

## **Disability Equality Duty Secretary of State Reports: Getting Started**

### **Guidance for Departments**

This guidance is intended to supplement the Statutory Code of Practice produced by the Disability Rights Commission (DRC)<sup>1</sup>.

### **Overview**

1. By 1 December 2008 and every three years thereafter certain Secretaries of State must publish a report<sup>2</sup> that:
  - gives an overview of the progress made by public authorities in that policy sector in relation to disability equality; and
  - sets out proposals for co-ordination of action by those public authorities in that policy sector to bring about further progress on disability equality.
  
2. This duty applies to the Secretaries of State for:
  - Business, Enterprise and Regulatory Reform;
  - Children, Schools and Families;
  - Communities and Local Government;
  - Culture, Media and Sport;
  - Environment, Food and Rural Affairs;
  - Health;
  - the Home Department (the Home Secretary);
  - Innovation, Universities and Skills;
  - Justice;
  - Transport; and
  - Work and Pensions.

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<sup>1</sup> [http://www.drc.org.uk/PDF/DED\\_Code\\_Dec05\\_pdf.pdf](http://www.drc.org.uk/PDF/DED_Code_Dec05_pdf.pdf)

<sup>2</sup> Requirement of the Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005 (SI 2005/2966)

3. The duty also applies to the Welsh Ministers. Scottish Ministers have similar responsibilities under the Regulations applying to Scottish public authorities.
4. This duty is significantly different from the duties to produce a Disability Equality Scheme and produce annual reports on progress against that Disability Equality Scheme.
5. The departmental Disability Equality Scheme should focus on specific actions within that department in relation to the Disability Equality Duty. It will feed into a more extensive report from the Secretary of State. The Secretary of State Report will look outside the department and focus on achieving improved equality of opportunity for disabled people across a broad policy sector. This will involve consideration of the progress of other government departments who are also involved in elements of this policy sector, as well as a range of other public bodies which have a key role in the relevant policy sector.

### Getting Started

6. The first step departments will need to take will be to define their Secretary of State's policy sector. A 'policy sector' is the sector of public activity in which the Secretary of State carries out public functions. For example, tourism will be a policy sector of the Secretary of State for Culture, Media and Sport. A department's Public Service Agreements are likely to be a good starting point for assessing the extent of the Secretary of State's policy sector. Chapter 4 of the DRC's Code of Practice gives some examples of policy sectors.
7. It will also be necessary to identify which public authorities operate in that sector. This will include the department, other relevant government departments, all the relevant Non-Departmental Public Bodies sponsored by the department and other public bodies at 'arm's length'. However, public authorities whose primary link is with another department may also be relevant; for example, DWP will need to assess the progress towards disability equality made by local

authorities (primary link with CLG) in the administration of housing benefit.

### Overview of progress

8. When departments have determined the extent of their policy sector and which public authorities are relevant they will need to consider how they will gather evidence to determine the extent of progress towards disability equality within that sector. To do this departments might consider:
  - whether information gathered by Non-Departmental Public Bodies or other organisations (such as the National Audit Office, Audit Commission, Healthcare Commission and Ofsted) will be sufficient in order to assess progress, or whether the Secretary of State needs to seek further information from these organisations;
  - whether disability considerations are adequately captured in their performance indicators; the Disability Equality Duty also applies to setting the performance framework, a good way to satisfy this, and to streamline data collection requirements to inform Secretary of State Reports, is to ensure that all relevant Departmental Strategic Objective (DSO) performance indicators are disaggregated by disability;
  - whether surveys they sponsor will gather adequate information, or whether questions need to be amended or added. For example, the DWP carries out an annual survey of local authorities on the administration of housing benefit – does this include questions about disabled customers? Are the existing questions sufficient?
  - whether there are areas where there is no existing mechanism for assessing progress and consequently new research needs to be commissioned;
  - whether case studies would help to understand the progress in the sector. For example, DCSF could commission case studies of schools to look at the role of the local education authority, school

governors and Ofsted, in influencing the progress schools were making towards disability equality;

- how existing inspection and audit regimes, such as those of Ofsted and the Audit Commission, might be used to gather information on public authorities progress;
  - how areas for which the Secretary of State shares responsibility with a colleague should be treated. For example, the Secretary of State for Justice and the Home Secretary might co-ordinate their reporting on the Criminal Justice System. However it would also be necessary to consult other departments, for example the Secretary of State for Health will have an interest in the way health services operate in prisons.
9. To ensure that the Secretary of State considers all the critical disability issues within his policy sector, departments should review what existing reports such as 'Life Chances'<sup>3</sup> and the DRC's Disability Agenda<sup>4</sup> say about equality for disabled people.

#### Co-ordination of Action

10. In order to bring about further progress towards disability equality, the second element of the report requires the Secretary of State to consider the evidence of progress and set out proposals to co-ordinate action of public authorities and proposal to address any barriers that have been identified.
11. This part of the report should cover questions like:
- Are the critical disability issues in the sector being addressed? Involving disabled people could help departments answer this question.

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<sup>3</sup> [http://www.cabinetoffice.gov.uk/strategy/work\\_areas/disability/](http://www.cabinetoffice.gov.uk/strategy/work_areas/disability/)

<sup>4</sup> <http://www.disabilityagenda.org/>

- Are relevant authorities co-operating effectively? For example, are police, prison and probation services organised in a manner that enables the effective rehabilitation of disabled offenders?
  - Is there good practice in the sector which should be shared? For example, a police force that successfully encourages reporting of disability-related hate crime.
  - Are there barriers that are preventing public authorities from promoting disability equality that are outside of their control such as regulation, funding mechanisms, or centrally-set targets?
12. In order to understand any barriers that might be preventing public authorities from promoting disability equality effectively and where co-ordination by the Secretary of State would be most effective, departments will need to ensure that there are mechanisms in place to enable public authorities to provide information about barriers to the Secretary of State. This information could be gathered through the department's existing performance management or governance mechanisms it has with its NDPBs, specially designed surveys or events for sponsored bodies.

### Involving Disabled People

13. The involvement of disabled people could add value to the Secretary of State's Report. For example, focus group research that looked at disabled people's attitudes to public authorities operating in their policy sector could provide useful insight into the progress those authorities had made towards disability equality. Public bodies may already collect such information as part of evidence gathering for their Disability Equality Schemes.

### Additional Sources of Information and ODI Support

#### *Outcome-based Indicators*

14. The ODI is developing outcome-based indicators towards disability equality based on a recent public consultation. An initial set of

indicators will be published in the next ODI Annual Report which will be published in December 2007. These indicators may provide useful additional information for departments when assessing progress across their sectors. Information about the consultation can be found on the ODI website:

<http://www.officefordisability.gov.uk/consultations/>

### *Compliance Audit*

15. The ODI's audit of compliance of public authorities with the requirement to produce a disability equality scheme involving disabled people provides a useful baseline of compliance within sectors at January 2007. The full report can be downloaded from the ODI website:

<http://www.officefordisability.gov.uk/publications/>

16. Departments should also consider follow-up research carried out by the DRC and any enforcement action that might have been taken by the DRC (or, from October 2007, the Commission for Equality and Human Rights (CEHR)) against authorities in their policy sectors. This information is available on the DRC website until October 2007 and the CEHR website thereafter:

[www.dotheduty.org](http://www.dotheduty.org)

[www.cehr.org.uk](http://www.cehr.org.uk)

### *Case Study Research*

17. The ODI also intends to carry out case study research across a range of public sector organisations in early 2008. This information will assist departments in their review of progress and should also highlight best practice within sectors.

### *Longitudinal Disability Survey of Great Britain*

18. The ODI recently commissioned the Office for National Statistics to develop plans for a *Longitudinal Disability Survey of Great Britain*. Proposals are being developed to monitor the experiences of disabled people over time; capturing transitions from childhood to adulthood, into and out of employment and people's experience of receiving benefits and services over different life stages. An indication of the size and scope of this survey can be found in the DWP *Feasibility Report*<sup>5</sup>.
19. The longitudinal survey will provide a major vehicle for measuring progress in the Life Chances agenda and develop the evidence base to inform future policy development across Government. This offers an opportunity for Departments to contribute to this national survey and secure data requirements for meeting the Secretary of State Duty. ODI are happy to engage with other Departments on how the survey can meet these information needs.

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**Office for Disability Issues**

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<sup>5</sup> <http://www.dwp.gov.uk/asd/asd5/rrs2005.asp#meeting>