

Priorities and work programme 2009/10

Plan of the Equality and Human Rights
Commission Disability Committee

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Chapter 1

Introduction

The Equality and Human Rights Commission Disability Committee is a statutory committee, set up by an act of parliament, with duties to **promote equality, human rights** and **good relations** in respect of ‘disability matters’.

This work programme sets out the Committee’s strategic priorities for 2009/10, and how we will use our powers to address them.

Chapter 2

The Committee

2.1 Our duties and powers

The Disability Committee is a decision-making committee with wide powers and responsibilities delegated to us by parliament. These powers and responsibilities are set out in the Equality Act 2006 and include:

- monitoring and providing advice on disability law
- publishing and disseminating ideas and information, providing education and training, and giving advice and guidance on disability rights
- publishing and revising codes of practice on disability law
- monitoring and preventing crimes affecting disabled people
- arranging conciliation on non-employment Disability Discrimination Act (DDA) disputes
- providing or arranging legal assistance for DDA claimants
- conducting or intervening in disability-related judicial review proceedings, and
- making sure the Commission Board consults us on anything it intends to do that affects disabled people, and giving it advice about such things.

These powers and responsibilities can only be exercised by the Board, other statutory or non-statutory committees or staff where the Disability Committee has given delegated authority to do so.

The Committee has the power, acting within our remit, to take action or instruct others in the Commission to do so. For example, we can ask for a press notice, produce articles, commission and publish guidance, initiate legal proceedings, develop policy positions, engage stakeholders, and make our views known to the government or parliament.

The Committee must submit to the Board an annual report, which must be incorporated into the annual report of the Commission itself.

The Committee must also consult the Commission's Scotland and Wales Committees on disability advice to national governments or others. Our primary means of doing so is via members of the Scotland and Wales Committees (presently Bob Benson and Rhian Davies respectively), enjoying ex officio membership of the Disability Committee, and via engagement between relevant staff across England, Scotland and Wales.

The Equality Act 2006 requires the Commission to make sure that the Committee receives a sufficient share of the Commission's overall resources to allow us to exercise our functions.

Since September 2007 the Committee has had an agreed annual budget of £200,000. We also have a permanent disability programme director to coordinate delivery of our work programme and to facilitate our relationship with officers in the Commission. Our team was expanded in 2009 to include a policy officer.

2.2 Our vision

The Disability Committee's vision is of a society in which all disabled people have real freedom and opportunity to participate fully and to contribute to society as equal citizens.

2.3 Our approach and guiding principles

We achieve this as a Committee by inspiring leadership throughout the organisation to deliver on disability equality and human rights, and by promoting good relations within all the Commission's strategies and work programmes across Great Britain. Our statutory remit as a decision-making body is underpinned uniquely by our membership, which is disability led and draws on our guiding principles:

- to shape our perspectives from the needs of disabled people and their supporters

- to be guided by the needs of businesses, employers, public authorities, as well as service providers in general
- to apply our knowledge, expertise and learning to further independent living and the integration of disabled people within communities and to share that learning, and
- to take a long-term and strategic perspective, and work in partnership with decision makers and influencers.

Chapter 3

The context of our plan

3.1 Real progress

The last 15 years have seen significant progress in relation to disability rights. The 10 years between 1995 and 2005 were bookended by two Disability Discrimination Acts (DDA); the latter placing duties on the whole public sector to proactively promote disability equality. In between came:

- the Disability Rights Commission
- the extension of the DDA to education
- duties on service providers to remove physical access barriers
- the Human Rights Act
- the Mental Capacity Act
- the Prime Minister's Strategy Unit Report on the Life Chances of Disabled People
- the Valuing People Now white paper
- initiatives such as Pathways to Work
- the creation of the Office for Disability Issues
- Equality 2025
- the Independent Living Strategy, and
- the Scottish parliament inquiry into disability equality and subsequently the Independent Living in Scotland project.

In June 2009 the UK government ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and in a first for the UK plans, it also ratified the UNCRPD's Optional Protocol, allowing disabled people in the UK to petition the United Nations if they believe their rights have been breached.

Perhaps most fundamentally, the expectations of and among disabled people concerning their role in society and the opportunities that should be available to them have changed dramatically.

3.2 But deep inequality persists

But what matters are the outcomes that flow from these various initiatives. For many, life has improved, for example the employment rate among disabled people and educational achievement have both risen steadily. Sadly, however, for considerable numbers of people deep inequality persists. The costs of such inequality are borne not only by the individuals concerned, but very often by their families and through the costs associated with avoidable benefit dependency, poor health and social exclusion by society as a whole. For example:

- Under half of all disabled people are in paid employment, falling to only one-fifth of people with mental health conditions and people with learning disabilities. Prejudice against people with mental health conditions is endemic among employers. Disabled people's economic exclusion accounts for one-third of child poverty in Britain.
- Forty per cent of disabled adults have no formal qualification. At age 19 disabled people are three times more likely to not be in employment, education or training than their non-disabled counterparts. Of all people in Britain without formal skills, over one-third are disabled.
- Recent research published by the Commission found that disabled people are at greater risk of targeted violence and hostility, often with a devastating effect on their freedom to lead their life.
- A recent report by the Parliamentary and Health Services Ombudsman found systemic failure to protect the human rights of adults with learning disabilities in the NHS, leading to avoidable deaths. This built on the findings of the Disability Rights Commission's formal investigation, an inquiry by Sir Jonathan Michael, and a report in 2008 from the Joint Committee on Human Rights.
- Despite positive reforms in the approach to social care, over 70 per cent of English local authorities restrict eligibility to those with needs deemed 'critical or substantial', leaving others to informally source support.
- A disproportionate number of people in prison have learning disabilities and/or mental health conditions, and a succession of reports have found they have poor access to rehabilitation and support.

3.3 New tools and opportunities

A range of new tools and opportunities will present themselves during 2009/10, which we will make use of. These include:

- ratification by the UK of the UNCRPD and the Conventions Optional Protocol
- the equality bill
- a green paper on the future of care and support in England
- a cross-government hate crime strategy
- the 'right to control' proposed in the welfare reform bill
- the duty on public authorities to revise their disability equality schemes in December 2009
- the draft European directive on anti-discrimination in goods, facilities and services, and
- the Independent Living in Scotland initiative.

3.4 New challenges

There also exist a number of sometimes unprecedented challenges. The most significant of all is the economic downturn. While there are signs that the economy is coming out of recession, the levels of public borrowing that were required to recapitalise the banks and avert full-scale economic meltdown will now lead to swingeing public spending cuts. This will without doubt have a disproportionate effect on those with the greatest reliance upon public services, including disabled people.

National and local government is likely to adopt stringent public investment criteria, prioritising public services that can be

shown to make the greatest contribution to economic growth and looking wherever possible to find efficiency savings and cuts.

In making recommendations to the government concerning public investment, the Commission will be under ever greater pressure to demonstrate how our proposals will deliver value for money. Such pressures may, however, present opportunities to accelerate the development of more personalised and user-led public services.

While there is no current evidence to suggest the recession is having a disproportionate effect on disabled people's employment rates, this may be because the sectors currently most affected have had proportionately far fewer disabled people working in them. With redundancies in the public sector inevitable in 2009/10, this situation may change dramatically.

Important ethical questions are likely to re-emerge this year in relation to end-of-life decision making. A probing amendment to the coroners bill and in Scotland, Margo MacDonald's end of life choices bill have reignited the debate around assisted suicide, creating challenging questions concerning the balance between the rights of individuals versus the safety and dignity of others.

Chapter 4

Our strategic priorities

Having taken account of our context, our strategic priorities for 2009/10 are to:

- improve protection from discrimination and the promotion of disability equality via a genuinely progressive equality bill and its effective implementation
- discharge the Commission's responsibilities to promote, protect and monitor implementation of the United Nations Convention on the Rights of Persons with Disabilities
- support and direct public authorities to use the disability equality duty to achieve meaningful improvements on priority equality outcomes via the revision of disability equality schemes in December 2009
- influence policy and practice aimed at narrowing the employment and skills gap between disabled and non-disabled people, including via the 'right to control' and engagement with the UK Commission for Employment and Skills
- promote greater choice and control via influencing the public service reform agenda, including in relation to welfare, health and social care, and through supporting and developing independent advocacy
- renew impetus towards the development of inclusively built and designed goods, facilities and services
- take decisive action to promote disabled people's safety and security, including using the Committee's and Commission's legal powers
- help shape and contribute to the delivery of the Commission's 'society without prejudice' programme
- work to reach and empower 'seldom heard' disabled people, particularly disabled Muslim people and those living in institutions, including in prison
- develop a rights-focused account of the position of disabled children in Britain
- develop a considered perspective on end-of-life decision making and engage in relevant debates, and
- be an influential and high-performing Committee, enhancing the performance of the Commission in relation to disability matters.

4.1 What we will do

To achieve our strategic priorities, the Committee will offer expert advice to the wider Commission to make sure disability matters are effectively addressed in cross-Commission programmes. We will also take decisions on policy and how the Commission should use its regulatory powers, and we will initiate and lead a small number of our own projects and activities.

Chapter 5

Contributing to the wider Commission's programmes

5.1 Securing and implementing an effective legislative framework

The Committee will:

- Work to make sure the equality bill improves and builds on the Disability Discrimination Act (DDA). We will also make sure that statutory codes and non-statutory guidance make the law clear to rights holders and duty bearers alike, by defining the Commission's positions on the bill and scrutinising draft codes and guidance.
- Identify new opportunities arising from the public sector equality duty, including opportunities in Wales to work with the Welsh Assembly Government, in Scotland with the Scottish government and across England to further the rights and opportunities of disabled people.
- Oversee the Commission's programme of work to promote, protect and monitor implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). This includes a section 16 inquiry into Britain's compliance – representing the Commission to the UNCRPD Committee – engaging disabled people's organisations from across Britain and building their capacity to optimise the opportunities the UNCRPD presents.

- Work to shape and secure a progressive EU anti-discrimination directive on goods and services, including new provisions on manufactured goods, transport and premises.

5.2 Building a fairer Britain for all

The Committee will:

- Help define and agree the focus of phase two of the Commission's Working Better initiative. This is to promote ways to make workplaces more open and accessible to disabled people, and particularly people with mental health conditions, and people with autism and other 'neuro-diverse' profiles.
- Facilitate a mental health and employment working group to contribute thinking to the Commission's employment focused activities.
- Produce a good practice case study concerning the employment of people with 'neuro-diverse' profiles in partnership with Government Communications Headquarters.
- Seek to deepen and accelerate personalisation, choice and control in health, social care and employment through developing and influencing

policy. This includes the care and support green paper, welfare reform bill and health bill, by initiating legal interventions, and by inputting to the Commission's grants scheme in particular in respect to independent advocacy.

- Support the Commission's Independent Living in Scotland project, sponsored and directly accountable to the Scottish government and the Independent Living Movement in Scotland.
- Develop and deliver an 'access project' in Wales to bring together key players in the statutory and voluntary sectors to highlight accessibility issues, and to make sure they are considered by decision makers.
- Harness the opportunity presented by the duty on many public authorities to revise their disability equality schemes in December 2009 by determining and communicating the priority outcome-focused objectives concerning disability equality.
- Review progress towards the development of physically accessible goods, facilities and services five years on from the implementation of the DDA in this area, and bring forward proposals for action.

5.3 A society without prejudice

The Committee will:

- Seek to enhance disabled people's real and perceived sense of safety and security. This will be done by following up research commissioned by the Committee in 2008/9 with a themed review of the actions of public authorities to eliminate harassment and promote positive attitudes, by stimulating

innovation in the provision of independent advocacy, by promoting access to justice through practice development and legal intervention, and having secured legal recognition of disability hate crimes in Scotland, now planned for full implementation in 2009/10.

- Contribute to the Commission's Violence Against Women programme and investigate the nature, extent and effect of forced marriages of disabled people.
- Work to develop the concept of 'good relations' as it relates to disabled people in readiness for implementation of the duty to promote good relations expected in the equality bill.

5.4 Promoting awareness, advice and information

The Committee will:

- Make sure all guidance produced by the Commission – online and offline – is accessible to disabled people in both language and format through establishing a quality control and scrutiny mechanism.
- Make sure excluded groups, including people with learning disabilities and communication impairments, are aware of their rights. This will be through targeted information and the development, evaluation and promotion of independent advocacy, advice and information through the Commission's grants scheme, and also through training for independent advocates on human rights.
- Help individuals and employers to negotiate reasonable adjustments through producing and disseminating new guidance.

5.5 Building an agile and responsive organisation

The Committee will help with the development of strong and productive relationships between the Commission and stakeholders with an investment in disability equality, as well as acting as both ambassador and intelligence gatherer for the Commission.

Discharging our statutory duties, we will advise the Commission on how to approach particular disability matters. We will do this by appointing Committee sponsors in relation to relevant Commission programmes and projects, as well as allocating a lead Committee contact for each English Regional Office, Scotland, and Wales. We will appraise ourselves of our responsibilities as outlined on the statutory code for regulators.

5.6 Committee-led projects

In addition to our contribution to cross-Commission programmes and projects we will initiate a small number of Committee-led projects. These will be funded from our £200,000 budget.

5.7 Disabled children's rights

The Committee will commission an appraisal of disabled children's rights in Britain, based on the United Nations Convention on the Rights of the Child and the UNCRPD.

5.8 The human rights of people with autism and neuro-diverse profiles

The Committee will build its own awareness and engagement with people with autism and people with neuro-diverse profiles,

and develop a number of specific projects to address their rights.

5.9 The experiences of disabled people from particular ethnic groups or religions

The Committee will commission a scoping study to identify priority issues facing disabled Muslim people.

5.10 End-of-life decision making

The Committee will commission a paper and host a seminar to refine its own thinking on end-of-life decision making from a human rights perspective.

5.11 Promoting disability equality today and tomorrow

The Committee will host a conference for public authorities and disabled people's organisations concerning the revision of disability equality schemes in December 2009 and looking ahead to the single equality duty.

5.12 Broadening and strengthening the Independent Living Movement in Scotland

The Committee will support the Independent Living in Scotland project to identify and engage with those disabled people 'missing in action' in the independent living movement. We will also work to develop skills among disabled people in institutional care, young disabled people, and disabled people in minority or remote rural communities.

Chapter 6

Committee sponsors

While the Committee is collectively responsible for oversight and delivery of this plan, each Committee member will take an overall leading role on specific areas of activity. They are the day-to-day contacts on these issues for staff, Board members and external stakeholders. The Committee members will be subject to performance appraisals and will be set specific objectives in relation to these areas of work.

**Alun Davies, deputy chair
(until November 2009)**

Ultimate decision-making authority for the Committee.

Liz Sayce

Lead on employment and skills, lead expert on mental health issues, and lead on 'society without prejudice' and good relations.

Diane Mulligan

Lead on human rights, including the United Nations Convention on the Rights of Persons with Disabilities, and international work; and lead on disabled children.

Saghir Alam

Lead on safety and security, and lead on the experience of disabled Muslim people.

Andrew Lee

Lead on promoting awareness, information and advice to marginalised groups; and lead on accessible information and communication.

Mike Smith

Lead on the equality bill, codes and non-statutory guidance; lead on legal matters; and lead on health and social care.

Bob Benson

Lead on devolved Scotland disability matters, and lead on inclusive design issues.

Rhian Davies

Lead on devolved Welsh disability matters.

In addition, each Committee member will develop relations with an English regional office.

Chapter 7

Our development

In 2009/10 we will:

- appoint a new chair
- appoint three new Committee members to address gaps in expertise
- host at least one meeting each in Cardiff and Glasgow with the Scotland and Wales Committees and stakeholders
- produce a Disability Committee legal strategy, and
- define and implement effective ways of working with the Commission's non-statutory committees, including the Legal Committee and the Grants Committee.

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