Institutional Ableism, Critical Actors and the Substantive Representation of Disabled People: Evidence from the UK Parliament 1940-2012.

This study is concerned with the substantive representation of disabled people (SRDP) in legislative settings; in other words, addressing disabled people's needs and concerns in policy and law-making. Mixed methods analysis of post-1940 Acts of the UK Parliament, backbench MPs' use of Early Day Motions (EDMs) and Written Parliamentary Questions (WPQs) - reveals longstanding institutional-ableism. This is the situation whereby systemic practices disadvantage individuals based on their abilities. *Inter alia*, the findings show that whilst recent years have seen some progress, there remain significant party differences in the prioritization of the SRDP - with gains largely dependent on the parties of the Left, as evidenced in the data on law-making, and use of EDMs and WPQs. Importantly, the findings also support recent theorizing on 'claims-making' by revealing the pivotal role played by 'critical actors'. These are parliamentarians (disabled and, crucially - non-disabled) who, compared to their peers, are disproportionately influential in promoting the SRDP.

Key Words: Substantive Representation of Disabled People, Parliament, Critical Actor, Legislative Programme, Policy Framing

Introduction

Hitherto academic enquiry has generally failed to give sufficient attention to the patterns and processes associated with the substantive representation of disabled people (SRDP) in legislative settings. This study aims to address this lacuna. In definitional terms the SRDP refers to the situation whereby politics allow disabled people's needs and concerns to be reflected in public policy-making and law. As Hanna Pitkin's seminal text explains; substantive representation is a fundamental tenet of democracy, it can be conceived of as 'acting in the interest of the represented, in a manner responsive to them' (Pitkin 1972, p.209). For the present purposes disability is defined according to the Equality Act (2010); thus, a disabled person has 'a physical or mental impairment which has a substantial and long-term adverse effect on her or his ability to carry out normal day-to-day activities' (for a full discussion of definitional issues see ODI, 2009).

The number of disabled people in the UK is contested. Some official measures refer to 0.8 million disabled children (circa 2010-11, DWP 2011, p.1) and eleven million adults with a limiting long term illness, impairment or disability (ODI, 2013). Others put the figure higher, stating that disabled people constitute almost a third of all adults (29 per cent) (ONS, 2010).[1] Here we adopt the latter figure whilst acknowledging that even this may under-report the actual number owing to a range of factors including individuals' unwillingness to report their disability in official surveys. Greater certainty attaches to the fact that the number of disabled people is likely to grow appreciably in future years for, by 2034, 23 per cent of the population is forecast to be aged 65 years and over (ONS 2010a, p.2) and, as Purdam, Afkhami, Olsen and Thornton (2008, p.53) observe, 'disability is a way of life for older people, but they are rarely seen as disabled'.

A raft of contemporary legislation and international agreements has attempted to ensure that policy-makers address the needs of disabled people in public policy-making. Examples include: the Equality Act (2010), the Northern Ireland Act (s.75) and EC Directives on mainstreaming equality (COM (95) 423; COM (96) 67; COM 2000/43/EC), as well as the Convention on the Rights of Persons with Disabilities (UN, 2007). Yet existing critiques also point to widespread failure on the part of government (Shah and Priestly, 2011). Moreover, such studies show that when disabled people are included in the work of government, a reductive clinical medical model[2] of policy-making is applied; one that 'focuses on the individual rather than the social context… [such that] the general mode is to "solve the problem" in the individual, not the society' (Conrad 2007, p.27). The following analysis of seven decades of UK government legislation adds to this litany and confirms enduring patterns and processes whereby disabled people have been marginalised in politics and law-making (Corker, 2000; Mabbett 2005). It is a situation captured in the term 'institutional-ableism'.

In essence ableism 'reflects the sentiment of social groups and social structures that value and promote certain abilities… over others' (Wolbring 2008, p. 253). As noted, it applies to the parliamentary practices under scrutiny in the following discussion for it describes how predominantly able-bodied representatives have generally failed to give due attention to the needs of disabled people. The way such political marginalisation is intimately connected to context underpins the use of the prefix 'institutional'. Taken as a whole institutional-ableism is a concept that signifies the existence of systemic, pervasive, and habitual policies and practices that disadvantage individuals based on their abilities. As such it is a form of social structure-based ableism, one that falls within the realm of neo-institutionalist analyses of the

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policy process (Lowri 1971). The latter underline how 'areas of policy or government activity constitute real arenas of power. *Each arena tends to develop its own characteristic political structure, political process, elites and group relations'* (original emphasis; 1971, pp. 689–690).

Although legislative procedures are integral to the reproduction of patterns and processes of marginalisation, oppression and discrimination they have generally not been subject to empirical work on the substantive representation of disabled people. To address this the following discussion first analyses Westminster governments' legislative outputs over the past seven decades. This is followed by an examination of two types of parliamentary mechanism: Early Day Motions (EDM) and Written Parliamentary Questions (WPQs). The former is a procedure to place issues on the parliamentary agenda. The latter is a mechanism allowing backbench MPs to challenge ministerial actions and priorities.

In exploring the patterns and processes associated with the substantive representation of disabled people at Westminster the ensuing discussion makes an original contribution by addressing the following research aims:

1. To what extent have UK governments' legislative outputs been concerned with the SRDP?

2. How have EDMs and WPQs been used to advance the substantive representation of disabled people? And,

3. What role do key individual parliamentarians or 'critical actors' play in advancing the SRDP?

The remainder of this paper is structured as follows: first, relevant aspects of the literature on institutional-ableism and the substantive representation of disabled people are discussed. The research methodology is then outlined. Attention then turns to the research findings in relation to Westminster legislation, Early Day Motions and Written Parliamentary Questions. The paper concludes with a discussion of the role of critical actors in the substantive representation of disabled people. This is followed by a summary of the main findings and their implications.

Institutional-Ableism and the Substantive Representation of Disabled People

Neo (-or new) institutionalist theory emphasises the need to move away from individualist, rational-choice-oriented analysis and locate policy making in an institutional context (Peters 1992, Lowndes 1996). As March and Olsen (1984, p. 738) outline, particular types of institutional mechanism are salient to issues of democracy and inclusion and which groups are represented in the policy process:

> political democracy depends not only on economic and social conditions but also
> on the design of political institutions … [they] are arenas for contending social
> forces, but they are also collections of standard operating procedures and

structures that define and defend interests. They are political actors in their own right'.

Thus, neo-institutional theory presents an appropriate framework to critique parliamentary policy-making processes associated with the substantive representation of disabled people. In this regard it follows other institutional analyses of groups and identities subject to shared experiences of discrimination and oppression. The leading example of this is feminist institutionalism (Kenny 2007). This highlights how institutional structures and procedures aid or hinder the promotion of equality in policy-making and substantive representation (see for example Thomas 1994, Childs and Krook 2006). Such work reveals how institutional context 'may limit or enhance opportunities for individuals to translate priorities into policy initiatives' (Childs and Krook 2009, pp. 129-130). Thus, as Mackay (2008, p. 135) points out, substantive representation 'requires institutional reform and innovation, including the creation of arrangements that foster the norm of participatory parity and the opportunity to contest and negotiate the meanings and content of the substantive representation... in a given context and over time'.

In the present case the need for participatory parity stems from enduring ableism. This is a concept that has gained increasing currency in social science (Gabel and Danforth 2008, Kumari Campbell 2009) and refers to: 'a form of discrimination based on the perception that being able-bodied is the normal human condition and is superior to being disabled' (Hehir 2005, p.7). In stating the case for public policy-making that resists group-based oppression by affirming rather than suppressing social

group difference, Young (1991, p.132-6) cogently notes the contemporary dyad of 'conscious acceptance [and] unconscious aversion' whereby overt statements of prejudice and discrimination against disabled people are uncommon and generally viewed as socially unacceptable. However, she also observes, 'unconscious… ableism [… is] often at work in social interactions and policymaking'. In this way it is allied to neo-institutionalism for, as Fierros (2006, p.47) explains, 'institutional ableism is distinguished from the individual bigotry toward people with disabilities by the existence of systemic, pervasive, and habitual policies and practices that disadvantage individuals based on their abilities'. Thus it is closely allied to a concept that has been subject to significant attention over recent years, institutional racism (López 2000). The official definition of this is instructive and may be adapted to the present purposes such that it refers to 'the collective failure of an organisation to provide an appropriate and professional service to people because of their [(dis)ability, which…] can be seen or detected in processes, attitudes, and behaviour, which amount to discrimination' (Home Office 1999, p.3).

The way in which institutions and ableist practices operate to marginalise or exclude certain groups in the policy process is intimately related to the concept of substantive representation. One of the fundamental tenets of democratic theory (Cf. Pateman 1970) it refers to responsive policy-making that reflects the needs and interests of different groups and identities in the electorate (Pitkin 1972). It is therefore consistent with Rousseauian conceptions of participatory democracy (Bachrach and Botwinick 1992) and the tenets of pluralism (Dahl 1961). According to proponents of full and fair substantive representation (Gargarella 1998) public decision-making should be informed by the participation and policy demands of a diversity of social

interests. Existing studies in the field have tended to concentrate upon the relationship between descriptive and substantive representation (Mansbridge 1999). Specifically, whether (and how) the presence of different social groups as elected representatives ('descriptive representation') translates into substantive representation (whereby group-specific policy claims are advanced, see for example, Reingold 1992). In essence this can be conceived of as the product of shifting power relations between different social groups (Lukes 2005). Thus, as Jenner (2012, p. 294) explains 'identifying who and what has influence over the problems policymakers attend to is central to the question of how power is exercised in politics'. Accordingly, in the following discussion we explore the attention to the SRDP in executive law-making as well as backbenchers' response through use of Early Day Motions and Written Parliamentary Questions.

Methodology

By applying mixed qualitative and quantitative methods the present study heeds earlier calls for the combination of content and critical discourse analysis in policy work (Wodak 2004), as well as for social research to 'humanize' quantitative data by focusing on language and meaning related to specific phenomena, notably from political actors' perspectives (Blumer 1969). Following Topf (1994), issue-salience is determined by content analysis of Acts of the UK Parliament, EDMs and WPQs. Such an approach constitutes a summarising, quantitative analysis of messages and is applied by recording the incidence of key words, ideas or meanings.

This paper makes a methodological contribution by combining attention to issue-salience with frame analysis of Acts, EDMs and WPQs. 'Policy framing' here refers to the method by which policy actors construct (or 'frame') policy and legislative

proposals on SRDP and other matters (Schön and Rein 1994). Thus, policy frames are 'a necessary property of a text—where text is broadly conceived to include discourses, patterned behaviour, and systems of meaning, policy logics, constitutional principles, and deep cultural narratives' (Creed, Langstraat, and Scully, 2002, p. 37). As Nelson and Oxleya (1997, p. 75) observe: 'frames influence opinions by stressing specific values, facts and other considerations, endowing them with greater apparent relevance to the issue than they might appear to have under an alternative frame'.

The timeframes used in the study were purposively selected to deliver the following:

1. Longitudinal data analysis to establish the political context and whether the SRDP was included or marginalised in Westminster governments' legislative outputs - specifically, UK general public Acts 1940 – 2012. (It should be noted 1940 was used as a starting date in order to allow broad comparability with existing studies of group representation that focus on the post-war period, e.g. Chaney, 2013).[3]

2. Detailed analysis of patterns and processes of disabled people's representation after 1990 - a period when legislative output data suggest there is some evidence of the reprioritization of the SRDP.

The analysis was operationalized as follows. Keyword searches were undertaken of general public Acts of the UK parliament using the official National Archives website.[4] In addition, electronic versions of all disability-related EDMS 1990-2012 and WPQs 1999-2012 were downloaded from the official parliamentary website.[5] These data sets were analysed using appropriate software.[6] In the latter case the text was divided into 'quasi-sentences' (or, 'an argument which is the verbal expression of one political idea or issue,' Volkens 2001, p. 96). Splitting sentences in this way controlled for long sentences that contain multiple policy ideas. Thus, individual quasi-sentences were coded three times; first, using a coding frame based on the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) (UN, 2007) (see Table 1.); and second, according to the principal policy area to which they relate. The UN Convention was selected as the basis for the policy framing schema for it is as an internationally recognised summary of normative principles and values underpinning the rights of disabled people. In each case, and in order to increase reliability, the coding process was repeated independently by a research assistant. Divergent views on the coding emerged in <3 per cent of cases (resolved by discussion between coders). The third coding process used the methodology developed by Beth Reingold (2000) in studies of women's representation. Thus the WPQs and EDMs were also examined for 'direction'; in other words whether they were 'pro'- SRDP (i.e. concerned with 'progressive' policy and upholding disabled people's rights); 'anti'-SRDP (i.e. negative, hostile or questioning of policy to meet disabled people's needs) - or neutral. This confirmed that all WPQs and EDMs were pro or neutral.

[Temporary Note – Table 1 – about here]

In definitional terms parliamentary Early Day Motions (EDMs) are:

> a colloquial term for a notice of motion given by a Member [of Parliament] for which no date has been fixed for debate. EDMs exist to allow Members to put on record their opinion on a subject and canvass support for it from fellow Members. In effect, the primary function of an EDM is to form a kind of petition that MPs can sign (House of Commons 2010, p. 3).

Analysis of EDMs is an established research methodology (Norton 2000) used to explore non-executive agenda-setting in legislative contexts. As Childs and Withey (2004, p. 553-4) observe, they are 'long studied as indicators of attitudes, beliefs concerns and priorities, because they constitute an opportunity for [… MPs] to put issues they care about on to the parliamentary agenda'. Thus they are procedural mechanism open to all backbench MPs, (government party/ies and opposition alike). They provide a valuable index of policy agenda-setting. In a key respect they provide a superior gauge of policy agenda-setting than other procedural mechanisms because they are unconstrained by party whipping. As Parliamentary protocol requires: 'ministers and whips do not normally sign EDMs. [For] under the Ministerial Code, Parliamentary Private Secretaries "must not associate themselves with particular groups advocating special policies"… Neither the Speaker nor Deputy Speakers will sign EDMs'.[7]

Written Parliamentary Questions are also 'tools that can be used by Members of Parliament to seek information or to press for action. They oblige Ministers to explain

and defend the work, policy decisions and actions of their Departments' (HoC 2010a, p.2). Thus parliamentary guidance describes the way in which they can be used to challenge the government's policy agenda: 'while some questions are genuinely seeking information or action, others will be designed to highlight the alleged shortcomings of the Minister's Department or the merits of an alternative policy' (HoC 2010a, p.6).

A criticism that can be levelled at both EDMs and WPQs is that they have potentially limited impact in terms of policy outcomes. Such assertions are founded on the fact that a fraction of all EDMs is selected by the speaker and fewer still lead directly to policy or legislative outputs. In contrast, whilst all WPQs do receive an answer, it is a matter of ministerial discretion as to whether the questioner's demands are acted upon. However, such criticisms can be rebutted on a number of grounds: 1. the present data sources provide insight into the values and priorities of backbench parliamentarians as a whole. They are an integral part of oppositional politics. As such they inform understanding of parliamentary deliberation and the patterns and processes of resistance to institutional ableism. In part, their significance lies in symbolic politics. Sarcinelli (2008, p. 389) explains this sometimes overlooked aspect of the policy process: 'substantive policy can be communicated, implemented, or averted by symbolic politics… [this] means the strategic use of signs to meet society's requirements of political orientation'. 2. Allied to the foregoing, EDMs and WPQs also provide an indication of political will to promote equality and human rights; 3. they also provide an index of Members of Parliaments' willingness to engage with – and challenge - established power structures and path dependent processes associated with long-established ways of parliamentary working; and 4. Analysis of EDMs and WPQs complements instrumental policy analysis that is concerned with quantifying and

measuring outputs. Although commonplace, it is argued that sole reliance on instrumentalism is potentially reductive for it diminishes policy-making to a series of (rational) choice points. Instead, the present approach emphasises the formative phase of the policy process. Without such antecedent knowledge of the debates that characterise a given parliamentary term it is argued that understanding of public policy making is reduced and explanatory power diminished.

The Substantive Representation of Disabled People: Westminster Law-making 1940-2012

According to one prominent campaigner for disabled people's rights institutional-ableism was a key aspect of parliamentary business. The late Lord Alf Morris reflected: 'between 1945 to 1964 there was not one debate in the [House of] Commons on disability... No one even knew how many disabled people there were in Britain. They were treated not even as second class citizens, more as non-people' (Morris, 1994, p.7 cited in Parsons 1995, p.136). Such a characterisation of post-war parliamentary practice corresponds to Bachrach and Baratz's (1970, p. 7) classic power-based account of the policy process that emphasised 'non-decision-making' – or, 'the suppression or thwarting of latent or manifest challenge to the values and interests of the decision-maker[s]'. Here we analyse whether Morris's claim of disabled people's marginalisation extends beyond the plenary debates to include post-1940 law-making at Westminster.

[Temporary Note – Figure 1. – about here]

As Figure 1 reveals, the data indeed provide evidence of institutional ableism. For example, in the three decades to 1970, a period when millions were affected by disability as a result of the Second World War, just three general UK public Acts of Parliament were concerned with disability. This malaise is compounded by the fact that the first statute, the Disabled Persons (Employment) Act 1944 (- which sought to establish employment quotas for disabled people) was never fully implemented (Barnes, 1992). In contrast, during the 1970s eight Bills on disability were passed. Yet it would be incorrect to equate this with significant progress. The majority of these were Scottish and Northern Irish variants of - and subsequent amendments to - a single enactment (the Chronically Sick and Disabled Persons Act, 1970). It is a pattern repeated in the 1980s. Then five 'disability' Acts became law. Once again the majority were variants of a single statute, the Disabled Persons Act (1981). The latter was an enactment of limited scope. *Inter alia* it sought to 'impose on highway authorities and other persons executing or proposing to execute works on highways a duty to have regard to the needs of disabled and blind persons'.[8]

It is not until the 1990s and 2000s that progress is made when a total of 13 Acts principally concerned with the needs of disabled people reach the statute book. Of these three are particularly worthy of note (Disability Discrimination Acts 1995, 2005; and the Special Educational Needs and Disability Act 2001). They are significant because of their role in (albeit belated) government attempts to shift the emphasis from anti-discrimination measures (centred on individual redress) to pro-action (whereby organisations are required to introduce 'reasonable adjustments' into their practices in order to meet the needs of *all* disabled people).

Overall, the data show law-makers' post-1940 attention to the needs of disabled people amounts to a lamentable history. For the half century spanning 1940-1990 there is clear evidence of institutional ableism in law-making at Westminster. As Figure 1 reveals, in place of a systematic and thorough-going approach to legislating in order to secure 'positive' equality rights for disabled people - (it should be noted that it took no fewer than sixteen attempts before the Disability Discrimination Act made it to the statute book)[9] - the SRDP has largely been treated as an 'add-on' to general enactments. This is evident when the 1940s and 2000s are compared. Instead of a sustained programme of legislation setting out disabled people's rights, as noted, there is instead an increase in disability clauses in general statutes. Whilst on one level this is a welcome increase in attention, it is also indicative of a piecemeal or incremental approach by lawmakers; one that that falls short of the UN Declaration on the Rights of Disabled Persons (RES 3447, 1975). Article 4 of the subsequent Convention (ratified by the UK in 2009) obliges states:

> to adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention [... and] to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities.[10]

It is a legislative history that supports Fredman's (2011, p. 98-9) assessment that 'the overall picture is one of continuing inequalities'. In turn it is consonant with a raft of contemporary studies. For example, Bell and Heitmueller (2009, p. 465) highlight

'uncertainty around litigation costs, low levels of general awareness about the [Disability Discrimination] Act among disabled people and employers, and a lack of financial support'. Whilst other UK research details how: 'disabled children continue to experience discrimination, exclusion and, at times, violence' (Goodley and McLaughlin, 2011, p.7); those diagnosed with mental health problems endure social exclusion (Perkins and Repper 2013); and how discrimination remains a real issue for disabled children, young people and their families (Hodge and Runswick-Cole, 2013). Against this backdrop, attention now turns to analysis of backbenchers' use of EDMs and WPQs to challenge the longstanding marginalisation of disabled people.

Early Day Motions

It is instructive to begin this stage of the analysis by determining whether treatment of the substantive representation of disabled people is typical of the experience of other marginalised groups in parliament. When the number of EDMs related to the principal 'protected characteristics' covered by equalities legislation are compared over the four parliaments 1992-2012, disability ranks third (Figure 2) and accounts for 13.9 per cent of the total. In comparison, lesbian, gay, bi-sexual and transgender representation has been the subject to least EDMs (3.5 per cent of the total), followed by ethnicity (16.3 per cent) and, older people (23.7 per cent). Gender has received greatest attention, making up almost a half of the total (42.6 per cent). Intuitively, one might expect the ranking here to follow the relative proportion of each group in the population as a whole. Indeed, this is the assumption underpinning the political science literature on 'proportional descriptive representation', namely that the number and social diversity

of parliamentarians should mirror the wider population (compare Mansbridge 1999, p. 647). A more cautious view is offered here. It is argued that the political priority afforded to the SRDP cannot simply be 'read across' from the number of disabled people in society for two main reasons: first, marginalised group identities are non-discrete (and internally varied); and second, each marginalised group is subject to a particular historical legacy and has a different 'starting point' in the pursuit of equality. In other words, some groups lag further behind others in terms of marginalisation, thereby demanding higher levels of attention than suggested by their group size alone. The significance of the present comparative data is that, even amongst traditionally marginalised groups, EDM use does not evidence the necessary compensatory prioritisation to make up for deep-set historical patterns and processes of disability discrimination outlined in the wider literature (Barnes, 2002; Rioux, Basser, and Jones, 2012) and the institutional-ableism apparent in the foregoing survey of Westminster legislative outputs.

[Temporary Note – Figure 2 – about here]

Moreover, in contrast to the increased attention to disabled people's representation seen in governments' legislative programmes of the 1990s and 2000s (see above), there is only a modest increase (+3.5 percentage points) when the number of 'disabled peoples' EDMs in the 1992-97 parliament is compared with the 2005-10 parliament; thereby revealing limited progress as a result of backbenchers' actions using this procedure.

Existing studies highlight how, when compared to the Right, the political Left has a greater propensity to advance equality in public policy (Byrne, 1996). This is also borne out in the EDM data. These underline Left-party dominance of the SRDP for EDMs tabled by Labour Party backbenchers account for almost two-thirds of the 'disability/ disabled people' EDMs (61.4 per cent). In contrast, Liberal Democrat MPs advanced just under a quarter (23.7 per cent) of the total (N=443). Underlining the Right's traditional eschewing of interventionist measures, Conservative MPs accounted for under ten per cent (9.9 per cent) of the 1990-2012 total ('others' – such as the Scottish National Party, Plaid Cymru etc. accounted for the remaining 6.9 per cent). In order to control for any potential distortions introduced by shifts in party strength over electoral cycles (i.e. party differences in number of MPs), the mean number of EDMs per party MP was also calculated. This method also confirmed Left party dominance in presenting EDMs concerned with disabled people's representation.[11]

[Temporary Note – Table 2 – about here]

Reflecting bitter debates about marketization and cuts undermining social security for disabled people (Hyde 2000) most EDMs were framed in terms of policy to secure 'a decent level of living, economic and social security' (Table 2). Examples include: 'that this House calls for a review of current Social Security legislation that rules that the mobility component of disability living allowance is not payable in respect

of any child under three years' (EDM 484, 2004).[12] Such motions accounted for just over a quarter of the total (25.5 per cent).

As noted, earlier studies have outlined limitations in UK disability discrimination legislation, notably highlighting the need for more proactive measures by employers and service providers (Cf. Gooding, 2000). Such concerns are reflected in the tabling of EDMs, for those under the 'anti-discrimination/ exploitation' frame accounted for almost a quarter of the total (23.7 per cent). Examples include: '10 years after the introduction of the Disability Discrimination Act 1995 young disabled people still face discrimination in accessing goods and services; [... we call] on the Government, local authorities and service providers to take note... as a matter of urgency' (EDM 441, 2009).[13]

International studies also underline how public awareness of disability issues is a prerequisite in securing appropriate public policy interventions and addressing patterns and processes of discrimination (Fong and Hung 2002). The data indicate that MPs tabling EDMs are cognizant of this, for 'awareness' was the third-ranked frame (15.8 per cent of the total). Examples include, 'that this House welcomes the Stroke Association's 'Lost without Words' campaign which aims to raise awareness of the impact of stroke-related communication disabilities ... and calls on the Government and health and social care providers across the UK to review the provision of support for people with communication disabilities following a stroke' (EDM 1791, 2008).[14]

The policy discourse of 'New' Labour governments (1997-2010) emphasised services for disabled people 'to develop capabilities and skills /social integration'; as Vernon and Qureshi (2000) outline, such an objective is not without inherent challenges

and contradictions; especially when weighed against other aspects of government policy discourse such as 'best value' and 'consumer choice'. Yet it is a frame that receives significant attention in the EDMs (and accounts for 10.8 per cent of the total). Examples include: 'that this House notes that early investment in speech and language therapy reduces avoidable costs and waste within the health sector, local authorities, education system, justice system and the wider economy; [and] is further concerned that budgetary pressures are already forcing cutbacks in local services' (EDM 1107, 2010).[15] A similar level of attention was also given to EDMs framed in terms of ensuring disabled people's 'needs are included in all stages of economic and social planning' (10.8 per cent of the total). It is an aspect of policy-makers' espousal of the social model of disability. Examples include, 'that this House notes… heart disease, diabetes, stroke and kidney disease, remain the number one cause of death and disability in the UK… and calls on the Government to work with the voluntary sector to plan strategically… to ensure that the best treatment and care is available to those people who are affected' (EDM 1116, 2009).[16]

When disaggregated by policy area (Table 3), 'taxation, pensions and social security' and health were foremost and accounted for almost a half of EDMs (47 per cent). 'Other issues and general statements' (13.1 per cent) aside, this was followed by; transport (9.3 per cent); employment (6.9 per cent); and education (5.6 per cent). Notably, statistically significant differences are evident in the framing practices of the different parties (P=<0.05).[17] Labour gives comparatively more attention to the 'decent level of living, economic and social security' frame which accounts for over a quarter of Labour MPs' EDMs (27.7 per cent, compared to the Conservatives 11.4 per cent and

Liberal Democrats 17.5 per cent). In contrast Conservative MPs table proportionately more EDMs under the frame 'services to develop capabilities and skills /social integration' (almost a fifth, 18.2 per cent, compared to Labour 11.4 per cent and Liberal Democrats 6.8 per cent). The Liberal Democrats lead in EDMs framed under the 'anti-discrimination/ oppression' frame (35.9 per cent, compared to Labour 19.9 per cent and Conservatives 27.3 per cent).

[Temporary Note – Table 3 – about here]

When the principal frames are disaggregated by policy area the data show that almost three quarters (72.3 per cent) of EDMs framed in relation to 'a decent level of living, economic and social security' related to taxation and social security, followed by carers (7.4 per cent), health (7.1 per cent) and transport (6.2 per cent). General statements (20 per cent) aside, the majority of 'anti-discrimination/ exploitation' EDMs relate to health (17 per cent), followed by transport (14 per cent), employment (16 per cent) and taxation and social security (12 per cent). Of the EDMs framed in terms of raising awareness, health leads and accounts for over a third (36.2 per cent). For example 'That this House notes that stroke is the country's third biggest killer, responsible for one in eight deaths, and the largest cause of severe disability… and urges the Government to take action to raise public awareness as to the risk factors for stroke, to address the wide variations in the standard of both acute and rehabilitation services for people who have had strokes' (EDM 498, 1997).[18]

Amongst the Labour EDMs, as noted, over a quarter (27.2 per cent) was framed in terms of 'a decent level of living, economic and social security' reflecting the party's concern to address income inequality (Deacon, 2003). For example, 'that this House notes the massive impact of debt on disabled people... and urges the Government, the credit industry and other financial institutions to... take action to address the needs of disabled people facing debt problems' (EDM, 1078, 2005).[19] This was followed by anti-discrimination/ exploitation (19.6 per cent), raising awareness (14.3 per cent) and services to develop capabilities and skills /social integration (11.4 per cent). When the Party's EDMs are broken down by policy area the majority, over a quarter, was in relation to taxation, pensions, social security (27.2 per cent), health (20.6 per cent) and employment (9.2 per cent).

Amongst the Liberal/ Liberal Democrat EDMs just over a third were framed in terms of anti-discrimination/ exploitation (35.2 per cent). For example, 'that this House notes that local authorities are subject to duties under the Disability Discrimination Act 1995 not to discriminate against disabled people in employment or the provision of service... and urges the Government to issue guidance to local authorities to encourage them to employ access officers, in order to promote equality of opportunity for disabled people' (EDM 359, 2009).[20] This was followed by awareness (18 per cent), a decent level of living, economic and social security (17.1 per cent). By policy area almost a quarter (23.8 per cent) of the party's EDMs related to taxation, pensions, and social security; just over a fifth (22.8 per cent) on health, followed by education (11.4 per cent). Amongst the Conservative EDMs the majority were framed in terms of raising awareness (22.3 per cent), followed by services to develop capabilities (20 per cent) and, skills /social integration (18.3 per cent). When broken down by policy area, general

statements aside (47.1 per cent), health accounted for just over a quarter (26.7 per cent) followed by carers (19.3 per cent).

Written Parliamentary Questions

The present data show how Left-of-centre parties also predominate in asking Written Parliamentary Questions (WPQs) on disabled people's representation. Overall Labour MPs accounted for almost a half of the total (48.3 per cent, 1999-2012), whilst Liberal Democrat MPs tabled just over a quarter (26.4 per cent). In contrast, Conservative MPs were responsible for under a fifth (17.8 per cent), and 'others' 7.5 per cent (N= 174). As in the case of the EDMs (see above), when the data are weighted according to party strength (i.e. the number of MPs) in each parliament the pattern of Left party dominance is again confirmed.[21]

Almost a half (45.4 per cent) of the total of WPQs was framed in relation to 'a decent level of living, economic and social security'. For example, 'to ask the Secretary of State for Justice what the (a) median and (b) longest waiting time was for appeals to be heard in respect of disability living allowance' (WPQ 47347, 2011).[22] A quarter (25.3 per cent) was framed in relation to 'anti-discrimination/ exploitation' issues. For example 'To ask the Minister of State, Department for Transport, how many and what percentage of railway carriages were accessible to disabled people in each of the last five years' (WPQ 299882, 2009).[23] Whilst just under a fifth (15 per cent) was coded under the 'services to develop capabilities and skills' category. For example, 'to ask the Secretary of State for Innovation, Universities and Skills, how much was spent on…

widening access and improving provision for students with disabilities' (WPQ, 232264, 2008).[24]

Notwithstanding the emphasis on the social model of disability in Westminster political discourse (Corker, 2000a) and substantial body of research underlining that 'socially-determined norms of participation seem to be a key determinant of the observed patterns of disability' (Siminski, 2003, p.707), just 8.6 per cent of WPQs were framed under 'participation'. This aspect of the WPQs spans all aspects of life including participation in the labour market. For example, '[I wish] to ask the Minister for the Cabinet Office what progress has been made in improving the recruitment of disabled people into the civil service' (WPQ 93527, 2003).[25] Yet such questions reflect earlier concern that, whilst 'progress is being made to remove barriers to participation by disabled people, on current trends it is unlikely that the employment disadvantage they face will ever be overcome' (Cabinet Office 2007, p. 2).

Overall, statistically significant differences are evident when the framing practices of the different parties are examined (P=<0.001).[26] Labour table all the questions on civil and political rights and almost two thirds (65.1 per cent) under the 'anti-discrimination/ exploitation' frame. In contrast, the Conservatives table most WPQs on 'services to develop capabilities and skills /social integration' (48.1 per cent). Reflecting the Left's traditional concern with developing welfare provision, and the fact that, compared to other social groups, 'disabled young people are at greater risk of being not in education, employment or training' (Cabinet Office 2007, p.8), Labour and

the Liberal Democrats account for over three quarters of questions (81.3 per cent) under the 'decent level of living, economic and social security' frame.

Official guidance, including the EU Disability Action Plan 2003-2010, encourages member states 'to proactively mainstream disability issues across policy areas' (European Commission 2003, p.34). This is reinforced by the European Disability Strategy 2010-2020 that includes amongst its priorities, 'mainstreaming disability in all policies' (European Commission 2007, p.64). Parties need to have policy programmes that are consistent with such requirements in anticipation of holding government office. The present analysis shows statistically-significant differences in the three main parties' attention to different policy areas in promoting the SRDP (P=<0.001).[27] The Labour Party has made most progress in SRDP 'policy-reach'; its MPs asked WPQs spanning 11 policy areas, compared to seven for the Conservatives and six for the Liberal Democrats. Key inter-party differences in the emphasis placed on policy areas include: the greater emphasis by Liberal Democrats MPs on taxation, pensions, social security (almost a half of the Party's total WPQs, 46.8 per cent – compared to 33.3 for the Conservatives and 19.8 for Labour); the higher proportion of party WPQs that the Conservatives devote to education (almost a fifth, 18.2 per cent – compared to Labour, 1 per cent - and the Liberal Democrats, 4.2 per cent); and, the greater emphasis the parties of the Left placed on general questions about disabled people's welfare and rights (38.5 per cent of Labour WPQs compared to 23.4 per cent for the Liberal Democrats and 9 per cent for the Conservatives).

Discussion: The Substantive Representation of Disabled People and the Role of Critical Actors

The literature on parliamentary representation of minority and marginalised groups highlights how substantive representation can be advanced by securing higher levels of descriptive representation (Dahlerup 2006). The latter term describes the situation whereby members of marginalised groups such as disabled people, are themselves present as parliamentarians (cf. Mansbridge 1999). It is a situation sometimes dubbed 'the politics of presence' (Phillips 1995). The literature on descriptive representation includes the concept of 'critical mass'; this suggests that a threshold in the level of descriptive representation is a prerequisite for substantive gains in policy making and law.[28] However, exactly what constitutes a 'critical mass' is contested. For example, in the case of women's representation, some studies suggest a figure of 15 to 30 per cent of all parliamentarians (Studlar and McAllister 2002). Demographic data suggest that for the composition of the UK parliament to match wider society there would need to be 65 disabled MPs.[29] However, as the present UK government confirms, 'there are no official figures for the number of disabled MPs' (Government Equalities Office 2013, unpaginated).[30] As emphasised by the Speaker's Conference Report (HoC, 2010c), when talking about under-representation of disabled people it is necessary to be mindful of the fact although the House of Commons *appears* to be under-represented of visibly disabled people – some may 'pass' and others other's hide their disability. That said it is likely that the actual number of disabled MPs is well below ten per cent of the total of 650 MPs. Notwithstanding the difficulty in determining the precise number of disabled MPs this does not preclude analysis of how the substantive representation of disabled people operates at Westminster. This is because, as existing studies of women's political

representation have emphasised (Galligan 2007); substantive representation is not only a function of the (albeit disputed) notion of critical mass, it also depends upon the presence of 'critical actors'.

The latter are parliamentarians 'who act individually or collectively to bring about... policy change' (Childs and Krook 2009, p. 127). Specifically, 'they initiate policy proposals on their own, even when [...disabled people] form a small minority, and embolden others to take steps to promote policies for [...disabled people], regardless of the proportion of [...disabled] representatives... their common feature is their relatively low threshold for political action' (Childs and Krook 2009, p. 528).[31] Hitherto there has been insufficient attention paid to the role of critical actors and the substantive representation of disabled people in parliamentary settings. The present EDM and WPQ data provide insights into their key role. In the case of EDMs, whilst over the period 1990-2012 a total of 217 MPs proposed Motions concerned with the SRDP, two individuals accounted for 10.4 per cent of the total - and eight were responsible for almost a quarter (22.7 per cent). This is significant. It shows the disproportionate policy influence of key parliamentarians - or 'critical actors' - in advancing substantive representation. It also underlines how the SRDP is far from a mainstreamed policy priority amongst parliamentarians as a whole (under a third of the parliamentary cohort tabled an EDM related to the SRDP). Whilst, as noted, the exact number of disabled MPs is not known, the present findings are consistent with existing work on women's representation showing that critical actors do not themselves have to be typical of a given ascriptive characteristic or identity (e.g. sex, ethnicity etc.) in order to be a critical actor (Chaney, 2006, 2012; Childs and Krook 2009, p. 130, op cit). In other words, in the case of the substantive representation of disabled people, critical actors

can be disabled or non-disabled parliamentarians. In the case of Westminster the present data suggest more interventions are made by the latter. Such a finding lends empirical support for recent work related to 'claims-making' and political representation. As Celis, Childs, Kantola and Krook, (2008, p. 100) note this conceptual strand of the literature comprises 'an attempt to rethink representation in terms of more fluid and dynamic processes of claims-making'. In the words of a key proponent it argues 'that representation involves the active portrayal of constituencies rather than simple reflection of them' (Saward 2006, p.183).

The data on Written Parliamentary Questions reveal the role of critical actors to be even more pronounced. Of the total of 64 MPs asking questions concerned with the SRDP 1999-2010, almost a half (46 per cent) was made by six individuals. Again, supporting the claims-making thesis, the present data confirm the role of non-disabled parliamentarians as critical actors (of six critical actors identified here, only one had publically declared a disability). These findings are significant because they reveal that, in parliamentary settings with low levels of descriptive representation, exclusive executive agenda setting practices can be challenged by backbench critical actors (disabled and non-disabled) concerned to advance the SRDP.

The present analysis also gives some insight into the complexity attached to the SRDP. It shows that two of the critical actors in the WPQ data were also on the list of EDM critical actors. This tells us that, in terms of action repertoire, critical actors are not limited to using a single type of parliamentary procedure but may use a range of institutional mechanisms in order to advance the SRDP. That there was not a complete match in the individuals identified as critical actors in relation to EDMs and WPQs is explained by the different (yet overlapping) timeframes for the datasets. Investigation

of the MPs' political biographies shows some critical actors lost their seats or retired (meaning they did not emerge as critical actors in relation to WPQs 1999-2012 having previously established themselves as critical actors from 1990 onwards in the EDM data). Promotion is another reason why critical actors did not appear on both lists; specifically, gaining ministerial office disbarred them from tabling EDMs and WPQs (thereby reducing the likelihood they would be listed as critical actors in relation to WPQs).

The present findings also provide insight into how the three main parties compare in relation to critical actors. This is significant for it provides understanding into the extent to which the SRDP is mainstreamed and embedded into the political and policy-making priorities of the respective parties – rather than being reliant on the actions of key individuals. In the case of the EDMs, the cross-party data reaffirm Left-party dominance and reveal that, with the exception of one Liberal Democrat MP (and an Independent) all critical actors were drawn from the Labour Party. In the case of the WPQs, they were evenly split with three critical actors each from Labour and the Liberal Democrats. A further index of how 'mainstreamed' the SRDP is in a given party is the proportion of each party's MPs using a given parliamentary procedure over a parliamentary term. In the present case, the data from 2005-2010 show that just over a third (34.4 per cent) of Labour MPs tabled an EDM and just under one-in-ten (9.9 per cent) asked a WPQ in order to advance the SRDP. The corresponding figures for the Liberal Democrats are 72.5 per cent and 24.2 per cent. In part, these comparatively high levels of engagement are a function of the relatively small number of MPs representing the third party at Westminster. For the Conservatives the numbers are 13.1 per cent and 8.0 per cent. Overall these data reveal Labour to account for the most EDMs and

WPQs - yet also to be over-reliant on the actions of critical actors. They also show that, notwithstanding the Right-of-centre Conservative Party's attempts to reposition itself as more socially progressive than in the past (Cf. Kerr, Byrne and Foster 2011), it scores particularly poorly in advancing the SRDP (having no critical actors and few MPs concerned to advance the SRDP using the mechanisms studied). In contrast, the data show the Liberal Democrats making notable progress in advancing the substantive representation of disabled people when gauged by the numbers of MPs tabling EDMs and WPQs – as well as the interventions of critical actors. They also indicate that across parties EDMs are a preferred mechanism to promote the SRDP compared to WPQs.

The present findings also suggest a future research agenda to explore the SRDP in relation to critical actors, claims-making and institutional mechanisms. Areas for enquiry include examination of: 1. the factors influencing parliamentarians' choice of institutional procedures to advance the SRDP 2. The way that (shadow) ministerial office and/or being party spokesperson shapes the actions of critical actors; and 3. the operation of the SRDP in relation to other parliamentary procedures (e.g. 'First Day' debates on the King/ Queen's Speech, the tabling of private Members' Bills etc.). Moreover, 4. future work will need to explore further the paradox in disabled people's representation presented by recent theorising on claim-making (Cf. Saward 2006, op cit). This is because, as the present analysis reveals, parliamentary settings that are decidedly non-representative in terms of descriptive representation (i.e. having few disabled parliamentarians present) may none-the-less be institutional settings were the substantive representation of disabled people can take place, even make modest gains over time. The paradox comes from the fact that traditional thinking on descriptive representation, human rights law, participatory-democratic mainstreaming of equality

and, the social model of disability – all emphasize the importance of the presence of disabled policy actors. It is the contention here that claims-making complements rather than replaces critical-actor/ critical-mass theory in understanding how the SRDP takes place. This will require future empirical investigation and theorizing.

This study began by underlining the endurance of institutional-ableism in executive law-making. This revealed that generally limited attention has been given to the substantive representation of disabled people in post-1940 legislation (in particular, a dearth of UK general Acts specifically concerned with disability in the five decades to 1990); subsequently, attention then centred on backbenchers' response by examining the use of two parliamentary procedures, EDMs and WPQs. In both cases a Left-Right cleavage in parties' propensity to act to advance the SRDP was evident – as well as the fact that party affiliation influences the way that policy proposals are framed. The findings not only emphasise the need to incorporate understanding of different institutional mechanisms in the study of disabled people's parliamentary representation; they also underline the need for cognizance of the key role played by critical actors and the process of claims-making. For legislatures with few disabled parliamentarians this study suggests that both disabled and non-disabled critical actors may play a disproportionately influential role in advancing the SRDP. Whilst, on one level, critical actors are therefore an important means by which institutional-ableism can be challenged – awareness of their contribution underlines the need to avoid placing sole reliance on aggregate measures of parties' attention to the SRDP. This is because such indicators (e.g. party totals of 'disabled peoples' EDMs, WPQs etc.) may conceal generally low levels of attention to the SRDP amongst 'rank and file' parliamentarians (because it is concealed by the actions of a few individuals, or 'critical

actors'). Allied to this, contemporary disability discrimination legislation, EC directives and the UN Convention on the Rights of Disabled Persons all call for the mainstreaming of equality for disabled people across organisational functions and policy areas. Yet the foregoing analysis of legislative outputs, Early Day Motions and Written Parliamentary Questions underlines that a significant amount of work remains to be done by the main UK state-wide parties before the substantive representation of disabled people is a mainstreamed feature of public policy and law-making at Westminster.

Civil and political rights

Respect for life/ human dignity

Self-reliance

Services to develop capabilities and skills /social integration.

A decent level of living, economic and social security

Independent living

Participation

Anti-discrimination/ exploitation

Needs included in all stages of economic and social planning

Intersectionality

Awareness

Table 1. Coding Frame Based on the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) (UN 2006).[32]

A decent level of living, economic and social security	25.5
Anti-discrimination/ exploitation	23.7
Awareness	15.8
Services to develop capabilities and skills /social integration.	10.8
Needs included in all stages of economic and social planning	10.8
Independent living	4.0
Participation	4.1
Respect for life/ human dignity	2.4
Civil and political rights	1.8
Intersectionality	1.1
Self-reliance	0.7

Table 2. EDMs by Policy Frame (N=443).

Policy Area	% all-party total
Taxation, pensions, social security	25.4
Health	21.6
Other issues and general statements	13.1
Transport	9.4
Employment	6.9
Education	5.6
General welfare including social care	5.6
Carers	4.9
Leisure, culture, media and sport	4.0
Law and order	2.7
Housing	0.9

Table 3. EDMs by Policy Area (N=443).
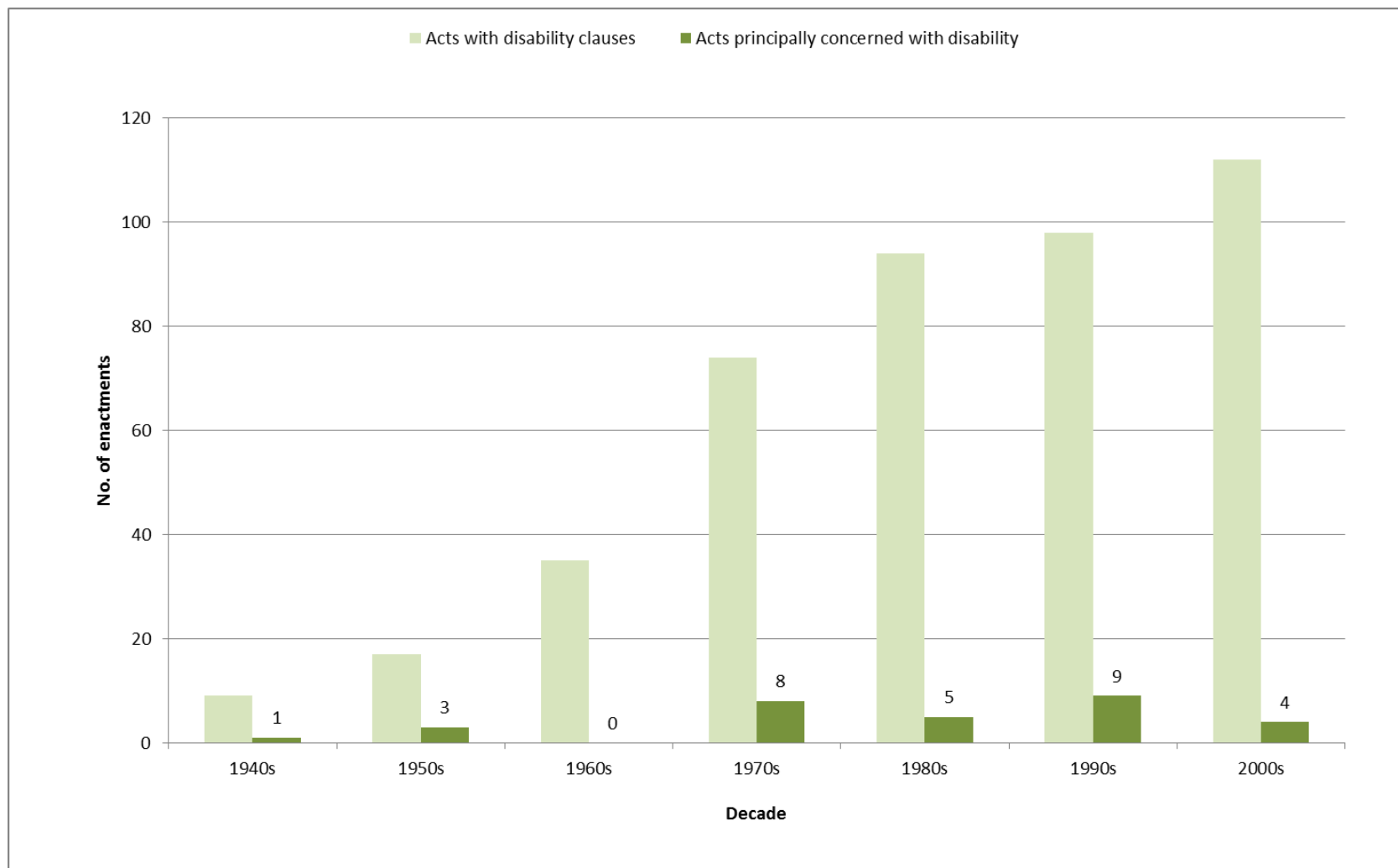
Figure 1. UK General Public Acts with Provisions related to Disability 1940-2012 (Source: www.legislation.gov.uk).[33]
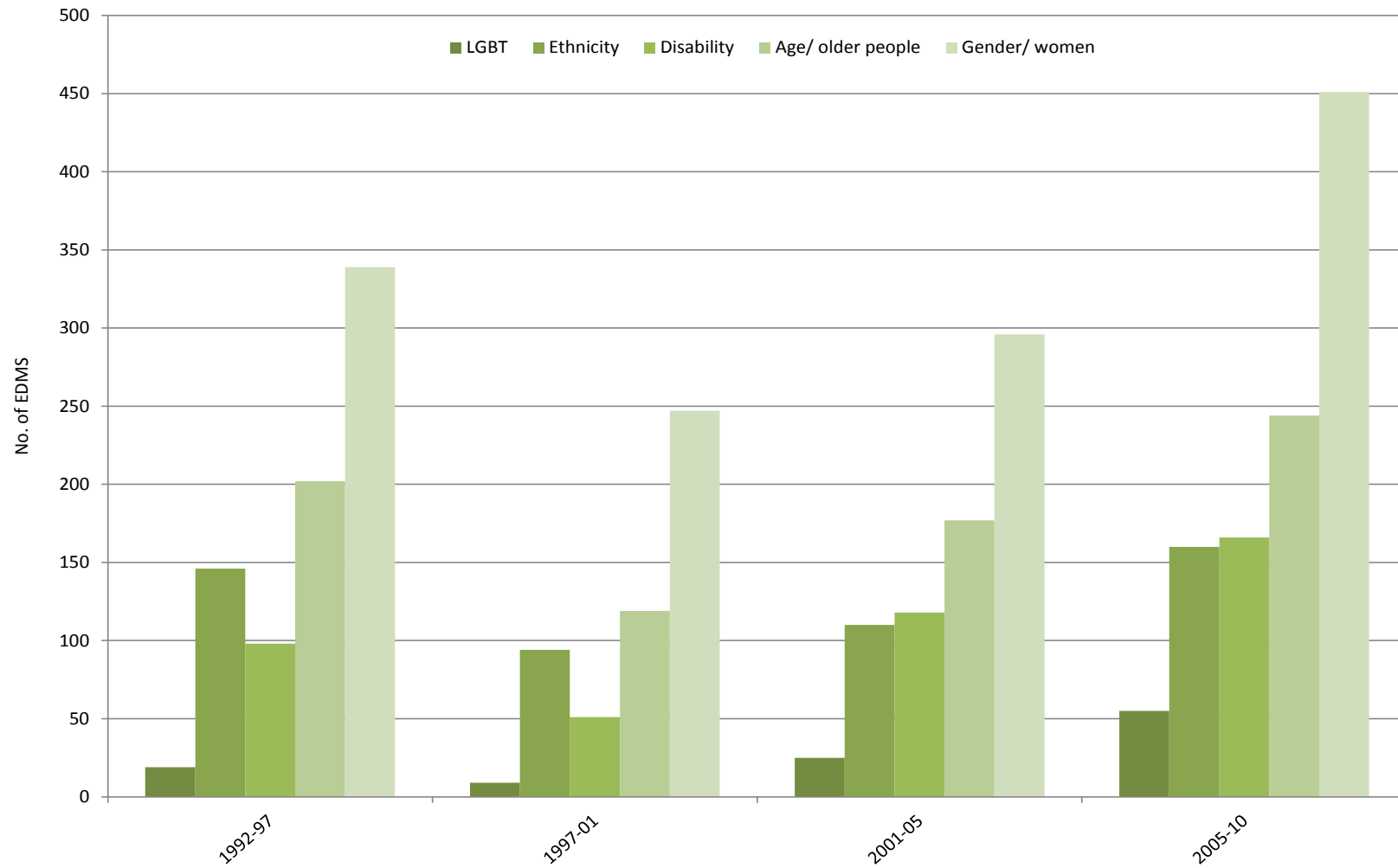
Figure 2. No. of SRDP-oriented EDMs Compared to other Equalities Groups 1992-2010.

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[1] And 26 per cent are disabled as defined by the Equality Act (2010) (ONS, 2010, p.1)

[2] An approach that emphasises the medical treatment of disabled people rather than social patterns and processes of disablism and inequality.

[3] 1940 – rather than 1945 was selected as the starting date in order to facilitate a decade on decade comparison (Figure 1) – and include the Disabled Persons (Employment) Act 1944, a key statute.

[4] www.legislation.gov.uk

[5] http://hansard.millbanksystems.com/ [accessed 02.01.2013]. 'Disability related' EDMs and WPQs were identified by keyword searches featuring 'disabled people', 'disability' in the text – as well as key terms such as 'blind', 'deaf', etc. corresponding with definitions of disability in literature and law (e.g. Equality Act, 2010).

[6] Nvivo 9.

[7] http://www.parliament.uk/documents/commons-information-office/p03.pdf

[8] http://www.legislation.gov.uk/ukpga/1981/43/introduction [accessed 19 October 2013]

[9] Fredman, 2011, p.97.

[10] http://www.un.org/disabilities/default.asp?navid=12&pid=150#text [accessed 22.10.13].

[11] Mean number of EDMs per MP, by Party over the four Parliaments 1992-2010 were as follows: (1992), the Labour Party (henceforth LAB) 0.048, the Liberal Democrats (henceforth LIB) 0.050, and the Conservative Party (henceforth CON) 0.012; (1997) LAB 0.055, LIB 0.087, and CON 0.030; (2001) LAB 0.019, LIB 0.038, and CON 0.030; (2005) LAB 0.039, LIB 0.020, and CON 0.024.

[12] DLA Mobility Component for Children Aged Less Than Three Years, Eddie McGrady MP, EDM 484, 2004.

[13] 'Inclusion Now Campaign', David Anderson MP, EDM 441, 2009.

[14] 'Lost Without Words Campaign', Andrew Lansley MP, EDM 1719, 2008.

[15] 'Royal College of Speech and Language Therapists' Giving Voice Campaign, Kevin Barron MP, EDM 1107.

[16] 'Destination 2020 Campaign', EDM 1116, 2009, Chris Ruane MP.

[17] Chi square = 33.367, Df =18 , P= 0.01506224.

[18] Graham Allen MP, Labour Party, 'Strokes', EDM 498, 1997.

[19] Roger Berry MP, Labour Party, 'Impact of Debt on Disabled People', EDM 1078, 2005.

[20] Mark Williams MP, Liberal Democrats, 'Local Authority Access Officers', EDM 359, 2009.

[21] Mean number of WPQs per MP, by Party over the three Parliaments 1997-2010 were as follows: (1997), the Labour Party (henceforth LAB) 0.081, the Liberal Democrats (henceforth LIB) 0.060, and the Conservative Party (henceforth CON) 0.012; (2001) LAB 0.075, LIB 0.067, and CON 0.020; (2005) LAB 0.069, LIB 0.048, and CON 0.010.

[22] Anne Begg MP WPQ 47347, 21 March 2011.

[23] Chris Ruane MP, 12 November 2009, WPQ 299882.

[24] David Willetts MP, 30 October 2008, WPQ 232264.

[25] Anne Begg MP, 28 January 2003, WPQ 93527.

[26] Chi square = 46.659, Df = 12, P=0.00000534

[27] Chi square = 55.982, Df = 18, P= 0.00000897

[28] The reason for this is that self-reinforcing intra-group dynamics are seen to operate. *Inter alia,* when part of a critical mass group members are emboldened and empowered to challenge oppressive institutional cultures and offer moral and practical support (for a full discussion see Dahlerup, 2006).

[29] http://www.publications.parliament.uk/pa/spconf/167/167we04.htm [accessed 21.05.2013]

[30] http://sta.geo.useconnect.co.uk/what_we_do/representation_in_public_life.aspx [accessed 27.05.2013]. As noted these data are not collected by the parliamentary authorities – and the Equality Act (2010) gives the individual the discretion as to whether to disclose a disability. Non-disclosure and non-visible impairments preclude accurate counting of the number of disabled MPs.

[31] This quotation is adapted from the original which referred to women's representation.

[32] 'Services to develop capabilities and skills /social integration' – includes healthcare, social care, education.

[33] Identified by keyword searches of the National Archive of Westminster legislation using range of collective signifiers associated with disability (including: impairment, disabled, blind, deaf, mental health etc.).