

# **Disability Rights Commission**

## **Learning lessons: The Commissioners' Narrative**

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# Executive summary

The Learning Narratives project contributes to the broad legacy strategy of the Disability Rights Commission (DRC). It considers what the DRC has learnt through its various activities since 2000 and focuses on specific activities or overarching themes where the DRC has had direct involvement.

Each narrative responds to questions such as 'why did we, the DRC, try to do what we did?', 'what worked?' and 'what didn't work and why?' and draws on a range of data sources, not least of which is the experience and expertise of DRC staff, both past and present.

The Commissioners' Narrative explores some key moments of truth of the DRC from the perspective of its Commissioners, as a way of illuminating their role in the decision-making and running of the organisation as a whole.

## **The Commissioners' Narrative: Key Lessons**

### **Constituting the Board**

- The DRC Commissioners believe that the Disability Rights Taskforce Report provided a strong platform for informing the strategic priorities of the organisation.
- Commissioners felt that the powerful and proactive 'dynamic' between the Chair and Chief Executive has been critical to the DRC's success.
- Getting the composition of the Board right from the outset is key; members need to reflect both a broad skillset and be representative of the stakeholders they serve.

- Getting a clear mission, with underlying values, and modelling these consistently in practice is absolutely critical.

### **Organisation of meetings**

- A Board needs to determine 'how it intends to do its business' and be consistent in its approach. A culture of openness, respect for different perspectives and striving for consensus has served the Commission well.
- The production of Board papers to a consistently high standard has aided the degree of debate and the decision-making process.
- Ensuring early wins significantly enhanced the credibility of the Board, and gained respect amongst its stakeholders.
- DRC Commissioners were able to maintain a strategic focus to discussion, rather than involving themselves in operational detail. This transmitted a strong sense of leadership and purpose within the organisation.

### **Engaging with the organisation**

- DRC Commissioners each utilised their expertise and experience by becoming 'sponsors' of different programmes/projects across the DRC. This mechanism provided a strong link between the Board and DRC staff.
- Through being members of Project Steering Groups, and attending Commissioner Thematic Meetings, Commissioners were able to contribute to the development of emerging Board Papers. This enhanced their shape and content and provided a further level of scrutiny.

# Introduction

The purpose of this narrative is to explore the journey of the DRC from the perspective of its Commissioners, capturing their thoughts on what has 'made them tick' as a body and the key aspects of their approach to the job.

The DRC is governed by up to 15 Commissioners, including the Chair. They have been appointed by the relevant Secretary of State through a process involving independent assessment under guidance issued by the Commissioner for Public Appointments.

The role of the Commissioners is similar to that of directors in a public limited company. They provide the DRC with a body of experienced and respected individuals who, together, are able to offer a clear steer to the rest of the organisation. As such, the Commissioners play an important strategic part in the way the DRC has been run and how it has presented itself to the outside world. They have responsibility for overseeing the work of the Commission as a whole and for establishing the positions that the DRC has taken on key and sometimes contentious issues.

## **'Moments of truth'**

It is not possible within the scope of this short narrative to cover details of the whole of the DRC's journey. Thus, Commissioners were invited to identify and give their account of two key 'moments of truth' in the journey of the organisation. Each moment illustrates the contribution of the Commissioners and the ways in which they have worked. There were several such moments that could have been explored. These include the decision to outsource the

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running of the DRC Helpline, a major contact point between disabled people and the Commission. It was decided, however, that the discussion would focus on the bookends of the DRC's existence. The DRC's rapid but solid foundation in 2000 and, in preparation for its end, the decision to support the DRC's succession by the Commission for Equality and Human Rights (CEHR).

# Getting started

In 1999, the Disability Rights Task Force published 'From Exclusion to Inclusion' – a report containing 156 recommendations for action across all areas of disabled people's lives. This was highlighted as having been a 'seminal document' by one Commissioner, as it ensured the DRC was not starting from a 'blank sheet of paper'. The DRC was able to benefit from the fact that a number of the original Commissioners and Senior Staff members had also been members of the Taskforce, and this provided a level of continuity.

Laying down the guiding principles of the DRC at this time was its mission statement. This has remained an important reference point for Commissioners and provided partners and stakeholders with a clear outline of its purpose and ideals.

**The DRC's mission is to build a society where all disabled people can participate fully as equal citizens**

Commissioners believe the mission statement has helped to provide consistency across the lifespan of the DRC. It is a short statement that both encapsulates the DRC's ambition and focus as well as acting as a measure against which all its actions can be tested. Building on these underlying principles, the foundation of the DRC also relied heavily on the quality of its people, its collective mindset and approach.

# Relationships

## The Chair and the CEO

The role of Commissioners has been to provide 'leadership, support and challenge' for the DRC, in much the same way as the DRC has sought to lead, support and challenge on behalf of its stakeholders. Effective leadership – and certainty and consistency in that leadership – has depended, not least, on building the right dynamic between the Chair and the CEO. This, the Commissioners have suggested, was the first key to the DRC's successful foundation. The appointment of a very good Chief Executive and Chair that could foster a solid working relationship and lead the organisation effectively in partnership.

It really has been critical because if the Chief Executive and Chairman relationship doesn't work, you get real conflicts that go right down through an organisation. **DRC Commissioner**

The Chair and the CEO had a clear sense of the skills they wanted represented around the table. Commissioners were recruited from a range of professional backgrounds including housing, health and social care, business and finance, education, employee rights, broadcasting and advocacy.

## An open forum between Commissioners

Once established, the Commission made clear, amongst its members, that all points of view could be raised freely. This is perhaps an obvious principle, but one which the Commission had to live up to, in practice, if they were to

operate in an environment where big debates would not be stifled and where, ultimately, genuine consensus could be arrived at as a result.

The Commission as a whole has been a place where we talk about big issues; I don't think it would have happened if we did not have that internal agreement to support and value each other's contributions in a way which is difficult outside. **DRC Commissioner**

The quality of debate and discussion, I think, is exceptional and the respect around the table for quite varied and polarised points of view at times is as good as anywhere I have ever seen.

**DRC Commissioner**

### Between Commissioners and staff

More broadly, the working relationship which Commissioners have had with staff is recognised to have been a strong one. The Commissioners made a commitment early on to invest heavily in staff training, ensuring that the organisation would be as well managed and well staffed as possible.

Two per cent of our budget was spent on staff training. The CEO said early on that we were going to have good staff and invest in them. That was a very good decision. We did invest in our staff and that paid off handsomely. **DRC Commissioner**

The Commissioners felt that their ability to work with, and rely on, well-trained staff had been central to enabling them to fulfil their role. This has given them the confidence to make decisions that they know staff will be able to respond to.

Helpful in connecting the top of the organisation with its staff has been the atmosphere of openness and accessibility surrounding the Commissioners. This was aided by ease of direct communication (such as via email) and the positioning of, and ease of access to, the Chairs' office.

This culture of openness between Commissioners and staff has been reciprocal and has informed the way in which all have worked together.

I do remember personally having the first phone call from one of the staff members... and it was a joy.

**DRC Commissioner**

The preparation of discussion papers, for instance, has not merely been an exercise in rubber stamping or sending back to the drawing board on the part of the Commissioners. They often made contributions to papers themselves, with emails travelling back and forth between Commissioners and staff until all are happy with the result. This reflects the mainly non-hierarchical environment that Commissioners have fostered, where discussion and collaboration is welcomed.

Though such deliberation and collaboration could lengthen timescales and impede progress – too many opinions often elongate a process – this hasn't really happened in reality. One useful process that has helped to ensure swift progress is the holding of meetings with relevant Commissioners (usually about three or four) and lead officers outside of, and leading up to, Board Meetings. These are predominantly (but not exclusively) thematic-based. They provide an opportunity for Commissioners to comment on, and engage with, emerging papers and so enable them to play a central part in shaping and developing the content of papers.

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As a result, not only has Commissioners' expertise been fully exploited, and a further level of scrutiny been added to the process, but the quality of Commission papers remain high and all are delivered within freely-flowing but relatively short timescales.

# Mindset and approach

What struck me about the foundation of the DRC was that it was about the process of building a public institution on the basis of a social struggle... it was not a consensual process that we came out of: we were born out of a conflict. **DRC Commissioner**

The struggle referred to by a Commissioner was that of the disability rights movement. For many years it had campaigned for the rights of disabled people to be established more thoroughly in law, and for an independent commission to uphold and promote that law. Although the DDA became law in 1995; it wasn't until the 1999 Act that the Disability Rights Commission was created. Its introduction coincided with a change in Government and followed the work of the Disability Rights Taskforce.

The DRC may have been 'born out of conflict', but in steering its course, Commissioners have been careful to avoid adopting a triumphalist or oppositionist mentality. The expressed view is that it was, from the outset, a pragmatic body with its feet on the ground and focused clearly on what it wanted to achieve. Important in establishing this approach was its commitment to pursuing strategic opportunities without getting sidetracked en route.

Lots has come out [in this discussion] about pragmatism and making a difference. It is much better to make a difference than go on debating things. **DRC Commissioner**

Commissioners felt that, importantly, the DRC has maintained its roots in, and accountability to, disabled

people and their organisations. Part of the process of doing this has been to establish its independence from government at the outset, whilst also ensuring a good working relationship with the government thereafter.

There was concern that we might be part of a Government, but when we challenged it and won legal cases, that created respect for the DRC [amongst disabled people]. **DRC Commissioner**

The DRC has been accused of raising its voice to government too rarely. This is unfair, certainly it has not been shy to criticise the policies, proposals and legislation the government has come up with. The most recent example being the DRC's challenge to the Green Paper on the future framework for single equalities legislation, which it argues 'fails to measure up'.

On the other hand, Commissioners are confident that the DRC has never been oppositionist without reason. It has been happy to support and commend the work of the Government where it felt it was deserved. In a speech to the House of Lords in 2001, disability rights campaigner Lord Ashley complimented the Commission for its co-operative approach to government. On many occasions in the years since, the DRC has worked with government departments (rather than shouting at them from the sidelines) and welcomed government actions when believing them to be positive – such as on the lifting of the exemption on transport in the DDA.

### **Making its mark**

Commissioners expressed the view that the DRC was able to establish its authority and credibility through initial legal

victories, which won the respect both of disabled people and others. They felt this made people 'sit up and realise' that the DRC was a force and, as such, was a significant turning point.

You could almost detect the mindshift outside the DRC to "Oh, this is an organisation we have to take seriously". And then when you saw that happen in the legal fraternity, who were probably quite sceptical to begin with, it was a real turning point it. It was almost palpable. **DRC Commissioner**

Whilst something that is taken for granted now, one Commissioner highlighted the enshrining of the 'rights' element in the DRC as an integral sign that disabled people were being given a voice – a right to be heard – and this strengthened the DRC's accountability.

### Uniting those with rights

Commissioners reflected on the diversity of the disability movement, from the midst of which the DRC emerged in 2000, and on the concern that the DRC was not going to be representative of all impairment groups. This unease was felt to have been quickly ameliorated and a sense of unified aims beneath a single disability rights banner achieved.

...we managed to achieve a consensus that the way we were going was the right way. We did manage to take most, if not all, of those bodies along with us.

**DRC Commissioner**

I think one of our great achievements is that we have been able to bring a disability rights perspective to the whole of the disability movement and indeed to much of the family carer movement as well. Those two groups have often been resolutely separate.

**DRC Commissioner**

### **Involving those with rights**

Commissioners also felt that the DRC's robust foundation had strong roots in its commitment to, and success in involving, disabled people in its work. That the majority of the Commissioners themselves have a disability made an important statement from the outset. More important in establishing this commitment to widespread, and in-depth involvement, has been the DRC action groups set up since 2001. Covering learning disability, mental health, neuro-diversity and BME disabled people, these groups have sought to genuinely engage those historically less active in the disability equality debate.

People with learning disabilities have played a major role within the work of the Disability Rights Commission. I think that degree of solidarity, plus a reputation for high quality engagement with all of its stakeholders and a genuine leadership role, really marks a sea change in the history of the disability movement. **DRC Commissioner**

There are differing views about the extent to which the DRC has succeeded in involving all marginalised impairment groups in its activities. However, as the comment above suggests, Commissioners believe that the DRC has at least contributed towards a significant shift in the assumptions around what disability equality means, who it refers to and who takes part in driving it forward.

# On the CEHR

The second moment of truth, regarded the decision to support the CEHR. Commissioners felt that this showed how the DRC has worked positively in partnership with other organisations. In this instance to help make the case that supporting the CEHR would be the most productive course of action for disabled people. As Commissioners note, however, working in partnership has not always been easy, since disabled peoples' organisations do not share a unified view on the CEHR. There have always been degrees of variability in the positions staked out by different organisations within the disability movement, varying by impairment group and geography – a variability which has created a constant challenge for a Commission with a GB-wide remit.

## Difficult decisions

I think any good organisation plans its own succession and manages to look beyond the key objectives of the day. I think that the DRC has always been very good at taking the long-term view.

**DRC Commissioner**

Commissioners have at times been faced with making contentious and difficult decisions. The decision to support the concept of the CEHR was one of those. It meant signing up to the closure of the DRC and making the (not unanimous) assessment that this may be in the long-term interests of disabled people. One Commissioner described the collective decision they made as being one of their 'mature decisions made on the back of a mature discussion'. It was a decision which, after much consideration, was judged by Commissioners collectively to be right even if it didn't feel

right. However, the differences of opinion regarding the DRC's stance remain evident:

It would have been very easy for us to have got on our high horse... but we never let [our feelings] get in the way of concentrating on the important stuff, which was about making sure that a CEHR would be as effective for disabled people as the DRC has been.  
**DRC Commissioner**

After this very long, difficult discussion my natural optimism is being worn incredibly thin... I go back to my original thoughts on the CEHR: That it's too soon, not practical... and that we are way off having what we want.  
**DRC Commissioner**

Having come to the decision to support the CEHR, the DRC has fought to ensure that the new Commission would begin on the best possible terms for disabled people. It has sought to be involved at all levels to ensure that the rights of disabled people will be addressed and progressed.

We made it very clear, our positive engagement in the CEHR process would be conditional on certain things flowing from that... but having put ourselves in that position, having got the best that we could, to some extent the jury is still out.  
**DRC Commissioner**

Despite the differences of opinion within the Commission, in this as in other debates, Commissioners were able to arrive at a consensus. They feel that this approach of valuing and encouraging debate has served to genuinely strengthen their final, shared position. It is built on the approach of tackling issues in an open and consensual way, reflecting the supportive environment previously discussed.

We had some quite passionate debates, but I actually think that led to a much stronger decision when we reached it. It's a bit like tuning a radio in the old days, when it used to crackle at one end and then at the other; you have to go through the gamut and rehearse the arguments of the two extremes in order to find a way that people can come together... We might have had different views, but we managed to get consensus. **DRC Commissioner**

Commissioners felt that they had not allowed anger and anxiety about the shortening of the DRC's life to colour its judgement on how disabled people would benefit most in the new CEHR world. They decided that if the CEHR was going to happen, it would in the longer term be better for disability to be 'in' rather than 'out'.

Whilst unable to carry all external stakeholders along in its conditional support for the CEHR, Commissioners are confident that, internally, the DRC has not allowed itself to 'wind down' as its closure approaches. It has felt like the organisation has sustained momentum in its final year, and has resolutely pursued its aims not only to transfer its own momentum into the CEHR, but also into other organisations. This has secured the DRC's legacy through grass roots bodies in line with its tradition of partnerships and capacity building.

I think [we have] laid the foundation for that much used word, sustainability, not purely rolling it into CEHR, but sustainability in other interest groups, communities of interest, the business sector, your employers, service providers... ie making that agenda sustainable for others to carry on. We are not depending purely on the CEHR.

**DRC Commissioner**

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In the opinions of the Commissioners, the CEO and the Chair had a clear sense of how to handle the situation around the CEHR. This was thanks in part to their knowledge of how government works and how – ‘like the back of a washing machine’ – all the parts of the equalities movement link together. The Commissioners felt that due to the strength of its leadership and staff, the DRC has always been good at planning ahead and being aware of what may be around the corner, whilst at the same time not neglecting the agenda of the moment.

It was a difficult balance... I hope the DRC has got it right. **DRC Commissioner**

# Conclusion

The DRC's Commissioners can look back positively on their experiences of the Commission and on the life of the DRC as a whole. So much of their discussion about what 'made things work' related back to having a clear set of aims and objectives, which helped them to maintain that strategic focus and awareness of the 'big picture'. Whilst their interests might drive them into the detail, they were always able to keep sight of where they – and the organisation – were heading.

The Commissioners agree that the approach of open debate and collaboration, both between the Commissioners and with the rest of the organisation and its staff, provided the crucible in which the shared sense of direction could be shaped and forged. This relied on an atmosphere of openness, open mindedness and mutual respect. It allowed often difficult issues to be thrown around the table, moulded and re-moulded before coming out at the other end, collectively supported and all the more robust for the process in arriving at consensus.