

Equality Commission

FOR NORTHERN IRELAND

**EVALUATING THE EFFECTIVENESS OF THE
DISABILITY DISCRIMINATION (NI) ORDER 2006
DUTIES:
RESEARCH REPORT - DEVELOPING A
FRAMEWORK**

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INTRODUCTION

The Equality Commission for Northern Ireland (hereinafter the 'Equality Commission' or 'the Commission') has a duty to review the effectiveness of the disability duties and must do so by 1 January 2010. To help prepare for that, this review was contracted by the Commission.

This report presents detail of the information gathered and used to inform the development of an **evaluation framework** against which effectiveness of the duties was measured. The findings of the evaluation and associated recommendations are contained within the main research report, entitled "**Evaluating The Effectiveness Of The Disability Discrimination (NI) Order 2006 Duties: Evaluation Report**"

This section introduces the review.

1. INTRODUCTION

The Disability Discrimination (Northern Ireland) Order 2006 made a number of changes to the Disability Discrimination Act 1995 as it applies to Northern Ireland. The changes include extending the definition of “disability” to cover more people, extending the scope of who must comply with the Disability Discrimination Act to include district councils in relation to district councillors, and public authorities in relation to all of their public functions as well as private clubs with more than 25 members. It also extends the provisions in the Disability Discrimination Act in relation to transport.

The Disability Discrimination (Northern Ireland) Order 2006 also inserted section 49A and 49B into the Disability Discrimination Act 1995 to create the disability duties. These sections came into effect on 1 January 2007.

Under Section 49A, public authorities when carrying out their functions must have due regard to the need to:

- promote positive attitudes towards disabled persons; and
- encourage the participation of disabled persons in public life.

The Disability Discrimination Act defines a disabled person as anyone who has a physical or mental impairment which has a long-term affect on his or her ability to carry out day-to-day activities.

Section 49B states that “*a public authority to which this subsection applies shall prepare and submit to the Commission a plan (referred*

to as ‘disability action plans’) showing how the public authority proposes to fulfil the duty imposed by Section 49A in relation to the relevant functions”. These disability action plans (or revised disability action plans) must as regards form and content, conform to Commission guidelines¹.

The public authorities must report annually on progress towards achieving their disability action plan targets. They must also carry out a review of their plans every five years and forward a report of this review to the Commission together with, if requested by the Commission, a revised disability action plan.

The Equality Commission has a specific range of powers and duties relating to Section 49A of the Disability Discrimination Act 1995, (as amended by Article 5 of the Disability Discrimination (Northern Ireland) Order 2006) including keeping under review the effectiveness of the disability duties. In relation to this duty the legislation states that “the Commission must prepare and publish a report on the effectiveness of the duty not later than 3 years after the appointed day”². The Commission also has a duty to offer advice to public authorities and others in connection with that duty.

¹ ECNI (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI.

² 1 January 2010

The Commission is required to report a public authority to the Assembly in a range of circumstances including where an authority has failed to submit a disability action plan or revised plan within the required timescale. If a public authority does not comply with the disability duties, its actions or failure to act can be challenged by means of a claim to the High Court for judicial review.

These duties sit within a framework of other equality legislation in Northern Ireland, notably Section 75 of the Northern Ireland Act and the Disability Discrimination Act 1995. Section 75 of the Northern Ireland Act created a statutory duty on public authorities in Northern Ireland to have due regard to the need to promote equality of opportunity across the nine protected grounds, including disability. Under Section 75 all designated public authorities are required to produce equality schemes stating how they will meet these obligations.

The Equality Commission has contracted this research in progressing its duty to report on the effectiveness of the duty. The aim of this research is to provide an evaluation of the effectiveness of the disability duties which can be used to inform the Commission's statutory review of the disability duties which will be completed by 1 January 2010.

The review seeks to address the following objectives:-

- **Objective 1: Develop a framework for evaluation and related indicators** of impact; outcome; output; and action/

process, that will be relevant to this and any future evaluations “to keep under review the effectiveness of the duties”.

- **Objective 2: Evaluate progress to date** by the Equality Commission for Northern Ireland and public authorities against the above framework.
- **Objective 3: Make recommendations**, based on the above evaluation, with regards to improving the implementation and impact of the duties and/or changes to the legislation which might further enhance its efficiency and effectiveness.

OBJECTIVE 1

DEVELOPING THE FRAMEWORK

The aim of this project was to evaluate the effectiveness of the disability duties. The first objective was to develop a framework, including related indicators, that would be relevant to this and any future evaluation undertaken “to keep under review the effectiveness of the duties”.

To assist with the development of an appropriate framework and indicators, the context and legislative intent of the duties and the relationship between the duties and Section 75 were considered. Further, disability provisions in other jurisdictions were reviewed for possible examples. The issues involved in promoting positive attitudes and participation in public life were then considered, as these are the key aspects of the disability duties, and the main components of the implementation process were defined.

Additionally the researchers engaged with disabled stakeholders and non-governmental organisations to ascertain their ideas and views on the disability duties, and on the public authority and Commission implementation of the duties.

Finally, based on this background information, an evaluation framework was developed incorporating appropriate indicators.

3. THE CONTEXT AND LEGISLATIVE INTENT OF THE DUTIES

Eighteen percent of the population in Northern Ireland is limited in their daily activities for reasons associated with a disability or long-term condition³.

The employment rate for those without disabilities (79%) is over twice that of people with disabilities (32%)⁴. Other areas of concern beyond employment reflect similar deficiencies in terms of access to services and involvement in public life, including:

- the need for a ‘comprehensive, supportive and inclusive’ educational environment for children with disabilities;⁵
- in health and social care, the continuing need for equality of access for all, appropriate services based on choice and tackling patronising perceptions and attitudes that continue to equate disability and illness;⁶
- in housing it has been noted that ‘without access to appropriate housing disabled people have little or no control over their ability to participate in society...’⁷; and

³ NISRA. (2007). Northern Ireland Survey of people with Activity Limitations and Disabilities. Belfast: NISRA

⁴ DETINI. (2007). Northern Ireland Labour Force Survey April - June 2007. Newport: National Statistics

⁵ Disability Action. (2003). Agenda for Change 2003, Belfast: Disability Action, p 7.

⁶ Ibid, p 20

⁷ Ibid, p 24

- there is an under-representation of disabled people on public bodies and in the political system.⁸

The aim of the introduction of the disability duties was to create “a culture in which disabled people are properly valued, as employees, as service users and in public life; and in which they can participate fully in society.”⁹ It was also to “ensure that disabled people in Northern Ireland are not placed at any disadvantage to their GB counterparts and, that Northern Ireland continues to maintain parity with GB in the area of disability legislation while recognising the established principles of section 75 of the Northern Ireland Act 1998.”¹⁰ This was consistent with the policy position adopted in the Commission’s 2003 review of the Disability Discrimination Act in Northern Ireland; the Commission was of the view that disabled people throughout the United Kingdom should have parity of treatment with regard to the introduction and implementation of equality legislation.¹¹ The Disability Discrimination (Northern Ireland) Order was made by the Privy Council on 14 February 2006.¹²

⁸ Central Appointments Unit. (2008). *Public Appointments Annual Report 2007-2008*. Belfast: OFMdFM

⁹ OFMdFM. (2005). *Draft Disability Discrimination Order: Addendum to the Consultation Document*. Belfast: OFMdFM, p4.

¹⁰ Ibid, p4

¹¹ ECNI. (2003). *Enabled? Review of the Disability Discrimination Act in Northern Ireland – Consultation Report*. Belfast: ECNI p7

¹² For further information about the development of the Disability Discrimination (Northern Ireland) Order see <http://www.ofmdfmi.gov.uk/consultation-on-disability-discrimination-northern-ireland->

As a result, since 1 January 2007, all designated public bodies in Northern Ireland that are subject to Section 75 have had new duties to promote positive attitudes to disabled people and encourage their participation in public life. Unless exempted by the Commission, public authorities must produce a disability action plan outlining how they will meet their obligations and report annually on progress.¹³ To support them the Commission published its guide to the duties in March 2007.¹⁴ The Guide contains detailed guidance on the format and content of disability action plans, measures to promote positive attitudes and encourage participation, monitoring and review and the role of the Commission.

As noted above, the Disability Discrimination (Northern Ireland) Order 2006 was intended to extend the scope of the Disability Discrimination Act 1995 and give effect to the recommendations of the Disability Rights Taskforce established by the UK Government to look at the provision of comprehensive and enforceable civil rights for disabled people.¹⁵ The Commission's guidance on the disability duties states that the *'introduction of the disability duties in Northern Ireland reflect the changes to disability legislation in Great Britain*

[order](http://www.ofmdfmi.gov.uk/index/equality/disability/new-disability-discrimination-order.htm) and <http://www.ofmdfmi.gov.uk/index/equality/disability/new-disability-discrimination-order.htm>

¹³ For a list of exempted public authorities see www.equalityni.org

¹⁴ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. ECNI: Belfast.

¹⁵ ECNI. (2003). *Progress report on Disability Rights Taskforce Recommendations Remitted to the Equality Commission for Northern Ireland*. Belfast: ECNI

(GB).’ The Guide considers that the duties could make a ‘*substantial and tangible*’ difference to disabled people’s lives and suggests that ‘*promoting positive attitudes can include taking steps to portray disabled people in a positive role, as well as taking steps to eliminate ignorance and prejudice towards disabled people. Encouraging disabled people’s participation in public life can include taking measures to involve disabled people in public policy decision making, as well as encouraging their participation in political life.*’¹⁶

Promoting positive attitudes and participation can help to address the myths, prejudices and inaccurate perceptions of disabled people which have led to under-representation and the lack of engagement of and with disabled people across the range of public, social and economic activities. It can also help to address low labour market participation, difficulties in accessing appropriate education opportunities, health inequalities and the lack of suitable infrastructures and facilities necessary to enable full participation in public life and to live more independent lives. As the Commission’s guide notes ‘*disabled people do not have the same opportunities or choices...nor do they enjoy equal respect or full inclusion in society...*’.¹⁷

¹⁶ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. ECNI: Belfast. pp 6 and 8

¹⁷ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. ECNI: Belfast. p11

During its passage through the House of Lords, Lord Rooker, Minister of State, Northern Ireland Office, stated that the overall purpose of the Order was *'to enhance protection for the rights of disabled people'*. It was, he said, *'..an important piece of legislation, intended to widen and strengthen existing disability legislation thereby ensuring that more people than ever are protected...in Northern Ireland.'*¹⁸ In relation to the duty to promote positive attitudes and encourage the participation of disabled people in public life, His Lordship said Government was *'firmly of the view that the new duty is every bit as strong as those....contained in the 2005 Act, particularly when it is considered alongside what public authorities are already obliged to do by way of Section 75....'*

In moving the Order, Lord Rooker said it would ensure that disabled people had a *'truly comprehensive legislation framework that will help to eliminate barriers that prevent them from living independent and fulfilling lives'*.¹⁹

The importance of these duties was highlighted recently in relation to the GB Equality Bill, now making its way through Committee Stage in Westminster (although not applicable to Northern Ireland).

Emphasising the need to retain and indeed strengthen legislation, Caroline Gooding, Special Advisor to RADAR, said that the duties are *'very important to social inclusion...and help to eliminate prejudice and discrimination. Disabled people have a long history of*

¹⁸ Hansard, January 2006 www.publications.parliament.uk

¹⁹ Hansard, January 2006 www.publications.parliament.uk

*segregation and exclusion and public authorities need to make an extra effort to address this fundamental disadvantage.*²⁰

3.1 Conclusion

The disability duties together with the additional duties under Section 75 of the Northern Ireland Act, should, if effectively implemented, begin to address the inadequacies and barriers that face disabled people as well as enable public authorities to understand how they can, in association with and through the involvement of disabled people, promote positive attitudes and encourage their participation in public life.

Understanding the context and legislative background and intent behind the disability duties was an important first step in helping to develop the evaluation framework for the assessment of compliance with, and the effectiveness of, the duties. In particular, had their implementation led to, or did it have the potential to lead to, the ‘substantial and tangible’ changes hoped for including promotion of positive attitudes towards disabled people and increased participation in public life?

The information also assisted in preparation for and the conduct of the interviews with public authorities and NGOs. The Commission guidance for public authorities was important in helping to construct the evaluation framework, particularly in relation to the form and content of disability action plans and annual reports, the development of action measures and the extent to which public authorities had

²⁰ RADAR. (2009). *A Single Equality Duty Fit for Disabled People*. London: RADAR/RNID

taken on board ideas and opportunities for meaningful and innovative actions that would promote positive attitudes and encourage participation.

4. THE RELATIONSHIP BETWEEN THE DISABILITY DUTIES AND SECTION 75

The Explanatory Memorandum to the Disability Discrimination (Northern Ireland) Order 2006 made it clear that compliance with its duties is

*'without prejudice to a public authority's obligations to comply with any other statutory provision, including other provisions of the DDA [Disability Discrimination Act]. This would also include the public authority's obligation to comply with Section 75 of the Northern Ireland Act 1998.'*²¹

Whilst Section 75 and the disability duties are mainstreaming mechanisms,²² and have the same reporting requirements in the form of an annual report and five yearly reviews, there are important differences between the two.

Section 75 of the Northern Ireland Act 1998 created a statutory duty on public authorities in Northern Ireland to have due regard to the need to promote equality of opportunity across the nine protected grounds, including disability. Under Section 75 all designated public

²¹ *Disability Discrimination (Northern Ireland) Order 2006 [S.I. 2006 No. 312 (N.I. 1)]*
Explanatory Memorandum. Belfast: OFMdfM

²² For example, consideration of the need to promote positive attitudes towards disabled people and encourage their participation in public life is incorporated into all policies, at all levels and at all stages by those involved in public policy decision making and becomes central to public policy decision making.

authorities are required to produce equality schemes stating how they will meet these obligations. Schemes must adhere, in terms of form and content, to the guidance produced by the Commission and approved by the Secretary of State. All Section 75 schemes must be approved by the Commission. There is no requirement under section 75 to produce an action plan.

The disability duties require public authorities to produce a separate disability action plan, with associated performance indicators and a timetable during which the action measures will be addressed, focusing specifically on the promotion of positive attitudes and the encouragement of disabled people's participation in public life. Public authorities are free to decide the time period of their plan, within the bounds that a plan must be for not less than one year in duration and must be reviewed five yearly.

Unlike Section 75, however, consultation on the development and implementation of the disability action plan is not a legislative requirement although the Commission recommends this as good practice²³. Also, unlike Section 75 Equality Schemes, the Commission is not required to 'approve' disability action plans – however, if the Commission views that 'form and content' have not been met it can request a revised plan.

²³ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. ECNI: Belfast. p27

Despite these differences, however, Section 75 and the disability duties are complementary and need to be approached in this light for there are a number of areas where similar tools and approaches could be used for both, in terms of both process and results. For example, equality impact assessments used under Section 75, not required by the disability duties, could assist public authorities to introduce policies that will meet the disability duties; consultation, an important part of both the duties and Section 75, along with the involvement of disabled people, would assist public authorities to select and implement the most appropriate positive attitudes and participation action measures; and both would be strengthened if public authorities developed Equality Scheme action plans that could sit alongside the disability duties action plan and against which progress could be monitored. One of the recommendations arising out of the Section 75 effectiveness review was that public authorities would outline actions in their schemes and the Commission is currently considering this recommendation in its work on revising the guide to Section 75²⁴.

A number of other recommendations from the Section 75 effectiveness review have assisted the researchers to highlight how Section 75 and the disability duties might become more aligned if applied in the case of both. They also identify lessons learned and the types of good practice approaches that could assist public authorities in delivering their obligations across the board. These

²⁴ ECNI. (2007). *Section 75 – Keeping it effective: Reviewing the effectiveness of Section 75 of the Northern Ireland Act 1998*. Belfast: ECNI

include the development of baseline data and indicators to assist in the measurement of outcomes; linking equality schemes to an organisation's corporate planning cycle; putting a focus on sharing good practice among public authorities; and adopting a strategic approach to monitoring compliance.²⁵

4.1 Conclusion

Actions taken to promote positive attitudes toward disabled people and encourage their participation in public life will help to mainstream disability equality and promote and facilitate equality of opportunity so the disability duties can be seen as complementing and augmenting Section 75.

Together they offer a comprehensive and holistic approach to achieving disability equality. If effectively implemented both should begin to address the inadequacies and barriers that face disabled people and help public authorities, in consultation with and through the involvement of disabled people, to promote positive attitudes and encourage their participation in public life.

This overview of the similarities and differences between the two statutory provisions provide some guidance on the types of indicators that should be included in the evaluation framework. This will facilitate an assessment of: the content of action plans; the types of indicators selected; the sorts of timescales considered appropriate for making progress; as well as the steps taken to consult as disability action

²⁵ Ibid, pp 14 and 15

plans were being developed. Importantly, the framework should help to identify areas where public authorities are, in fact, going beyond what they are already statutorily required to do under the Disability Discrimination Act or in relation to Section 75.

5. DISABILITY PROVISIONS IN OTHER JURISDICTIONS

The Northern Ireland disability duties are positive, mainstreaming measures which “*require public authorities to adopt a **proactive approach, mainstreaming the duties into all decisions and activities***” rather than anti-discrimination measures, such as the Disability Discrimination Act 1995, which focus on preventing discrimination.²⁶ The aim of this aspect of the research was to determine whether provisions similar to the disability duties were in place in other jurisdictions and, if so, whether an assessment of their effectiveness had been undertaken. This would assist in the development of the evaluation framework and in considering the types of performance indicators and action measures developed by public authorities and included in their disability action plans.

Although there are a number of jurisdictions where legislation, policy or strategies on disability equality take account of concepts such as participation, involvement and attitudes, in the main these focus on employment rather than goods, services or civic participation and on anti-discrimination rather than positive, mainstreaming measures. Therefore, the most appropriate comparator for the Northern Ireland disabilities duties is the equivalent parts of the Disability Equality Duty contained in the Disability Discrimination Act 1995 in Great Britain.

²⁶ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. ECNI: Belfast. p9

Consequently only a brief overview of other approaches is included here.

5.1 Great Britain

The Disability Discrimination Act 1995 applies in Great Britain and Northern Ireland. However this Act also contains positive duties, the Disability Equality Duty (DED) which applies only in England, Scotland and Wales. The focus of this section is therefore only on the Disability Equality Duty, rather than the whole Act. The Disability Equality Duty in those jurisdictions includes a general duty on public authorities to have due regard to disability equality to:

- Promote equality of opportunity between disabled persons and other persons;
- Eliminate discrimination that is unlawful under the Act;
- Eliminate harassment of disabled persons that is related to their disabilities;
- Promote positive attitudes towards disabled persons;
- Encourage participation by disabled persons in public life; and
- Take steps to take account of disabled persons' disabilities, even where that involves treating disabled people more favourably.

There are also specific duties which include the requirements to:

- Publish a Disability Equality Scheme demonstrating how the public authority intends to fulfil its general and specific duties.
- Involve disabled people in the development of the Scheme

GB Disability Equality Duty uses a similar definition of public life to that contained in the Northern Ireland disability duties. However, interpretation of this definition is broader, as defined in the GB Codes of Practice on the Disability Equality Duty:

“Public authorities will need to have due regard to encouraging participation in public life not only by, for example, encouraging disabled people to stand for particular forums, but also by ensuring that the framework is in place for them to successfully participate in the selection process and in the work of the forum.”²⁷

Some evaluative work on the impact of Disability Equality Schemes, under the Disability Discrimination Act, in Great Britain has been completed including the identification of areas of good practice²⁸. This will inform not only the evaluation framework for the disability duties for this research but can also be of assistance to public authorities in Northern Ireland in implementing their disability action plans and identifying appropriate action measures. In addition, the Equality Commission’s own Section 75 effectiveness review, discussed earlier in Section 4, has highlighted a number of ways in

²⁷ Disability Rights Commission. (2006). *Duty to Promote Disability Equality: Statutory Code of Practice Scotland*. London: The Stationery Office

²⁸ Ferrie, J., Lerpiniere, J. et al. (2008). *An In-Depth Examination of the Implementation of the Disability Equality Duty in England*. London: Office for Disability Issues

which statutory duties might be better progressed in order to achieve outcomes.

Overall, it appears that the GB duty is having ‘*a significant impact with identifiable outcomes across the public sector*’, although ‘*unacceptable levels of complacency*’ remain.²⁹ In employment, impacts include disability equality being given a greater priority and a better understanding of the support disabled people need.³⁰

Disabled people themselves and those representing them are considered to have a pivotal role to play in ensuring compliance with the Disability Discrimination Act.³¹

In 2007 the Office for Disability Issues commissioned a seven month study on the implementation of the duty in England. This was done by way of in-depth interviews and focus groups across seven policy sectors, the aim being to examine the impact of the Duty and how it had influenced outcomes for disabled people.³² The research found that:

“The DED [Disability Equality Duty] had demonstrably changed the approach to disability equality of some of the organisations

²⁹ RADAR. (2009). *Doing the duty – the disability equality duty; impact so far and legal enforcement: Conference report*. London: RADAR. p 2

³⁰ Ibid. Comments from Richard Timm, Office for Disability Issues, p 3

³¹ RADAR. (2009). *Doing the duty – the disability equality duty; impact so far and legal enforcement: Conference report*. London: RADAR.

³² Ferrie, J., Lerpiniere, J. et al. (2008). *An In-Depth Examination of the Implementation of the Disability Equality Duty in England*. London: Office for Disability Issues.

researched by shifting attention from technical and access issues to a focus on broader equality issues.”

The report highlights ten key areas of good practice from the public authorities assessed which may be of benefit to Northern Ireland public authorities seeking to implement the action measures in their disability action plans. It is to be noted that a majority of these refer to the involvement of disabled people, rather than just consultation, reflecting the specific involvement duty in GB. They include:

- Organisations which were most successful in involving disabled people were those that showed a commitment to and understanding of the principles behind the equality duty, resourced the policy, were flexible and clear about the parameters of involvement;
- High-level support from senior management is a key driver;
- Best practice was illustrated by the use of a full range of involvement methods including the participation of disabled people at different levels;
- Disabled people need ownership of the equality schemes and action plans and to be able to recognise their involvement;
- Using local organisations of and for disabled people was found to be the best way to recruit disabled participants;

- Meaningful involvement is enhanced where training has been available to disabled people as this optimises contributions and is seen as an investment in the group.³³

In Great Britain, the Disability Equality Duty requires public authorities to involve disabled people; this is not included in Northern Ireland's disability duties legislation. Involvement goes beyond consultation and requires active engagement with and by disabled people so that their input and influence can be seen. Involvement is central to the concept of '*nothing about us, without us*.'³⁴

The (former) Disability Rights Commission in Great Britain highlighted the principles of good practice in the areas of involvement, development and implementation and its successor, the EHRC has recently commissioned research into *Good practice in community engagement from an equality perspective* in Scotland. Also in Scotland, the Scottish Executive (now the Scottish Government) published guidance on good practice in consultation with equality groups³⁵ and on consultation generally which suggests that equality mainstreaming must be taken into consideration³⁶. Equality and

³³ Ferrie, J., Lerpiniere, J. et al. (2008). *An In-Depth Examination of the Implementation of the Disability Equality Duty in England*. London: Office for Disability Issues. p 116.

³⁴ A slogan used by disabled activities and adopted by the GB Department of Health to promote the rights of disabled people in the White Paper *Valuing people*, 2001

³⁵ Scottish Executive. (2002). *Good Practice Guidance: Consulting with Equality Groups*. Edinburgh: Scottish Executive <http://www.scotland.gov.uk/Resource/Doc/46729/0025644.pdf>

³⁶ Scottish Executive. (2004). *Consultation Good Practice Guidance*. Edinburgh: Scottish Executive <http://www.scotland.gov.uk/Resource/Doc/1066/0006061.pdf>

fairness underpin the Scottish National Standards for Community Engagement.³⁷

Research by the EHRC has demonstrated that the ‘*genuine involvement of disabled people has had a major impact across all sectors*’ and could challenge the ‘*traditional paternalistic ethos*’ in the public sector.³⁸ This confirms the findings of a survey carried out for the GB Disability Rights Commission “*where the majority of interviewees reported that as a consequence of involving disabled people in their authorities’ (disability) schemes they were able to design and deliver better public services.*”³⁹ The Office for Disability Issues research also noted that:

‘By placing a much greater emphasis on the involvement of disabled people through the development of a DES [disability equality scheme], the Duty has also had a significant impact on the way in which organisations engage with disabled people.’⁴⁰

It appears, however, that disabled people’s representative groups may be moving beyond involvement, transforming it into activism and scrutiny. As Angela Mason, from the Improvement and Development

³⁷ <http://www.scdc.org.uk/national-standards-community-engagement/>

³⁸ Diamond, P. (2009) *The disability equality duty – impact and outcomes so far*, London: Equality and Human Rights Commission, January 2009

³⁹ Disability Rights Commission. (2007). *Involvement for real equality - the benefits for public services of involving disabled people*. Manchester: Disability Rights Commission. p 9.

⁴⁰ Ferrie, J., Lerpiniere, J. et al. (2008). *An In-Depth Examination of the Implementation of the Disability Equality Duty in England*. London: Office for Disability Issues. p18.

Agency, said recently: '*disabled people's activism would...be key to driving change.*'⁴¹

In its Disability Agenda paper the former GB Disability Rights Commission recommended that Governments should establish formal involvement protocols with those representing disabled people and ensure that agreements and arrangements with the community and voluntary sector promote involvement and participation.⁴²

Thus, the involvement duty in Great Britain seems to be a fundamentally important element for the achievement of change. Even though not required of Northern Ireland public authorities, this is one approach that may well assist them in delivering their requirements under the disability duties.

The GB Equality Bill 2009 is expected to contain a single equality duty covering the six protected groups in GB including disability. It will be important, in Northern Ireland, to monitor the passage of the Bill, in particular, the provisions around the single duty which will, of course, apply to UK wide bodies in Northern Ireland who must also comply with Northern Ireland legislation.

⁴¹ RADAR. (2009). *Doing the duty – the disability equality duty; impact so far and legal enforcement: Conference report*. London: RADAR.

⁴² Disability Rights Commission. (2007). *The Disability Agenda – creating an alternative future*. Manchester: Disability Rights Commission

5.2 Australia and New Zealand

The legislation in Australia and New Zealand is largely focused on anti-discrimination and equality of opportunity.

Australia takes an anti-discrimination approach through the Disability Discrimination Act 1992⁴³. This Act makes it unlawful to discriminate against someone with a disability in employment, education, access to premises, the provision of goods, services and facilities, accommodation, land, activities of clubs and associations, sport and administration of laws and programmes. This legislation is monitored by the Human Rights and Equal Opportunities Commission⁴⁴.

Organisations have to submit Disability Action Plans to the Commission that include the development of policies and programmes, evaluation and communication strategies. A brief review of a sample of Action Plans showed an emphasis on access issues.

In New Zealand, underpinning the New Zealand Government's Disability Strategy⁴⁵ is a vision of a fully inclusive society that highly values the lives of disabled people and their full participation in all spheres of life. The Strategy is a framework to help improve life outcomes for disabled people and remove barriers that prevent them from participating fully in society. Its themes include promoting citizenship by fostering society's ability to include disabled people.

⁴³ See www.auslii.edu.ac

⁴⁴ www.hreoc.gov.au/disability_rights

⁴⁵ Office for Disability Issues www.nzds.govt.nz

This requires initiatives to improve public awareness of disability, to raise the visibility and promote the leadership of disabled people. Objectives include building government capacity, ensuring rights for disabled people, encouraging and educating for a non-disabling society, opportunities in employment and supporting lifestyle choices, recreation and culture.

5.3 Canada and USA

The legislation in Canada and USA is focused on equal opportunities and anti-discrimination and is largely reactive compared to the disability duties which are about creating positive culture change through promoting positive attitudes and participation.

In the United States, the Americans with Disabilities Act covers private employers, state and local governments, employment agencies and unions and prohibits discrimination against qualified individuals with disabilities in employment. Employers are required to make 'reasonable accommodations' to a known disability if this will not impose 'undue hardship'.⁴⁶

The Canadian approach requires employers to provide equal opportunities and produce employment equity plans that include targets to address under-representation.⁴⁷ The Canadian Office for Disability Issues promotes the full inclusion and participation of Canadians with disabilities '*in all aspects of society and community*

⁴⁶ See www.ada.gov/pubs

⁴⁷ See www.chrc-ccdp.ca

life' and provides funding for those working to meet social development needs.⁴⁸

5.4 United Nations

The UN Convention on the Rights of Persons with Disabilities was ratified by the UK Government on 8 June 2009. Its guiding principles include a number which relate to participation and to promoting positive attitudes, including:

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices and independence of persons;
- Full and effective participation and inclusion in society;
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity.

The Convention also requires appropriate measures to be taken to address existing discrimination and to promote opportunities for persons with disabilities to participate on the basis of equality in social life and development. To that extent the Convention takes a proactive stance.

The Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission have been designated jointly as the independent monitoring mechanism of the Convention in Northern Ireland.

⁴⁸ See www.hrsdc.gc.ca/disability_issues

The UK government has indicated that it has reservations in the areas of education, legal capacity, immigration and citizenship and recruitment to the armed forces, prompting some to conclude that the Government *'has failed to grasp its core obligations to protect the human rights of disabled people as much as those of non-disabled people'*.⁴⁹ The Equality Commission for Northern Ireland objected to the reservations, along with the Equality and Human Rights Commission, the Scottish Human Rights Commission, and the Northern Ireland Human Rights Commission. The Chief Commissioner of the Equality Commission for Northern Ireland stated that *'the Equality Commission believes that all the provisions of the Convention should be fully realised in order to remove all barriers to inclusion and participation faced by disabled people'*.⁵⁰ In Northern Ireland, non-governmental organisations work to promote and protect the human rights of people with disabilities, including those under the Convention, is being taken forward by the REAL network, launched on 15 June 2009 under the auspices of the Centre on Human Rights for People with Disabilities.⁵¹ It is made up of disabled activists from across Northern Ireland.

5.5 Conclusion

The disability equality duties in Great Britain, like the legislation in Northern Ireland, is focused on positive culture change, including promoting positive attitudes and participation, and the duties are

⁴⁹ www.disabilityaction.org

⁵⁰ ECNI Press Release 23 March 2009

⁵¹ Rights, Empowerment, Action and Lobbying www.disabilityaction.org/cohr

therefore proactive measures. GB and Northern Ireland appear to be the only places where such proactive measures exist, which makes the duties unique, and makes it difficult to find comparisons in other jurisdictions.

Nevertheless, lessons learned from the implementation of the GB duties, particularly around the importance of involving disabled people, may provide useful models for public authorities in Northern Ireland.

Other jurisdictions may also provide ideas and interesting approaches that Northern Ireland public authorities could adapt, such as promoting leadership of disabled people or addressing under-representation.

Public authorities should be able to build upon their anti-discrimination work in implementing the Disability Discrimination Act, to develop and implement positive, mainstreaming measures to meet the disability duties. The researchers suggest that it can be useful to think of this as a continuum, moving from anti-discrimination to positive measures to promote equality.

6. UNDERSTANDING THE DISABILITY DUTIES

The Commission's guidance on the disability duties includes a comprehensive discussion of what public authorities need to consider when developing action measures on promoting positive attitudes and encouraging participation in public life. This section seeks to expand on some of the areas of public life and public policy which are, or could be, relevant to the dual elements of the disability duties in Northern Ireland, to provide current data, where available, and to inform thinking in relation to the assessment framework, particularly around the action measures selected by public authorities. It is not intended to be exhaustive but, rather, is indicative of some areas of good practice and areas for further action and improvement

It is important to recognise that promoting positive attitudes, encouraging participation and achieving equality of opportunity are interdependent and inter-related, as mentioned above in relation to the complementary nature of Section 75 and the disability duties. However, promoting positive attitudes, whilst crucially important, will not necessarily lead to greater participation in public life of people with disabilities. On the other hand, if society understands and embraces the contribution disabled people can make to public life, and their participation is not just encouraged but actively facilitated, then some of the negative attitudes which are described below should change, leading to greater equality for disabled people and their participation across the spectrum of public life.

6.1 Promoting Positive Attitudes

The Commission's guidance on the disability duties states that public authorities should be '*taking steps to portray disabled people in a positive role, as well as taking steps to eliminate ignorance and prejudice towards disabled people*'.⁵² Understanding public attitudes to disabled people can help to identify areas where public authorities and others need to act in order to bring about greater equality of opportunity and address negative perceptions and prejudices. For example, Equality Commission research in 2002 found that 31% of respondents thought that disabled people have different hopes and ambitions from those who are not disabled.⁵³ Also in that year research for the Department of Work and Pensions in England found that one in three people believed disabled people could not lead a full life and one in four would not wish to be associated with someone with a mental illness.⁵⁴ In 2006 the Survey on Public Attitudes to Disability in Ireland, carried out by the National Disability Authority, found that only 7% of respondents felt that employers would be willing to hire someone who had a mental health condition compared to 32% and 27% for those with physical and hearing disabilities. Respondents also said they would be most comfortable working with people with a physical disability but less comfortable if a colleague

⁵² ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI. p8.

⁵³ ECNI. (2002). *Public attitudes to disability in Northern Ireland*. Belfast: ECNI

⁵⁴ Grewal, I., et al, (2007). *Disabled for life: attitudes towards, and experiences of, disability in Britain*. London: Department of Work and Pensions.

had a mental health issue⁵⁵. The Equality Commission's Equality Awareness Survey 2008 reported similar findings. When asked '*would you mind having a member of the following group as a work colleague...*', 8% said they would mind if the individual had a physical disability and 17% would mind if the person was experiencing mental ill health.⁵⁶

Public authorities need to be aware that much remains to be done to enhance understanding and redress the negativity that continues to persist and consider what role they may be able to play in this.

6.1.1 Portraying Positive Images

If positive attitudes toward disabled people are influenced by the way in which they are portrayed and represented (or indeed rendered invisible if not included), then public authorities need to take steps to ensure that all of their activities represent disabled people fairly and positively.

Societal perceptions of disabled people can also be influenced by 'official' guidance that includes terminology that may be inappropriate; for example, 'vulnerable' being synonymous with 'disabled'; 'bullying' where a person has actually been attacked; or describing someone as having 'a mental age of...'. This type of language, SCOPE argues

⁵⁵ Insight Statistical Consulting. (2007). *Public attitudes to disability in Ireland*. Dublin: National Disability Authority.

⁵⁶ ECNI. (2009). *Equality Awareness Survey 2008*. Belfast: ECNI

in relation to disability hate crime, *'encourages the infantilisation of disabled victims and masks the gravity of their experience.'*⁵⁷

The Office for Disability Issues in Great Britain provides guidance on how disabled people should be represented in official communications, based on recognition of the 'social model' of disability. It defines a positive image as one that is *'fair, creative and stimulating'* and avoids representations that portray disabled people as *'victims of their impairments...receivers rather than givers to ...society and the economy'*.⁵⁸

This type of guidance could assist Northern Ireland public authorities to audit and improve their communications, marketing and media strategies in relation to how they portray disabled people.

6.1.2 Disability Hate Crime and Hostility

Inaccurate perceptions of and attitudes toward disabled people can impact upon their personal safety placing them at a *'significant risk ... of targeted violence and hostility'* and as a result a disabled person may be forced to *'restructure their lives to minimise risk'*.⁵⁹ This is particularly the case for those with a mental health condition or a learning disability and Mencap research showed that 8 out of 10 children with a learning disability had experienced bullying or

⁵⁷ SCOPE. (2008). *Getting away with murder – disabled peoples experiences of hate crime in the UK*. London: SCOPE. p38.

⁵⁸ Office for Disability Issues, Images of Disability Toolkit, accessed at <http://www.odi.gov.uk/iod/essential-info/essentialinfo04.php>

⁵⁹ Equality and Human Rights Commission. (2009). *Promoting the safety and security of disabled people*. London: EHRC. pp 4 and 8

harassment.⁶⁰ Research conducted for SCOPE in 2008⁶¹ and a recent report from the GB Equality and Human Rights Commission linked the experiences of disabled people to societal and perpetrators' attitudes and perceptions. For example, SCOPE points out that this type of crime can be driven by the belief that disabled people are inferior'; the EHRC research found that a disabled person can be perceived as a '*lesser person*'.⁶²

The criminal justice system is increasingly taking on board the concept of disability hate crime, defined by the Police Service of Northern Ireland (PSNI) as '*any incident which is perceived to be based upon prejudice towards or hatred of the victim because of their disability..*'. PSNI statistics on incidents, recorded crime and clearances of crimes with a disability motivation show that numbers in each of these areas fell between 2007-2008 and 2008-2009 with a 10.2% reduction in the number of incidents; 33.3% reduction in the number of offences recorded and with four, compared to five, offences cleared during the last year.⁶³ However work still needs to

⁶⁰ Mencap. (2008). *Mencap manifesto – making rights a reality*. London: Mencap. p10.

⁶¹ SCOPE. (2008). *Getting away with murder – disabled peoples experiences of hate crime in the UK: Executive Summary*. London: SCOPE.

⁶² SCOPE. (2008). *Getting away with murder – disabled peoples experiences of hate crime in the UK: Executive Summary*. London: SCOPE. p11; also Equality and Human Rights Commission. (2009) *Disabled peoples experience of targeted violence and hostility – summary of research findings*. London: EHRC

⁶³ Police Service for Northern Ireland. (2009). *Annual statistical report – Hate incidents and crime, 1 April 2008 – 31 March 2009*. Belfast: PSNI www.psni.police.uk. Also see NI Assembly Research and Library Services. (2008) *Disability: current protection, comparative analyses and options for enhanced protection: Criminal Justice (No2)(NI)Order 2007*. Belfast: Northern Ireland Assembly – “a victim’s actual or presumed disability can be seen as an aggravating factor when considering the seriousness

be done to increase confidence among disabled people, address any under-reporting and reassure them that their concerns will be taken seriously and that hostility and violence will be robustly dealt with, including through more effective inter-agency working.

Public authorities generally need to understand the impact that targeted violence or hostility can have on the ability, capacity and willingness of disabled people to participate in activities they might sponsor or opportunities for involvement that may be on offer.

6.1.3 Children and Education

Promoting well-informed social attitudes to disability is central to securing the right to equality for all disabled people as is *‘proactively and explicitly promoting positive attitudes and an understanding that it is barriers of attitude, environment and organisation which disable people...’* according to the Children’s Society, a UK charity committed to making childhood better for all children.⁶⁴ Earlier research had suggested that school curricula would have to be radically reformed if prejudice was to be effectively challenged; yet the Children’s Society found that 25% of primary schools did not include disability equality in teaching the National Curriculum.⁶⁵ Factors influencing this included a

of an offence and...the sentence imposed. The Order also amended article 8 of the Public Order (NI) Order 1987 to include disability; the definitions of ‘fear’ and ‘hatred’ in respect of acts intended or likely to stir up fear and hatred.”

⁶⁴ The Children’s Society. (2008). *Disability equality – promoting positive attitudes through the teaching of the National Curriculum*. London: The Children’s Society. p 4. www.childrenssociety.org.uk

⁶⁵ Quick, J. C., Beasley, K. and Morrison, C. (1990) *Challenging prejudice through education*. London: Falmer Press

low number of disabled children in the school, low levels of awareness, knowledge and confidence among teachers, limited time to plan classes and a lack of resources and ideas. A project to promote positive attitudes towards disabled children in England was developed to create an inclusive ethos in schools; provide guidance, support and training for teachers and a better understanding of why promoting disability awareness and equality is important and develop the ability to challenge stereotypes and the use of disablist language⁶⁶. The project also sought to promote links with disabled people as well as the use of inclusive and positive images in materials. The Society's research had identified examples of how this approach might be integrated into the curriculum including the use of fiction that promotes positive images and challenges stereotypes; exploring the maths of the Braille system or calculating gradients for wheel chair ramps; understanding, through science, the main types of impairments and genetics; considering the global distribution of impairments such as land mine injuries, polio etc as part of geography lessons; and studying the Disabled Peoples Civil Rights Movement in citizenship classes.⁶⁷

These kinds of innovative and creative approaches could be adapted by public bodies who are involved with young people in an

⁶⁶ Scope defines disablism as '*discriminatory, oppressive or abusive behavior arising from the belief that disabled people are inferior to others*'; see www.scope.org.uk

⁶⁷ The Children's Society. (2008). *Disability equality – promoting positive attitudes through the teaching of the National Curriculum*. London: The Children's Society. p 29. www.childrenssociety.org.uk

educational context or youth activities generally in order to help break down stereotypical attitudes about disabled people and promote opportunities for their greater participation across the spectrum of public life.

6.2 Participation in Public Life

In its Guide to the disability duties the Commission defines ‘public life’ as including public appointments, public bodies’ focus or working groups, community associations or fora, police liaison committees and the like. Participation in public life can therefore include the way in which disabled people contribute to or are involved in public policy decisions making or decisions relating to the way in which public authorities deliver their services or carry out their functions. This involvement can be at all levels including community, regional and national. This research relates only to the definition of “public life” defined in the Commission guidance.

This section discusses three areas where more can be done to reduce or eliminate barriers to, and to promote and encourage the participation of disabled people - public appointments, the political process and the benefits to be gained by consulting with disabled people as part of all planning and decision making processes.

6.2.1 Public Appointments

The Government believes that it is important that people from a wide range of backgrounds take up public appointments so that public

bodies become more diverse. This, in turn, should make them more responsive to community and individual needs.⁶⁸

However, of those first appointed to Executive Non-Departmental Public Bodies (NDPB's) and NHS bodies in Northern Ireland in 2007-2008, only four were disabled (two men and two women); first appointments to other bodies was also four, again two men and two women. Fewer than 2% of appointees declared a disability, a similar figure to the previous year although there was an increase in the number of applicants declaring a disability (from 2% to 5%)⁶⁹.

The current Code for public appointments produced by the Office of the Commissioner for Public Appointments in Northern Ireland (OCPANI)⁷⁰ states that the principles of equal opportunity and diversity '*will benefit any board to which they are applied*' and requires appointing Departments to comply with Section 75 of the Northern Ireland Act and make equal opportunity and diversity principles '*inherent within the appointments process*'. Appointments, however, are to be made on merit, a concept which some have argued can operate to 'tie the hands' of departments and agencies who wish to take a more innovative approach to attracting candidates. Expressing her frustration the Northern Ireland Commissioner said in her 2007-2008 Annual Report '*I have been*

⁶⁸ See <http://www.ofmdfmi.gov.uk/index/making-government-work/public-appointments.htm>

⁶⁹ Central Appointments Unit. (2008). Public Appointments Annual Report 2007-2008. Belfast: OFMdfM

⁷⁰ www.ocpani.gov.uk

*very vexed...over the lack of progress in relation to ...diversity in public appointments.*⁷¹

A new Code for Northern Ireland is being drawn up, with input from the Equality Commission, which in the researchers' view should build on the recommendations of the Short Term Working Group on Diversity in Public Appointments, which reported in July 2005.⁷² It will aim to reflect *'the need for diversity to be rigorously addressed'* and ensure that *'personal qualities, commitment and potential are also tested'*. Both of these elements should assist in making the public appointments system more accessible to those who are not, as OCPANI puts it, already part of the system.

In England the equivalent Code has an aim to increase the participation of disabled people which means, in practice, that the process should take into account *'non-traditional activities and career paths, while encouraging a greater number of people with disabilities...to participate in selection processes'*⁷³ and in June 2009 the UK Government Equalities Office published a cross-government action plan to improve diversity in public appointments which has a target of 14% for disabled appointees by 2011.⁷⁴

⁷¹ Northern Ireland Commissioner for Public Appointments. (2008). *Annual Report 2007-2008*. Belfast: OCPANI

⁷² OCPANI. (2005). *Report of the Short term Working Group on Diversity in Public Appointments*. Belfast: OCPANI

⁷³ Office of the Commissioner for Public Appointments, www.publicappointmentscommissioner.org

⁷⁴ Government Equalities Office and Cabinet Office. *Public appointments – opening doors, increasing diversity; a cross-government action plan*. June 2009

International examples of good practice include New Zealand where the aim is to have a register of appropriately skilled disabled people for nomination to boards through encouraging self-nomination and offering training, as well as working to increase the number of disabled women on the Ministry of Women's Affairs nominations database ⁷⁵; while in Denmark the Danish Disability Council, an advisory body on disability issues, has 14 members seven of whom must be representatives of people with disabilities.⁷⁶

An example of good practice in reaching out to disabled candidates can be found on the Disability Now website where there is a rolling banner from the GB Judicial Appointments Commission which asks: *'Are you ready for a new challenge? We are seeking disability qualified tribunal members.'*⁷⁷

Public authorities in Northern Ireland should be able to take steps to open up opportunities for more disabled people. Even if they do not make the actual appointment, an authority can take a number of proactive steps: the role/position criteria can be screened for evidence of barriers; information can be circulated via local networks; councillors can encourage constituents; and government departments can make sure that opportunities that are available, for example, through the Central Appointments Unit, are communicated. At a local level, public authorities can monitor the makeup of citizen groups,

⁷⁵ Ministry of Women's Affairs, www.mwa.govt.nz

⁷⁶ Danish Disability Council, www.dch.dk/english

⁷⁷ www.disabilitynow.org.uk

user panels and advisory fora and design action measures that will encourage greater participation by disabled people.

One issue that does need to be considered relates to public appointment stipends. Not all appointments do attract payment, beyond perhaps expenses, but when they do there is the potential for an adverse impact on disabled appointees some of whom may be primarily dependent on social security benefits.

6.2.2 The Political Process

The political process is one arena in which individuals can have a considerable influence on the development of public policy and decision making. It encompasses the full range of political 'environments' from the local policing partnership, to local councils, the Northern Ireland Assembly, Westminster and the European Parliament.

At local government level, Northern Ireland district councils have '*direct statutory duties in relation to council members who have disabilities....designed to ensure that (they)...are not placed at a significant disadvantage... in carrying out their council functions*'⁷⁸ and the Local Government Staff Commission, in consultation with the Equality Commission, is embarking on a project to enhance the participation of disabled people in local government across Northern

⁷⁸ Article 3, Explanatory Memorandum, Disability Discrimination Order, Northern Ireland Assembly Research and Library Service *Research Paper 52/08*

Ireland, mirroring the successful initiative on Women in Local Councils.⁷⁹

At local government level in England and Wales, although somewhat dated, research for the (former) Office of the Deputy Prime Minister, compared data from the 1997 and 2001 Local Government Censuses and found that the number of councillors declaring themselves as disabled was increasing⁸⁰ going up from 10.8% to 13.1% in 2001. Representatives of disabled people urge local authorities to tell disabled people about opportunities, including how to become a councillor and reserve places for disabled people on local decision-making bodies to give them the necessary skills and experience they will need to continue in this type of role.⁸¹

At Westminster, at least on the face of it, there appear to be only a few disabled MPs or peers although according to Anne Begg, Labour MP for Aberdeen South, there are probably many more as those with hidden impairments may not wish to disclose their disability. Indeed, one candidate said that his local party members thought he should not talk about his impairment '*in case the selection panel thought he would not be able to cope with campaigning and canvassing*'.⁸² The three main parties at Westminster are on record as saying there should be more disabled MPs and in early 2009 a cross-party Speaker's conference was underway to '*consider and make*

⁷⁹ Employment Development Division, Equality Commission for Northern Ireland

⁸⁰ Department of Communities and Local Government, Local and Regional Government Research Unit. (2003) *Disabled People and Participation in Local Government*. London: DCLG

⁸¹ www.scope.org.uk

⁸² Sagir Alam a prospective Labour candidate for Sheffield Central www.disabilitynow.org.uk

recommendations for rectifying the disparity between the representation of women, ethnic minorities and disabled people in the House of Commons and their representation in the UK population at large.⁸³ In the meantime, it appears that inflexible processes, cost and assumptions about what MPs should be like are excluding disabled people.

One solution, proposed by the former GB Disability Rights Commission, was that political parties should form Disability A lists for safe and winnable seats,⁸⁴ while SCOPE, in its submission to the Speaker's Conference proposed an 'access to public life' fund to provide financial support to approved candidates; a cross-party policy on reasonable adjustments to address barriers disabled candidates face; and extensive training for potential candidates, party staff and officers.⁸⁵

A brief review of the main political parties' websites in Northern Ireland did not show any proactive approaches to increasing the number of disabled people as candidates although it was easier to find a focus on women. The Northern Ireland Assembly's Disability Action Plan talks about facilitating access for *'those with disabilities who wish to participate in the democratic process by, for example,*

⁸³ *Explanatory memorandum on the motion relating to the Speaker's conference* November 2008 www.commonleader.gov.uk

⁸⁴ Disability Rights Commission. (2007). *The Disability Agenda – creating an alternative future*. Manchester: Disability Rights Commission

⁸⁵ www.publications.parliament.uk

*...serving as an MLA, making representations to elected representatives, observing Committee meetings...etc.*⁸⁶

Building on the ECNI's definition of public life, it is useful to consider briefly how disabled people are able to participate in the electoral process as this can be a means of generating interest in becoming involved, including running for political office.

The Polls Apart Campaign, which has been running for a number of years, aims to make the electoral process more accessible for disabled voters. During the 2001 UK general election 69% of polling stations were found to be inaccessible to disabled people, a figure that had only decreased by 1% by 2005. This, it was noted, made it obvious that disabled people *'have not been considered in their role as participants in the electoral process.'*⁸⁷

In Northern Ireland the campaign is led by Disability Action and the results of the latest Northern Ireland survey – the 2009 June European election - are awaited. Disability Action is also involved with the *Count us in* project, funded by the Electoral Commission aimed at increasing disabled people's awareness of the democratic process and participation in it as well as their skills and confidence in playing an active role in the electoral decision-making process.⁸⁸

In the United Kingdom the Electoral Commission established its New Initiatives Fund *'to support and promote new ways of raising*

⁸⁶ Northern Ireland Assembly Commission *Disability Action Plan 2008-2011* www.niassembly.gov.uk

⁸⁷ www.scope.org.uk

⁸⁸ Disability Action *Democracy Project*, www.disabilityaction.org

awareness about voting and democracy'. In Northern Ireland funding went to the Royal National Institute for Deaf People Northern Ireland in 2006 for its Deaf and Hard of Hearing People's Access to Democracy project aiming to *'increase knowledge of local, devolved, national and European systems of government....and build confidence to participate.'* One of the outcomes was that deaf and hard of hearing people were empowered and *'felt more confident in communicating their issues. Politicians also gained evidence to support their activities'*.⁸⁹

The GB initiative, Operation Black Vote, offers an interesting model for encouraging greater participation in the electoral process. Its aims are to *'inform, inspire and/or nurture the next generation of BME decision makers'*. It promotes role models from the black community; runs a shadowing and mentoring scheme to transfer skills and knowledge to potential candidates; runs community and grass roots campaigns; provides guidance on how to become a councillor or magistrate and has a number of promotional activities, such as a newsletter and website.⁹⁰

Although too young to vote, young people with learning difficulties participate in the Young People Speaking Out Cambridgeshire Parliament which has 35 MPS, all with a learning difficulty and voted for by others with learning difficulties. Each meeting of the Parliament tackles one subject and is often attended by decision-makers. As Parliament participants say *'If we think the guests are not*

⁸⁹ www.electoralcommission.org.uk

⁹⁰ www.obv.org.uk

listening to us, we follow up with a campaign'. Over 200 young people access the services of Young People Speaking Out annually which has received a number of awards including the Care Services Improvement Partnership⁹¹ Award for Putting People in Control and a national Wavemakers⁹² award.

In Canada, Elections Canada aims to make the electoral process more accessible by testing innovative ways to vote and offering electors more ways to register, such as working with associations that represent electors with visual impairments to improve the voting template and develop a list of candidates in large print for polling stations⁹³, whilst for the 2008 election in New Zealand initiatives were undertaken to improve access for disabled people to the enrolment process, provide information about Parliament and the election and improve access to voting.

Participation in the political process, as a candidate or elected official, is an important aspect of the disability duties. While it is essential that political parties are proactive in encouraging the involvement and participation of disabled people, public authorities in Northern Ireland also have a role to play. Action measures could include helping to ensure that polling venues are fully accessible and providing information on the role of a Councillor, or Assembly Member, or MP

⁹¹ Care Services Improvement Partnership (which ceased operations on 31 March 2009)

⁹² Run by the National Childrens' Bureau

⁹³ www.election.ca

through public channels such as libraries and online local information services.

6.2.3 Consultation

Much has been done since the introduction of Section 75 and the disability duties to promote the benefits of effective consultation with disabled people in the process of improving public policy making.

The Commission's Section 75 guidance outlines good practice and approaches that will help public authorities to engage with people, including those with a range of impairments.⁹⁴

The Commission's guidance on the disability duties recommends that public authorities consult on their draft disability action plans for at least two months, and that they also consult disabled people when implementing and reviewing their plans. It emphasizes how consultation can help to identify barriers to participation in public life and points out that this should be a two way process. It also sets out good practice in relation to targeting consultation, ensuring appropriate methods are used and that consultation is meaningful.⁹⁵

6.3 Conclusion

This section has highlighted some indicative examples of actions taken to promote positive attitudes towards disabled people or to

⁹⁴ Equality Commission for Northern Ireland. (2005). Section 75 of the Northern Ireland Act 1998: *Guide to the statutory duties*. Belfast: ECNI

⁹⁵ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI.

encourage disabled people's participation in public life and suggests that a key element in all of these should be addressing barriers to participation and challenging negative attitudes, as well as consultation with and the involvement of disabled people. Even just these examples demonstrate the breadth of opportunity to promote disabled people's participation in public life and positive attitudes towards them. Public authorities can draw on these and others when developing action measures, performance indicators and timescales for their disability action plan as well as look not only to each other but also to the voluntary and private sectors for good practice examples. In particular, public authorities may be able to build upon actions taken to implement Section 75 which may help to address the disability duties given the inter-dependence and inter-relatedness of the disability duties and wider equality law.

It is also very clear from these examples that where public authorities are not addressing barriers to access, as required under the Disability Discrimination Act, they are unlikely to be able to fully meet their disability duties, as being unable to access a service makes it less likely that the person will ultimately be able to participate in public life fora as defined in the guidance on the disability duties.

Finally, the Commission may wish to consider redefining 'public life' to include social and other interaction which can lead to fuller involvement in time, for example through participation in sports or the arts activities which can pave the way for disabled people to become part of the decision making process in these areas.

7. VIEWS OF DISABLED STAKEHOLDERS AND NON-GOVERNMENTAL ORGANISATIONS

It should be noted that the research undertaken under this part of the review served both to inform the development of the evaluation framework and indicators and to provide some feedback on aspects of the implementation of the disability duties. The information relating to the development of the framework is provided here, and the information relating to the evaluation section is mainstreamed throughout that section of the main report, and reproduced in full in appendix D of that same report.

7.1 Summary of views informing the development of indicators and the framework

The following is a summary of the views that were obtained from those who responded/engaged and which relate primarily to the development of indicators and the framework:

7.1.1 Stakeholder expectations and understanding of the disability duties.

Stakeholders were all aware of the disability duties and appeared to have a good understanding of what they were intended to do. However there was a considerable degree of cynicism amongst (focus group) participants about whether the duties would achieve their purpose, unless that purpose was just that government should be seen to be doing something. The responses suggested that some of the main areas of attitudinal discrimination against disabled people

were in employment and the supply of goods and services. Whilst much of this relates to provision by the private sector, nevertheless it was thought that public authorities could set an example by taking steps to implement the duties in their work.

The comparison was made between the implementation of Section 75 and the disability duties. It was noted that when Section 75 was introduced funding was provided for community groups to help raise awareness of the new legislation; however, this was not the case for the disability duties and, whilst disability activists are aware of the duties, disabled people in general as well as the rest of the general public are not. Similarly, the community and voluntary sector is aware of general equality laws, including those on disability, but there appears to be a lack of awareness of the disability duties. Consultees felt that when the Northern Ireland Assembly or UK Parliament pass laws they should ensure that there are adequate resources available to enable the effective implementation of those laws.

7.1.2 How can implementation be assessed?

Stakeholders stated that having evidence based targets, with clear indicators supported by evidence of delivery were essential and would help assess implementation. It was suggested that public authorities should focus on having a small number of achievable targets. Where suggestions were given about how the implementation of the duties could be assessed, these included asking disabled people, spot-checking rather than trying to evaluate all public bodies, examining advertising and other promotional

activities and monitoring the number of disabled people on public bodies.

7.1.3 How might meaningful change be promoted?

Where suggestions were made about how to promote meaningful change the consultees emphasised the need to '*win the hearts and minds*' and to start with a belief that people with disabilities can be better engaged in public life. One participant suggested that public bodies should be required to produce, and then to commit to, simple action plans listing, on a few sides of paper and without lots of analysis, just two or three actions which would be taken and what the impact of these should be. Disabled people themselves would be able to help with ideas for action measures.

7.2 Conclusion and recommendations

This section provided useful context for the framework, highlighted some of the issues faced by disabled people, and emphasised the need for the duties to be implemented effectively. It also highlighted the cynicism of some respondents regarding the purpose of the duties.

It provided some specific examples which informed the development of the framework, including the suggestion of ensuring that targets are achievable, asking disabled people about whether the duties are being implemented effectively, and having short, focused action plans with only a few achievable actions, rather than lots which are unachievable.

Recommendations

Recommendation 1:

Public authorities, including the Commission and the Government, should ensure that there is clear communication with stakeholders on the intent of new laws and policies. Public authorities should also consider how to manage stakeholders' expectations when new laws or policies are introduced so that stakeholders can engage effectively with the laws and policies and so that the public authorities can be held to account appropriately against reasonable expectations about the likely impact of the law.

8. DEVELOPING INDICATORS AND AN EVALUATION FRAMEWORK

The purpose of the evaluation framework is to facilitate consistent evaluations of the effectiveness of the disability duties in Northern Ireland. The indicators will be a key part of this framework because they will provide the basis for assessing the extent to which the disability duties have been implemented and the effectiveness of that implementation.

Therefore the starting point for developing indicators and the framework must be an understanding of the declared purpose(s) and methods of the disability duties. The background for this was provided by the review of the context and legislative intent of the duties in Section 3. The detail, especially for the components of the implementation process, was provided by examining the legislation itself and the Commission's guidance on the disability duties.

The literature review and other research summarised in the preceding sections was undertaken in order both to see if there were any ideas or examples of good practice elsewhere which might help in this process and to identify issues which the indicators should address.

8.1 Implications Drawn from the Literature Review and Other Research

Because the literature review and other research was undertaken to identify good practice and relevant ideas which might be helpful in developing the framework and indicators, its conclusions are reviewed first in this section.

In terms of other good practice the main conclusion is that there is nothing else that is particularly relevant to the disability duties in Northern Ireland. Whilst the review of practice elsewhere helped to identify good practice in anti-discrimination, the only other country which had positive duties which could be compared is GB. The conclusions from Section 5 included the view that the legislation in Northern Ireland, like the disability legislation in Great Britain, is substantively different from that applying elsewhere. The legislation in Northern Ireland and GB is focused on positive culture change, for instance promoting positive attitudes and participation, and they are therefore proactive measures. All of this background research contributed to further understanding of the context but could not be used directly in developing indicators or the framework.

This conclusion is helpful because it suggests that further work looking elsewhere for solutions is unlikely to be fruitful and that work undertaken to develop a framework and indicators from first principles will not be wasted because it will not be ‘reinventing the wheel’. Nevertheless, some useful pointers were indicated from the desk and other research and they are summarised in the table below.

Table 8.1 Implications for indicators drawn from the desk research

<i>Section</i>	<i>Heading and Summary of Conclusions</i>	<i>Implications</i>
Chapter 3	<u>The context and legislative intent of the disability duties:</u>	

	<p>The disability duties together with the duties under Section 75 of the Northern Ireland Act, should, if effectively implemented, begin to address the inadequacies and barriers that face those with disabilities as well as enable public authorities to understand how they can, in association with and through the involvement of people with disabilities, promote positive attitudes and encourage their participation in public life.</p>	<p>There is a need for indicators that will cover the implementation of the disability duties, in particular measuring whether public authorities have complied with Commission guidance, what measures they have taken to promote positive attitudes and encourage their participation in public life; and to engage with disabled people.</p>
<p>Chapter 4</p>	<p><u>The relationship between the disability duties and S75:</u></p> <p>Actions taken to promote positive attitudes toward disabled people and encourage their participation in public life will help to mainstream disability equality</p>	<p>Indicators should be considered for actions taken to promote positive</p>

	and promote and facilitate equality of opportunity. Therefore, the disability duties can be seen as complementing and augmenting Section 75 and, when taken together, they provide a comprehensive and holistic approach to achieving disability equality.	attitudes toward disabled people and encourage their participation in public life.
Chapter 5	<p><u>Disability provisions in other jurisdictions:</u></p> <p>The disability legislation in Great Britain, like the legislation in Northern Ireland, is focused on proactive measures. GB and Northern Ireland appear to be the only places where such proactive measures exist which makes their duties unique, and makes it difficult to find comparisons in other jurisdictions.</p>	There is a need for indicators of positive culture change, for instance the proactive promotion of positive attitudes and participation.
Chapter 6	<p><u>Key aspects of the disability duties:</u></p> <p>This section has highlighted only indicative examples of actions taken to promote positive attitudes towards disabled people or to encourage disabled people's participation in public life. Even just these examples demonstrate the breadth of opportunity to promote</p>	Examples of compliance and good practice in implementation of the disability duties exist and can be drawn upon when

	<p>disabled people’s participation in public life and positive attitudes towards them. Public authorities can draw on these, and look not only to each other but also to the voluntary and private sectors for good practice examples. In particular, public authorities may be able to build upon actions taken to implement Section 75 which may help to address the disability duties given the inter-dependence and inter-relatedness of the Disability duties and wider equality law.</p>	<p>implementing or evaluating the duties.</p>
<p>Chapter 7</p>	<p><u>Views of disabled stakeholders and NGOs:</u></p> <p>This section provided some specific examples of indicators which could be used in the framework. Although it was acknowledged that the timescale for implementation so far was quite short. There seems to be a degree of cynicism about how much difference the duties might make and stakeholders could not</p>	<p>The indicators should cover (and thus provide evidence of) the impact of implementation as well as just the actions⁹⁶.</p> <p>The indicators should also cover public</p>

⁹⁶ As this research only relates to 2007-8, evidence of actions rather than impacts or outcomes was expected.

	<p>think of many examples where they were actually making a difference yet.</p> <p>It could be argued that perceptions about the effectiveness of the duties will not change until there is evidence that they are having the intended impact, however this needs to be balanced with managing the expectations of stakeholders.</p>	<p>authority consultation and compliance with Commission guidance and the legislation.</p>
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8.2 The Components of the Implementation Process

The conclusion from the desk research was that ideas for an appropriate framework and indicators were informed by, but could not be based directly on any good practice elsewhere. The development of indicators thus had to be done primarily from first principles and therefore, in order to develop a framework for evaluating the effectiveness of the disability duties, the key components of the implementation of the duties were first identified and defined. Then, based on what is stipulated in the duties, details could be laid out for what should be done for each part of the duties, and at each stage, and practical indicators suggested for these components.

To implement the duties requires, for each of its objectives, a process leading to outputs which should in turn lead to outcomes with an impact and a result. The terms impact, outcome, output, action, process and objectives are frequently used across the public sector, however there is not one agreed definition of them.

The Equality Commission for Northern Ireland has defined outputs and outcomes / impacts in the following way⁹⁷:

Outputs — defined as act of producing, amount of something produced over a period, processes undertaken to implement the action measure e.g. Undertook 10 training sessions with 100 people at customer service level.

Outcome / Impact — what specifically and tangibly has changed in making progress towards the duties? What impact can directly be attributed to taking this action? Indicate the results of undertaking this action e.g. Evaluation indicating a tangible shift in attitudes before and after training.

H M Treasury, *The Green Book: Appraisal and Evaluation in Central Government*,⁹⁸ states that:

‘There is usually a hierarchy of outcomes, outputs, and targets that should be clearly set out in an appraisal. Outcomes are the eventual benefits to society that proposals are intended to achieve. Often, objectives will be expressed in terms of the outcomes that are desired. But outcomes sometimes cannot be directly measured, in which case it will often be appropriate to specify outputs, as intermediate steps along the way. Outputs are the

⁹⁷ Equality Commission for Northern Ireland, *Public Authority 2007 - 2008 Annual Progress Report on Section 75 of the NI Act 1998 and Section 49A of the Disability Discrimination Order*

⁹⁸ Her Majesty's Treasury. *The Green Book: appraisal and evaluation in Central Government*, 3rd edition. London: TSO. p13.

results of activities that can be clearly stated or measured and which relate in some way to the outcomes desired.'

The Green Book thus lists them in a hierarchy but in a way which would permit sub-divisions of outcomes.

Simon Bridge & Associates⁹⁹ applied the Green Book evaluation approach in their assessment of effectiveness of Section 75 legislation. Their rationale was based on the need to distinguish the “outputs” which should be within the initiative’s ability to deliver from the “outcomes” which it is anticipated would then follow the outputs, but which might not necessarily be within the initiative’s control because they would also be subject to other influences. Outcomes were then divided into shorter-term “results” and longer-term “impacts”.

It is suggested that in this case the “outputs” which might have been required from the implementation of the DDO duties by public authorities would include the development of disability action plans, effective training and guidance, and the production of annual progress reports to the Equality Commission. The “results” that might have been expected would follow from this process include public authorities being more aware of the needs of disabled people, recruitment to public life positions reaching more disabled people and mainstreaming in policy making and implementation. This would, in

⁹⁹ Simon Bridge and Associates. (2006). *Assessment of the effectiveness of Section 75 in terms of development and implementation of public policy*. Belfast: ECNI

turn, have the “impact” of improving positive attitudes towards disabled people and increased participation in public life.

As an example, in the context of their work on the effectiveness of S75, Simon Bridge and Associates summarised this sequence in the form reproduced in table 8.2.

8.3 Project Definitions

Drawing on the above information, in particular Simon Bridge & Associates, for the purposes of the “*Evaluating the Effectiveness of the Disability Duties in Northern Ireland*” project this report adopts the following definitions:

Process – a series of actions or steps towards achieving a particular end e.g. the provision of training on the disability legislation and disability awareness.

Action – an activity which is done e.g. a training session.

Output - results of activities that can be clearly stated or measured and which relate in some way to the outcomes desired e.g. people who have been trained.

Outcome - the eventual benefits to society that proposals are intended to achieve. This can be sub-divided into (short-term) **results** e.g. changes in practice or service delivery as a result of the training; or (longer-term) **impacts** e.g. because of the impact of that change in practice or service disabled people participate more.

Table 8.2¹⁰⁰: Section 75 – The Stages to the Desired Impact?

Stage	Requirement	Counterfactual Question
Outputs:	Screening, EQIAs, Reporting etc	
<i>which should lead to</i>		
Outcome Results:	Improvements in public policy development and implementation.	What else might have led to relevant changes in policy development and implementation?
<i>which should in turn lead to</i>		
Outcome Impact:	1) Equality of opportunity for the nine groups. 2) Good relations between the three groups.	What else might have led to improvements in equality of opportunity for the nine groups and/or good relations between the three groups?

8.4 Project Indicators

The purpose of the framework is to facilitate evaluations of the effectiveness of the disability duties in Northern Ireland, namely:

¹⁰⁰ Simon Bridge and Associates. (2006). *Assessment of the effectiveness of Section 75 in terms of development and implementation of public policy*. Belfast: ECNI

“public authorities, when carrying out their functions must have due regard to the need to:

- *promote positive attitudes towards disabled people; and*
- *encourage participation by disabled people in public life.”*¹⁰¹

The framework should therefore cover the component parts of the duties, identified from the legislation and guidance, which are the implementation by public authorities and the implementation and support provided by the Commission, together with the effectiveness of the duties themselves.

For ease of reference the indicators are numbered and are also labelled according to their subject as follows:

Implementation by Public Authorities – PA

Implementation by the Equality Commission – EC

The Effectiveness of the Disability Duties - DD

Chapter 9 presents a series of tables that provide summaries of the process, outputs and outcomes (both results and impacts) together with appropriate indicators, for the following:

Implementation by the Public Authorities

Has the public authority implemented the duties effectively?

PA1 The creation of a disability action plan.

¹⁰¹ ECNI. (2007). *A Guide for Public Authorities – Promoting positive attitudes towards disabled people and encouraging the participation of disabled people in public life*. Belfast: ECNI.

PA2 The provision of training on disability equality legislation and disability awareness.

PA3 The provision of guidance by the public authority.

What evidence has the public authority presented in relation to promoting positive attitudes towards disabled people?

PA4 The promotion of positive attitudes towards disabled people.

What evidence has the public authority presented in relation to encouraging disabled people to participate in public life?

PA5a Recruitment to public life positions.

PA5b Participation in public life

PA6 Encourage others to promote the participation of disabled people in public life.

Implementation by the Equality Commission

What evidence is there of the Commission supporting the implementation of the duties?

EC1 The provision of guidance on the duties (statutory).

EC2 The provision of other information/support.

EC3 Responding to requests for support.

EC4 Following good practice and acting in keeping with the spirit of the duties.

What evidence is there of the Commission keeping duties under review?

EC5 Keeping the legislation under review.

EC6 Keeping implementation by public authorities under review.

EC7 Compliance and enforcement.

The Effectiveness of the Disability Duties

What indication is there of the overall effectiveness of the duties?

DD1 Effective implementation of the duties by public authorities.

DD2 Effective fulfilment of the duties by the Commission.

DD3 Legislators consider the Commission's papers and review legislation.

9. Indicators of the Effectiveness of the Disability Duties

9.1 Implementation by the public authorities

9.1.1 Has the public authority implemented the duties effectively?

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>PA1 The creation of a disability action plan:</p> <p>a) <u>Consultation Activities</u>. A wide range of disabled people from across society (e.g. people with different disabilities, from different genders, ethnicities, sexual orientation, ages etc) are consulted on the drafting of the</p>	<p>The publication and dissemination of an accessible disability action plan which takes into account the views of disabled people and which complies with Commission Guidance as indicated by:</p> <p>a) An introductory statement</p> <p>b) An outline of appropriate and</p>	<p>The needs of disabled people are met, indicated by survey evidence.</p>	<p>More disabled people participate in public life, indicated by participation statistics</p> <p>Improved attitudes</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>public authority's disability action plan.</p> <p>b) <u>Involvement Activities</u>. A wide range of disabled people from across society (e.g. people with different disabilities, from different genders, ethnicities, sexual orientation, ages etc) are involved in the drafting of the public authority's disability action plan.</p> <p>c) <u>Creation of the disability action plan</u>. An action plan is created in keeping with Commission</p>	<p>effective action measures, including measure to provide training and guidance to employees and office holders on the disability equality legislation and disability awareness</p> <p>c) An outline of the timescale for implementation of the action measures</p> <p>d) Meaningful outcome focused performance indicators or targets</p> <p>e) Details of how the disability action</p>		<p>towards disabled people, indicated by survey evidence.</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>guidance.</p> <p>d) <u>Publication Activities</u>. Disability action plan is published / made publicly available</p>	<p>plan will be published including it is clear how it can be found / acquired and these sources are accessible.</p> <p>f) An outline of previous measures taken (recommended)</p> <p>g) Commitment to consulting with disabled people when implementing and reviewing the plan (recommended)</p> <p>Additionally</p> <p>h) Availability of disability action plan</p>		

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
	<p>in accessible formats.</p> <p>i) Monitoring progress and outcomes</p>		
<p>PA2 The provision of training on disability equality legislation and disability awareness:</p> <p>a) Individual training sessions.</p> <p>b) Monitoring and evaluation of the training.</p>	<p>The delivery of appropriate training indicated by:</p> <p>a) The number of the training sessions held and the number and type of attendees e.g. employees, officer holders, volunteers etc.</p>	<p>Increased awareness in the PA of the needs of disabled people</p>	<p>The public</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
	<p>b) Level of training (e.g. awareness raising, basic, advanced, focused on equality generally or disability duties specifically etc).</p> <p>c) Frequency of the training e.g. are updates available & used.</p> <p>d) The quality of the training (as independently assessed e.g. through external quality assurance)</p> <p>e) The monitoring of training outcomes.</p>	<p>and (e.g. of the range of impairments, models of disability, legal duties) and of the obligation to them, and improved attitudes in the public authority towards disabled people,</p>	<p>authority addresses the needs of disabled people, indicated by survey evidence</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>PA3 The provision of guidance by the public authority e.g. for staff:</p> <p>a) The production of individual guidance publications.</p>	<p>a) Content of guidance.</p> <p>b) Distribution of guidance.</p> <p>c) Publicity for guidance.</p> <p>d) Procedures to monitor the outcomes.</p>	<p>indicated by survey evidence.</p>	

9.1.2 What evidence has the public authority presented in relation to promoting positive attitudes towards disabled people?

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
<p>PA4 The promotion of positive attitudes towards disabled people:</p> <p>a) A review of internal and external communications to ensure that disabled people are included where appropriate (e.g. in images etc); and that they are portrayed in a positive manner.</p> <p>b) A review of language to ensure</p>	<p>Appropriate measures are taken to promote positive attitudes as indicated by examples and/or evidence of:</p> <p>a) Promoting positive attitudes towards disabled people among staff, office holders, volunteers and partners.</p> <p>b) Internal and external communications e.g. press</p>	<p>Disabled people are included and portrayed in a positive manner in internal and external communications and policies,</p>	<p>Improved attitudes towards disabled people, indicated by survey evidence.</p> <p>More disabled people can</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
<p>it is inclusive, not offensive and promotes positive attitudes towards disabled people.</p> <p>c) Providing disabled staff, office holders and volunteers with appropriate support as required.</p> <p>d) The contribution and value of disabled staff, office holders, volunteers and partners is recognised and rewarded appropriately in keeping with other staff, office holders and</p>	<p>releases, publications, emails, letters etc, all utilise appropriate language and do promote positive attitudes towards disabled people.</p> <p>c) The support provided to disabled staff, office holders, volunteers etc.</p> <p>d) Recognition of the contribution and value of disabled people in and outwith the organisation.</p> <p>e) Actions to promote interaction between disabled people and non-</p>	<p>processes and functions, indicated by examples.</p>	<p>identify with the organisation, indicated by survey evidence.</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
<p>volunteers.</p> <p>e) The contribution of disabled people outwith the organisation is recognised and rewarded appropriately</p> <p>f) Policies, procedures and practices are regularly reviewed to ensure that they promote positive attitudes towards disabled people and that they are implemented in a manner which also does this.</p>	<p>disabled people e.g. social events.</p> <p>f) Other activities which can contribute to promoting positive attitudes towards disabled people</p>		

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
<p>g) The contribution of staff, office holders, volunteers and partners who are also associated with disabled people e.g. as partners, parents, carers etc, is recognised and rewarded and they are given appropriate support as required.</p>			

9.1.3 What evidence has the public authority presented in relation to encouraging disabled people to participate in public life?

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
<p>PA5a Recruitment to public life positions:</p> <ul style="list-style-type: none"> a) Measures to encourage disabled people to apply for public life positions, such as <ul style="list-style-type: none"> • The publicising of opportunities in appropriate places and in appropriate formats, and the quantity of adverts / contacts and range of formats. 	<p>Appropriate measures are taken, as indicated by examples of:</p> <ul style="list-style-type: none"> a) The publicising of opportunities. b) The provision of information sessions. c) The provision of appropriate application materials, including the number of requests for accessible formats (disaggregated by disability and by other protected 	<p>Disabled people are aware of opportunities to apply for public life positions.</p> <p>Disabled people have the knowledge and</p>	<p>More disabled people apply for public life positions as see it as being relevant to them. This is indicated by:</p> <ul style="list-style-type: none"> • An increase in the number

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
<ul style="list-style-type: none"> • The provision of information sessions targeted for disabled people and people who may have disabilities but do not identify as disabled, also considering range of identities. • The provision of application materials in a range of accessible formats and this information is publicised to potential applicants. <p>b) Removing barriers to selection</p>	<p>ground).</p> <p>d) The application support provided e.g. by organisation or through capacity building with VCS (see below).</p> <p>e) Capacity building with VCS groups to support disabled people.</p> <p>Barriers are removed as indicated by:</p> <p>f) Examples of specific barriers which have been removed.</p> <p>g) Review of documentation related to selection and identification of</p>	<p>skills to gain public life position.</p> <p>Disabled people are supported to apply for public life position.</p> <p>The reduction or eradication of barriers to selection process for all disabled people</p>	<p>of disabled people applying for public life positions</p> <ul style="list-style-type: none"> • An increase in number of disabled people selected for interview. • An increase in number of

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
<p>process.</p> <p>c) Monitoring outcomes.</p>	<p>barriers.</p> <p>h) Review of wider materials / documentation to ensure that positive attitudes about disabled people are promoted.</p> <p>i) Information provided regarding support for disabled people in applying and holding public life appointment including induction, mentoring shadowing etc.</p> <p>j) Training of those involved in selection process to ensuring</p>	<p>(i.e. not just physical barriers but attitudinal and operational barriers).</p> <p>Disabled people see that others participate.</p> <p>All the above indicated by survey evidence</p>	<p>disabled people appointed.</p> <ul style="list-style-type: none"> • Increase in number of disabled people taking up roles in public life. • Increase in number of disabled people

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
	<p>positive attitudes towards disabled people.</p> <p>k) Use of positive action measures</p> <p>l) Provision for monitoring the outcomes.</p>	<p>and/or examples.</p>	<p>remaining in roles in public life (retention rates increase)</p> <ul style="list-style-type: none"> • More disabled people hold public life positions.
<p>PA5b Participation in public life:</p> <p>a) Remove barriers to</p>	<p>Barriers removed as indicated by:</p> <p>a) Examples of specific barriers</p>	<p>Reduction or eradication of barriers to</p>	<p>Increase in number of disabled people</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
<p>participation in public life.</p> <p>b) Create opportunities for disabled people to participate in public life.</p>	<p>which have been removed.</p> <p>b) Review of support and adjustments provided for disabled people.</p> <p>c) Publicising availability of support, including induction and adjustments for disabled people e.g. timing and location of meetings.</p> <p>Opportunities created as indicated by:</p> <p>d) All opportunities are available to</p>	<p>participation in public life for all disabled people (not just physical barriers but attitudinal and operational barriers) (Actual barriers removed or reduced will depend on the public</p>	<p>participating in public life, indicated by relevant participation statistics.</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
	<p>disabled people due to appropriate provision of support and publicity for this.</p> <p>e) Additional specific opportunities for disabled people to participate in public life are identified and promoted e.g. Disabled people’s forum.</p> <p>f) Types of public life position made available / publicised to disabled people is reviewed and all positions are available to disabled people subject to having the</p>	<p>authority’s remit).</p> <p>More disabled people are aware of the opportunity to participate in public life.</p> <p>More disabled people have the knowledge and skills to participate in</p>	

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
	<p>requisite skills, knowledge etc.</p> <p>g) Provision for monitoring the outcomes.</p>	<p>public life.</p> <p>More disabled people participate in public life.</p> <p>Disabled people are supported (where necessary) to participate in public life.</p> <p>Improved</p>	

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
		attitudes towards disabled people. All the above indicated by survey evidence &/or examples.	
<p>PA6 Encourage others to promote participation of disabled people in public life:</p> <p>a) Promotion of positive attitudes with partner organisations.</p>	<p>Appropriate promotion and encouragement, as indicated by:</p> <p>a) Grant / funding conditions which require those funded to demonstrate how they will</p>	<p>More disabled people are aware of the opportunity to participate in</p>	<p>An increase in number of disabled people participating in public life, indicated by</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
<p>b) Encouraging partner organisations to promote the participation of disabled people in public life e.g. through use of procurement or grant / funding conditions and the provision of training and capacity building.</p>	<p>promote participation of disabled people in public life and positive attitudes towards disabled people.</p> <p>b) Procurement criteria, selection process and contracts which require the promotion of participation of disabled people in public life and positive attitudes towards disabled people, therefore awards are only made to those who comply with the duties.</p> <p>c) Ongoing monitoring of funded or contracted bodies to ensure</p>	<p>public life.</p> <p>More disabled people have the knowledge and skills to participate in public life.</p> <p>More disabled people participate in public life.</p> <p>Disabled people</p>	<p>relevant participation statistics.</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
	<p>maintenance of activities to promote participation of disabled people and positive attitudes towards disabled people</p> <p>d) Training and capacity building by public authority open to funded or contracted organisations e.g. disability awareness raising</p> <p>e) Public authority leads by example on promoting participation of disabled people in public life and encouraging public attitudes towards disabled people e.g.</p>	<p>are supported (where necessary) to participate in public life.</p> <p>Improved attitudes towards disabled people.</p> <p>All the above indicated by</p>	

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Result) and Indicators</i>	<i>Outcomes (Impact) and Indicators</i>
	through use of positive language, images etc; and uses their influence with others	survey evidence and/or examples.	

9.2 Implementation by the Equality Commission

In order effectively to evaluate these duties the project will also need to evaluate the effectiveness of implementation by the Commission and therefore it has adopted the following indicators.

9.2.1 What evidence is there of the Commission supporting the implementation of the duties?

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>EC1 The provision of guidance on the duties (statutory):</p> <ul style="list-style-type: none"> a) Drafting of guidance b) Involvement of disabled people and data from involvement of disabled people is used to inform guidance. 	<p>The publication of guidance which takes into account the views of disabled people and which is fit for purpose (i.e. proportionate, transparent, appropriate and useful for public authorities as well as accessible to others, such as</p>	<p>The guidance leads to improved attitudes towards disabled people, indicated by survey evidence</p>	<p>The needs of disabled people are met, indicated by survey evidence. More disabled people</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
c) Consultation with public authorities	<p>disabled people) and which is indicated by:</p> <p>a) The appropriate availability of the guidance (for example, in clear language, free from jargon, fit for purpose, accessible).</p> <p>b) Data from involvement of disabled people compared with information provided in guidance</p>		participate in public life, indicated by participation statistics.
EC2 The provision of other (non statutory) information / support:	The provision, as appropriate, of briefings, seminars, conferences and	Public authorities' and	The needs of disabled people

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<ul style="list-style-type: none"> a) Provision of briefings. b) Provision of seminars. c) Provision of conferences. d) Awareness raising activities e.g. adverts, media work. 	<p>other awareness raising activities to support public authorities in an appropriate and effective manner, indicated by:</p> <ul style="list-style-type: none"> a) Records of the relevant events/activities, and, where relevant, material from them. b) Records of disabled people's involvement in the design and delivery of such information / support as appropriate 	<p>disabled people's awareness of the duties is raised, indicated by examples of their relevant actions.</p>	<p>are met, indicated by survey evidence.</p> <p>The information / support leads to improved attitudes towards disabled people, indicated by survey evidence</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>EC3 Responding to requests for support:</p> <ul style="list-style-type: none"> a) Commission responds to query. b) Commission follows up on query. c) Commission monitors public authority. 	<p>The provision of appropriate responses to queries, indicated by:</p> <ul style="list-style-type: none"> a) The number of queries received. b) The number of queries responded to. c) Whether the Commission provided the public authority enquiring with a named person to liaise with? If not would this have been beneficial to the public 	<p>The responses lead to improved implementation of the duties, indicated by survey evidence</p>	<p>The needs of disabled people are met, indicated by survey evidence. More disabled people participate in public life, indicated by</p>

¹⁰² If a definition of reasonable timescale is required the researchers suggest 7 working days for an acknowledgement stating the timescale for full response.

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
	<p>authority or to the Commission?</p> <p>d) The timescale of responses to queries (should be promptly)¹⁰².</p> <p>e) The accuracy of response to queries.</p> <p>f) If a follow-up was required for the query, did this happen? What was the timescale and accuracy of the follow-up? Was it deemed effective by the public authority and the Commission?</p> <p>g) The satisfaction of the enquirer</p>		<p>participation statistics.</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
	<p>with the guidance and responses to any interaction with the Commission.</p> <p>h) Would the public authority contact the Commission for support / guidance in this area again?</p>		
<p>EC4 Following good practice and acting in keeping with the spirit of duties:</p> <p>a) All actions comply with guidance.</p> <p>b) Commission information</p>	<p>Good practice is followed and the Commission acts in keeping with the spirit of the duties , as indicated by:</p> <p>a) The Commission uses clear, accessible language and formats and promotes positive images of</p>	<p>The Commission’s adoption of good practice and its acting in keeping with the spirit of</p>	<p>Public authorities are supported to implement the duties effectively</p> <p>More disabled people</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>provision is reviewed for language, format and structural accessibility.</p> <p>c) Commission consults / involves disabled people in its work (not just on disability duties but across the board).</p> <p>d) Staff training on disability duties and disability awareness.</p> <p>e) Commission engages with public authorities.</p>	<p>disabled people</p> <p>b) The delivery of training and monitoring of training e.g. quality, content, effectiveness, implementation of knowledge, impact; as well as numbers participating, frequency etc</p> <p>c) The Commission has a clear understanding of:</p> <ul style="list-style-type: none"> - the needs of public authorities, the challenges they face and the concerns they have, 	<p>the duties in indicated by:</p> <ul style="list-style-type: none"> • Commission outputs are understandable to its target audience. • Commission activities promoting positive attitudes towards 	<p>participate in public life e.g. work of Commission</p> <p>Attitudes towards disabled people are more positive e.g. within the Commission and externally</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>f) Commission engages with NGOs.</p> <p>g) Commission engages with disabled people e.g. has disabled Commissioners, staff, volunteers, committees, seminars, focus groups etc with disabled people as members; also proactive work to meet and engage with disabled people e.g. via NGOs, attending conferences</p>	<ul style="list-style-type: none"> - the expectations of NGOs and of how they can contribute to meeting the duties and concerns they have, - the expectations of disabled people, their concerns and any barriers they face, <p>and this is indicated by staff feedback, specific monitoring and the Commission's work in this area.</p> <p>d) The Commission benefits from the knowledge and expertise of</p>	<p>disabled people and encouraging disabled people's participation in public life.</p> <ul style="list-style-type: none"> • The Commission providing appropriate support to public 	

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
	disabled people, as indicated by specific examples.	<p>authorities (based on evidence rather than presumed need).</p> <p>Public authorities feel supported, that they have been listened to and that their needs are being met, indicated</p>	

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
		<p>by:</p> <ul style="list-style-type: none"> Public authorities feeling that the duties are being effectively implemented (based on their interaction with other public 	

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
		<p>authorities and with the Commission).</p> <p>NGOs feel involved and engaged in implementation of duties and that their contribution is recognised, indicated by:</p> <ul style="list-style-type: none"> • Feedback from NGOs. 	

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
		<p>Disabled people are involved and engaged in the implementation of the duties and feel that their contribution is recognised, indicated by:</p> <ul style="list-style-type: none"> • Feedback from disabled people. 	

9.2.2 What evidence is there of the Commission keeping duties under review?

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>EC5 Keeping legislation under review:</p> <ul style="list-style-type: none"> a) Research undertaken to review duties. b) Engagement with disabled people regarding legislation. c) Engagement with NGOs regarding legislation. d) Engagement with public authorities regarding legislation. 	<p>The duties are reviewed, as indicated by:</p> <ul style="list-style-type: none"> a) Research reports. b) Recommendations. c) Information on disabled people's, NGOs, public authorities and Commission staff views on the legislation. d) Effectiveness review report delivered by 2010 	<p>Duties are amended as required to ensure meeting aims, as indicated by comparison with legislative intent to implementation and effect of</p>	<p>More disabled people participate in public life</p> <p>Attitudes towards disabled people are more positive</p> <p>As indicated by survey and statistical evidence</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
e) Engagement with Commission staff regarding legislation.		duties	
EC6 Keeping implementation by public authorities under review: a) Actions taken to review implementation of duties. b) Number of PA's reviewed. c) Number of exemptions granted.	The implementation by public authorities is kept under review, as indicated by: a) Exemptions b) Reports on review of disability action plans c) Reports on review of annual reports. d) Recommendations.	Public authorities are held to account for implementation of duties and achieving the purpose of the duties, as indicated by reviews by	More disabled people participate in public life Attitudes towards disabled people are more positive As indicated by survey and statistical

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
	e) Other relevant communications.	Commission, independent research and evaluation; and surveys	evidence
<p>EC7 Compliance and enforcement</p> <p>Number of public authorities requested to submit a revised disability action plan.</p> <p>Number of public authorities submitting a revised disability action plan.</p>	<p>a) The Commission carries out its compliance and enforcement duty, as indicated by records of the relevant actions it takes.</p> <p>b) The Commission reports to Assembly on compliance (schemes and annual reports</p>	<p>Public authorities who do not comply are held to account</p> <p>Public authorities who</p>	<p>More disabled people participate in public life</p> <p>Attitudes towards disabled people are more positive</p> <p>As indicated by</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<ul style="list-style-type: none"> i) Formal letters. ii) Referral to Assembly. iii) Judicial reviews instigated and followed through 	<p>received or granted exemption)</p>	<p>comply are given credit</p> <p>Disabled people's rights are upheld</p> <p>As indicated by formal letters and responses;</p>	<p>survey and statistical evidence</p>

9.3 The Effectiveness of the Disability Duties

9.3.1 What indication is there of the overall effectiveness of the duties?

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
<p>DD1 Effective implementation of the duties by public authorities.</p>	<p>The public authorities comply with the duties as indicated by:</p> <p>a) The indicators highlighted in the public authority sections above.</p> <p>b) Disability action plans and annual reports published by the public authorities and lodged with the Commission.</p>	<p>The duties fulfil the legislative intent, indicated by survey evidence showing that disabled people’s needs are met.</p>	<p>More disabled people participate in public life, indicated by participation statistics</p> <p>Improved attitudes towards disabled people, indicated by survey evidence.</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
	c) The number of public authorities deemed to be compliant by the Commission and by independent evaluation.		
DD2 Effective fulfilment of the duties by the Commission.	<p>The Commission fulfils its duties effectively as indicated by:</p> <p>a) All indicators highlighted in the Commission sections above.</p> <p>b) Independent evaluation.</p>	<p>Disabled people are aware of their rights as indicated by surveys, interviews etc</p> <p>Public authorities are supported as indicated by Commission publications and papers / notes of interaction with public authorities</p>	<p>More disabled people participate in public life, indicated by participation statistics</p> <p>Improved attitudes towards disabled people, indicated by survey evidence.</p> <p>Legislators read the</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
		Legislation is kept under review, as indicated by papers provided by Commission e.g. reports to Assembly	Commission's papers and then start new process (see below).
DD3 Legislators consider the Commission's papers and review the legislation.	The legislation and duties are updated to reflect the changing needs of disabled people and the changing context of society, as indicated by revisions to the legislation and guidance.	The duties fulfil the legislative intent and disabled people's needs are met, indicated by the views of disabled people, NGOs, public authorities and the Commission on the legislation and whether the	Disabled people participate fully, meaningfully and effectively in public life, indicated by survey and statistical evidence and independent research. Continued improvement in

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
		<p>duties and intent are being fulfilled, as ascertained by surveys and independent research.</p> <p>The duties and legislation remain relevant to society in Northern Ireland, indicated by the views of disabled people, NGOs, public authorities and the Commission on the legislation and the duties and whether they are relevant, as ascertained by surveys and</p>	<p>attitudes towards disabled people, indicated by survey evidence, and reductions in incidents of hate crime and of harassment, fewer complaints to police, to the Commission or to others, and fewer legal cases and conciliation.</p>

<i>Process (and component Actions)</i>	<i>Output and Indicators</i>	<i>Outcomes (Results) and Indicators</i>	<i>Outcomes (Impacts) and Indicators</i>
		independent research.	

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