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Mainstreaming the Disability Equality Duty and the Impact on Public Authorities' Working Practices

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Implemented as part of the 2005 amendments to the Disability Equality Act, the Disability Equality Duty (DED) placed new and important demands on public sector bodies. All such organisations are required to develop policies and working practices which actively promote the equality of disabled people as employees, consumers or visitors. The promotion of equality has to be proactive as opposed to reactive and must be mainstreamed into the normal day-to-day activities of organisational working practices. Whilst the DED follows on from the framework of previous anti-discrimination legislation set in place over the last 15 years, it represents a significant change in equality legislation and demands that public sector bodies instigate fundamental changes in their approach towards disability. This article reports on the initial stages of the implementation process of the DED across a range of public sector organisations in England, focussing in particular on how this policy has impacted on mainstreaming. Discussion shows that although organisations show awareness of mainstreaming and its implications for disability equality, there is limited evidence to suggest that the public sector has fully embraced this agenda.

Introduction

The amendments to the Disability Discrimination Act (DDA) 2005 introduced a range of revisions to the 1995 Act. The Disability Equality Duty (DED) set out in Part V of those amendments marked a significant change in the approach to disability equality. Under this section, public sector authorities now have a much wider duty to actively identify and tackle the barriers facing disabled people. The DED moves the focus to one of organisational change in which proactive steps must be taken to meet the needs of disabled people, both as employees and as customers or service users. Organisations are required to think ahead and 'design out' discrimination when planning anything new. The DED places both a general duty and a range of specific duties on public sector bodies. Under the general duty, public authorities are required to carry out their functions with due regard to the need to promote equality between disabled and non-disabled people, setting out how they intend to fulfil their general duty and specific duties. A Code of Practice to assist authorities with implementing the Duty and mainstreaming disability equality into all decisions and activities was published by the then Disability Rights Commission (DRC, 2005).

The specific duties require public authorities to publish a Disability Equality Scheme (DES) alongside an Action Plan to monitor the impact of these changes. This article

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explores the impact of these requirements by drawing on findings from a study of DED implementation in its first year in England, carried out for the Office for Disability Issues (see Ferrie *et al.*, 2008). Findings show that although most of the organisations interviewed reported some positive progress in meeting the DED requirements, these changes tended to emerge on a piecemeal basis rather than as a more formal performance measure. This would therefore suggest that the mainstreaming of disability equality has yet to be fully achieved across the public sector.

Any discussion of the impact of the DED has to be contextualised within the framework of the disability discrimination legislation which has emerged over the last 15 years, so we begin by looking at some of the earlier work on mainstreaming, notably in areas of gender equality, and then re-visit ideas set out by Witcher (2005) in relation to the development of an agenda for mainstreaming disability equality.

A decade of disability rights: the impact of the DDA and emergence of the DED

In the UK, legislation and policies on a range of equality issues have been developed since the late 1960s. This began by tackling race and gender discrimination through the introduction of the Race Relations Act in 1968 and the Equal Opportunities Act in 1975. However, anti-discrimination legislation for disabled people took considerably longer to secure, and whilst the Chronic Sick and Disabled Person Act (1970) contained some anti-discrimination elements, it failed to have any impact. Despite vociferous campaigning from the disability movement during the 1980s and 1990s, the then Conservative Government remained unconvinced of the incidence of disability discrimination and blocked 13 attempts to get legislation on the statute. Eventually, the British Council of Disabled People funded research led by Colin Barnes to highlight the extent and nature of disability discrimination. The findings were published in Barnes' study, *Disabled People in Britain and Discrimination* (1991) and provided the most extensive quantitative and qualitative research on the pervasiveness of discrimination. This, in turn, led the Major government to change their position and permit legislation to develop in the form of the 1995 Disability Discrimination Act. Whilst the original 1995 Act was welcomed as an important means of recognising that discrimination against disabled people existed, it was strongly criticised for its use of a medicalised definition of disability, the limited protection offered (Gooding, 2000) and the absence of an enforcement body to support discrimination claims.

Changes implemented under New Labour sought to confront some of these criticisms. The Disability Rights Commission (DRC) was an important part of these changes, and was set up to monitor implementation of the DDA and promote anti-discriminatory practice. The DRC was in place from 1999 until its amalgamation into the Equality and Human Rights Commission (EHRC) in 2007. Legislation under New Labour also secured a widening of coverage of the DDA across key areas of public life (see Pearson and Watson, 2007). This required all businesses to comply with making 'reasonable adjustments' for employees; the focus on discrimination in the provision of goods and services was extended from October 2004 to ensure that businesses made physical alterations to their premises to overcome access barriers; and legislation was also extended to education through provisions set out in the Special Educational Needs and Disability Act 2001 and Part IV of the DDA (see Riddell, 2006 for more details).

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Whilst the emergence of the DDA (and related amendments) was broadly welcomed by disabled people, it is clear that over ten years after its initial implementation, discrimination is still common. In the workplace, for example, Foster (2007) found that there remains widespread ignorance of the law among employers and the promotion of disability equality training has been minimal (Cunningham *et al.*, 2003). Moreover, the promotion of disability rights has tended to focus on support for persons with physical impairments, with the rights of those with learning difficulties more often overlooked (Stalker and Lerpiniere, 2009). Problems with the DDA have therefore stemmed from the highly individualised nature of the legislation, which, at best, relies on the goodwill and attitudes of individual line managers to instigate any level of change (Foster, 2007). In the light of these restrictions, provisions to develop a more proactive framework of disability rights were secured through the emergence of the Disability Equality Duty (DED) set out in the DDA 2005.

Unlike the DDA, the DED seeks to tackle disability discrimination by actively promoting equality through institutional and cultural change across working practices in the public sector. This meant that from December 2006, the estimated 45,000 public sector authorities in Britain (EHRC, 2008) have been required to publish a DES, an Action Plan, and make arrangements for monitoring and assessing these changes in their organisations. Central to this process has been a focus on 'mainstreaming disability equality into all decisions and activities' (DRC, 2005: 1.13) – a policy goal which also extends to staff, customers and visitors. Therefore, from the outset, the focus on mainstreaming contained in the DED, provides a clearer framework for challenging structural inequalities. For Witcher (2005), this could represent a means of implementing the social model of disability. However, before assessing this assertion in the context of our research findings, discussion turns to focus on how the concept of mainstreaming has emerged over the past decade and its relevance for a successful implementation of the DED.

Developing the mainstreaming agenda: issues for disability equality

The principles of mainstreaming originated in the field of gender equality and were promoted by work in the European Union (EU) from the mid-1990s as a means of incorporating equal opportunities into 'all actions, programmes and policies from the outset' (Rees, 1998: 3–4). Given the origins of mainstreaming as a gender equality strategy, much of the literature focuses directly on its application in this field (see for example, Beveridge *et al.*, 2000; Rees, 2002; Squires and Wickham-Jones, 2002). However, there are clearly a number of useful parallels from which the work on gender mainstreaming can be understood. Indeed, those such as Rees (1998) have underlined its capacity to move beyond gender and into other dimensions, such as disability and race. Therefore, as Squires (2005) notes, the shift to consider equality in relation to wider aspects of diversity highlights the need to widen the appeal of mainstreaming strategies.

Following the election of New Labour in 1997, the concept of mainstreaming equality gained increasing recognition at different levels of government and formed an integral part of the 'modernising' programme. As Rees (1998) observes, the prominence of mainstreaming in social policies over the past decade reflected a shift in equal opportunities from an 'add on' to considering it as an integral part of the policy process. Like changes initiated in the EU, New Labour's approach to mainstreaming began

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with a focus on gender mainstreaming, appearing as part of its gender policy in 1998 (Cabinet Office, 1998). Reportedly, attempts were made by the Home Office and the then Department for Education and Employment to develop this policy statement to include equality guidelines for minority ethnic groups and disabled people, but, at this time, this was unsuccessful (Squires and Wickham-Jones, 2004). More recently, institutional change – through the emergence of the EHRC in 2007 and related legislative shifts including the DED and plans for single equality duties, which link together race, gender and disability – has broadened the remit for mainstreaming. It is in this context that we turn to look at some of the specific issues for the mainstreaming of disability: equality.

Writing in this journal in 2005, Witcher set out some of the key issues for disabled people in relation to mainstreaming equality. Drawing on the ideas of Young (1990), she suggests that mainstreaming builds on theories of social justice, which stress the importance of recognition (Young, 1990). However, if mainstreaming is to be meaningful, she argues that strategies need to avoid assumptions about sameness and the overlooking of difference that may lead to homogenisation and exclusion. Conversely, an exclusive focus on difference and failure to identify sameness, can, she suggests, lead to fragmentation and ghettoisation. She also maintains that recognition is intrinsically bound up with patterns of distribution, 'not just through material resources, but of capacity to make life-style choices, responsibilities and status, and the equal valuing of alternatives chosen, where these are neither mutually incompatible, logically impossible or harmful' (Witcher, 2005: 62). This, she argues, has less to do with different understandings of what mainstreaming is, and more to do with the quality of understanding of equality issues and consequent implementation. Therefore, according to Witcher, the challenge for mainstreaming disability equality is to recognise both differences *and* sameness. We will return to these ideas later in this article. In order to do this, the discussion now focuses on how mainstreaming disability has been approached across the public sector in light of the DED changes, by examining our findings from research carried out for the Office for Disability Issues (see Ferrie *et al*., 2008).

Research aims and methods

This article draws upon data collected as part of a study into the impact of the DED on public sector organisations and focuses in particular on data related to the extent to which organisational changes were mainstreamed and incorporated into normal working practices. The research was conducted between December 2007 and July 2008.

Public sector organisations from the Home Office (criminal justice), Department for Communities and Local Government (housing), Department for Culture, Media and Sport (culture), Department of Health (health), Department of Transport (transport) and the Department for Children, Schools and Families (education) were selected for inclusion in this study. The Department for Work and Pensions was not included as it was the subject of other recent related research (see Berthoud and Blekesaume, 2007).

Within each sector, a 'Target Organisation' was identified as a focus for investigation. All of the organisations were public bodies with a published DES and with a completed first year review. A wide geographic spread across England was also sought. In each organisation, an equality officer working closely on the organisations' DES was interviewed, as well as a senior manager or 'disability champion'. We also aimed to run two focus groups in each organisation: one to represent disabled staff and the other to

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represent disabled service users. However, this was not always possible. In some cases, for example, national organisations had involved disabled people across the country as individuals and it was impractical logistically to bring them together. When this occurred, a series of one-to-one interviews were conducted. In other instances, consultation with disabled people had been so limited that a group could not be identified (see Ferrie *et al*., 2008).

To understand how the DED had impacted on a sector as well as the Target Organisation, up to three 'Link' organisations were also invited to take part. These were organisations that had in some way been involved in events or consultations about the DED. For example, one 'Target' body was a large police force that had attended conferences about the DED organised by the Target body, an employment-related charity with which it also had worked in partnership and an organisation of disabled people. Interviews with senior managers from Link organisations explored their response to the Duty and what involvement they had in contributing to the Target Organisations' response (see Ferrie *et al*., 2008 for more details). A total of 52 one-to-one interviews and four focus groups (involving groups ranging from five to 20 participants) were completed.

Research findings

The next section presents the research findings. It starts by looking at how the idea of mainstreaming the DED was initially addressed across the range of public sector organisations interviewed.

Re-thinking equality: introducing mainstreaming approaches in the workplace

As set out earlier, one of the key differences of the DED when compared with the DDA is that it requires organisations to be proactive in promoting equality for disabled people. From interviews with some senior managers and equality officers, this was clearly a challenge to their views around equality issues in general and disability equality in particular. Previously disability equality was seen as something that was done in relation to a problem identified by either a member of staff or a client or service user. The process of developing their DES had forced these organisations to recognise equality as part of their 'business cycle' or 'core business'. For example, the Education Link College, the Communities Link Disability-led Housing Association (HA) 1, the Health Target and the Environment Target all indicated that they were trying to 'embed' the idea of disability equality and accessibility in the organisation. Similarly, the Equality Officer in the Criminal Justice Target described the wider impact of the DED:

> There used to be a lack of knowledge and understanding of disability; but once staff see disabled colleagues working effectively and contributing positively, attitudes change and commitment to the Disability Equality Scheme grows. (Criminal Justice Target: Equality Officer)

One of the legal requirements underlining the DED and set out by the DRC in their code of practice (DRC, 2005) was to involve disabled people in the production of DES. The level of involvement underlines the focus on mainstreaming: securing input from disabled people at a number of levels of planning. Working with disabled people allowed the identification

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of barriers to participation and of the unsatisfactory outcomes of working practices, the setting or appropriate priorities for Action Plans and the planning of corporate activity (see Pearson *et al.*, forthcoming). Where this was carried out in a meaningful way, the process of involvement clearly helped identify problematic areas and demonstrated how mainstreaming could be achieved. A key example of this came from the Environment Target, which introduced a 'green travel policy' to reduce carbon emissions. Before its engagement with the DED, the Target admitted that it would not have taken disability equality issues into account within such a project. However, its response to the DED had increased its sensitivity to some of the barriers that disabled people encountered, and this recognition had been embedded into the new green travel policy through the acknowledgement that disabled people did not have the same opportunities to choose 'greener' travel options as their co-workers. This recognition resulted in disabled workers not being penalised alongside non-disabled co-workers who did not choose 'greener' travel options to get to and from work. As one of the consultants working in this area explained, this was an important shift in thinking for the organisation:

> We are now looking at how we should be travelling. . .whether we should be using more in the way of walking, cycling and public transport rather than relying on cars. Now that obviously has a large impact on the area of disability, we're talking about mobility. And we don't want to restrict people working for us who have those issues. . .We're making sure that equality and therefore disability equality is embedded at the start of this rather than coming up with an option or a strategy and. . .find that we've created a problem for ourselves. (Environment Target: Consultant)

A similar approach was taken by the Transport Target, whereby its commitment to the DED had led it to initiate links with private transport providers in the same region so that accessibility strategies to organisations not covered by the DED could be promoted.

Involving disabled people in developing the DES proved useful in mainstreaming approaches. In particular, close work with disability groups helped highlight groups of disabled people who were previously 'hidden' to organisations. In the Criminal Justice Target for example, a mentoring programme for people with mental health problems was set up.

> One lady that we had, as opposed to getting rid of her through 'not satisfactory performance', we turned it round completely. We had big discussions over her condition, how we could help her . . . when she knew she was having a bad day and having a panic attack and couldn't leave the house. Instead of phoning in sick, she rung one of us and said, 'I'm having a bad day so I can't come out the door. I'm happy to make that day up tomorrow, tomorrow's a rest day' . . . She's got a hundred percent attendance [now]. (Criminal Justice Target: Focus Group)

These sorts of activities helped to promote employment opportunities and support for people in post and as a result they reported less stigma about disclosing impairments. The success of this type of initiative is apparent in that many previously hidden groups had come forward and there had been an increase in the number of people declaring a disability or impairment to the organisation's occupational health division.

However, this was a trend not detected in all of the organisations involved in the research. Figures generated in the education and health streams revealed no changes in

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the rate of disclosure and whilst staff and service users in these streams may have been more likely to disclose an impairment (for example, diabetes or cancer), they did not consider themselves to be disabled.

It was also clear from some of the organisations interviewed that responses to the DED were encouraging organisations to develop creative ways of reaching people that they would not normally reach. Indeed, they were less likely to simply promote examples of modifying physical barriers and instead there was a growing awareness of the social and cultural barriers that disabled people face. As a result, we found examples of staff training, accessible websites and initiating support networks or mentoring schemes to help optimise the opportunities available to a range of disabled staff and service users. These improvements were not confined to those with a physical impairment.

Mainstreaming was not just confined to employers, and there was some evidence to suggest that service users were benefitting from these developments. Within the communities sector, initiatives were described whereby disabled tenants were housed in existing rather than segregated and artificially formed communities, and these were celebrated as promoting disabled people in public life.

Mainstreaming in practice: barriers to progress

As discussion in the last section indicates, the study provided a number of positive examples where mainstreaming had infiltrated into working patterns within some of the organisations interviewed. However, when asked to give examples of how life had improved for disabled people, very few of the organisations were able to provide evidence of this. Therefore, although many of the public bodies had adopted positive rhetoric and reported an improvement in working practices, they were unable to easily provide evidence that barriers to inclusion had been removed and mainstreaming equality was in place. For example, the focus group run with Education Target 2 revealed that the needs of a newly appointed member of staff (appointed early 2007, after the start date of the DED) who used a wheelchair were not assessed prior to his joining the organisation. Consequently, adjustments were not made until after he had begun the job. Whilst this would comply with Part II of the DDA, it failed to match the aims of the DED whereby barriers should be removed as a matter of course before an individual challenged them.

Similarly, there were clear examples where public bodies indicated that little account was taken of the DED in decision-making. As one senior manager conceded:

> All of the managers in the organisation are supposed to buy into it [the DED] and actually deliver on what it says, how it relates to their area of work, but I have to be honest with you that they're generally pretty poor. (Transport Target: Senior Manager)

In this particular organisation, there were proposals to change the layout of the building, and this would have caused difficulties for anyone with a mobility impairment if they had to evacuate in an emergency. This had not been recognised at the planning stage. A senior manager questioned whose responsibility this should have been, or to what extent the mainstreaming of disability equality issues had been considered.

In the education sector, Education Target 1 was more positive about the impact of its internal strategies on staff, but uncertain of its externally focused initiatives and felt it was too early to say what the outcomes of the DES had been for disabled learners.

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Education Target 2 had begun to tackle the issue of equal pay for disabled people. An audit of their human resources data revealed that disabled people were unlikely to hold senior posts and in response a positive action programme for disabled people practice interview and application skills had been initiated. Despite being identified as necessary in an internal audit of working practices, it had not been used by a single employee and had, in fact, been criticised by some staff as patronising and treating disabled people differently.

Changing working cultures: raising awareness and the use of training

Most of the organisations interviewed described how they had gradually improved their understanding of the DED and how to mainstream disability equality. They were all learning as they were going along. This is hardly surprising given that antidiscrimination legislation for disabled people is a relatively new phenomenon. However, in all of the organisations we reviewed we were told of examples where particular staff members had found it hard to understand disability issues and embed these in their thinking.

The organisations involved in this research can be broadly categorised into two groups in relation to the strategies used to increase knowledge and raise awareness of disability issues and the DED. One group used existing dissemination activities that they were already carrying out. Disability equality in these organisations was tacked onto activities such as staff training, staff induction procedures and other related activities. The second group developed new strategies with a view to targeting a new audience through the DED changes.

Those organisations that used existing activities to disseminate ideas around disability equality tended to rely on the provision of information and training. For example, the Transport Target described how advertising best practice and publishing information internally had raised the profile of disability equality. Some dissemination activities were confined to internal magazines that were distributed either as paper-based publications or electronically.

Conversely, several of the public bodies emphasised the need to reach out to 'new audiences' and to tackle discrimination and promote equality in a different way. These organisations saw dedicated training as the key link to widening interest in the DED. In most cases, such organisations used generic equality and diversity training with a specific focus on disability equality issues, although some did use specific disability equality training courses. Often training had been limited to certain numbers of staff, though the intention was to roll it out across all staff groups. There were few examples of the impact that these training exercises had in developing staff attitudes, knowledge and awareness of disability issues, and their efficacy was rarely evaluated. However, some of the examples revealed that there were difficulties in encouraging staff to attend training. For example, some manual workers employed by the Transport Target did not see the relevance of the training to their role so did not attend. It was also commented by staff in the Transport Target that a small number of staff continued to have poor attitudes following training; they became defensive and did not engage with the ideas.

In contrast, there were examples where training had had a more positive impact on mainstreaming disability issues within organisations. Notably in the Health Target, the Human Resources Department had requested that formal recognition of disability issues

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were included as part of the Customer Care Programme. Participation in the four-hour training session had therefore become compulsory for all new and existing staff. This was considered to be an important step in highlighting disability awareness among staff and, as one of the trainers explained, it had been received positively:

> The staff eagerness to learn had been phenomenal actually…there's been an awful lot of improvement in people's attitudes. (Health Target: Nursing Staff Member)

Furthermore, the HR representative from the Health Target had found that the changing attitudes of staff had been apparent from the different type of complaints received from patients. Overall, these had shown more positive feedback about staff when in contact with disabled people.

It is therefore clear from the discussion so far that evidence of mainstreaming disability equality was inconsistent across the organisations interviewed. Whilst the DED was set out as a legal requirement, its impact has been uneven across different sectors. To explore this further, we move to look at the influence of external organisations in promoting a shift to mainstreaming. This begins by focusing on the experiences of those organisations not directly involved in service provision in the public sector and then moves to examining the roles of the DRC and EHRC in facilitating these changes.

Enforcing change: the influence of external organisations in facilitating a mainstreaming culture

Regulation, or rather a lack of, was a key theme to emerge from this research. Some of the Target Organisations interviewed did not provide direct services, but were responsible for providing direction for other external organisations. For example, as an inspectorate body, Education Target 1 could have taken responsibility for checking whether organisations within its remit were complying with the DED, but it felt it did not have the capacity. The Education Link College expressed regret that it was not inspected in this way and conceded that its last inspection had not mentioned the DED at all. This had made them feel that the promotion of equality was low down in their list of priorities.

Similarly, the Communities Link Disability-led HA2 criticised the Communities Target for not placing a requirement on housing associations (HAs) to make sustained and meaningful response to the DED. In this case, the HA wanted the Target to go beyond requiring HAs to develop Action Plans and do more to actively promote DES. Within the environment sector, disability organisations were critical of the Environment Target, also for failing to regulate implementation of the DED or its associated organisations. These findings therefore suggested that some organisations take more notice of non-departmental public bodies and the departments that regulate them than they do of the legal Duty.

As noted earlier in this article, the DRC had been influential in its provision of a code of guidance (DRC, 2005) and support to public bodies. Indeed, as a result of its pressure, the Communities Target eventually placed a duty on HAs to produce Action Plans. The DRC also insisted that the issue of lifetime homes should be central to the Communities Target's DES. Indeed, across all sectors, the DRC encouraged swift and total compliance with the legislation by notifying bodies of the likelihood of enforcement action. Interestingly, the majority of organisations that participated in this study reported that the EHRC had been much less involved since its inception in December 2007.

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Implementation of the DED came a year prior to the disbandment of the DRC into the EHRC. For Education Target 1, the dissolution of the DRC and emergence of the EHRC had disrupted its progress in developing a Single Equality Scheme and had gone as far as halting progress until it had a clear direction from the EHRC. However, despite these wider changes, the majority of the organisations interviewed welcomed any support received from the DRC, with most stating that they would have liked more guidance. There were two exceptions to this – the Criminal Justice Link who had found the DRC's line 'aggressive' and Education Target 2, which felt that although the strong message from the DRC was useful in the early days of the DED, it was now ready to take forward the scheme itself.

Discussion and concluding comments

From the findings presented in this article it is clear that whilst there has been some improvement in the way disability equality is approached, there is little evidence to suggest that disability equality has been mainstreamed across the public sector. Whilst we have highlighted some examples of good practice, and there is clear evidence that disability equality is now on the agenda, further change is required if Witcher's (2005) aspiration that the DED becomes the means of implementing the social model is to be achieved.

However, despite these limits there has undoubtedly been some progress. There is evidence to show that disability is now located in an equality agenda. We did not encounter any individual or organisation that described disability as a medical problem and uncovered some examples to support the assertion that the DED has enabled the proactive promotion of policies to tackle the discrimination faced by disabled people. The DED has an ideological as well as a legal effect, and its very existence has reminded public sector bodies that they have a duty to develop policies that tackle discrimination against disabled people. We also found evidence to suggest that the category of disability is, in some organisations, expanding and policies are now in place to support the needs of those with mental health problems and learning difficulties, i.e. previously excluded groups (Stalker and Lerpiniere, 2009). It has also helped to bring disability policy to the attention of a range of employees who might previously have not considered it as an important part of their job.

There is little evidence to suggest that organisational culture has changed dramatically and neither can a claim be made that integrating equality considerations from the outset, rather than as an afterthought, is the norm. Disability equality was still mainly reactive, and despite some improvements is still subject to the vagaries of individual line managers. Witcher (2005) suggested that for mainstreaming to work organisations needed to develop a framework through which organisations could identify structural inequalities and so develop and formulate appropriate policies to tackle discrimination. These included an examination of the environmental, fiscal and organisational barriers faced by disabled people as well as communication and transport issues. This systematic approach to tackling inequality is currently lacking. Whilst the Environment Target's 'green travel policy' met Witcher's criteria of recognising difference *and* sameness by offering different lifestyle choices to *all* staff seeking to reduce their individual carbon emissions, it was the only example we uncovered where policy had been conceived in this way. If such an approach is to be developed, it will require not only a commitment from the organisations

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to actively develop and promote mainstreaming but also a strong commitment to better involvement of disabled people at the planning stage. This, as we have argued elsewhere (Pearson *et al*., 2011) is currently lacking.

It is also true that mainstreaming requires more than just legislation. Like all anti-discrimination activity, it cannot succeed without the support of the appropriate legislative framework and obligations on policy makers to comply (Yeandle *et al*., 1998). A major strength of the DED lies in its legal backing and with it the possibility that, unless complied with, executives can be charged with a criminal offence. It is perhaps unfortunate that during the rolling out of the DED the DRC ceased to exist and with it went a level of engagement, expertise and knowledge that the EHRC in its early days could not hope to match.

Notwithstanding these criticisms, there is evidence to suggest that the DED is starting to have an impact on equality for disabled people in the public sector. However, there is a danger that this influence may not be as embedded as expected and that without adequate supervision and enforcement it will, as the 2007 Equalities Review suggested, result in changes in process rather than outcomes, and that the hope and potential offered by the mainstreaming agenda will not be realised.

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