

## **Equality Commission Response to Health and Social Care Trusts Disability Action Plans**

**November 2017**

### **Introduction**

Following the consultation event held jointly by the Health and Social Care Trusts on 19<sup>th</sup> January 2017, at which the Commission made a presentation, the Commission would like to offer the following comments in response to the Trusts/NIAS request for feedback on their Disability Action Plans covering the period 2017-2022.

### **General Comments**

The Commission welcomes the fact that the Health Trusts and the Northern Ireland Ambulance Service have worked collaboratively on developing a regional Disability Action Plan to be supplemented by additional local actions. This should ensure a consistent approach to the implementation of the Disability Duties across the Health Trusts/NIAS. The Commission also welcomes the fact that the regional plan includes a commitment that each of the Trusts and the Ambulance Service have included a commitment to sign-up the Mental Health Charter and Every Customer Counts initiatives.

The Commission would also like to note and welcome the importance of the pre-consultation event held by the Trusts/NIAS in January 2017 which provided an opportunity for key stakeholders to provide the Trusts/NIAS with their key recommendations in terms of the development of new Disability Action Plans.

The Commission welcomes the general approach taken by the Health Trusts/NIAS and the inclusion of a broad range of actions in their disability action plans and recommends that the Trusts consider our comments in relation to the issues outlined below.

We have set out below the Commissions general advice on the development of Disability Action Plans. Our comments are broad feedback with some suggestions on areas we have noted rather than a detailed response to all of the individual actions contained in the plans or an endorsement of individual plans. Our response has attempted to set out constructive feedback and advice in relation to the plans currently under consultation with reference to good practice. The Commission would also like to draw your attention to the most recent UNCRPD Jurisdictional Report which can be accessed through the following link [Jurisdictional 'Parallel' Report on Implementation in Northern Ireland \(August 2017\)](#)

### **Legislative Context**

The Disability Duties were introduced within the legislative framework of the Disability Discrimination (NI) Order 2006 as part of a series of changes to the DDA. The DDA is primarily focused on eliminating discrimination against disabled people in the fields of employment, the provision of goods, facilities and services, education and transport. The disability duties are positive mainstreaming duties which focus on proactive implementation of a range of measures which contribute to improving the way in which public authorities work in order to better promote positive attitudes towards disabled people and improve the level of disabled peoples' participation in public life.

### **Performance Indicators**

It is important to ensure as much as possible that performance indicators are clear and measurable and demonstrate how actions and intended outcomes are relevant to the disability duties. The Commission recommends that the Health Trusts/NIAS give consideration to providing more specific performance indicators in relation to individual actions contained in the Disability Action Plans.

When developing measures to be included in a Disability Action Plan it is important to bear in mind that the Disability Duties require public authorities to consider what proactive steps they can take regarding the promotion of positive attitudes towards disabled people and to encourage their participation in public life.

### **Public Life Measures**

The Commission's guidance on the Disability Duties outlines a number of measures which public authorities can take to encourage disabled people to participate in public life which include;

- encouraging disabled people to apply for/participate in public life positions
- removal of barriers to the selection process and the participation of disabled people
- creating opportunities for the involvement of disabled people and measures which encourage others to promote the participation of disabled people.

The Commission is aware that the Health Trusts and the Ambulance Service have established a number of involvement mechanisms to facilitate the involvement of disabled people in decision making. The Commission recommends that the Trusts/NIAS provide more detail in their disability action plans on what these mechanisms are, what they have achieved to date and what specific measures the Trusts intend to implement to facilitate participation in public life.

It is not clear from the draft Disability Action Plans, which measures are intended to address each of the Disability Duties. In order to ensure that the Disability Action Plans themselves are accessible, particularly to stakeholders, the Commission recommends that actions are grouped in terms of Participation in Public Life measures and measures intended to address the promotion of positive attitudes towards disabled people.

Furthermore, it is important that public authorities are mindful when developing actions which are closely associated with the Disability Discrimination Act (DDA 1995) requirements or indeed Section 75 equality scheme commitments, that it is clear how these actions meet the requirements of the Disability Duties.

### **Positive Attitudes**

The Commission's guidance on the Disability Duties suggests measures which public authorities can take in order to promote positive attitudes towards disabled people as follow:

- Review of a public authority's external and internal communication policies, practices and procedures in order to ensure that disabled people are portrayed in a positive role.
- Measures to promote positive attitudes amongst employees, office holders and others.
- Measures which encourage others to adopt / promote positive attitudes towards disabled people.

The Commission welcomes the fact that a number of positive actions have been included in this regard. However, it is important that such measures have clear targets and monitoring in place to determine their effectiveness over the lifetime of the plan. The Commission recommends that more detail is provided in this regard.

### **Staff Training**

The Commission notes the actions contained in the plans relating to staff training and offers the following advice in relation to this measure.

Public authorities should outline in their disability action plans the steps they intend to take to ensure that training and guidance on the disability equality legislation and disability awareness is provided to both staff and office holders. This demonstrates the authority's commitment to the Disability Duties and it also ensures that staff and office holders are aware of the duties and the Disability Action Plan.

This type of focused training is an example of an action which both promotes positive attitudes towards disabled people and by removing attitudinal barriers to appointing disabled people, can encourage participation in public life.

Public authorities will be aware that the Disability Code of Practice on Employment and Occupation recommends that employers provide training and guidance for all employees to ensure they understand their duties under the DDA 1995 and indicates that the training and guidance should also include disability awareness and etiquette training.

Public authorities should use such training opportunities to promote positive attitudes towards disabled people as well as communicating its commitment to the Disability Duties and implementation of its Disability Action Plan. It is also important that such training is provided to both office holders and managers as well as those staff engaged in recruitment and selection and front line staff who come into contact with disabled customers, service users and members of the public.

The Commission recommends that the Trusts provide more detail on the training which they intend to deliver over the course of the disability action plan. This should include targets for the number of staff involved, and effective evaluation mechanisms to determine the effectiveness of the training and to measure its success in achieving the objectives set out in the plan.

## **Employment Measures**

In terms of other employment related actions the Commission offers the following advice. Under S75 and the DDA Part II, employers should already be proactively considering steps to encourage disabled applicants to apply for employment opportunities and increasing the proportion of disabled employees at all levels within the organisation.

However, there is a link between the recruitment of disabled employees and the two duties in that employment opportunities can provide disabled employees with the skills and knowledge to effectively participate in public life. Also, employment opportunities can bring together disabled and non-disabled employees and challenge negative stereotypes about the abilities of disabled employees and promote positive attitudes. Certain types of employment could fall within the scope of 'public life positions' e.g. public facing positions which have a real public identity – but not all posts.

Although employment measures can contribute to the two duties, public authorities should not lose sight of the main policy aim of the legislation and the need to address a wide range of public life positions outlined in the Commission's guide which are mainly occupied by office holders and volunteers.

The Health Trusts/NIAS employ significant numbers of staff across Northern Ireland, in a broad range of occupations and are in a unique position to effect considerable change in this area. The Commission notes that only two of the Trusts have included a commitment to continue with their work placement scheme and only one Trust has included an actual target. The Commission would encourage the Trusts/NIAS to review this issue.

## **Conclusion and recommendations**

In conclusion, the Commission acknowledges the effort made by the Health Trusts/NIAS to achieve outcomes in relation to the disability duties during a period of significant change.

The Disability Action Plans currently under consultation provide for a broad range of actions to enable the Trusts/NIAS to fulfil their obligations arising from the disability duties and it is clear that the Trusts/NIAS have been engaged in a range of projects to date on disability issues.

In terms of the consultation Disability Action Plans the Commission recommends that the Health Trusts/NIAS consider our main recommendations as follows:

- Ensure as much as possible that **performance indicators** are clear and measurable and demonstrate how actions and intended outcomes are relevant to the disability duties.
- Review measures to **ensure that actions go beyond what Trusts/NIAS are already required to do under the DDA** Part II employment and Part III access to Goods, Facilities and Services.
- Ensure that the Disability Action Plans set out clearly which of the two Disability Duties individual actions are intended to address.
- Trusts/NIAS should consider providing **more detail on individual actions** to enable stakeholders to fully understand the work that the Trusts are engaged in relation to the disability duties. There may be actions where the Trusts are engaged in significant work but this is not immediately evident from the detail of the plans. Establishing **specific and measurable targets** at the outset of the plan plays an important part in ensuring that due regard is paid to the disability duties and that the implementation of the disability duties becomes outcome focused.
- It is important that individual **actions are clearly defined in order that monitoring** can effectively measure the impact that individual actions have and enable adjustments to be made where necessary. Clear targets can encourage staff at all organisational levels within a public authority to take ownership and allocate resources appropriately.
- The Commission recommends that the Trusts **provide more detail on the training which they intend to deliver** over the course of the disability action plan and consider in more detail how monitoring and evaluation could measure the impact of training on both the duties.
- The Commission would recommend **more ambitious employment related targets** within the plan, given cumulatively the Trust employ approximately 60,000 people across Northern Ireland.

The Commission welcomes the general approach taken by the Health Trusts/NIAS and the inclusion of a broad range of actions in their disability action plans and recommends that the Trusts/NIAS consider our comments in relation to the issues outlined above. The Commission looks forward to reviewing the consultation report on the advice we have given. If you require any further advice or would like to discuss our comments please contact your caseload officer using the contact details below.

Kevin Oakes, Equality Officer  
Brenda Hodkinson, Equality Officer  
Advice and Compliance Division  
Equality Commission for Northern Ireland

6 November 2017