

An Overview of the Disability Equality Duty

What is the Disability Equality Duty ??

The following questions and answers are supplied from the DRC, please note that there is more information available regarding the DED, this can be found by looking on the DRC web site at

www.drc-gb.org or www.dotheduty.org

Q: What is the Disability Equality Duty?

Full question: What is the Disability Equality Duty?

Answer:

This is a new requirement for public sector bodies to pay due regard to promoting equality for disabled people in every area of their work. They will need to take an organisational approach and weave disability equality into the everyday working of the organisation, particularly in relation to formulating policy and practices around both service delivery and employment, but also in relation to other functions such as setting budgets, making public appointments, funding and regulatory roles.

Clearly disability equality will be more relevant to some functions than others, but because of the range of issues which impact on disability equality many functions are likely to be of relevance to disabled people.

There is a general duty which applies to all public bodies and additional specific duties to support the majority of public bodies in achieving the outcomes required by the general duty.

Q: What about the Secretaries of State and the Scottish Ministers?

Answer:

Certain Secretaries of State, the National Assembly for Wales and Scottish Ministers will have to publish a report every three years that gives an overview of the progress made by public authorities in their remit or policy sector in relation to disability equality. The first of these is due in December 2008. They must also set out proposals for coordination of action by those public authorities in that policy sector, or remit area, to bring about further progress on disability equality.

Q: Does this apply in England, Scotland, Wales and Northern Ireland?

Answer:

The duty applies in England, Scotland and Wales. There is different legislation in Northern Ireland.

The duty for England and Wales is in all key respects the same as the duty which applies in Scotland, except there are different arrangements in relation to education due to differences in legislation. There is a Statutory Code of Practice for England & Wales and a separate one for Scotland.

Q: Why is this duty for the public sector?

Answer:

Public authorities can make an enormous contribution towards removing the barriers (both environmental and attitudinal) to equal opportunities for disabled people. They can do this by addressing the way in which they run their own services and employ people, and also by exerting their considerable influence in the community at large.

Q: Which organisations have the general duty?

Answer:

The general duty applies to all public authorities apart from a handful which have specific exemptions. Public authorities who are covered by the general duty are not listed in the legislation - there is no definitive list of these.

Public authorities covered by the general duty include government departments and executive agencies, ministers, local authorities, governing bodies of colleges and universities, governing bodies of schools, NHS trusts and boards, police and fire authorities, the Crown Prosecution Service and the Crown Office, inspection and audit bodies and certain publicly funded museums.

Any organisation which exercises some functions of a public nature is also subject to the general duty.

Q: When do the duties come into force?

Answer:

The general duty will come into force on 5th December 2006 and all public authorities should be prepared by then.

Those public authorities who are subject to the specific duties, apart from a couple of exceptions set out below, must publish their Disability Equality Schemes by 4th December 2006.

Primary schools in England have until 3rd December 2007 to publish their Disability Equality Scheme and all schools in Wales must publish their schemes no later than 1st April 2007.

The Secretaries of State, National Assembly in Wales and Scottish Ministers must produce their first report by December 2008.

Q: Does the duty create new individual rights for disabled people?

Answer:

No, it does not do that. Rather than providing restitution where a disabled person has been the subject of discriminatory treatment, the duty provides a framework for public authorities to carry out their

functions more effectively and to tackle discrimination and its causes across the organisation in a pro-active way, at the beginning of a process rather than waiting for complaints from individual disabled people after discrimination has occurred.

The specific duties are enforceable by the DRC and the general duty can be the subject of a judicial review.

Q: What about partnerships?

Answer:

Public authorities may be involved in partnerships in order to deliver their services - for example, community safety partnerships. If partnerships do not have a separate legal identity they will not be subject to the disability equality duty in their own right, but rather those partners which are public authorities (in the broad sense used in this Act) will each have a duty to ensure that the partnership promotes disability equality. So public authorities will need to work together to ensure that they meet their individual duties through their partnership working.

Q: How will the general duty help public authorities to function better?

Answer:

Effectively meeting this duty will improve the efficiency of public authorities by ensuring that the resources invested in services actually benefit all those they are aimed at, or who need them.

Making services effective for disabled people can often benefit the general population, for example providing information in clear formats is useful for everyone.

It will enable authorities to better meet the requirements of audit and inspection bodies, meet their targets and overall strategic objectives.

It will also help them achieve a more representative workforce and widen the pool of potential staff.

Q: How does this affect procurement, commissioning and contracting?

Answer:

If the contractor is itself performing a public function, standing in the shoes of a statutory body, then it will constitute a public authority and be subject to the general duty in respect of the public functions which it carries out.

If the contractor is not itself performing a public function but merely providing services on behalf of the public authority, the obligations to comply with the duty remains with the public authority that contracts out the function. This means that the contracting public authority, and in particular those procuring or commissioning a service, need to build relevant disability considerations into that process to ensure that the authority is meeting the duty even when the service is being carried out by an external contractor.

Q: What does the need to eliminate harassment mean?

Answer:

The term 'harassment' in the context of the disability equality duty refers not only to forms of harassment specifically prohibited by the DDA and the Harassment Act but also other forms of unwanted activity even where this is not unlawful. It can take many forms from direct verbal abuse to comments which make an individual feel uncomfortable, intimidated or degraded.

A key starting point is to adopt a policy on harassment which prohibits harassment on the grounds of disability. Action also needs to be taken to implement this policy effectively.

Depending on the role of a particular authority, a variety of specific actions may be appropriate, including through a community safety strategy, through police authorities recording incidence of harassment against disabled people and crucially through looking at mechanisms which would prevent harassment rather than just recording or dealing with it after it's been perpetuated.

Q: What does promoting positive attitudes towards disabled people mean in practice?

Answer:

Negative attitudes, such as demeaning stereotypes or lack of respect towards disabled people, are not only unhelpful, but can lead to discrimination and place unnecessary restrictions on disabled people. This is often also true of the absence of representation of disabled people in public images.

In order to contribute to the overall goal of promoting equality of opportunity, authorities will need to consider what they can do to eliminate ignorance and prejudice in the wider community.

Depending on the role of a particular authority, a variety of specific actions may be appropriate, including building positive attitudes towards disabled people into the ethos of schools through positive work on citizenship, looking at the communication strategies of public bodies, considering how disability equality can be promoted through commissioning or purchasing, for example, of arts activities or material in libraries.

Q: How does the duty impact on schools?

Answer:

All schools in England and Wales are subject to the general and specific duties, this includes primary schools, secondary schools and City Academies. For English secondary schools their Disability Equality Scheme must be ready by December 2006. However, for schools in Wales the deadline is April 2007, and for primary schools in England it is December 2007.

In Scotland schools are not directly covered by the specific duties. However, Education Authorities have a duty to "make arrangements" for each school to carry out the acts required under the specific duties; so schools will be meeting all of the specific duties directly, except production of a scheme.

All this will help schools build on existing responsibilities under disability legislation, including the duty to make reasonable adjustments, and to plan strategically to increase access to schools over time. The DRC will be issuing specific guidance for schools in England and Wales, and in Scotland, in 2006.

Q: So should public bodies just treat everybody the same?

Answer:

Realistically, equality of opportunity cannot be achieved simply by treating disabled and non-disabled people alike. The legislation states that the duty requires public authorities to have due regard to the need to take steps to take account of disabled persons' disabilities, even when that involves treating disabled people more favourably than other people.

In the end we do not create disability equality by treating everybody the same. Public bodies need to recognise the range of barriers and discrimination faced by disabled people and sometimes they will have to do that bit extra to tackle these. This is building on the long-standing requirement to provide reasonable adjustments.

Q: How can we encourage disabled people to participate in public life?

Answer:

'Public life' is a very broad term. It can incorporate a wide range of different areas including for example:

- tenants associations
- school councils
- library user groups
- patient participation forums
- school governors
- user representatives on governing bodies or boards
- market research focus groups
- citizens panels
- local strategic partnerships
- co-opted members within the committee or governing structure of a public body
- local councillors
- public appointments
- the House of Lords... and a whole host of other areas!

In order to encourage participation in public life, public authorities will need to make sure that disabled people are aware of the opportunities to participate, that they are encouraged to do so and that their participation is clearly and openly welcome, that criteria or other mechanisms for any selection do not restrict participation by disabled people and where possible value their experience.

The other and absolutely crucial element to encourage participation is ensuring that the framework is clearly and openly in place for disabled people to successfully participate both in the selection process and in the public body itself. This could for example mean making sure that there is a simple and streamlined mechanism for putting in place reasonable adjustments without the disabled person feeling like they are being in any way demanding. Disabled people will need to have concrete reassurances in advance that this will all be straightforward.

Q: What is 'due regard'?

Answer:

This means that authorities should give due weight to the need to promote disability equality in proportion to its relevance.

When considering proportionality public bodies need to give greater consideration to disability equality in relation to areas which have the most effect on disabled people.

Clearly disability equality will be more relevant to some functions than others, but because of the range of issues which impact on disability equality many functions are likely to be of relevance to disabled people.

When it is clear that changing the way in which a function or proposed function is carried out would lead to significant benefits for disabled people, then the duty places additional weight on the need to make such a change, to then be balanced against other considerations.

Q: [What about decisions which were taken in the past, do authorities re-assess established policies and programmes etc? How does the duty apply to them?](#)

Answer:

It's important that authorities not only consider disability equality when making decisions about the future. They will also need to take action to tackle the consequences of decisions in the past which failed to give due regard to disability equality.

They cannot do this in a single cycle of improvement. Rather this is a continuing duty and they should prioritise for review those aspects of their functions which have most relevance to disabled people. They will find it helpful to involve disabled people in this process of prioritisation.

Q: [Who are 'disabled people'?](#)

Answer:

The definition of disabled people is that which is used in the Disability Discrimination Act. This covers people with a wide variety of disabilities (from people with Alzheimer's and arthritis, to those with depression, diabetes, cancer etc.) and it's essential that public authorities consider the impact of decisions and functions on the full range of disabled people. Also, that they look at involving a range of disabled people.

Having considered the broad range of experiences, public authorities may wish to prioritise remedial action in relation to certain groups of disabled people, but on the basis that they experienced the greatest degree of exclusion, or because there are other valid reasons connected with operational priorities.

For more information, read [What counts as a disability according to the law?](#)

Q: [How should we meet the general duty?](#)

Answer:

The vast majority of public bodies are subject to both the general and the specific duties. This means they will have the framework of the specific duties and the Disability Equality Scheme to help them meet their responsibilities under the general duty.

If an authority is one of the minority of public bodies who are not subject to the specific duties, for example a parish, town hall or community council, they do not have to do produce a Disability Equality Scheme but they may still find the key actions within this provide a useful framework. These actions are:

- gathering and analysing evidence about the experience of disabled people using your services & as employees
- involving disabled people in looking at the work you do
- mainstreaming disability equality by looking at the impact of how you operate and your projects
- prioritising remedial actions to improve your effectiveness in delivering disability equality
- publicly reporting on the progress, or the challenges, in relation to disability equality.

Q: How does the duty affect advisory bodies?

Answer:

The role of advisory bodies is to provide independent expert advice to ministers on particular topics of interest. These bodies are covered by the general duty but not the specific duties and the requirement to produce a Disability Equality Scheme.

For these bodies to meet the duty effectively they will need to consider how they can mainstream the promotion of disability equality and impact assessing future proposals to avoid adverse impact on disabled people and to ascertain how proposals can actively promote disability equality. This may involve from time to time considering disability equality as a specific issue.

Those appointing the membership of advisory bodies should bear in mind the general duty's requirement to encourage the participation of disabled people in public life.

Q: Is the general duty relevant to all public bodies?

Answer:

Yes, the general duty applies to all public bodies (with a handful of listed exceptions). Even if a public authority have the specific duties and need to produce a Disability Equality Scheme they still need to know about and meet the basic premises of the general duty.

Q: What does the general duty require public bodies to do?

Answer:

A public authority must, when carrying out their functions, have due regard to the need to do six things:

- Promote equality of opportunity between disabled people and other people.
- Eliminate discrimination that is unlawful under the DDA.
- Eliminate harassment of disabled people that is related to disability.
- Promote positive attitudes towards disabled people.
- Encourage participation by disabled people in public life.
- Take steps to meet disabled people's needs, even if this requires more favourable treatment.

Q: How often will an authority have to report on progress?

Answer:

A public authority must report on an annual basis and this must be a published report.

Q: What are the specific duties?

Answer:

This is a framework to assist authorities in planning, delivering and evaluating actions to meet the general duty and to report on these activities. At the heart of this framework is the Disability Equality Scheme.

Q: Which public authorities have to meet the specific duties?

Answer:

The majority of public authorities have to meet the general and the specific duties. Regulations for Scotland and for England and Wales list those public bodies who have to meet the specific duties, and they are also listed in Appendix A of each of the DRC Statutory Codes of Practice. The specific duties apply to a wide range of public bodies including education institutions, government departments, local government (except for parish, town and community councils) health bodies, many museums and inspection bodies.

Q: How flexible are these specific duties?

Answer:

The same duties apply to all listed bodies (apart from some specific monitoring requirements that only apply to educational authorities). However, the duties are framed in such a way as to provide a flexible framework, guiding public authorities to meet the general duty in the most appropriate way. So that in practice they can be implemented differently, depending on the size and nature of the organisation.

Q: So what are public bodies required to do?

Answer:

First and foremost public bodies must publish a Disability Equality Scheme which must demonstrate how they intend to fulfil their general and specific duties. This scheme must incorporate an action plan and they need to involve disabled people in developing the scheme.

Then they must take the actions set out in the action plan and put into effect measures for gathering and acting on evidence. Additionally they will need to report on this progress annually.

Public bodies must review and revise the scheme every three years.

Q: Are inspection bodies covered by the specific duties?

Answer:

Yes, agencies that audit or inspect public authorities are bound by the duty in all aspects of this work. Where they have a broad role such as the inspection or assessment of the general performance of authorities in relation to service provision, they will need to ensure the duty is built into their inspection regimes and that how well the authority meets its disability equality duty becomes part of the inspection/audit process.

Q: Should the scheme be published?

Answer:

The scheme must be published and authorities will need to ensure that this is accessible to the whole community. It may be set out with another published document, such as an annual report, but to ensure

transparency it would generally be appropriate to publish a scheme as a whole so that stakeholders can view its different elements together

Q: Can authorities produce an equality scheme covering all equality areas?

Answer:

Some authorities have taken this approach and there is nothing within the legislation to stop this. However, the Disability Equality Scheme must be clearly identifiable and presented in such a way as to enable all interested stakeholders to readily access it.

This would not be the case if a combined scheme were to take a shopping list approach, listing all equality areas and not looking at the different ways in which discrimination manifests itself, or if it were to merge all of the equality areas into generic headings.

The most effective, combined schemes are likely to be those where an overall approach is outlined, the different mechanisms for achieving improvements are identified but the various equality areas are then clearly presented and specific actions and outcomes identified.

From the point of view of disability equality, the duty is unlikely to be effectively met if clear outcomes relating to the promotion of disability equality were not forthcoming from a combined scheme.

Q: How should public bodies to go about involving disabled people?

Answer:

Involving disabled people is not only a requirement of the duty but it should also bring tremendous benefit in terms of expertise to the organisation. However, in many cases it would be a challenge both for the public body and for disabled people to ensure the involvement is straightforward and effective.

Involvement should not be confused with consultation. It requires a much more active engagement of disabled stakeholders at all stages. Budgets for engaging with disabled people must take realistic account of the often significant costs associated with ongoing communication and collaboration.

Q: What should a Disability Equality Scheme include?

Answer:

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

- How disabled people have been involved in developing the scheme.
- The action plan.
- Arrangements for gathering information about performance of the public body on disability equality.
- Arrangements for assessing the impact of the activities of the authority on disability equality and improving these when necessary.
- Details of how the authority is going to use the information gathered, in particular in reviewing the effectiveness of its action plan and preparing subsequent schemes.

Q: Who should prepare the Disability Equality Scheme?

Answer:

It is important to ensure that the Disability Equality Scheme demonstrates commitment at the very highest level of the authority. The introduction could be signed by the Chief Executive, the Chair or their equivalent. In addition, it would be beneficial for a senior member of staff to take over responsibility for the implementation of the duty and the scheme. Having someone with disability expertise to advise and coordinate would also be beneficial.

Q: How can involvement be effective?

Answer:

It would be easy to have superficial involvement which has no effect or at the other extreme to overload both disabled people and the public authority by constantly requiring involvement and duplicating effort.

In order to make sure that the involvement of disabled people is really effective and to avoid involvement fatigue, public authorities should ensure that the involvement is focused and efficient. Going to the same group of disabled people over and over again to ask very similar

questions is the classic way to cause overload and fatigue. Authorities should make sure the process is clear, focused and efficient.

Using accessible mechanisms is obviously essential to ensure that a wide range of disabled people can participate.

It is acceptable for public authorities to take an approach which is commensurate with their size. This doesn't just apply to smaller bodies who may have to be particularly focused but it means that larger bodies will have to make a bigger commitment.

Any involvement must be influential and transparent. Those people who have been involved and others who are interested need to know what effect the involvement had but also where it was less influential, and why.

Q: What is an 'impact assessment'?

Answer:

Public authorities must include in their Disability Equality Schemes details of their methods for assessing the impact, or likely impact, of their policies and practices on equality for disabled people.

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

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

Q: What do authorities have to do with impact assessments?

Answer:

An impact assessment is not end in itself but is merely the process which an authority will go through in order to identify and then act on the need to modify all change policies and practices to better promote disability equality. It's what an authority does to decide on actions and improvements. If they only do the identification of issues and don't do the actions or improvements and the necessary follow through then it's a pretty fruitless task.

Q: What would a full disability equality impact assessment involve?

Answer:

There are a range of actions which a full impact assessment is likely to involve. These would include consideration of the available information, assessment of the effect the policy or decision would have on disabled people, consideration of the measures which may mitigate any adverse impact and alternative approaches which may better achieve promotion of equality for disabled people. It's also important to build in arrangements for monitoring for future adverse impact

Q: Should a public authority publish the results of full disability equality impact assessments?

Answer:

In the DRC's view reporting on the results of impact assessments, and in particular identifying where improvements have been made is extremely helpful. Not only would it reassure disabled people that attention was being paid to disability equality and appropriate action taken but it would assist others undertaking disability equality impact assessments.

Q: What about all the existing policies and activities?

Answer:

The general duty requires authorities to give due regard to disability equality in all their functions. This requires an authority to identify those functions where disability equality is relevant, and ensure that the way in which those functions are carried out i.e. an authority's programmes, activities and policies etc. do indeed give proportionate weight to disability equality. Impact assessment provides the means of achieving these tasks. Clearly any authority will have a significant "back catalogue" of existing policies and activities that will need to be assessed. A timetable for doing this over the period of the Disability Equality Scheme and prioritisation system would be essential.

Q: What sort of areas should disabled people be involved in?

Answer:

Involving disabled people at all stages and in various aspects of work to improve disability equality will be advantageous. However, the specific duties require disabled people to be involved in all key aspects of the development of the scheme. This would include identifying the barriers faced by disabled people and unsatisfactory outcomes, setting priorities for action plans and assisting in planning activity.

Q: Which disabled people should be involved and how should this be done?

Answer:

The authority must involve disabled people in developing the scheme who appear to them to have an interest in the way they carry out their functions. This may include former, current and potential service users, staff and the wider community. It is important to consider the full diversity of disabled people - in terms of the type of impairment and barriers people experience, as well as other equality issues such as ethnicity, age, gender, sexual orientation and religion or belief.

There will be a wide variety of ways of involving disabled people. This could include through the local organisation/s representing disabled people, through existing forums like disabled staff networks, through setting up specialist forums of disabled people where none exist at present, through workplace trade unions, through segmenting and developing existing consultation mechanisms or utilising existing networks.

The DRC will be producing detailed guidance on this issue later in 2006 and would be interested to hear about examples of the effective involvement of disabled people.

Q: Isn't an impact assessment just the way of looking for things an authority has done wrong?

Answer:

If an authority views an impact assessment as being completely negative then this will never be a successful way of improving policy or

practice. Everything can be improved and none of us will think of everything when designing a policy or putting something into practice. By looking over things carefully gaps, negative impacts and missed opportunities in relation to disability equality can be identified. Identifying these should be seen as a good piece of work and if an authority can't identify something in a policy or practice they probably aren't looking hard enough!

Q: Is there a prescribed way of doing disability equality impact assessments?

Answer:

Approaches are likely to vary depending upon the nature of the public body and the degree of relevance of the function for disabled people. Where the relevance of function is high, this indicates a need for a very thorough impact assessment. Where it is clear that relevance is low, authorities may wish to have a system for identifying this and recording what actions they have taken if they don't do a full impact assessment.

Authorities will need to develop criteria to use to determine whether to do a full impact assessment. This should look at whether a policy is a major one in terms of scale or significance or with a minor policy whether it will have a major impact upon disabled people.

Q: Will the first action plan be different to subsequent ones?

Answer:

It will be different particularly because the first step in drawing up the initial action plan will be for authorities to assess whether they possess sufficient information upon which to draw up the action plan!

Most authorities will already have some information available on disability and an important element of initial action plan may be to put in place additional mechanisms for gathering evidence on the authority's performance in relation to disability equality.

However, implementing new mechanisms for gathering evidence can take a long time. It is important that authorities do not wait for this additional information to be available before making plans to improve their

performance. In most cases, qualitative research (including research from other relevant sources) and involvement of disabled people will be sufficient to identify key areas where action is needed to deliver improved outcomes for disabled people.

With this, authorities can move ahead and build in actions to gradually increase their knowledge base and measurement of progress.

Q: So what sort of information should an authority be gathering?

Answer:

Within the Disability Equality Scheme the authority must set out their arrangements for gathering information on the effect of their policies and practices on disabled people.

This information gathering is not an end in itself but is merely there to help the authority make decisions about what actions would best to improve disability equality. The information will help the authority assess their performance; identify areas where they are doing well on promoting disability equality and areas where the performance is not so good. It should be sufficient to inform the authority about their delivery on disability equality and to assess their performance and priorities.

Often information will show up a particular pattern, trend or experience and it will act as a trigger to investigate this further.

Gathering information is an ongoing process and only having a limited amount of information is not an excuse for inaction.

Q: What areas should information be gathered on?

Answer:

All authorities subject to the specific duties must set out and put into place arrangements for gathering information in relation to recruitment, development and retention of disabled employees. Also authorities, apart from educational bodies, must look at the extent to which the services they provide and the other functions take account of the needs of disabled people.

Educational bodies need to consider the effect of their policies and practices on the educational opportunities and achievements of disabled learners. They are also likely to want to gather evidence about the extent to which their service more generally meet the needs of disabled people.

Q: What should the action plan look like?

Answer:

The action plan is basically the steps that a public authority is going to take to meet the general duty. It will set out the key actions that the authority will take to promote disability equality over the period of the DES.

In a highly effective Disability Equality Scheme the action plan will reflect a number of things. This would include the priorities of disabled people (and this is the information which would come from involving disabled people), the strategic priorities of the authority (including things like major projects coming up and business milestones), evidence of where the problems and priorities lie and very importantly the specific outcomes which the authority wishes to achieve set against a realistic timetable. It will also include measurable indicators of progress towards outcomes and lines of accountability.

The action plan should all be aimed at making practical improvements to equality for disabled people and that is why the specific outcomes must be clearly identified.

Q: Should the action plan include targets?

Answer:

The DRC recommends setting specific targets in key employment or service delivery areas. However, priorities should not be based on just doing what is easily measurable!

Q: What sort of information should an authority be capturing?

Answer:

It is useful to look at both outcomes such as educational attainment or numbers of disabled people in employment grades and at the sort of barriers disabled people face, such as inaccessible communication mechanisms. Investigating particular barriers will help to identify appropriate actions to produce improved outcomes for disabled people.

Disabled people with different impairments can experience fundamentally different barriers, and have very different experiences according to their impairment type. It will often be necessary therefore to monitor

outcomes according to impairment type to capture this information. Whether or not it is appropriate to collect information according to impairment group will depend upon whether an authority is ready and able to make use of the information. If an authority isn't going to use information to affect real change then it should not be collecting it.

Anyone designing a system within an authority to gather information should be firstly considering whether the authority is going to make use of the information, particularly when monitoring according to impairment type.

Q: Would any existing information or systems be helpful in gathering information on disability equality?

Answer:

Authorities already use a range of mechanisms to collect information (from examination results in educational bodies, homelessness statistics in local authorities or PSA targets in central government) and much of this information may already be easily broken down to identify the experience of disabled people or if it isn't disaggregated then straightforward systems set up to ensure this happens.

The same point applies to customer surveys, consultation feedback or complaint analysis.

It is vital that authorities ensure that these various mechanisms for gathering information can be disaggregated to identify the experience of disabled people and that disabled people are properly represented in mechanisms like customer surveys and focus groups.

The DRC will be researching best practice and producing guidance on this area in 2006.

Q: What does an overview of progress mean?

Answer:

This will look at the progress made by public authorities operating in specific policy or remit areas in relation to disability equality. A starting point for this report is likely to be a mapping exercise of the current information on the evidence available to Secretaries of State and Scottish Ministers in relation to their own departments, other relevant departments for the particular policy or remit area and other public authorities involved in this area. This may require specific action to

ensure that adequate and consistent information is collected across the policy or remit area.

The purpose of collecting information and reviewing progress is in order to inform proposals

Q: What does coordination of action mean?

Answer:

The coordinating role will be influential in improving the effectiveness of a wide range of organisations in relation to disability equality. The range of action and proposed coordination will vary significantly from one policy or remit area to another depending on issues which have been identified and mechanisms for improvement. The Secretary of State or Scottish Minister may also consider performance indicators or targets for a particular policy area.

Q: How does the reporting work?

Answer:

The first report will be due not later than 1 December 2008; one year after the majority of public authorities have published their first report on progress in relation to their Disability Equality Scheme.

How will all of the Disability Equality Duty be enforced?

If a public authority does not comply with the general duty this may be the subject of a claim to the High Court or Court of Session for judicial review by anyone with sufficient interest in the matter, or by the DRC.

If an authority does not comply with its specific duties, including the Secretary of State and Scottish Ministers provisions, it could face enforcement action by the DRC in the form of a compliance notice which can be enforced in the County or Sheriff Court.

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