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'The dying of the light': the impact of the spending cuts, and cuts to employment law protections, on disability adjustments in British local authorities.

Abstract

Adjustments to working arrangements and the working environment have enabled organisations to recruit and retain valuable staff and helped disabled individuals to work and progress in their careers. The qualitative study reported in this paper indicates that generally good adjustments related practice across 33 British local authorities was beginning to deteriorate under the impact of government spending cuts; and was at further risk from the dismantling of legal protections. The findings have implications for local authorities, but also for national policy makers and those wishing to influence them.

Keywords: disability; employment; work; adjustments; cuts; law, councils; local authorities.

Points of interest

- Disability employment adjustments (such as making an office more wheelchair accessible or adjusting work duties) have benefited individuals and organisations.
- Adjustments related practice in the 33 local authorities in the study was deteriorating under the impact of government spending cuts. This deterioration has

put disabled employees at increased risk of being among the thousands of public sector workers being made redundant.

- In addition to the Reasonable Adjustments Duty, other employment protections (such as under unfair dismissal law) appear to have encouraged adjustments. These other protections are being weakened or abolished, and the Reasonable Adjustments Duty itself can not be assumed to be safe after 2015.
- Despite this 'dying of the light' (Thomas 1973, 474), there is some hope in that individuals and groups are attempting to defend what has been achieved since the Disability Discrimination Act came into force in 1996.

Introduction

Disability in the UK

The last few years have been difficult for many people with disabilities. Benefits (Cross 2013) and social care support (Lymbery 2012, 788) have been cut; and, for those wishing to challenge the cuts that they have suffered, legal aid has also been cut (Byrom 2013). In addition, and perhaps helping to make all this possible, media and political demonization of disabled people has transformed public attitudes (Briant, Watson, and Philo 2011). Those with disabilities appear to have gone from being 'objects of pity and aid' (Shakespeare 1994, 288) (which is not necessarily great in itself) to often being regarded as fraudsters and legitimate objects of hate (e.g. Sykes, Groom, and Desai 2011).

It also seems that those with disabilities could be among the hardest hit with regards to employment, including for reasons related to reasonable adjustments. This is, in part, because it would be surprising if negative attitudes towards minority groups did

not spill over into the workplace (Lopez, Hodson, and Roscigno 2009), and it seems that negative management attitudes towards disability can reduce willingness to make adjustments (e.g. Jackson, Furnham, and Willen 2000). In addition, cuts to central government grant (HM Treasury and UK National Statistics 2013) are leaving local authorities with smaller budgets from which to fund adjustments. Failure to make adjustments could, in turn, put those with disabilities - long disadvantaged in relation to employment (e.g. Hills et al. 2010) - at greater risk of being among the thousands of public sector workers being made redundant (e.g. ONS 2013). At the same time, a rolling back of employment protection (e.g. Hepple 2013) is leaving those with disabilities even more vulnerable.

Unless effective action is taken, the disabling society - critiqued in the social model (e.g. Oliver 2013; Barnes and Mercer, 2010: 29-36) - is set to become a great deal more disabling. There is hope, however, in that individuals, trade unions, and campaign groups are fighting hard to defend the rights which remain (e.g. Williams-Findlay 2011); and, of course, there is the ineradicable prospect that progress towards a more equal society will one day be resumed.

Researching reasonable adjustments

The employment Reasonable Adjustments Duty was in the Disability Discrimination Act (DDA) 1995 and is now in the Equality Act (EqA) 2010. The Duty provides that where an employer's provision, criterion or practice, or physical feature of his/ her premises, puts a 'disabled person' at a substantial disadvantage, compared to persons who are not disabled, the employer has a duty to take such steps as it is reasonable for him/ her to have to take to prevent that disadvantage. The EqA *Employment Statutory*

Code of Practice (at para 6.33) provides a non-exhaustive list of reasonable adjustments, including, for example, 'making adjustments to premises'; 'altering ... hours of work'; and 'transferring ... to fill an existing vacancy'. As with employment equality legislation in general, the Reasonable Adjustments Duty extends beyond employees and applicants for employment. In particular, it also covers those with 'a contract personally to do work' (section 83(2)(a) EqA), who (as with some zero hours workers) might not meet the common law definition of employee. However, following the Supreme Court's judgement in *Jivraj v Hashwani* [2011] IRLR 827, it seems that, for equality legislation to apply, services under such a contract must be performed 'for and under the direction of another person' (para 34). This interpretation appears to have the potential to reduce the scope of equality legislation (Deakin and Morris 2012, 176), including the Reasonable Adjustments Duty.

The literature suggests that adjustments have facilitated the recruitment, progression, and retention of disabled individuals (e.g. Goldstone and Meager 2002, para 3.3.3). In addition, while the literature on the subject is sparse, it provides some tentative empirical support for the intuitive assumption that the DDA Reasonable Adjustments Duty has encouraged adjustments (e.g. Woodhams and Corby 2007, 574). However, it also appears from the literature (e.g. Adams and Oldfield 2011) that adjustments have quite often not been made when there may well have been a duty to make them; and when there might not have been a duty (such as where an employee did not meet the legal definition of disabled) but making them would have been beneficial. Against this background, the study reported in this paper considered why adjustments are made/ not made for employees with disabilities in British local authorities. The study

identified a wide range of relevant factors. The focus here, however, is on the influence of the legal environment and government spending cuts.

Literature review

Why adjustments are made/ not made

The literature review identified relatively few UK studies that addressed why employment adjustments are made/ not made. Of particular potential relevance among the studies conducted in the last ten years, Woodhams and Corby (2007), as referred to above, touch on the influence of the Disability Discrimination Act; Foster and Fosh (2010, 560) examine 'employee attempts to negotiate workplace adjustments and associated issues of workplace representation'; and (perhaps most startling among their findings) Adams and Oldfield (2011, iii) report that 'For the most part, individuals felt that the personal risk involved in requesting any form of adjustment to their work arrangements was not worth taking'. In addition, Foster and Wass (2012, 1), drawing upon their analysis of Employment Tribunal transcripts of four reasonable adjustment cases, conclude that 'standard jobs, designed around ideal (non-disabled) employees, create a mismatch between a formal job description and someone with an impairment'; and 'suggest this mismatch is central to the organisation's resistance to implementing adjustments ...'. However, with the exception of Adams and Oldfield (the fieldwork for which was conducted in 2010) and Foster and Wass (which used cases from 2009-2010), the fieldwork for these studies appears to have been conducted in 2007 at the latest; and, therefore, predates the Coalition's radical cuts to expenditure and legal protection. The study reported in this paper was designed to indicate whether factors that the reviewed studies identified as relevant (to the making of adjustments) are still relevant; as well as identifying a range of factors which had

not previously been identified (including, of course, those relating to the cuts to expenditure and legal protection).

The wider review

Having concluded that there was a gap in the literature that the research would help to fill, a wider review was undertaken to explore factors which appeared to be of possible relevance to adjustments. Some of the review findings relating to the factors discussed in this paper (i.e. the legal environment and spending cuts) are set out below.

In addition to the Reasonable Adjustments Duty itself, a number of other equality laws appear to have the potential to have encouraged adjustments. These include other discrimination laws, with, for example, it being more difficult for an employer to justify in law 'discrimination arising from disability' (Section 15 EqA) where s/he has failed to make a reasonable adjustment (Uccellari 2010, para 3.39). Disciplining an employee for turning-up late in the mornings (where their lateness is the consequence of their disability) could, for instance, constitute unlawful 'discrimination arising from disability', unless the employer can show that the disciplinary action was justified; and showing that it was justified would be more difficult if the employer had failed to make a reasonable adjustment (such as allowing the employee to start and finish later). Further, the Disability Discrimination Act (DDA) Public Sector General Equality Duty (which in essence required due consideration be given to the need to promote disability equality) is indicated to have been 'starting to have an impact on equality for disabled people in the public sector' (Pearson et al. 2011, 249). It seemed possible that the equality schemes that public authorities were required to produce

under the DDA Specific Equality Duties ('made' under this General Equality Duty) will quite often have included encouragement to make adjustments (a matter returned to below in the findings). There are also a range of non-equality laws which appear of potential relevance. For instance, unfair dismissal case law has provided encouragement for employers, when using absence as a redundancy selection criteria, to take into account that someone's absence may have been the result of a disability (*Harding v Eden Park Surgery*, 1100367/05 ET, in Mansfield et al. 2010, para 31.06), which might, in turn, encourage the reasonable adjustment of not counting some or any disability related absence. In addition, impact assessments required under health and safety law will sometimes lead to what are in effect disability adjustments (such as to the office environment).

There have, however, been important limitations on the effectiveness of the Reasonable Adjustments Duty and other relevant laws, including in relation to the wording of the legislation and how the courts have interpreted it. For example, in *Mid Staffordshire General Hospitals NHS Trust v Cambridge* [2003] IRLR 566, the Employment Appeals Tribunal (EAT) determined that a 'proper assessment of what is required to eliminate a disabled person's disadvantage is ... a necessary part of the' Reasonable Adjustments Duty (para 17). Other judgments disagreed, until in *The Royal Bank of Scotland v Ashton* [2011] ICR 632, the EAT argued that 'it is irrelevant to consider the employer's thought processes or other processes leading to the making or failure to make a reasonable adjustment' (para 24). This would appear to reduce the statutory encouragement to take the arguably common sense step of considering what adjustments would be effective. In addition, reflecting its basis more in a medical-functional model of disability than a social one, the Reasonable Adjustments Duty

provides no entitlement to reasonable adjustments - however substantial the disadvantage experienced - unless the individual meets a quite restrictive definition of disabled.

On top of these limitations, the Coalition government has been cutting what it has described as 'unnecessary regulations' (BIS 2011) and what others might describe as basic and hard won employment rights. However conceptualised, these legal cuts could have major implications for the extent to which organisations make adjustments and/ or for disability equality practice more generally. In the case of discrimination law, the succession of cuts has included, for example, abolition (under the Enterprise and Regulatory Reform Act (ERRA) 2013) of employer liability for failure to take reasonably practicable steps to prevent third parties (such as clients) repeatedly harassing an employee. In addition, the EqA Specific Equality Duties ('made' after the Coalition came to power) appear to constitute a pale reflection of the antecedent DDA Specific Equality Duties (referred to above). There have also been cuts to other employment laws, suggested above to be of relevance to adjustments, including, for example, to health and safety law (Section 69 ERRA), and with an increase in the normal qualification period for protection under unfair dismissal law (Deakin and Morris 2012, para 5.8). And enforcement of what protections remain is becoming harder. The Trade Union Congress has claimed, for example, that the introduction of Employment Tribunal fees will 'price working people out of access to justice' (TUC 2011, 18). Whilst the Reasonable Adjustments Duty is required under European Union (EU) law and thus currently out of reach of the government, the Prime Minister has indicated an interest in 'repatriating' employment laws back to the UK (e.g. Miller 2011). In addition, the 'labour reforms' that the 'Troika' of the European Commission,

European Central Bank, and International Monetary Fund have imposed on Greece, Ireland and Portugal (e.g. Barnard 2012) suggest that the EU itself could in future start dismantling the employment protections in EU directives.

The radical cuts to government expenditure (e.g. Osborne 2013) also have the potential to have a substantial adverse impact on adjustments. In particular, cuts to central government grants are leaving local authorities with smaller budgets from which to fund adjustments. There have also been funding cuts, with further planned, to enforcement agencies, including to the Health and Safety Executive (e.g. HSE 2013, 67) and the Equality and Human Rights Commission (Hepple 2013, 207). In addition, other changes, justified in part on the grounds of cost saving, appear to have the potential to have an indirect impact on adjustments. In particular, accelerating privatisation and contracting out (e.g. Sivanandan 2013) mean that employees with disabilities are going from working in the public sector to the private sector, where research suggests that disability employment practice is generally poorer (e.g. Woodhams and Corby 2007, 569). Not only do the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) not provide for long-term maintenance of terms and conditions previously enjoyed in the public sector (including ones relating to adjustments, such as disability leave), regulations can also be side-stepped by simply refusing to take on the employees who would have been transferred (McMullen 2012, 471). In addition, new TUPE regulations (SI 2014 No. 16) have further weakened protection.

The need to stimulate economic growth has provided a principal stated justification for the cuts to employment law. The government, however, has presented limited

empirical support for its case, other than citing in vague terms what 'businesses say' (e.g. BIS 2013). In reality, the research evidence on the economic impact of employment protection is mixed (e.g. Deakin and Sarkar 2008) and that relating to Europe appears, if anything, to support the thesis that reasonable levels of employment protection are more conducive to growth than low levels. For example, insecure workers tend not to make the confident consumers needed to inject demand into the economy (Crouch 2012). Further, the threat of being sacked at the drop of a hat seems unlikely to increase the employee characteristics, such as 'trust' (Svensson 2012) and 'engagement' (Christian, Garza, and Slaughter 2011), that these and other authors have associated with improved performance. As regards the spending cuts, the principal stated justifications have included 'Fixing the debt' and 'cleaning up Labour's mess' (http:www.libdems.org.uk/jobsgrowth.aspx). However, the academic critiques (e.g. Sawyer 2012), and the social and economic devastation across parts of Europe (e.g. Matsaganis and Leventi 2013), would seem to cast some doubt on the value of austerity.

Method

The study was principally qualitative. It was felt that qualitative strategies are better suited, than quantitative ones, to identifying causal relations (e.g. Maxwell 2004), including those which should help explain why adjustments are made/ not made. On the other hand, it was felt that there are major constraints on the potential to generalize from qualitative research. Therefore, quantitative approaches were used to test the generalizability of a small number of the qualitative findings (as will be reported on at a later date). The majority of the qualitative data collection took place between June 2010 and February 2012 and consisted of:

- 52 semi-structured telephone interviews with, among others, disabled employees, line managers, HR managers, equality officers, union representatives, and committee chairs, from 33 local authorities.
- Collecting a total of around 250 documents from these organisations, including HR policies and strategies, corporate plans, internal reports, and committee minutes.

Interviewee and organisation selection was aimed at identifying, and being able to explore, a wide range of factors of relevance to adjustments. For example, small district councils and large London boroughs were included partly on the grounds that the published research (e.g. Roberts et al. 2006, para 9.2.1) indicates that organisational size affects HR practice in relation to disabilities. Document selection was partly aimed at providing a basis for triangulating the interview findings, such as, for example, checking whether minutes of Disabled Workers Group meetings reflected what HR managers said these groups did. Each interview guide set out issues that it had been decided to include in all the interviews; issues that analysis of earlier interviews had suggested were salient; and questions tailored to the particular interviewee (such as asking a union officer about a matter covered in her branch newsletter). Analysis of documents and interviews drew on discourse analysis, content analysis, and grounded theory. The analysis included three iterative elements - (1) *contextual focus analysis*, which aimed to address the inadequate attention that traditional grounded theory (e.g. Strauss and Corbin 1990) seems to give to the context in which interviewee answers appear; (2) *generative focus analysis*, which involved generating categories from the data; and (3) *evaluative focus analysis*, which in part aimed to address (such as through searching for disconfirming evidence) what

seems to be a confirmation bias in the way that concepts are verified in grounded theory.

As the sample was not representative, and as it was felt that qualitative approaches can overstate the extent to which their procedures facilitate generalization, it is assumed that, at most, the findings can be used as the basis for tentative conclusions about British local authorities as a whole. However, the degree of tentativeness was taken to vary according to the nature of the particular findings.

Findings [1]

Adjustments related practice

Most of the line-managers, HR managers, equality officers, and union representatives, indicated that the Reasonable Adjustments Duty had had a considerable impact on their practice; and none of them indicated that it hadn't. Laura (equality officer, Scottish local council), for example, stated - 'I can't really think of anything where we wouldn't look to make a reasonable adjustment'. In addition, all the employee interviewees with disabilities indicated that adjustments had substantially improved their work circumstances. For example, when asked about adjustments, Janice (English unitary authority), who was going through a course of medical treatment, replied - 'They've been very good with me working when I can'. Along with the Reasonable Adjustments Duty, it appeared that other laws discussed above might well have encouraged adjustments. For example, council equality schemes (which were required under the DDA Specific Equality Duties) included adjustment related planned actions; such as "appointing reasonable adjustment co-ordinators" (English county council disability equality scheme). As regards the non-equality laws, some

interviewees, for example, referred to the role of health and safety assessments in identifying the need for adjustments such as to work stations. In addition, the requirements (under unfair dismissal law and TULRCA 1992), to consult unions or others on redundancies, appeared from some interviews to have contributed to the reasonable adjustment of excluding some disability related absence when using absence as a redundancy selection criteria.

Whilst most interviewees presented reasonable adjustments related practice as being generally good, the interviews provided a significant number of examples of what appears to have been poor practice. In addition to adjustments not being made, there were cases in which employees had to fight hard to get adjustments granted. For example, referring to her request for an adjustment, Sandra (English county council) stated - 'They weren't having it at the beginning. They didn't recognise depression as being a disability. So I then had to get more evidence and give it to HR'. A wide range of factors appeared to be implicated in inadequate practice. Of particular relevance to this paper, some of these factors related to weaknesses in the laws referred to above and/ or to how organisations interpreted them (as in the failure to recognise that Sandra's depression was a disability for the purposes of the Disability Discrimination Act). A recurring problem was organisations understating what the Reasonable Adjustments Duty requires. For example, while 13 of 24 absence policies (from among the 33 local authorities) indicate a legal duty to consider adjustments, just six correctly indicate a requirement to make them.

Impact of the spending cuts

It also appeared that reasonable adjustments related practice was deteriorating under the impact of the cuts. For example, four HR managers indicated that, with the cuts, some adjustments were no longer considered reasonable. In addition, seven of the nine employees and trade union representatives, who expressed an opinion on the impact of the cuts on adjustments, stated that, as a result of the cuts, there were fewer adjustments, adjustments were taking longer to agree and put in place, or that individuals had to fight harder to get them. However, two trade union representatives, and two HR managers, stated that the cuts had not yet led to any reduction in adjustments. With one exception, even these interviewees (speaking in 2011) appeared to think that there could or would be a considerable impact on adjustments when the full force of the cuts began to be felt. As Margaret (union branch secretary, Scottish city council) put it, referring to an adjustments related budget, - 'when that money has gone that money has gone'. In addition to interviewee assessments of adverse impacts of the cuts on adjustments, there were other indications of such impacts in the documents and interviews from most of the 33 local authorities; including from the local authorities of those interviewees who said that there had not yet been any reductions in adjustments. These possible impacts appeared to result, in particular, from local authorities having smaller total budgets from which to fund adjustments. There also, however, appeared to be more indirect impacts, including ones which operated through attitudes, policies, structures, and organisational processes.

Expressed attitudes towards disability were in most cases positive. Further, managers and HR appeared, in general, to regard adjustments as bringing important net benefits to their organisations. There were suggestions, however, from two HR managers and

one trade union representative, that those with disabilities were sometimes a burden who (in the form of reasonable adjustments) had to be carried; and that this burden was less acceptable as a result of the cuts. For example, John (HR manager, Scottish local authority) stated - 'If (adjustments) become unreasonable in the current budget climate, we can't carry people ...'. In addition, in four cases, it seems that colleagues might have resented what was seen as preferential treatment. For example, referring to her being provided with adjustments, Pennie (English unitary authority) said that she was seen as 'troublesome in terms of the manager and the wider team, as someone asking for special treatment'.

It seems possible that organisational attitudes, and the manifestation in practices of individual attitudes, will sometimes come under the influence of organisational policies. For example, the predominant framing of equality as equal treatment (found across the HR policies from the 33 local authorities) might reduce support for the more favourable treatment (what Pennie referred to as 'special treatment') that adjustments necessarily entail an element of. In general, however, the HR policies provided considerable encouragement to make adjustments; and it seemed from the interviews that policies on occasions had a significant impact on adjustment practices. For example, Pennie indicated that provision for an appeal to a 'reasonable adjustments panel' led to the reversal of a decision not to grant her some home-working. It appeared, however, that (in part as a response to the cuts) policies were being toughened-up, with an increased emphasis on discipline and less encouragement to provide support and adjustments. For example, in the case of a Scottish local authority's capability policy, the proposed 'streamlining' changes (set-out in a report to committee) included removing the 'previous provision to search for redeployment';

which might, of course, be expected to reduce the likelihood of redeployment to another post as a reasonable adjustment. Where those from the organisations concerned were questioned, the toughening-up of policies seemed to be reflected in changes in practice. For example, referring to the effect of policy changes, Edward (line-manager, London borough) stated - 'The line-manager is on the employee, the organisation is on the manager'.

The cuts also appear to have influenced adjustments (or to have the potential to influence them) through changes to organisational structures. Some of the interviews and documents, for example, point to cost cutting having been an important motivation for organisations moving towards a more centralised/ strategic HR; which, in some cases, seems to have reduced the likelihood of adjustments being made. This was, in particular, where HR managers focussed on strategic organisational issues, and left much of employee relations to operational or transactional HR (who might be assumed to have a more limited understanding of reasonable adjustment requirements). For example, Hazel (administration officer, Welsh county council) stated that absence issues will not normally be 'passed over', from her administrative section to personnel, until someone 'is terminating due to ill health'. At this stage, of course, it might be too late to make adjustments.

The process of structural change, as well as its outcomes, appeared relevant to the impact of the cuts on adjustments. In particular, structural change (in the current climate) tends to be predicated on the stated need to cut costs through making redundancies; and adjustment related failures (arising in part from cost cutting) appeared to have quite often placed those with disabilities at a substantial

disadvantage when redundancies were made. Firstly, this was because failures to make (or reluctance to make) adjustments put some disabled employees at increased risk of being selected for redundancy. In particular, failures to make adjustments made it harder for some employees to do their jobs effectively, and so reduced their scores on redundancy selection criteria. It also appeared that the cost (or perceived inconvenience) of existing adjustments made those with them attractive targets for selection. Secondly, failure to make (or reluctance to make) adjustments reduced the likelihood of those at risk of redundancy being transferred to alternative employment within the organisation. This seemed to result from employees being rejected for alternative posts on the grounds that departments were not prepared to make the necessary adjustments; and from adjustments not being made to some interviews or assessments for alternative posts. For example, referring to two people in her Disabled Workers Group, Sian stated:

> They are redundant at the end of next week. One of them is quadriplegic. He has special equipment that he uses to write and he was given pen and paper (for an assessment)! No thought had gone into how that person was going to manage.

Impact of the legal environment

That the overall impact of the cuts on adjustments appeared less severe than expected seems to have been, to a considerable degree, the result of their full force not having been felt at the time of the interviews. However, what appeared to principally be stopping adjustments from dramatically falling away was organisational commitment to legal compliance (whether because compliance was in itself regarded as a good thing or because of a desire to avoid legal action). For example, as touched on earlier,

it was only when Sandra convinced HR that her depression constituted a disability, for the purposes of the Disability Discrimination Act, that she was granted adjustments. There were, of course, other motivations for making adjustments. These included, for example, a general belief that adjustments would facilitate early returns to work from sick leave i.e. there was a 'business case' for adjustments. Most managers also appeared to imply a moral case. For example, the occupational health manager for an English county council seemed to be motivated in part by empathy. Referring to why adjustments were made, she said - 'Because ... there are lots of people who need a helping hand. You or I could end up being one of them'. These other motivations, however, did not appear sufficient in themselves to ensure adequate practice, and appeared vulnerable to spending cuts and cuts to legal duties. For example, the perceived value of quick returns to work might be weakened as the need to make redundancies makes it more tempting to dismiss workers on sick leave (a temptation that some union representatives indicated that managers had succumbed to). In addition, as Sophie (HR manager, English district council) put it - organisations want their 'workforce to be back whether or not they have a disability'. The impression gained was that, in the absence of legal duties, organisations would continue to provide support for workers in general (including where this would speed-up a return to work) but would not make anything like the extra effort currently made for those with disabilities. Since legal protections are being rolled back, this must raise some concerns for the future of adjustments. For example, explaining the limited impact of the cuts on adjustments in her council, Margaret (union branch secretary) stated - 'a lot of things are also linked into health and safety and it would be a bit silly to cut back on health and safety, as, if there was an incident, they would be liable ...'. However, as referred to above, employee protection under health and safety law is

being reduced, and the Reasonable Adjustments Duty itself can not be assumed to be safe.

Conclusions

The last few years have been a time of cuts. Cuts to public expenditure; cuts to equality and employment law protections; and cuts to legal advice services for those wishing to enforce the protections which remain. And there appears to be a great deal more cutting still to come. The Chancellor, George Osborne, for example, is already committed to austerity into 2017-2018 (Osborne, 2012) and it appears not unreasonable to conclude that permanent austerity (in the form of a greatly shrunken social state) is now the end goal. As regards further cuts to legal protections, the Draft Deregulation Bill, for example, would (if clause 2 is enacted) entail the "removal of employment tribunals' power to make wider recommendations" to employers brought before them.

The study, reported in this paper, appears to be the first to have empirically investigated the impact of the cuts on adjustments for disabled employees. The findings suggest that generally good adjustments related practice among the 33 local authorities in the study was beginning to deteriorate under the impact of the spending cuts. That the overall impact appeared less severe than expected seems to have been, to a considerable degree, the result of the full force of the cuts not having been felt at the time of the interviews. However, what appeared to be principally stopping adjustments from dramatically falling away was organisational commitment to legal compliance. Since relevant legal protections (such as health and safety laws) are being rolled back, this must raise some concerns for the future of adjustments. Further,

whilst the Reasonable Adjustments Duty is required under EU law and thus currently out of reach of the government, the Prime Minister has indicated an interest in 'repatriating' employment laws back to the UK (e.g. Miller 2011). In addition, the recent behaviour of EU institutions (e.g. Barnard 2012) suggests that the EU itself could in the future start dismantling the employment protections in EU directives. However, there appear to be some grounds for hope in that individuals (including committed HR managers in the interviewee organisations) and groups (including unions and campaigns) are attempting to defend what has been achieved since the Disability Discrimination Act came into force in 1996. For example, while Sandra (English unitary authority) called the union 'a bit of a toothless tiger', the general impression across the interviews was that union branches were active in supporting members' requests for adjustments.

The study findings have implications for managers and elected councillors, who could usefully take action to minimise the impact of budgets cuts on reasonable adjustments (with benefits for local authorities and their disabled workers). The findings also have implications for national policy makers (responsible for cutting spending and cutting legal protections) and for those wishing to influence them. There are, however, major limitations to this study. The sample of organisations was not designed to be representative; and it is assumed that, at most, the findings can be used as the basis for tentative generalizations about British local authorities as a whole. Even so, the sample would have benefited from more interviewees within each organisation (including for the purposes of triangulation) and from greater variation along a number of dimensions. For example, there were no temporary workers amongst the interviewees. Since employers might feel less inclined to make adjustments for such

workers, future research could - drawing on Standing's work on the 'precariat' (e.g. 2011) - usefully address the impact of spending cuts and legal changes on adjustments for those in non-unionised, insecure, casual/ zero hours positions. In addition, since most of the cuts to legal protection had not come into force at the time of the interviews, it would make sense to go back and see what has happened now that a whole swathe of them have. Notwithstanding these study limitations, it seems reasonably safe to conclude that the spending cuts and legal changes are having an adverse impact on adjustments in many local authorities. To return to Dylan Thomas's poem (1973, 474), there appears a great deal for those concerned about employment and disability rights to 'rage against'. However, unlike in the poem, it has got to be at least possible that their raging will help prevent 'the dying of the light'.

Note

1. To protect anonymity, the names of interviewees have been changed and the names of organisations have not been included.

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