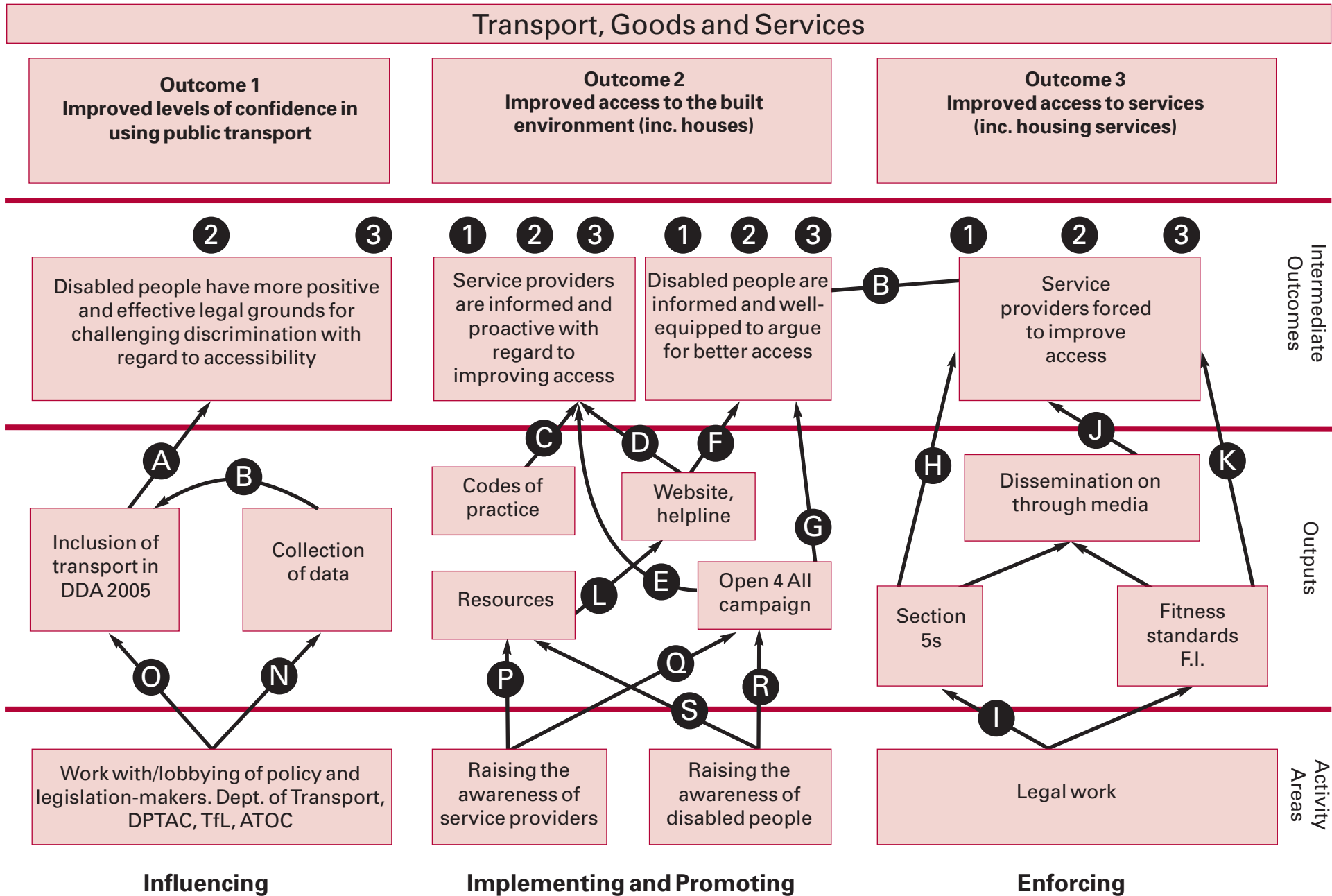
# Evaluating the Impact of the Disability Rights Commission



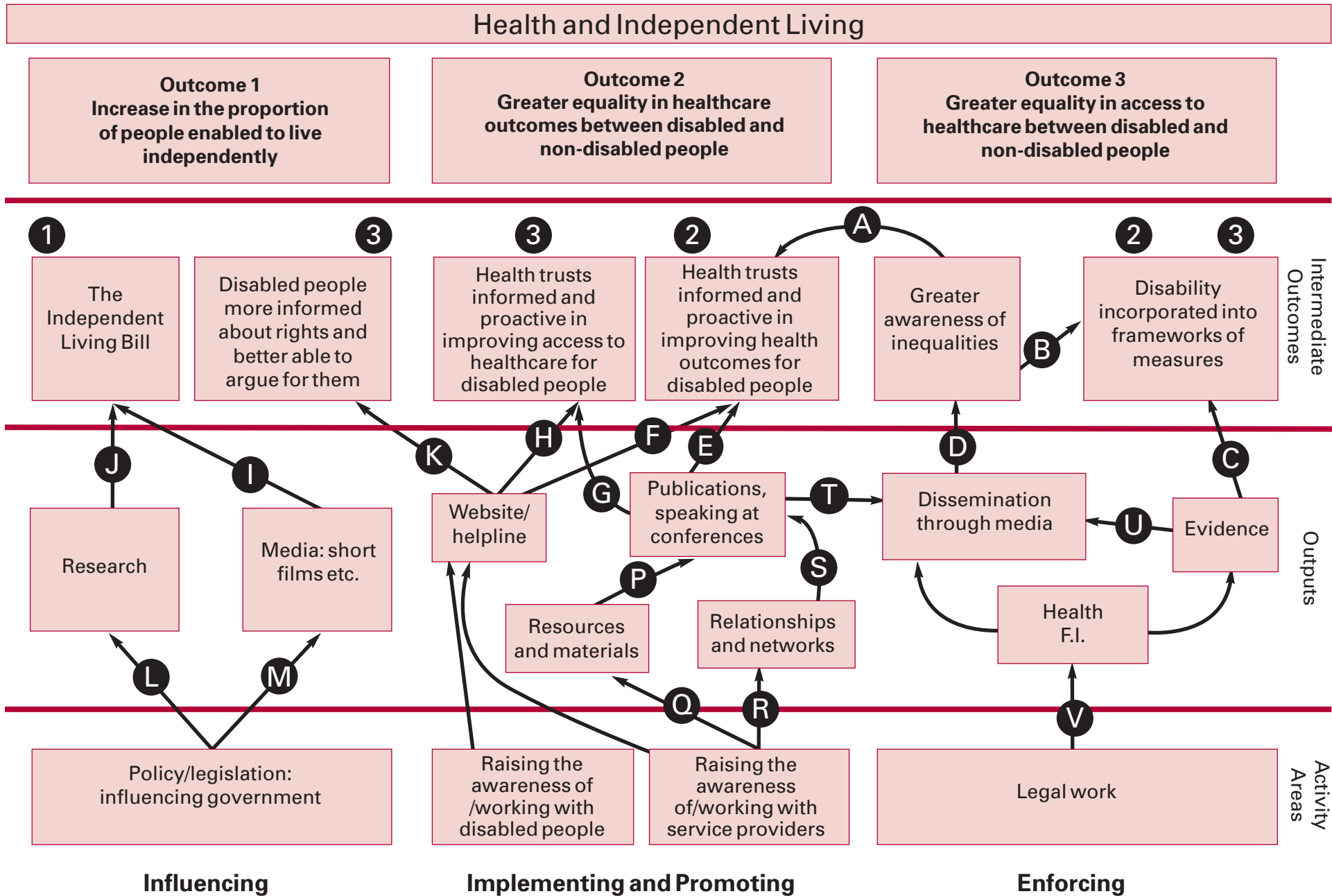
# Evaluating the Impact of the Disability Rights Commission



# Evaluating the Impact of the Disability Rights Commission



# Evaluating the Impact of the Disability Rights Commission



# Appendix 4: Case studies

This appendix gives additional detail regarding the scope and specific research questions tackled as part of the three case studies.

## **CASE STUDY ONE: Enforcing Rights: the role and impact of DRC legal work**

With Legal Services a distinct area of DRC's activities, and its alignment to the distinct function of 'enforcing rights', legal work was felt to lend itself to exploration as a case study. Moreover, it can be seen to cut across the DRC's work. This case study sought to establish evidence of the impact and effectiveness of the DRC in relation to the following overarching questions:

- To what extent has the DRC been successful in using its strategic legal powers both to embed the existing and new provisions of the DDA, and to contribute more generally to systemic change on disability rights, especially within core programme sectors?
- Is the balance of the DRC's legal services correct ie between that of casework and more 'strategic' work? How has the legal service evolved?
- How effective are the following strands of the DRC's legal work?
  - Formal investigations/Section 5 agreements
  - Legal rights guides
  - Legal case work

- The legal bulletin
- Legal commentary
- How successfully has the DRC used individual cases to clarify a point of legal principle or promote broader change?
- How successfully has the DRC used formal investigations and voluntary binding agreements to examine and address persistent disability discrimination?
- How effectively do the DRC's main communication channels, such as the website and the Helpline, signpost people to legal help and advice?
- What are the main impacts of the legal approach on outcomes for disabled people? What evidence is available to support this?
- How successfully has the legal strategy been integrated with other strands of the DRC's work, particularly communications and research, to influence change?
- Has the right balance been struck in the focus of legal work across the different segments of the disabled population (eg BME communities) as well as across types of disability?
- Has the DRC successfully influenced relevant intermediary bodies who are engaged in helping promote legal rights for disabled people, such as high street solicitors, law centres, citizens' advice bureaux, disability organisations and other advice agencies, to build their capacity to serve the cause of disability rights?

### **CASE STUDY TWO: Open For All and broader built environment issues**

It was felt that the Open For All campaign and the DRC's work on broader built environment issues would make an appropriate case study topic. It was also felt that study of these would enable exploration of DRC's collaborative working with other organisations and consideration of its success in reaching both stakeholders on the one hand and service providers on the other. This case study sought to establish evidence of the impact and effectiveness of the DRC in relation to the following overarching questions:

- How effective was the Open For All campaign in raising awareness and understanding of the legal situation on access to the built environment?
- How successful has the Open For All campaign been against its four overarching aims?
  - To increase awareness of the physical barriers that disabled people currently encounter
  - To increase awareness of new duties relating to goods and services in the Disability Discrimination Act which will come into force in October 2004
  - To support those with rights and responsibilities under these new duties to ensure the law is effectively implemented
  - To position the DRC as a primary source of information and advice to both disabled people and service providers
- How effective was the Open For All campaign at reaching different audiences, eg business, public services, central government, politicians, disabled people, voluntary and community sector organisations?

- How effective were the principal components of Open For All? For example:
  - Awareness-raising seminars
  - Briefing of politicians
  - Related guidance on access and reasonable adjustments
  - Provision of supporting research evidence
  - Open For All micro site
  - Speaking engagements and seminars
  - Website on Access Statements

### **CASE STUDY THREE: Impact/success of involvement of disabled people**

This is less 'self-contained' than the previous case study topics, but was chosen as it represents a key underlying objective of the DRC which runs across its different functions (enforcing, implementing and promoting, influencing) and thematic areas of work. Whilst not focused on a specific area of activity, it allowed exploration of more general approaches and cultures of working across the organisation, and the DRC's engagement of intermediaries in different aspects of its work. This case study sought to establish evidence of the impact and effectiveness of the DRC in relation to the following overarching questions:

- How effectively does the DRC involve disabled stakeholders in:
  - Governance?
  - Management and decision making?
  - Strategy development?
  - Policy development?
  - Dissemination?
  - Research and publications?



## Evaluating the Impact of the Disability Rights Commission

- How effective are the current mechanisms for engaging stakeholders (such as the DRC advisory groups, governance structures and website)?
- Has the DRC successfully adjusted its approaches to engagement to meet the needs of different disabled groups?
- How successful has the DRC been in involving and engaging disabled people in its work?
  - What have been the challenges to engagement and how have these been addressed?
  - How effective has the DRC been at communicating to and engaging disabled people through other organisations?
  - Has the DRC been seen to be successful in this area by disabled people?
- What impact has this involvement had?
  - Empowering for individuals involved?
  - A discernable wider impact on outcomes eg decisions (and not just engagement for its own sake) – eg influential with regard to the way the DRC has approached certain processes and issues?
- How effectively does the DRC engage intermediate bodies representing disabled people, including national forums, national disabled charities and government disability-focused committees?

# Appendix 5: Glossary

|       |   |
|-------|---|
| BERG  | Scottish Built Environment Reference Group  |
| CAB   | Citizens Advice Bureau  |
| CEHR  | Commission for Equality and Human Rights  |
| CLG   | Communities and Local Government department   |
| CRE   | Commission for Racial Equality  |
| DDA   | Disability Discrimination Act   |
| DED   | Disability Equality Duty  |
| DES   | Disability Equality Scheme  |
| DfES  | Department for Education and Skills   |
| DPTAC | Disabled Persons' Transport Advisory Committee  |
| DRC   | Disability Rights Commission  |
| DSD   | Label used to describe children with a disability and/or special educational need and/or a 'difficulty' at school |
| DWP   | Department for Work and Pensions  |
| E4E   | Educating for Equality campaign   |
| EOC   | Equal Opportunities Commission  |
| ESA   | Employment and Support Allowance  |
| FE    | Further Education   |
| FI    | Formal Investigation  |
| HE    | Higher Education  |

|       |   |
|-------|---|
| HEI   | Higher Education Institution  |
| LCF   | Law Centres Federation  |
| LDAG  | Learning Disability Action Group  |
| LEA   | Local Education Authority   |
| LSC   | Learning and Skills Council   |
| MHAG  | Mental Health Action Group  |
| NEET  | Not in Education, Employment or Training                                  |
| ODPM  | The (former) Office of the Deputy Prime Minister                          |
| OFR   | Opinion Formers Research  |
| OPM   | Office for Public Management (the evaluators)                             |
| SENDA | Special Educational Needs and Disability Act                              |
| SMEs  | Small and Medium Enterprises  |
| SMT   | Senior Management Team  |
| ToC   | Theories of Change' – the theory-based framework for evaluation used here |
| UCAS  | Universities and Colleges Admissions Service                              |
| WAG   | Welsh Assembly Government   |
| WLGA  | Welsh Local Government Association  |

# Endnotes

- 1 DRC (2004) Strategic Plan 2004/5 to 2006/7, available on the web at [www.drc-gb.org.uk](http://www.drc-gb.org.uk).
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