

**Fulfilling Potential: Making it Happen**

**Better Working with Disabled People:  
The Way Forward**

**The Government response to consultation findings**

**Department for Work and Pensions  
Office for Disability Issues**

**16 January 2014**

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## Abbreviations

ADASS	Association of Directors of Adult Social Services
AIDS	Acquired immunodeficiency syndrome
BME	Black and Minority Ethnicity
DAA	Disability Action Alliance
DCC	Disability Charities Consortium
DH	Department of Health
DPTAC	Disabled Persons' Transport Advisory Committee
DPULO	Disabled People's User-Led Organisation
DWP	Department for Work and Pensions
EHRC	Equality and Human Rights Commission
Eq2025	Equality 2025
LGA	Local Government Association
LGB&T	Lesbian, Gay, Bisexual and Transgendered
NDPB	Non-Departmental Public Body
ODI	Office for Disability Issues
PLAG	Paralympic Legacy Advisory Committee
UK	United Kingdom
UKAFA	United Kingdom Advisory Forum on Ageing
UN	United Nations
UNCRDP	United Nations Convention on the Rights of Disabled People

## Foreword

### By Minister of State for Disabled People

The United Kingdom (UK) has a **proud history of furthering the rights of disabled people**, but we know more needs to be done to realise the Government's aim that disabled people should be enabled to participate in every aspect of society. On 2 July 2013 we published '**Fulfilling Potential: Making it Happen**'<sup>1</sup> which sets out how we intend to deliver our vision.

Engagement with disabled people has been fundamental to the development of Fulfilling Potential, the Government's disability strategy. Over 5,000 disabled people had input into the development of the strategy.

We believe **there is a continuing need for independent, strategic, confidential advice to Government**, and we want to continue to benefit from that input. The 'Better Working with Disabled People' consultation<sup>2</sup>, published on 16 July 2013, sought views on how we can best do this.

We want policy to reflect the real-world experiences of citizens, and harness public engagement with the policy-making process. We are therefore seeking to strengthen and broaden input to policy and strategy development from the **lived experience of disabled people**, and also from people with particular **expertise on disability issues** in accordance with the principles of open policy-making<sup>3</sup>.

The Government wants to build on the achievements of Equality 2025 (Eq2025). We accept the recommendation of the Independent Triennial Review<sup>4</sup> that this advice does not need to be provided through a Non-Departmental Public Body (NDPB) and the recommendation that **new arrangements should be put in place to provide this vital function**. In 'Better Working with Disabled People: The Way Forward' we set out our vision for new arrangements. The responses to the consultation have helped us to shape the specific ideas set out in this document.

We are expecting the first meeting of the **Fulfilling Potential Forum** in April 2014, and for the **Fulfilling Potential Policy Advice Service** to be fully operational by April 2014.

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<sup>1</sup> Department for Work and Pensions, July 2013, Fulfilling Potential: Making it Happen

<sup>2</sup> Department for Work and Pensions, July 2013, Better Working with Disabled People: The Government's response to the triennial review of Equality 2025

<sup>3</sup> UK Government, June 2012, Civil Service Reform Plan

<sup>4</sup> Department for Work and Pensions, July 2013, An Independent Review of Equality 2025

## Executive Summary

The independent triennial review of Eq2025 found that although there is a continuing need for independent, confidential advice to Government drawing on the lived experience of disabled people, this does not need to continue to be delivered through an NDPB. In fact, under the tests to qualify a need for an NDPB, the review recommended that Eq2025 should not continue as an advisory NDPB.

We ran a consultation exercise, 'Better Working with Disabled People', from July to October 2013, and engaged extensively across Government and with stakeholders. We used the outcomes from the consultation and from further engagement to decide upon an intended new set of arrangements.

An annual budget of £80,000 has been allocated to the new arrangements, including any set-up costs.

### Strategic engagement forum

The proposed strategic engagement forum, the **Fulfilling Potential Forum**, will be run by the Department for Work and Pensions (DWP), in collaboration with the Department of Health (DH). It is intended that it will:

- **Meet on a quarterly basis, to engage in themed discussions on strategic priorities and direction, based on improving the key outcomes identified by disabled people and as set out in 'Fulfilling Potential: Making it Happen'**. The first meeting is proposed for April 2014;
- Be chaired by the Minister of State for Disabled People and the Minister of State for Care and Support;
- Identify specific issues for in-depth policy analysis, to be passed to experts from the **Fulfilling Potential Policy Advice Service**, for "Policy Lab" treatment (which consists of a short presentation on the topic or issue, followed by group discussions about policies to deal with the issue);
- Identify items for practical delivery to pass on to the **Disability Action Alliance (DAA)** or delivery organisations;
- Refer ideas on strategy relevant to **existing Government groups**, such as the Paralympic Legacy Advisory Group (PLAG), the Disabled Persons' Transport Advisory Committee (DPTAC), or the eAccessibility Forum, to those organisations, to **complement their work** and avoid duplication.

Unlike existing Government forums, the Fulfilling Potential Forum will be **disability-specific**, having **members from a very wide range of disability organisations, including smaller organisations and regional Disabled People's User-Led Organisations (DPULOs)**, and will cover **strategy across the whole of Government**.

The Fulfilling Potential Forum will provide a community-based **route into Government, via representative organisations, for the views of disabled people**, and a route out to local disabled people, via the organisations involved, for Government Departments. Ministers and Government officials attending forum meetings will be exposed to **real issues from a local level**, of which they may not otherwise have experience. It is hoped that this active relationship and its achievements will provide a motivation for those disabled people who are not currently members of disability organisations to engage.

## **Policy advice**

The **Fulfilling Potential Policy Advice Service** will comprise a list of disability expert advisors who will provide a high-quality **input to Government policy development and implementation**. Policy makers **across central Government and beyond** will be able to access the advice of the experts to inform their work and **ensure that the needs of disabled people are considered at every stage**. The expert advisors will function on a call-off basis, with a wide range of expertise available to officials whenever this is required or beneficial as part of developing Government policy.

The list of experts on disability policy will be held as a database by a central administrative team. The details held on this database will be backed up by full **biographies of the individual experts** listed, which will be available to officials interested in accessing their advice. A reviewing mechanism will be set up to allow for the evaluation of the advice and give confidence to Government Departments commissioning advice in the credentials of the disability experts, and in the advice that they provide.

Expert advice on disability will be accessible via the administrative team **at any stage of the policy development and implementation process**. When a request is made by a policy maker for advice, their **requirements will be matched** by the administrative team to the knowledge, experience and/or qualifications of an expert or experts. Specific, practical advice may be provided by telephone or through written means, and sought face-to-face **on an individual basis or through the formation of working groups**, including those set up to consider issues through a “Policy Lab” approach.

The Office for Disability Issues (ODI) will facilitate the use of the Fulfilling Potential Policy Advice Service across Government. ODI will ensure awareness of the service, for example using mechanisms such as Open Policy Making and the network of Government Departments’ Disability Champions.

The expert advisors will be paid at a daily rate pro rata, and the costs of setting up and maintaining the Fulfilling Potential Policy Advice Service, as well as managing the overheads of operating the service, will be met.

Our research suggests that the **contracting out of the Fulfilling Potential Policy Advice Service** would potentially have lower costs, and would be seen to be more independent and credible. This option should therefore provide better value for money. An invitation to tender will be published in due course.

We believe the creation of these complementary services will fulfil our ambition of broadening and improving the opportunities for disabled people to directly influence Government and be involved in the development of policies which will affect them.

## 1. Introduction

1.1 The 'Better Working with Disabled People' consultation<sup>5</sup> (see Annex 2), published on 16 July 2013, set out the Government's initial response to the triennial independent review<sup>6</sup> of the Eq2025 advisory non-departmental public body NDPB (see Annex 1).

1.2 The consultation sought public views on new arrangements for informing Government strategy and policy with disability expertise. Respondents were asked to consider the principles to be applied to the arrangements, and the ways in which these arrangements should be administered.

1.3 The consultation closed on 16 October 2013. This document sets out our plans based on the views expressed.

1.4 We intend to establish a **Fulfilling Potential Forum** to meet for the first time in April 2014, and a **Fulfilling Potential Policy Advice Service** to be fully operational by April 2014.

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<sup>5</sup> Department for Work and Pensions, July 2013, Better Working with Disabled People: The Government's response to the triennial review of Equality 2025

<sup>6</sup> Department for Work and Pensions, July 2013, An Independent Review of Equality 2025



## 2. Responses to the Consultation

### Overview

2.1 We have received 26 formal responses to the 'Better Working with Disabled People' consultation. Eighteen were on behalf of groups or organisations, and eight were from individuals (five of whom were former members of Eq2025). We received seven responses from Government Departments. The organisations from which formal responses were received are listed at Annex 3. In addition, we have held meetings with Eq2025, with Government Departments and with the Fulfilling Potential Stakeholder Group of disability organisations, to seek their views on the questions raised by the consultation.

2.2 The consultation sought **views on a set of principles and proposals** for a strategic engagement forum and a call-off list of disability experts, and how these arrangements should be administered.

2.3. Formal responses to the consultation were supportive, with **respondents largely agreeing that the correct principles had been identified**. There was a focus on the need for forum members and expert advisors and their advice to be independent, and a quarter of respondents expressed a preference for the forum to have an independent chair and/or facilitator. One response noted that it is important that the facilitator holds the relevant skills to be effective. Generally respondents accepted the need for some confidentiality, but felt it should be the exception rather than the rule.

2.4 One Government Department explained its view that it would be useful to tap into a more **opinion-based source** of disability-specific information. Government Departments also explained that any arrangements would need to be **easily and swiftly accessible** to be useful.

### Establishment of a strategic engagement forum

2.5 Comments specific to the forum suggested that it must be seen as an **action-focussed forum**. Responses noted the need to keep the forum at a limited number of members, with **clear and concise objectives**. The forum should be accessible in all aspects of its work. Others recommended that arrangements build on existing models of engagement, such as the United Kingdom Advisory Forum on Ageing (UKAFA), and that we should draw on the expertise of Disabled People's Organisations (DPOs), prioritising **consulting directly with disabled people and their organisations**, and **extending regional input to also include local input**.

2.6 It was felt that there should be **clear criteria for individuals engaged as policy advisors and forum members**. For forum membership, these criteria should cover **geographical regions and specific impairments**; and those groups that are often overlooked, including those with **long-term health conditions and a range of ages** including children and older disabled people. One response suggested that

mainstream groups, as well as disability-specific organisations, should be involved, so that the views of disabled people who do not identify themselves as disabled or engage with disability organisations are captured. Inclusion of carers' organisations would help to achieve this. A number of responses stated that **membership should be diverse** to ensure all parts of the disability community have a presence.

### **Establishment of a list of expert advisors on policy**

2.7 Respondents felt that members of the list of expert advisors should have **topic competency-based expertise on key policy areas**, rather than representing, for example, gender or geography. Expert advisors should have an **understanding of the issues faced by the full range of disabled people** (including life-long and acquired impairments). Rather than attempt to have a list of experts to cover every impairment group, the key expertise should be about disability generally. One response noted the need for experts to have a track record in engaging with Government to further the needs of disabled people.

2.8 It was felt that both lived experience and technical or academic expertise should be reflected. Around two-thirds of the responses indicated a **need for real lived experiences to be part of the criteria** for any forum or list. Many responses favoured a list composed predominantly of disabled people. There were differing views as to how long the list of advisors should be, and whether or not the list should be open to all who meet set criteria. Many agreed that membership should be publicly known and **regularly refreshed**. Some responses recommended that appointments to the list of expert advisors should be treated as public appointments, and identify affiliations and conflicts of interest.

### **Administrative arrangements**

2.9 There was strong advice that any new arrangements needed to be genuinely cross-Government, and that ODI should act as a conduit for disabled people to reach all Government Departments. Two respondents who expressed an opinion felt that **administration would be best undertaken by DPULOs**. It was suggested that independent selection of expert advisors through a DPULO would ensure that the network of expert advisors is **seen as independent**. Recruitment, meeting support and payment of advisors could be **outsourced through open, competitive tender**, ensuring the adequate disability competence of the eventual sub-contractor. Five respondents who expressed an opinion felt that administration should remain in Government or specifically in ODI hands. One respondent proposed a partnership between a DPULO and ODI running the administration, and one suggested a consortium of DPULOs.

2.10 A lack of clarity was apparent regarding remuneration arrangements for forum members and expert advisors, and this is addressed within this document.

2.11 An alternative model was proposed by one respondent, who recommended the establishment of a "National Disability Task Force". The idea was to follow a similar structure to that of the Financial Conduct Authority, to create a body which would have

the “status and legitimacy to critique and officiate the delivery of initiatives to ensure that the best interests of disabled people are upheld”.

### 3. Next steps

#### Context and rationale

3.1 Through the consultation on next steps for advice from and engagement with disabled people, we have listened to views from disabled people, disability organisations, and Government Departments who would input to and draw on this engagement and advice, as described in Chapter 2 of this report. In addition, the design of the approach to responding to the need for independent, confidential advice to Government, drawing on the lived experience of disabled people, reflects a **wider context of national and international requirements**.

#### United Nations (UN) Convention requirements

3.2 The **United Nations (UN) Convention on the Rights of Disabled People (UNCRDP)**<sup>7</sup> obliges nations to **closely consult with, and actively involve, disabled people in the development and implementation of legislation and policies** to put the Convention in place, and in other decision-making processes relating to disabled people. It requires a national focal point within Government to coordinate work on the Convention - ODI has that role for the UK - and an independent monitoring mechanism (such as the Equality and Human Rights Commission (EHRC)).

3.3 The Convention requires that civil society, in particular disabled people and their representative organisations, are involved and participate fully in the monitoring process. The 'UK Initial Report on the UN Convention on the Rights of Persons with Disabilities'<sup>8</sup> notes that Eq2025 has provided advice to the Government about the Convention, and participated in the very early stages of policy development and in the detailed examination of existing policy. As Eq2025 was a part of the process of involvement, it is important that **successor arrangements are in place and able to fill this role**.

#### UK Government disability strategy

3.4 In July 2013 the Government published 'Fulfilling Potential: Making it Happen'<sup>9</sup>, alongside the 'Fulfilling Potential: Making it Happen Action Plan'<sup>10</sup>. 'Fulfilling Potential: Making it Happen', the Government's disability strategy, emphasises the need for **innovative cross-sector partnerships with disabled people and their organisations and promotes new ways of working to deliver meaningful outcomes**. It underscores the Government's commitment to the UN Convention to bring about the changes needed in communities that have a **real and lasting effect on the day-to-day lives of disabled people**.

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<sup>7</sup> United Nations, December 2006, United Nations Convention on the Rights of Persons with Disabilities

<sup>8</sup> Department for Work and Pensions, November 2011, UK Initial Report on the UN Convention on the Rights of Persons with Disabilities

<sup>9</sup> Department for Work and Pensions, July 2013, Fulfilling Potential: Making it Happen

<sup>10</sup> Department for Work and Pensions, July 2013, Fulfilling Potential: Making it Happen - Action Plan

3.5 The strategy also outlines Government's intention to develop new arrangements for **engaging disabled people and disability organisations in the process of driving and monitoring delivery on the commitments in the Action Plan, and on the progress made against the outcomes and indicators set out in the document**. This function will form a central part of the role of the Eq2025 successor arrangements.

#### Civil Service Reform

3.6 The 'Civil Service Reform Plan'<sup>11</sup> outlines recommendations to improve policy-making capability across Government, including by **drawing on a wider range of views and expertise**. The intention of the Plan is that open policy making will become the default.

3.7 Whitehall does not have a monopoly on policy-making expertise, and the Civil Service can go further in finding the most **collaborative approaches to its policy making**. For example, by:

- Getting wide public input by "crowdsourcing" questions to shape the definition of the problem, not just consulting on solutions;
- Using "Policy Labs", which draw in expertise from a range of people and organisations and provide a unique environment to test new policies before they are implemented;
- Involving delivery experts early in the policy process, to ensure that the policy can be implemented successfully; and
- Creating cross-departmental teams where Senior Responsible Officers report jointly to Departments.

These ideas have also been considered and drawn on in the development of the arrangements succeeding Eq2025.

#### Strategic engagement forum

3.8 The strategic engagement forum, the **Fulfilling Potential Forum**, will be run by DWP, in collaboration with DH.

3.9 It is intended that it will:

- **Meet on a quarterly basis to engage in themed discussions on strategic priorities and direction, based on improving the key outcomes identified by disabled people and as set out in 'Fulfilling Potential: Making it Happen'**;

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<sup>11</sup> UK Government, June 2012, Civil Service Reform Plan

- Be chaired by the Minister of State for Disabled People and the Minister of State for Care and Support;
- Identify specific issues for in-depth policy analysis, to be passed to experts from the **expert advisors**, for Policy Lab treatment (which consists of a short presentation on the topic or issue followed by group discussions about policies to deal with the issue);
- Identify items for practical delivery to pass on to the **Disability Action Alliance** (DAA) or delivery organisations;
- Refer ideas on strategy relevant to **existing Government groups**, such as the PLAG, DPTAC, or the eAccessibility Forum, to those organisations, to **complement their work** and avoid duplication.

3.10 Unlike existing Government forums, the Fulfilling Potential Forum will be **disability-specific**, having **members from a very wide range of disability organisations, including smaller organisations and regional DPULOs**, and will cover **strategy across the whole of Government**. Consultation responses raised queries around the distinction between the forum and other engagement mechanisms and disability organisations across Government, and the relationship between them. These queries are further answered by Annex 4.

#### Membership

3.11 The Fulfilling Potential Forum will have 30-40 members at any one time – a big enough number to ensure a wide cross-section of views from different groups is represented, and small enough to enable constructive group discussions to take place. Membership of the forum will consist of **representatives of organisations of and for disabled people**, with the majority representing user-led groups. Responses to the consultation highlighted the need to ensure that lived experience, rather than any less direct form of expertise, should feed into the forum.

3.12 While one individual from each organisation will usually attend each meeting, it is the organisation, rather than the individual representing that organisation, that will be the forum member. Representatives of organisations will be present to **represent the needs of the individual disabled people with whom their organisation works**, rather than the interests of the organisation itself. Attendees will not be individuals who do not represent a number of disabled people, and will not necessarily be technical or academic “experts”.

3.13 Membership of the Fulfilling Potential Forum, and its interaction with other groups (including those represented in its membership), will **build on existing networks and relationships**. **Terms of Reference** for the forum will set out **clear two-way expectations** of and for members of, organisers of, and contributors to the forum and its meetings, as recommended by responses to the consultation.

3.14 Organisations invited by the Minister of State for Disabled People to join the Fulfilling Potential Forum will cover, in accordance with suggestions made by consultation respondents:

- Disabled People’s User-Led Organisations (DPULOs) representing the English regions and UK nations;
- Disability Organisations who have helped develop Fulfilling Potential (including the Disability Charities Consortium (DCC) members and others);
- Organisations representing harder to reach groups (including people with mental health conditions and other long-term health conditions; learning disabled people; people with profound and multiple disabilities; disabled veterans; Black and Minority Ethnicity (BME) and Lesbian, Gay, Bisexual and Transgendered (LGB&T) disabled people; and carers); and
- Organisations representing young and older disabled people.

3.15 Others (including, for example, representatives of Government Departments; other disability forums including PLAG or DPTAC; specific service providers such as the Local Government Association (LGA), Association of Directors of Adult Social Services (ADASS) or Public Health England; or individual academics) will be invited to meetings ad hoc, dependent on the agenda. Membership will self-refresh, and be reviewed annually and refreshed as appropriate.

3.16 The Fulfilling Potential Forum will provide a community-based **route into Government, via representative organisations, for the views of disabled people**, and a route out to local disabled people, via the organisations involved, for Government Departments. Ministers and Government officials attending forum meetings will be exposed to **real issues from a local level**, of which they may not otherwise have experience. It is hoped that this active relationship and its achievements will provide a motivation for those disabled people who are not currently members of disability organisations to engage.

## Meetings

3.17 The Fulfilling Potential Forum’s meetings will be **topic-specific, with discussions focussing on Fulfilling Potential themes**, particularly where these are cross-cutting and might not otherwise be picked up by other engagement mechanisms. Examples might include:

- Choice and control;
- Inclusive communities (which includes Social participation; Friends and family; Information and access; and Attitudes); or
- International cooperation.

3.18 The way in which the Fulfilling Potential Forum and its meetings function will be developed and agreed through discussion with its invited members. It is envisaged that, under the overarching theme for each meeting, the **agenda will be driven by the members of the forum**, and by Government officials involved in progressing strategy related to the theme. A structured, objective-focussed set-up for each meeting will

facilitate **constructive discussions** and ensure that they provide a **relevant, effective and useful feed into Government strategy**, a key concern arising from the consultation.

3.19 As suggested by a significant number of consultation responses, it is intended that a **independent facilitator** will be engaged to encourage and guide discussions. The **issues debated will address longer-term questions about how to achieve desired outcomes for disabled people**. Discussions will focus on horizon scanning and on brainstorming new ideas and workable solutions to the issues raised, providing advice to be taken forward by ODI and Departments; other engagement groups across Government; a working group of the expert advisors; and/or delivery partners, including the DAA, as appropriate.

3.20 Discussions will:

- Include monitoring and review of the Government's **progress on the 'Making it Happen' action plan against the associated indicators and outcomes**; and
- Consider the ongoing material provided by the **UK's implementation of the UNCRDP**.

3.21 The consultation raised questions around how best to ensure confidentiality whilst moving towards the ideals of open policy making. We propose that the **Chatham House Rule** will be invoked at forum meetings, to encourage **openness and the sharing of views and information**. When a meeting is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speakers, nor that of any other participant, may be revealed.

3.22 The network created by members of the Fulfilling Potential Forum will provide a **new and unique way for a broad cross-section of disability organisations to engage directly with one another and with Government officials**. It is envisaged that this engagement need not wait for quarterly meetings to progress issues of concern, and can be extended through virtual methods of communication.

### **Policy advice**

3.23 We are planning the introduction of a list of disability expert advisors who will provide a high-quality **input to Government policy development and implementation**. This service will be called the **Fulfilling Potential Policy Advice Service**. Policy makers **across central Government and beyond** will be able to access the advice of the experts to inform their work and **ensure that the needs of disabled people are considered at every stage**. The expert advisors will function on a call-off basis, with a wide range of expertise available to officials whenever this is required or beneficial as part of developing Government policy.

3.24 Overall the consultation responses favoured a managed, "closed" (as opposed to open-ended) list of advisors who are carefully selected to ensure quality.



3.25 The list of experts on disability policy will be held as a database by a central administrative team. The details held on this database will be backed up by full **biographies of the individual experts** listed, which will be available to officials interested in accessing their advice. A reviewing process will be put in place to evaluate the advice and give confidence to Government Departments commissioning the expert advisors in their credentials and in the advice that they provide.

3.26 Expert advice on disability can be accessed via the administrative team **at any stage of the policy development and implementation process**. When a request is made by a policy maker for advice, their **requirements will be matched** by the administrative team to the knowledge, experience and/or qualifications of an expert or experts. Specific, practical advice may be provided by telephone or through written means, and sought face-to-face **on an individual basis or through the formation of working groups**, including those set up to consider issues through a “Policy Lab” approach.

#### Membership

3.27 Reflecting suggestions made by those responding to the consultation, the set criteria for those individuals wishing to be involved as a Fulfilling Potential Policy Advice Service expert advisor will include a need to be able to **demonstrate at expert level** at least one of the following:

- Academic knowledge and understanding of **disability literature, and/or analysis of data sets**;
- Broad, in-depth understanding of the lived experience of a **range of impairments** (for example autism; mental health conditions; learning disabilities; visual impairments; hearing impairments; mobility impairments; or long-term conditions);
- Detailed thematic knowledge of the **key issues affecting the lives of disabled people**, as set out in ‘Fulfilling Potential: Making it Happen’;
- A proven grasp of the evidence and data relating to **international initiatives and comparisons** regarding disabled people;
- Strong understanding and experience of **service delivery** (including at a local level) for disabled people, including **policy analysis capability**; or
- Clear expertise regarding disabled people, their needs, and impacts upon them, in relation to the **range of ages** across the life course:
  - Children and families, including disabled parents;
  - Young people;
  - Adults; or

- Older people.

3.28 More than one expert may be available to advise on each of the above aspects. All advisors will be required to have an **understanding of what is possible within Government policy**, to ensure that a **relevant solution focus** informs their credible and helpful advice.

3.29 **Lived experience will also be a desirable quality for any expert included**, and overall the group of advisors should have a good range of lived experience. This reflects responses to the consultation that **lived experience of disability should be reflected** in a greater proportion than expertise gained through academic or professional experience alone.

3.30 Members of the Fulfilling Potential Policy Advice Service will be experts in their own right, and will not be included to represent the views of other disabled people or organisations of disabled people. **Advice provided will be independent and impartial**. Membership of the expert advisors list will self-refresh and be refreshed regularly.

#### Terms of reference

3.31 Clear **terms of reference** for the Fulfilling Potential Policy Advice Service will be made public, to clarify the roles and expectations of the expert advisors, administrators and users.

3.32 While membership will not form a public appointment, members will be expected to sign the Official Secrets Act and abide by the specific terms of reference.

3.33 **Confidentiality will be assured when necessary**, but experts will be required to agree that advice may or may not be attributed to them. Such steps will help to ensure that **disabled people have confidence** in the experts who are members and in the quality of the advice that they provide.

#### Demand for the service

3.34 ODI will facilitate the use of the Fulfilling Potential Policy Advice Service across Government. ODI will ensure awareness of the service, for example using mechanisms such as Open Policy Making and the network of Government Departments' Disability Champions.

### **The involvement of the Devolved Administrations**

3.35 The Fulfilling Potential Forum will discuss non-devolved issues relevant to whole-UK Government. Where issues are devolved, discussions will be specific to England (or to England and the nations in which the issues are not devolved). The forum will also be the vehicle for sharing good practice on disability strategy between different nations and regions. DPOs from the devolved nations will be invited to become members of the forum, and officials from the devolved Governments will be invited to attend forum meetings as appropriate, dependent on the agenda.

3.36 The Fulfilling Potential Policy Advice Service will provide disability advice to policy makers from UK Government Departments, and, as such, will cover UK nations as consistent with devolution arrangements.

## Resources

3.37 An annual budget of £80,000 has been allocated to the new arrangements, including any set-up costs.

## Administration

3.38 It is proposed that:

- The Fulfilling Potential Forum should meet quarterly; in London; in accessible Government offices.
- There will be no fee paid to attend. Reasonable travel and access costs will be paid if invitees could otherwise not afford to come.

3.39 Administration options have been considered and it has been concluded that **in-house Government administration of the forum** would offer best value for money, especially in view of access to suitable free accommodation and existing contractual services.

3.40 Expert advisors will be paid at a daily rate pro rata; and the costs of setting up and maintaining the Fulfilling Potential Policy Advice Service, as well as managing the overheads of operating the service, will be met.

3.41 Our research suggests that the **contracting out of the Fulfilling Potential Policy Advice Service** would potentially have lower costs, and would be seen to be more independent and credible. This option should therefore provide better value for money. An invitation to tender will be published in due course.

## Implementation

3.43 The first meeting of the Fulfilling Potential Forum is scheduled for early April 2014, with subsequent quarterly meetings planned.

3.44 The process for **outsourcing through open, competitive tender of the administration of the Fulfilling Potential Policy Advice Service** is currently being arranged. This should be complete in time for the service to be in operation at the beginning of the 2014/15 financial year.

## Review

3.45 Our plans include provision that the running, activity and membership of both the Fulfilling Potential Forum and the Fulfilling Potential Policy Advice Service will be **reviewed on an annual basis**. Reviews will focus on identifying, and recommending ways to increase:

- The **effectiveness of the arrangements**;
- How **embedded within Government strategy and policy making and delivery** the policy advice service and the forum are; and
- The **practical outcomes** of the views and advice provided by them.

## Annex 1: Triennial Review of Equality 2025

In April 2011, the Cabinet Office announced that all NDPBs still in existence following earlier reforms would have to undergo a substantive review at least once every three years. The review is designed to challenge whether the functions that the NDPB performs are still required and, if so, what the most appropriate delivery model is. The review needs to consider whether the body meets at least one of the following three tests:

- Required to perform a technical function (which needs external expertise to deliver);
- Required to provide political impartiality (such as certain regulatory or funding functions); or
- Required to perform a function to act independently to establish facts (such as to establish facts and/or figures with integrity).

As the last review of Eq2025, a non-statutory Advisory NDPB, was in autumn 2009, an independent review of Eq2025 for the DWP was undertaken and published on 16 July 2013<sup>12</sup>.

The review identified and examined the key functions of Eq2025 as an NDPB. Sponsored by ODI within the DWP, the purpose of Eq2025 was to provide strategic, confidential advice to Ministers and senior officials across Government, which would **support the journey towards equality between disabled people and non-disabled people**. Eq2025 did not represent disabled people's views to Government.

The review found that there is a **continuing need for timely, independent, strategic, confidential, expert advice to Ministers and senior officials across all Government Departments**. However, the review demonstrated that the way in which this expert advice is delivered needs to be considered, as the existing body cannot provide strategic expert advice in all subject areas. After looking at all of the evidence and applying the three tests listed above, the review recommended that Eq2025 should not continue as an advisory NDPB.

In addition, the review noted that there is a need to incorporate **more lived experience expertise into policy development**. The main recommendations of the review were as follows:

- That the existing advisory NDPB should be abolished, and that the **strategic advice function should be delivered by a method that will provide expertise supplemented by lived experience**.
- To deliver strategic advice two delivery models were recommended:
  1. Strategic partnerships with disability organisations; or

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<sup>12</sup> Department for Work and Pensions, July 2013, An Independent Review of Equality 2025

2. An expert ad hoc advisory group.

Both these models would demonstrate Government's commitment to involving stakeholders in early policy development, and strengthen working relationships with the disability sector.

## Annex 2: Government Response and Consultation

The Government's response to the Independent Triennial Review of Eq2025 was also published on 16 July 2013<sup>13</sup>, and included a public consultation on next steps for advice from, and engagement with, disabled people. The discussion paper set out Government's agreement with the findings of the Review that:

- there is a **continuing need for independent, confidential advice to Government drawing on the lived experience of disabled people**; and
- this does not need to continue to be delivered through an NDPB.

The paper expressed gratitude for the work of Eq2025, and the desire to take the opportunity to build on that. It outlined the aim to **strengthen arrangements for provision of advice to Government on policy development and delivery**; and for **two-way engagement on Fulfilling Potential, the Government's disability strategy**. Principles and options for successor arrangements to Eq2025 were described in the paper, for discussion. The principles to be applied in considering the most appropriate way of obtaining advice and engagement, are as follows, and draw on what disabled people had previously told us and on the Government's commitment to open policy making<sup>14</sup>:

- i. We want to build on Eq2025's achievements and continue to draw on the knowledge and experience of disabled people, making sure they continue to have a **voice in Government**.
- ii. We want to **broaden the range and scope of input** we receive to ensure that the views of a wider range of disabled people are given a voice in Government.
- iii. We value both the lived experience of disabled people, and specific expertise, for example **around a particular impairment or a specific issue or barrier**.
- iv. We want to **expand co-production and partnership working in all areas of strategy and policy**, drawing on experience of developing Fulfilling Potential and capitalising on the strengthening of Disabled People's User-Led Organisations (DPULO's). This includes stronger joint-working between Government, and disabled people's organisations.
- v. We want to build **more open and transparent arrangements** whilst recognising the need for confidential advice where necessary.
- vi. We want **flexibility** so that, for example, ad hoc groups of advisors can be created to work closely together and advise on specific policy areas.

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<sup>13</sup> Department for Work and Pensions, July 2013, Better Working with Disabled People: The Government's response to the triennial review of Equality 2025

<sup>14</sup> UK Government, June 2012, Civil Service Reform Plan

- vii. We also want to involve disabled people and experts more in **strategic discussions and horizon scanning** to explore the implications for disabled people of future developments in society or technology. This would involve a strong two-way flow of information and ideas.
- viii. We want greater opportunity for **regional input** through, for example, existing regional networks of disabled people's organisations, and want to make sure we get greater representation from **hard to reach groups** such as people from black and minority ethnic backgrounds, people with learning disabilities and those in residential settings.

The Government response to the Triennial Review proposed options for the delivery of disability advice and engagement, drawing on the expertise of individuals and organisations and the lived experience of disabled people. The paper identified **two separate requirements**, and therefore consulted on a dual-element approach:

1. **Policy advice.** Advice on current specific areas of policy development and delivery as needed by Government. For example, advice on actions in the Fulfilling Potential: Making it Happen Action Plan<sup>15</sup>; and,
2. **Strategic engagement.** Discussions on priorities and strategic direction based on improving the key outcomes identified by disabled people and as set out in 'Fulfilling Potential: Making it Happen'<sup>16</sup>.

To meet the first need, a **List of expert advisors to inform policy development across Government** was proposed. This would widen the pool of expertise on which we can draw to develop policy options. Expressions of interest would be invited from disabled people and others with specific expertise who meet set criteria. The List could be refreshed regularly, and could be used to provide one-off advice, or provide members for ad-hoc advice groups and working groups to inform and advise Government on specific areas of policy. The proposed List of advisors could be limited in number, or open to all who are nominated and satisfy the set criteria.

To meet the second requirement, we proposed a **Forum to provide engagement on priorities and strategic direction**. This would offer a fresh opportunity to have open dialogue between disabled people and Government on the issues most important to disabled people, together with ideas on how to address them. The Forum could consist of perhaps 30 to 40 members, including:

- members who could offer views based on the **lived experience** of disabled people;
- **representatives of organisations** of and for disabled people;
- experts on **specific disability issues and impairments**; and

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<sup>15</sup> Department for Work and Pensions, July 2013, Fulfilling Potential: Making it Happen - Action Plan

<sup>16</sup> Department for Work and Pensions, July 2013, Fulfilling Potential: Making it Happen



- a mix of representation from the **English regions** and from **Scotland, Wales and Northern Ireland**.

The Forum would have an **agenda driven by the members**, and would be expected to provide a two-way dialogue with Government about future challenges and direction.

The consultation also raised the need to consider how best to administer any new arrangements, with two options being direct administration by ODI; or ODI working with a strategic partner, for example, a disability organisation or a consortium led by a disability organisation. In addition, views were sought on how to ensure that we get the best possible advice and engagement on policy and strategy, in a cost effective way.

The consultation asked seven questions, and set a deadline for responses of 16 October 2013. The questions were:

#### **Principles**

**Question 1 - Have we included the right principles? Are there others we should apply?**

#### **Policy Advice**

**Question 2 - How should potential advisors be identified?**

**Question 3 - What criteria should be applied to determine relevant expertise?**

#### **Strategic Engagement**

**Question 4 - How do we make sure an engagement forum has the right membership?**

**Question 5 - How do we best ensure that discussions are effective?**

#### **Administration**

**Question 6 - How should the new arrangements be administered?**

#### **Resources**

**Question 7 - How do we ensure we get value for money?**

### **Annex 3: Consultation respondents**

Action on Hearing Loss  
Bromley Experts by Experience  
Disability Rights UK  
Greater Manchester Coalition of Disabled People  
Help to Work Partnership  
Inclusion London  
Inclusive Sheffield  
Lifeways  
Linkage Community Trust  
Merton Centre for Independent Living  
National Aids Trust  
Newlife Foundation for Disabled Children  
Peer Support NEC CIC  
RCT People First  
Recruitment and Employment Confederation  
Scope  
South East Network of Disabled Peoples Organisations  
Spinal Injuries Association

Eight personal individual responses were also submitted, including five from ex-Eq2025 members.

We have also engaged with Departments across Government, and with other stakeholders (including Eq2025 and the Fulfilling Potential Stakeholder Group of disability organisations), to discuss proposals and take account of the views expressed.

## Annex 4: Relationship diagram

