

Equality and Human Rights Commission

Disability rights in Wales

Supplementary submission to
inform the CRPD List of Issues on
the UK



Comisiwn
Cydraddoldeb a
Hawliau Dynol

Equality and
Human Rights
Commission



Contents

Introduction	3
UK constitutional arrangements – devolution of powers to Wales	3
How to read this document	3
Executive summary	5
Disability rights in Wales: Supplementary submission to inform the CRPD List of Issues on the UK	8
Enhancing the status of CRPD in domestic law (Articles 3, 4)	8
CRPD in Welsh law and policy	8
Equality and non-discrimination (Article 5)	10
Equality Act 2010, Specific duties	10
Accessibility (Articles 9, 21)	10
Housing	11
Transport.....	12
Information and communication.....	13
Independent and adequate standard of living and social protection (Articles 19, 20, 26, 28).....	13
Poverty and material deprivation	14
Disproportionate impact of social security reforms on disabled people ..	14
Adult social care and support	16
Independent living funding.....	16
Employment (Article 27).....	17
Employment gap and barriers.....	18
Education (Articles 24, 7).....	19
Educational attainment and additional learning needs	19
Transition from school	20
Review of higher education funding.....	21

Health and life (Articles 25, 10)	21
Inequalities in health access and outcomes.....	22
Mental healthcare services	23
Freedom from exploitation, violence and abuse (Article 16).....	24
Bullying.....	24
Participation in political and public life (Article 29).....	25
Representation and participation in the National Assembly and local government	25
Annex: Recommendations	26
Enhancing the status of CRPD in domestic law (Articles 3, 4)	26
Equality and non-discrimination (Article 5)	26
Accessibility (Articles 9)	26
Independent and adequate standard of living and social protection (Articles 19, 20, 26, 28).....	27
Employment (Article 27).....	28
Education (Articles 24, 7).....	28
Health and life (Articles 25, 10)	29
Freedom from exploitation, violence and abuse (Article 16).....	29
Participation in political and public life (Article 29).....	29
Contacts.....	30

Introduction

This submission has been produced by the Equality and Human Rights Commission (EHRC), which is part of the UK Independent Mechanism and tasked under Article 33 of the UN Convention on the Rights of Persons with Disabilities (CRPD) to promote, protect and monitor implementation of the CRPD in the UK. The EHRC is also a UN-accredited A-status National Human Rights Institution.

UK constitutional arrangements – devolution of powers to Wales

The UK Parliament has devolved various powers to the National Assembly for Wales.¹ The National Assembly has powers in the 21 subjects set out in the Government of Wales Act 2006.² These subjects include local government, health, social services, housing and education. Matters including criminal justice, policing, welfare, benefits and social security remain the responsibility of the UK Government and Parliament.

The Government of Wales Act 2006 states that Acts passed by the National Assembly for Wales must be compatible with the European Convention on Human Rights.³

How to read this document

This submission provides additional up to date information and suggested questions about disability rights in Wales that is not contained in *Disability Rights in the UK*. We have indicated the CRPD articles relevant to the issues raised within each sub-heading. The issues identified within this submission affect disabled people in Wales and fall within the responsibility of the Welsh Government. There is information in the supplementary England report with regards to non-devolved matters that is also relevant to Wales. We consider

¹ The National Assembly for Wales was formed in 1999 following the UK Parliament's passing of the Government of Wales Act 1998.

² National Assembly website (2016), Governance of Wales: Who is responsible for what? Available [here](#) [accessed 20 December 2016].

³ National Assembly website (July 2011), Legislative powers of the National Assembly for Wales, p. 24, available [here](#) [accessed 21 December 2016].

these problems to be especially pressing for disabled people in Wales and we recommend the CRPD Committee considers this information in its preparation of the List of Issues in relation to the UK.

We have also included an annex with recommendations of the measures the Welsh Government should take to promote and protect disabled people's rights. We will review these recommendations, at the same time as the recommendations in *Disability Rights in the UK*, ahead of the Committee's public examination of the UK. In doing so we will take into account the views of disabled people and information provided by the Welsh Government in response to the List of Issues.

Executive summary

Enhancing the status of CRPD in domestic law (Articles 3, 4)

The Welsh Government has not enhanced the status of the CRPD in Welsh law in the way that it has for the UN Convention on the Rights of the Child.

Some developments in Welsh law and policy could help to advance implementation of the CRPD, such as the Well-being of Future Generations (Wales) Act 2015.

The Welsh government should improve compliance with the CRPD by enhancing the status of the CRPD in Welsh law.

Equality and non-discrimination (Article 5)

Monitoring has shown that the Public Sector Equality Duty (the general duty) in the Equality Act 2010 is working effectively in Wales. Its implementation is supported by Wales-specific duties, which should be used to promote and protect the CRPD in Wales.

Accessibility (Article 9, 21)

There are challenges for disabled people's access to housing in Wales. Some measures in place could help to address this, including Accessible Housing Registers.

Disabled people encounter a number of problems accessing public transport in Wales. Some positive steps have been taken, for example in relation to accessible information on buses, but further steps are needed to comply with CRPD standards.

The All Wales Standards for communication and information for people with sensory loss set accessibility standards that apply to all health services in Wales. Fewer disabled people live in households with internet access than non-disabled households.

Further action is needed by the Welsh Government to ensure that housing, transport, information and digital services are accessible for disabled people.

Independent and adequate standard of living and social protection (Articles 19, 20, 26, 28)

Disabled people in Wales are more likely than non-disabled people to live in poverty, and more data is needed to enable comparisons at the local authority level.

The impact of UK Government social security reform is likely to be particularly pronounced in Wales because the proportion of adults who are disabled and/or have a long-term illness is higher than in Scotland or England. It is welcome that the Welsh Government committed to putting in place mitigating measures, and important that these efforts continue.

The Social Services and Well-being (Wales) Act 2014 aims to place an emphasis on ensuring that people have voice, choice and control over their social care. It is important that Welsh Government and public bodies place the CRPD at the centre of the Act's implementation.

All former Independent Living Fund recipients will have their care and support needs met through normal social care provision from 31 March 2019. Any future arrangement must ensure that disabled people continue to receive the support they need to live independently in the community.

Employment (Article 27)

There are a number of barriers to employment for disabled people in Wales, including relatively low qualification levels, and negative attitudes of some employers. Further action is needed to address these barriers and close the disability employment gap.

Education (Articles 24, 7)

The Additional Learning Needs and Educational Tribunal (Wales) Bill presents a clear opportunity to improve the educational attainment of pupils with additional learning needs. It is important to ensure that the new system is effectively implemented and monitored.

Disabled young people in Wales are much more likely than non-disabled young people to be Not in Education, Employment or Training (NEET). Programmes to reduce the number of NEETs should include tailored actions for disabled young people.

A 2016 review found that disabled students experience significant barriers to accessing higher education, and the Welsh Government should act upon its recommendations to overcome obstacles to access.

Health and life (Articles 25, 10)

A review of inequalities in access to health services for disabled people in Wales published in 2015 found various inequalities including significant geographic variations in access to healthcare services for disabled people across Wales, and noted a lack of evidence. Priority actions need to be identified to address disparities.

The need to improve access to mental health services and support people experiencing poor mental health has been identified as among the most pressing equality and human rights challenges facing Wales.

Freedom from exploitation, violence and abuse (Article 16)

A 2014 review highlighted the continued prevalence of bullying in Welsh schools, with pupils with special needs or a disability at particular risk of being bullied. The Welsh Government needs to work with local authorities to develop strategies to protect pupils.

Participation in political and public life (Article 29)

It is not known how many Welsh National Assembly Members are disabled.

In March 2014, a report of the Expert Group on Diversity in Local Government made a series of recommendations to improve the diversity of councillors in Wales. In response, the Welsh Government launched a Diversity in Democracy Mentoring Programme in September 2015.

Further steps are required, building on current initiatives, to tackle barriers and build confidence among disabled people.

Disability rights in Wales: Supplementary submission to inform the CRPD List of Issues on the UK

Enhancing the status of CRPD in domestic law (Articles 3, 4)

Disability Rights in the UK,⁴ outlines the extent to which the CRPD is incorporated into domestic law overall, and challenges concerning proposed changes to the Human Rights Act 1998 and Brexit.

This section provides further details on the status of the CRPD in Welsh law- and policy- formulation.

CRPD in Welsh law and policy

The Welsh Government has not enhanced the status of the CRPD in Welsh law in the way that it has for the CRC. The 'Rights of Children and Young Persons (Wales) Measure' 2011⁵ placed a duty on all Welsh Ministers to have due regard to the substantive rights and obligations within the UNCRC. The duty has since been extended so that all Ministers need to have due regard to the UNCRC when exercising any of their Ministerial functions.⁶ Legislation has not been taken forward to place the CRPD on such a statutory footing.

The Welsh Government's Framework for Action on Independent Living⁷ sets out its vision for taking forward implementation of the CRPD in Wales. The Framework is based on four key values: confidence, co-operation, co-production, and choice & control. It identifies outcomes that include improvements for disabled people in relation to accessing information and advice, housing, public transport and public places. It is welcome that the

⁴ UK Independent Mechanism (2017) Disability Rights in the UK: submission to inform the list of issues in relation to the UK.

⁵ Welsh Government (15 June 2015), United Nations Convention on the Rights of the Child (UNCRC), available [here](#) [accessed: 20 December 2016].

⁶ Ibid.

⁷ Welsh Government (2013), Framework for Action on Independent Living, available [here](#) [accessed: 20 December 2016].

Framework provides a strategic approach to disability policy in Wales that explicitly references the CRPD, and it is important that the Framework is used to increase awareness of the CRPD in Wales. However, some concerns have been expressed that the Framework is unsatisfactory, including that it doesn't include a commitment to change the law to protect the right to independent living.⁸

The Social Services and Well-being (Wales) Act 2014⁹ states that a person exercising functions under the Act must have due regard to the UN Convention on the Rights of the Child and the UN Principles for Older Persons. When passed, the Act did not similarly incorporate the CRPD.

The Act's Code of Practice (published 2015)¹⁰ does state that, in exercising their social services functions, local authorities must ensure that their decisions 'have regard to a person's individual circumstances and...the UN convention on the rights of disabled people'. This reference to the UNCRPD is welcome. However, the status of the UNCRPD in Welsh law is behind that of the UNCRC.

The Well-being of Future Generations (Wales) Act 2015¹¹ requires listed bodies to work to improve the economic, social, environmental and cultural well-being of Wales. One well-being goal is a more equal Wales where everyone can reach their potential.¹² The Act offers the potential to improve services and support for disabled people in Wales. Outcomes will need to be monitored to evidence the Act's impact on disabled people's rights in Wales.

We recommend that the CRPD Committee asks:

1. Can the Welsh Government:

- **Explain how the Framework for Action on Independent Living is advancing CRPD rights?**
- **Set out whether it has plans to enhance the status of the CRPD in Welsh law?**

⁸ Clements, Luke (14 December 2016), The Social Services & Well-being (Wales) Act 2014: An Overview, available [here](#) [accessed: 21 December 2016].

⁹ Welsh Government (2014), Social Services and Well-being (Wales) Act 2014, available [here](#) [accessed: 20 December 2016].

¹⁰ Welsh Government (2015), Code of practice in relation to measuring social services performance: Issued under section 145 of the Social Services and Well-being (Wales) Act 2014, p. 9, available [here](#) [accessed: 20 December 2016].

¹¹ Welsh Government (8 August 2016), Well-being of Future Generations (Wales) Act 2015, available [here](#) [accessed: 30 September 2016].

¹² Wales Council for Voluntary Action (8 Oct 2015), Volunteering and the Well-being of Future Generations (Wales) Act 2015, available [here](#) [accessed: 30 September 2016].

Equality and non-discrimination (Article 5)

As noted in *Disability Rights in the UK*,¹³ further work is needed to ensure that the Equality Act 2010, applicable in Wales, effectively protects disabled people's rights. This section includes additional information and suggested questions in relation to specific duties under the Equality Act in Wales.

Equality Act 2010, Specific duties

The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 set out the steps that listed bodies in Wales must take in order to demonstrate that they are paying due regard to the GB-wide general Public Sector Equality Duty.¹⁴

Monitoring has shown that the duty is working effectively in Wales, supporting and helping progress on equalities work.¹⁵ The Welsh Government and public authorities have set equality objectives aimed at bringing about improvements to the lives of disabled people in Wales. For example, public bodies have taken forward work to improve access to council services for disabled people and to address hate crime and harassment that targets disabled people.¹⁶

We recommend that the CRPD Committee asks:

- 2. Can the Welsh Government detail how the PSED specific duties in Wales have been used to advance the rights of disabled people?**

Accessibility (Articles 9, 21)

As noted in *Disability Rights in the UK*,¹⁷ disabled people face continued challenges in accessing housing, the built environment, transport, and information.

¹³ UK Independent Mechanism (2017) Disability Rights in the UK: submission to inform the list of issues in relation to the UK

¹⁴ The Wales-specific requirements include setting equality objectives and plans; assessing the equality impacts of policies and procedures; and engaging people from protected groups, such as disabled people, when decisions are being taken. See: Equality and Human Rights Commission (18 Nov 2016), Guides to the PSED in Wales, available [here](#) [accessed: 20 December 2016].

¹⁵ Equality and Human Rights Commission (12 May 2016), Our monitoring of the public sector equality duty in Wales, available [here](#) [accessed: 20 December 2016].

¹⁶ Mitchell M., Beninger K., Rahim N. and Morrell G. (July 2014) Review of the Public Sector Equality Duty (PSED) in Wales, NatCen Social Research and Equality and Human Rights Commission Wales, available [here](#) [accessed: 20 December 2016].

¹⁷ UK Independent Mechanism (2017) Disability Rights in the UK: submission to inform the list of issues in relation to the UK.

This section provides additional information and suggested questions in relation to housing and information in Wales.

Housing

The Welsh Government's Framework for Action on Independent Living commits to improving access to adapted and accessible housing for disabled people. The Framework identifies the Housing and Rented Homes Bills (now Acts) and the use of Accessible Housing Registers as key opportunities to bring about improvements.¹⁸

Part 4 of the Housing (Wales) Act 2014¹⁹ introduced a range of measures in connection with the quality of service provided by housing authorities, as well as introducing a stronger homelessness duty. Under the Renting Homes (Wales) Act 2016,²⁰ landlords will be able to repossess adapted properties when the tenant no longer needs the adaptations, if a suitable alternative property is provided for the tenant, to ensure a greater supply of accessible housing for disabled people.

The Welsh Housing Quality Standard (WHQS) requires all social landlords to improve their housing stock to an acceptable level by 2020.²¹ Guidance on the Standard states that landlords are expected to 'take account of the needs of disabled residentsin relation to bespoke adaptations when preparing (a) programme of improvement works'.²² It also states homes should be built to Lifetime Homes standards.

Some local authorities have compiled Accessible Housing Registers (AHRs).²³ A Welsh Government report found extensive variation in how the AHRs operated. Social landlords who use an AHR were more likely than those who did not to have an effective system for identifying accessible or adapted properties, to ensure staff have specialist training to match people to accessible homes, and to consider a range of holistic needs.²⁴

¹⁸ Welsh Government (2013), Framework for Action on Independent Living. Op. Cit.

¹⁹ Welsh Government (15 July 2015), Housing (Wales) Act 2014, available [here](#) [accessed: 25 September 2016].

²⁰ Welsh Government (19 January 2016), Renting Homes (Wales) Act 2016, available [here](#) [accessed: 26 September 2016].

²¹ Welsh Government (13 October 2016), Welsh Housing Quality Standard, available [here](#) [accessed: 20 December 2016].

²² Welsh Government (July 2008), The Welsh Housing Quality Standard: Revised Guidance for Social Landlords on Interpretation and Achievement of the Welsh Housing Quality Standard, p. 8, available [here](#) [accessed: 21 December 2016].

²³ These identify disabled people in need of an accessible home, identify suitable properties by location and type, and match the person with the property. See: Dewis Cymru (3 April 2016), The Accessible Housing Register, available [here](#) [accessed: 21 December 2016].

²⁴ Welsh Government (2013), Accessible social housing in Wales: a review of systems for assessment, recording and matching, available [here](#) [accessed: 30 September 2016].

We recommend that the CRPD Committee asks:

- 3. Can the Welsh Government provide up to date evidence on the supply of accessible housing for disabled people, and the extent to which legislation and policy measures in this area have improved access to housing for disabled people?**

Transport

The Public Transport Users' Advisory Panel to Welsh Government has stated that users frequently report instances of problems – including a lack of access for disabled people – when using public transport in Wales.²⁵

In 2010, the National Assembly's Equality of Opportunity Committee reported half of railways stations in Wales are not fully accessible to disabled people, with 34% having no access at all for wheelchair users.²⁶

The Welsh Government has brought forward various measures to improve the accessibility of public transport in Wales. For example, in March 2016, it introduced the Voluntary Welsh Bus Quality Standard.²⁷ This aims to increase the use of features such as audio-visual 'next stop' announcements (introduced following engagement with disabled people's organisations) and accessible timetable service information, as well as promoting disability-awareness training for drivers. Disabled people benefit from the mandatory concessionary bus fare scheme in Wales – enabling disabled people to travel free of charge across all bus services in Wales.

Further specific improvements for disabled people have included a Charter for Disabled Public Transport Passengers, design guidance ensuring walking and cycling routes are accessible to all disabled people, and extending the Blue Badge Scheme to those experiencing temporary but substantial injuries or illness.²⁸ The Welsh Government stated that Wales now has the widest Blue Badge eligibility criteria in the UK.

²⁵ Welsh Government (October 2010), Research to support the Public Transport Users' Committee for Wales' (PTUC) work on integrated transport, available [here](#) [accessed: 25 September 2016].

²⁶ Welsh Assembly Equality of Opportunity Committee (October 2010), Inquiry into the Accessibility of Railway Stations in Wales, available [here](#) [accessed: 26 September 2016].

²⁷ Welsh Government (29 March 2016), Voluntary Welsh Bus Quality Standard, available [here](#) [accessed: 26 September 2016].

²⁸ Welsh Government (30 September 2016), Blue Badge eligibility criteria expanded, available [here](#) [accessed: 20 December 2016].

We recommend that the CRPD Committee asks:

4. Can the Welsh Government provide up to date evidence on the accessibility of public transport, Blue Badge, and active travel for disabled people?

Information and communication

The All Wales Standards for communication and information for people with sensory loss²⁹ set accessibility standards, which apply to all health services in Wales. In 2015, one year following the introduction of the standard, 91% of patients were not aware of any improvement, particularly in relation to GP services.³⁰

In 2010 the Welsh Government commissioned a consortium of learning disability organisations to develop a website to empower people with learning disabilities and their families to obtain their right to healthcare. To date, over 50 documents have been uploaded to the website.³¹

The Framework for Action on Independent Living Outcomes Measures for 2014/15³² showed that 70% of disabled adults (aged 16+) lived in households with internet access, compared with 89% of non-disabled households.

We recommend that the CRPD Committee asks:

5. Can the Welsh Government outline its plans to improve access to information and digital services for disabled people?

**Independent and adequate standard of living and social protection
(Articles 19, 20, 26, 28)**

As laid out in *Disability Rights in the UK*³³ disabled people are more likely to face poverty and material deprivation than non-disabled people, and have been disproportionately impacted by social security reforms since 2010. This section provides further details on the situation for disabled people in Wales.

²⁹ NHS Wales (July 2013), All Wales Standards for Accessible Communication and Information for People with Sensory Loss, available [here](#) [accessed: 10 December 2016].

³⁰ Sense (24 February 2015), Dignity of deaf, blind and deafblind people still not respected by the health service in Wales, available [here](#) [accessed: 26 September 2016].

³¹ Welsh Government (2013), Framework for Action on Independent Living. Op. Cit.

³² Ibid.

³³ UK Independent Mechanism (2017) Disability Rights in the UK: submission to inform the list of issues in relation to the UK.

Poverty and material deprivation

Disabled people in Wales are more likely than non-disabled people to live in poverty.³⁴ A report in 2015 found that the poverty rate for families with at least one disabled adult was 33%, if disability benefits are excluded from the household income, in comparison to 23% for the general population in Wales.³⁵

The Well-being of Future Generations Act³⁶ offers opportunities for public bodies to tackle inequalities related to poverty and disability in a coherent way. The draft Wales Bill 2016-17³⁷ proposes devolving the power to commence the Equality Act 2010 socio-economic duty to the National Assembly for Wales. This duty would offer further opportunities to tackle poverty in Wales.

No information related to disabled people's poverty is available from the Welsh Index of Multiple Deprivation (WIMD).³⁸ Comparisons between disabled and non-disabled people at a local authority level would give more in-depth data in relation to the different types of poverty experienced by disabled people in Wales.³⁹

We recommend that the CRPD Committee asks:

6. Can the Welsh Government outline how it is using its various levers to tackle poverty experienced by disabled people in Wales?

Disproportionate impact of social security reforms on disabled people

The impact of UK Government social security reform is likely to be particularly pronounced in Wales as it 'has a higher proportion of adults who are disabled and/or with a limiting long-

³⁴ A 2011 report into disability poverty in Wales found that:

- disabled people in Wales were twice as likely as non-disabled people to live in a low-income household
- 33% of disabled people of working age were found to live in poverty, higher than anywhere else in the UK. When the additional costs of disability are taken into account, 50% of working age disabled people in Wales were considered to be living in poverty
- 31% of households with a disabled adult were living in fuel poverty, double the 2004 figure.

See: Allen, Joe (7 March 2011), Disability Poverty in Wales, Leonard Cheshire Disability, p. 3, available [here](#) [accessed: 7 October 2016].

³⁵ Joseph Rowntree Foundation (2015), Monitoring poverty and social exclusion in Wales 2013, available [here](#) [accessed: 7 October 2016]. In addition, the report notes found that 55% of disabled people in Wales were not in employment and, though Wales has seen greater reductions in these rates since 2009 than elsewhere in the UK, the rate of worklessness in Wales remains higher than the rest of UK.

³⁶ Welsh Government (8 August 2016), Well-being of Future Generations (Wales) Act 2015, Op. Cit.

³⁷ UK Parliament (13 September 2016), HL Bill 43: Wales Bill 2016-17 (draft legislation), available [here](#) [accessed: 1 November 2016].

³⁸ The Welsh Index of Multiple Deprivation (WIMD) provides a comprehensive overview of relative poverty between areas of Wales in the domains (areas) of income, employment, health, education, access to services, community safety, physical environment, and housing.

³⁹ Note: this would not be possible at the lowest areas of the WIMD, due to their small populations.

term illness than in Scotland or any English region'.⁴⁰ A 2013 analysis by the Welsh Ministerial Task and Finish Group on Welfare Reform⁴¹ stated that: 'although the Department for Work and Pensions (DWP) has put in place some protection for disabled groups via exemptions and increased discretionary housing payments (DHP), there will be significant impacts on disabled people in Wales'.⁴²

2014 and 2015 reports by the Institute for Fiscal Studies on the effects of the UK Government's tax and welfare reforms in Wales,^{43 44} and a Welsh Government report on the impact of the Summer Budget 2015, also project disproportionate adverse impacts on disabled people.⁴⁵

As social security and the benefits system is reserved to the UK Government, it is welcome that the Welsh Government committed to putting in place mitigating measures to address the adverse impacts of welfare reform on disabled people (and other protected groups) where possible.⁴⁶ For example, the Welsh Government introduced Additional Discretionary Housing Payments, intended to support tenants affected by welfare reform to move property or mitigate the impacts in the short term. A 2014 evaluation⁴⁷ showed that many local authorities used these payments to support disabled people to remain in adapted properties and to mitigate the impact of the removal of the spare room subsidy.

We recommend that the CRPD Committee asks:

7. Can the Welsh Government outline how it plans to mitigate, as far as it can, any adverse impacts on disabled people of the UK Government's welfare reforms?

⁴⁰ Welsh Government (September 2014) Review of Evidence of Inequalities in Wales, p. 32. See also the impact on Wales projected by: Beatty, Christina and Fothergill, Steve (April 2013), 'Hitting the poorest places hardest: the local and regional impact of welfare reform'. Centre for Regional Economic and Social Research: Sheffield Hallam University, available [here](#) [accessed: 1 November 2016].

⁴¹ Welsh Government (July 2013), Analysing the impact of the UK Government's welfare reforms in Wales – Stage 3 analysis: Part 1: Impacts on those with protected characteristics, available [here](#) [accessed: 7 October 2016].

⁴² Ibid., p. 4.

⁴³ Phillips, David (2 July 2014) The distributional effects of the UK government's tax and welfare reforms in Wales: an update, Institute for Fiscal Studies, available [here](#) [accessed: 10 October 2016].

⁴⁴ Browne, James (November 2015), The impact of the UK government's tax, welfare and minimum wage reforms in Wales, IFS Report R110, available [here](#) [accessed: 21 December 2016].

⁴⁵ Welsh Government (September 2015), Summer Budget 2015: The impact of the UK Government's welfare, personal tax and minimum wage reforms in Wales, available [here](#) [accessed: 1 November 2016].

⁴⁶ Welsh Government (17 July 2013), Written Statement – Analysing the impact of the UK Government's welfare reforms on those with protected characteristics in Wales – Stage 3, available [here](#) [accessed: 10 October 2016]. Their approach focuses on 'tackling poverty, and on action to build resilient communities, alongside local government, the third sector and Communities First clusters'.

⁴⁷ Welsh Government (August 2014), Evaluation of Additional Discretionary Housing Payments Funding provided by the Welsh Government to Local Authorities in Wales for 2013/14, available [here](#) [accessed: 1 November 2016].

Adult social care and support

Direct Payments support disabled people to take control of and arrange their own care and support to live independently. Numbers of direct payments service users have increased annually from 2010-11 to 2013-14, over 51% over the 4 years.⁴⁸

The Social Services and Well-being (Wales) Act 2014 came into force in April 2016.^{49 50} It represents a major change to social care in Wales, putting prevention and promotion of well-being for everyone who has care or support needs on a statutory footing for the first time. The Act aims to place an emphasis on ensuring that people have voice, choice and control over their social care.⁵¹

Various concerns were raised during the Act's development,⁵² including that there is a duty of due regard referenced on the face of the Act in relation to the UN CRC and the UN Principles for Older Persons, which does not apply to the CRPD (see the section on enhancing status of CRPD above). In addition, while a narrow interpretation of eligibility criteria has been rejected by the Minister for Health and Social Services⁵³ and clarified in guidance,⁵⁴ it is yet to be seen how successfully the Act will promote the rights of disabled people in Wales.

We recommend that the CRPD Committee asks:

8. Can the Welsh Government outline how the Social Services and Well-being (Wales) Act 2014 will be used to promote the CRPD in Wales?

Independent living funding

The UK Government's Independent Living Fund (ILF) closed across the UK in June 2015.⁵⁵ In order to continue support for individuals, a new grant scheme (the Welsh Independent Living Grant) was set up by the Welsh Government to run until March 2017.⁵⁶ As a result of

⁴⁸ Welsh Government (2015), Annual Report on Equality 2014-2015, available [here](#) [accessed: 21 December 2016].

⁴⁹ Social Services and Well-being (Wales) Act 2014, available [here](#) [accessed: 10 October 2016].

⁵⁰ Welsh Government (July 2016), Social Services and Well-being (Wales) Act 2014: The Essentials, p. 6, available [here](#) [accessed: 10 October 2016].

⁵¹ Clements, Luke (14 December 2016), The Social Services & Well-being (Wales) Act 2014: An Overview, available [here](#) [accessed: 21 December 2016].

⁵² *Ibid.*, p. 5.

⁵³ Mark Drakeford, The Minister for Health and Social Services National Assembly for Wales, The Record of Proceedings 14/07/2015.

⁵⁴ Welsh Government (2015), Social Services and Well-being (Wales) Act 2014: Part 4 Code of Practice (Meeting Needs), p. 8., Para 33, available [here](#) [accessed: 21 December 2016].

⁵⁵ Independent Living Fund, About us, available [here](#) [accessed: 10 October 2016].

⁵⁶ Welsh Government (1 July 2015), Wales replaces the axed UK Independent Living Fund, available [here](#) [accessed: 10 October 2016].

the funding support transferred from the UK Government, funding in Wales for this interim arrangement was restricted to supporting existing ILF recipients.

In November 2016, the Welsh Government announced that by 31 March 2019 all former ILF recipients will have their care and support needs met through normal social care provision, having received an outcome and care and support assessment under the Social Services and Well-being (Wales) Act 2014.⁵⁷ This arrangement will aim to ensure that all disabled people with higher care and support needs are supported equally.

The decision to take forward this approach followed taking representation and advice from a stakeholder advisory group. However, various disability organisations in Wales had advocated setting up a national independent living scheme in Wales as aligning with a citizen directed system of support⁵⁸ rather than the approach now adopted by the Welsh Government.

We recommend that the CRPD Committee asks:

9. Can the Welsh Government explain:

- **How it reached a decision to move all ILF recipients to normal social care provision from 31 March 2019, rather than setting up a national independent living scheme?**
- **How it will ensure protection for article 19 rights of those formerly eligible for the Independent Living Fund after 31 March 2019?**

Employment (Article 27)

*Disability Rights in the UK*⁵⁹ lays out the employment gap for disabled people across the UK and UK Government initiatives aiming to close the gap, and outlines the barriers to recruitment and retention. It also notes the disability pay gap.

This section provides additional information and suggested questions in relation to Wales-specific initiatives.

⁵⁷ Welsh Government (3 November 2016), Written statement – Future Support Arrangements in Wales for Former Independent Living Fund Recipients, available [here](#) [accessed: 4 November 2016].

⁵⁸ Disability Wales and Diverse Cymru (December 2014), ILF reform consultation briefing, available [here](#) [accessed: 17 January 2017].

⁵⁹ UK Independent Mechanism (2017) Disability Rights in the UK: submission to inform the list of issues in relation to the UK.

Employment gap and barriers

Employment relates to many issues reserved to the UK Government (and explored in the main report). Nevertheless, in its Equality Objectives for 2012-2016⁶⁰ and 2016-2020⁶¹ the Welsh Government committed to: 'Identify and reduce the causes of employment, skills and pay inequalities related to...disability (and other protected characteristics).'⁶²

In 2015/16, the employment rate for 16-64 year-olds in Wales was 42.6% for disabled people, compared to 78.1% for non-disabled people⁶³ (a difference of 35.5 percentage points). The employment rate for disabled people in Wales was lower than that of Great Britain overall.⁶⁴ In 2010/11, the employment rate for disabled people, in Wales, was 39.4% compared to 73.1% of non-disabled people⁶⁵ (a difference of 33.7 percentage points). The employment rates for both disabled and non-disabled people had risen over the period, but the employment gap had not reduced.

The Welsh Government's Framework for Action on Independent Living⁶⁶ identifies barriers to employment for disabled people in Wales that include:

- relatively low skill and qualification levels⁶⁷
- physical barriers to taking up employment opportunities, such as access to transport, buildings and housing
- Digital barriers such as a lack of adaptations when organisations only advertised vacancies online and/or electronically
- negative and inflexible attitudes of some employers, and
- lack of awareness of support available e.g. of the GB-wide Access to Work scheme.

The Welsh Government has taken forward various initiatives to improve the employment rate of disabled people. These include Getting Ahead 2: a £10 million programme launched

⁶⁰ Welsh Government (April 2012), Strategic Equality Plan and Objectives 2012-2016, available [here](#) [accessed: 13 October 2016].

⁶¹ Welsh Government (August 2016), Equality Objectives 2016-2020, available [here](#) [accessed: 13 October 2016].

⁶² Ibid.

⁶³ EHRC (forthcoming, 2017), Being disabled in Britain and associated data table EG1.1.

⁶⁴ Ibid. Comparing the employment rates and disability employment gap in Wales to other countries in Britain and Britain as a whole: 47.6% of disabled people and 79.2% of non-disabled people aged 16-64 were employed in Great Britain, a difference of 31.5 percentage points. 48.6% of disabled people and 79.2% of non-disabled people were employed in England, a difference of 30.6 percentage points. 41.8% of disabled people and 79.6% of non-disabled people in Scotland, a difference of 37.9 percentage points.

⁶⁵ Ibid.

⁶⁶ Welsh Government (25 November 2014), Framework for Action on Independent Living, available [here](#) [accessed 30 September 2016].

⁶⁷ 'Due to factors such as absence from education during childhood, barriers to accessing mainstream provision, lack of specialist provision where needed, and low expectations – of staff and parents, and sometimes disabled people themselves.'

to boost employment prospects of young people with learning disabilities/difficulties and/or autism.⁶⁸

We recommend that the CRPD Committee asks:

10. Can the Welsh Government provide evidence of the effectiveness of measures it has taken to reduce the disability employment gap and tackle barriers to work for disabled people?

Education (Articles 24, 7)

As noted in *Disability Rights in the UK*,⁶⁹ children with special educational needs (SEN) continue to perform worse than those without SEN. In addition, children with SEN are more likely to be excluded from school, and face problems transitioning from school to further education or employment.

This section provides additional information and suggested questions relevant to Wales on educational attainment, reforms to additional learning needs, transition from school and higher education funding.

Educational attainment and additional learning needs

The First Minister has made a commitment to addressing educational attainment gaps^{70 71} and it is identified as an objective within the Welsh Government's Equality Objectives 2016–2020.⁷²

The Welsh Government is currently aiming to transform the additional learning needs system in Wales. A central aspect of this Transformation Programme is the Additional Learning Needs and Educational Tribunal (Wales) Bill,⁷³ which 'will reform the current legal

⁶⁸ Welsh Government (4 March 2016), £10 million to boost employment prospects of young people with learning disabilities and/or learning difficulties, available [here](#) [accessed: 30 September 2016]. The programme will run until 2021 and aims to work with 1,000 young people aged 16 to 25 who have a learning disability and/or difficulty, supporting them to find and undertake a paid work placement lasting between six and twelve months.

⁶⁹ UK Independent Mechanism (2017) *Disability Rights in the UK: submission to inform the list of issues in relation to the UK*.

⁷⁰ Jones, Carwyn (4 October 2016), Debate – Government priorities and the legislative programme: The Record of Proceedings, National Assembly for Wales, 17:08, available [here](#) [accessed: 14 October 2016].

⁷¹ [Dauncey](#), Michael (10 November 2016), *Additional Learning Needs*, In Brief, available [here](#) [accessed: 15 November 2016].

⁷² Welsh Government (15 December 2016), Equality objectives. Op. Cit.

⁷³ Welsh Government (updated 6 July 2015), Draft Additional Learning Needs and Education Tribunal (Wales) Bill, available [here](#) [accessed: 14 October 2016].

frameworks for supporting children and young people with special education needs (SEN) and learning difficulties and/or disabilities (LDD).⁷⁴ The new system will aim to improve the planning and delivery of support for learners from 0 to 25 with additional learning needs (ALN), placing learners' needs, views, wishes and feelings at the heart of the process.⁷⁵ The proposals have some similarities to those being implemented in England insofar as they involve more integrated services and better transparency.⁷⁶ The draft Bill was laid before the National Assembly for Wales and begin the legislative process on 12 December 2016.⁷⁷ The Bill presents a clear opportunity to improve the educational attainment of pupils with ALN, especially through multi-disciplinary Individual Development Plans.

However, some remaining areas of concern raised by stakeholders⁷⁸ include:

- further detail and clarification is needed on implementation and operation of the new statutory framework
- sufficient workforce capacity and funding should be available to implement the new system.

We recommend that the CRPD Committee asks:

11. Can the Welsh Government state how the ALN Bill will be used to promote and protect the right to education of disabled people in Wales?

Transition from school

Disabled young people are much more likely than non-disabled young people to be Not in Education, Employment or Training (NEET)⁷⁹ in Wales.⁸⁰ The Welsh Government's

⁷⁴ Davies, Alun (updated 1 July 2016), Written Statement – Update on the Additional Learning Needs and Education Tribunal (Wales) Bill, Welsh Government, available [here](#) [accessed: 14 October 2016]

⁷⁵ Welsh Government (3 June 2016), Additional Learning Needs Transformation Programme, available [here](#) [accessed: 21 December 2016].

⁷⁶ Ibid.

⁷⁷ National Assembly for Wales (2016), Additional Learning Needs and Education Tribunal (Wales) Bill, available [here](#) [accessed: 20 December 2016].

⁷⁸ Respondents to a consultation in relation to the draft Additional Learning Needs and Education Tribunal (Wales) Bill in 2015 were generally supportive of the proposals set out within the draft Bill. However, several main areas of concern were recorded. See: Welsh Government (5 July 2015), Draft Additional Learning Needs and Education Tribunal (Wales) Bill, available [here](#) [accessed: 14 October 2016].

⁷⁹ Wales Audit Office (10 July 2014), Young people not in education, employment or training, available [here](#) [accessed: 14 October 2016].

⁸⁰ Between 2010/11 and 2015/16, there was no change in the proportion of 16-18 year-olds who were NEET in Wales, for disabled or non-disabled people. In 2015/16, a greater proportion of disabled 16-18 year-olds were NEET (17.9%⁸⁰) compared with non-disabled (6.7%), with a high percentage of those with mental health conditions being NEET (27.7%) compared with non-disabled people. See EHRC (forthcoming, 2017) Being disabled in Britain and associated data table CE1.7.

Equality Objectives 2016-2020⁸¹ include a commitment to tackling the number of young people who are NEET.

Review of higher education funding

The Diamond review of higher education funding and student finance arrangements in Wales⁸² (published September 2016) found that disabled students experience significant barriers in accessing higher education.^{83 84} The Review Panel suggested that Welsh Government should continue current targeted grants for disabled students and, in consultation with HM Treasury, consider whether further assistance to overcome remaining challenges can be offered to disabled students. In October 2016, the Welsh Government accepted the recommendations put forward by the Diamond review in principle.⁸⁵

We recommend that the CRPD Committee asks:

12. Can the Welsh Government state how it intends to take forward the recommendations of the Diamond review of higher education funding in Wales?

Health and life (Articles 25, 10)

As laid out in *Disability Rights in the UK*,⁸⁶ disabled people face a number of health inequalities, and mental healthcare provision requires improvement. In addition, many people with a learning disability or autism are inappropriately detained in psychiatric hospitals, and there is evidence of 'Do Not Resuscitate' orders being inappropriately placed on disabled people.

This section provides additional information and suggested questions in relation to health inequalities and mental healthcare provision in Wales.

⁸¹ Welsh Government (15 December 2016), Equality objectives, Op. Cit.

⁸² Professor Diamond was supported by an expert Review Panel to conduct a review of higher education funding and student finance arrangements in Wales. 'Widening access' was among the review's priorities. See: Welsh Government (27 September 2016), Independent review of higher education funding and student finance arrangements, available [here](#) [accessed: 14 October 2016].

⁸³ The Report noted that: 'With regard to other targeted grants, in 2014/15, 3,500 students were paid £7.8m Disabled Students' Allowance (DSA), compared to 3,400 students who were paid £8.4m for academic year 2013/14. In addition, 3,000 students were awarded £8.7m targeted support other than DSA for the academic year 2014/15, compared to 2,900 applicants awarded £8.3m in 2013/14, p. 26. Welsh Government (27 September 2016), The Review of Higher Education Funding and Student Finance Arrangements in Wales: Final Report, available [here](#) [accessed: 14 October 2016].

⁸⁴ Ibid. p. 9.

⁸⁵ Jones, Carwyn. Op. Cit. 17:08.

⁸⁶ UK Independent Mechanism (2017) Disability Rights in the UK: submission to inform the list of issues in relation to the UK.

Inequalities in health access and outcomes

A review of inequalities in access to health services for disabled people in Wales published in 2015 reported that:

- only 24% of people with depression and anxiety disorders had received any form of treatment
- many deaf and hard of hearing people were forced to make contact with their GP in a method that was not optimal and 90% of GP surgeries in Wales did not offer suitable alternatives for making appointments. There were also barriers to arranging interpretation or communication support
- there are significant geographic variations in access to healthcare services for disabled people across Wales, particularly in terms of mental health and rehabilitation services
- there are seen to be negative and disproportional impacts on the health outcomes of disabled people as a direct result of the Welfare Reform Act.⁸⁷

The review also highlighted a 'a severe lack of published evidence in terms of access to healthcare services for disabled people in Wales'.⁸⁸

The Learning Disability Annual Health Check programme was initially introduced in 2006 as an 'evidence-based health screen for people aged 18 years and over who are on social services registers for learning disability'.⁸⁹ A 2010 report produced by NHS Wales⁹⁰ found that 41% of people over 16 on learning disability registers in 2008/09 had taken up health checks, a 43% increase over the first year health checks were offered and a 6% increase from 2007/08. The review also found that there were geographic differences in uptake across Wales; not everyone was aware that they were entitled to a health check or aware about what they are; and concerns about lack of guidance for GPs on social interaction with people with a learning disability.

A key theme from the report concerned the need for accessible advice. The Welsh Government has supported third sector organisations⁹¹ to produce an Easy Read website

⁸⁷ Welsh Government (15 October 2015), Review of Evidence of Inequalities in Access to Healthcare Services for Disabled People in Wales: Executive Summary, available [here](#) [accessed: 24 October 2016].

⁸⁸ Smith, Shaun (15 October 2015), Review of evidence of inequalities in access to health services in Wales, Welsh Government, available [here](#) [accessed: 24 October 2016].

⁸⁹ 1000 Lives Improvement (updated 16 February 2012), Learning Disability Annual Health Check, available [here](#) [accessed: 24 October 2016].

⁹⁰ Bartley, Stuart; Felce, David; Kerr, Mike; Perry, Jonathan and Tomlinson, Judith (February 2010), Monitoring the public health impact of health checks for adults with a learning disability in Wales: Final report of the joint Public Health Wales/WCLD project, NHS Wales, available [here](#) [accessed: 24 October 2016].

⁹¹ Learning Disability Wales, Mencap Cymru, All Wales People First and All Wales Forum of Parents and Carers

with information on health topics and health checks to address the lack of awareness of health checks and a lack of accessible information.^{92 93}

We recommend that the CRPD Committee asks:

13. Can the Welsh Government explain what systems it has in place to collect evidence on health outcomes and access for disabled people in Wales?

Mental healthcare services

The Equality and Human Rights Commission Wales' *Is Wales Fairer?* report⁹⁴ identifies the need to 'improve access to mental health services and support people experiencing poor mental health' as one of the seven most pressing equality and human rights challenges facing Wales.

An Inquiry by the Children, Young People and Education Committee in 2014 stated that there had been a 100% increase in demand for child and adolescent mental health services CAMHS in the last four years and concluded that current services did not have sufficient capacity to meet demand.⁹⁵ The Committee said that the CAMHS National Improvement Plan, published in March 2014, would not have sufficient impact to deliver the scale of change needed.

The Welsh Government's Together for Mental Health Strategy, published in 2012,⁹⁶ is a 10-year plan to improve the mental well-being of all residents in Wales.⁹⁷ As of 2015, the Welsh Government announced an extra £15.6m will be invested every year in mental health services in Wales, taking the total investment to over £600m per annum.⁹⁸

⁹² Easy Read Health Wales (2012), About Easy Read Health Wales, available [here](#) [accessed: 14 November 2016].

⁹³ Aneurin Bevan University Health Board (January 2015), Easy Read – About health checks, available [here](#) [accessed: 14 November 2016].

⁹⁴ Equality and Human Rights Commission (1 December 2015), *Is Wales Fairer?* Report, Op. Cit.

⁹⁵ The number of referrals to CAMHS in Wales has nearly doubled from 1,204 to 2,342 between April 2010 and July 2014. National Assembly for Wales (2014) Children, Inquiry into Child and Adolescent Mental Health Services. Young People and Education Committee, available [here](#) [accessed: 15 September 2015].

⁹⁶ Welsh Government (26 October 2016), Together for Mental Health: A Strategy for Mental Health and Well-being in Wales, available [here](#) [accessed: 21 December 2016].

⁹⁷ The high level outcomes of the strategy address mental wellbeing for the whole population; better recognising and reducing the impact of mental health problems and illnesses on individuals, families and communities; better experiences of care and support received and increased voice and control; and access to quality preventative measures, early intervention and treatment leading to more people recovering. It also covers important outcomes for disabled people: reducing inequalities, stigma and discrimination around mental illness and improving the values, attitudes and skills of treatment and support staff.

⁹⁸ NHS Wales (3 November 2015), New measures to ensure faster mental health treatment in Wales, available [here](#) [accessed: 17 January 2017].

We recommend that the CRPD Committee asks:

14. Can the Welsh Government state what action it is taking to address the challenge of improving access to mental health services in Wales?

Freedom from exploitation, violence and abuse (Article 16)

Bullying

A 2014 review⁹⁹ highlighted the continued prevalence of bullying in Welsh schools, with pupils with special needs or a disability at particular risk of being bullied. The review also found varying levels of understanding among schools' staff of what would count as a 'reportable incident' owing to no agreed definition of bullying that is understood by the school community as a whole. Even in schools that were better equipped to deal with bullying, there remained a lack of common understanding of the importance and legal implications of the protected characteristics under the Equality Act 2010. The review also found that many schools' strategic equality plans did not 'pay enough attention to the full range of protected characteristics'. In particular, the Equality Act 2010 appears to have resulted in some confusion, particularly for primary schools, in the difference between a disability equality plan and a strategic equality plan, leading to actions relating to protected characteristics potentially failing to appear in either plan. Indeed, not all schools surveyed identified 'reducing bullying on the grounds of protected characteristics' as one of their equality objectives.¹⁰⁰

In 2011, the Welsh Government published 'Respecting others',¹⁰¹ a series of anti-bullying materials and guidance which included bullying around special educational needs and disabilities.

We recommend that the CRPD Committee asks:

15. Can the Welsh Government outline what action it is taking to tackle the bullying of disabled pupils?

⁹⁹ Estyn (2014), 'Action on bullying: A review of the effectiveness of action taken by schools to address bullying on the grounds of pupils' protected characteristics', available [here](#) [accessed: 21 December 2016].

¹⁰⁰ Ibid, p. 6.

¹⁰¹ Welsh Government (2011), Respecting others: anti-bullying overview, available [here](#) [accessed: 21 December 2016].

Participation in political and public life (Article 29)

Representation and participation in the National Assembly and local government

Comprehensive data about the diversity of National Assembly for Wales Members is not collected, so it is not known how many disabled Assembly Members there are.¹⁰²

A survey of Welsh councillors carried out in 2012 found that 14 per cent of elected councillors considered themselves to be disabled.¹⁰³ In March 2014, a report of the Expert Group on Diversity in Local Government made a series of recommendations to improve the diversity of councillors in Wales. The group recommended that the Welsh Government consider the evaluation of the Access to Elected Office project operated in English elections with a view to offering support to candidates for local elections in Wales.¹⁰⁴ The Welsh Government committed to considering how the scheme operated to inform future initiatives in Wales.¹⁰⁵ In acting on the group's recommendations, the Welsh Government launched a Diversity in Democracy Mentoring Programme in September 2015, which attracted in excess of 50 councillors interested in being mentors and 50 people from under-represented groups signed up as mentees.^{106 107}

We recommend that the CRPD Committee asks:

16. Can the Welsh Government outline what action it is taking to improve the representation of disabled people in Welsh political life?

17. Can the Welsh Government detail how many of the mentors and mentees participating in its Diversity in Democracy Mentoring Programme are disabled people, and how effective the programme is expected to be in increasing the representation of disabled people in Welsh political life?

¹⁰² EHRC (September 2015), Smoothing the Pathway to Politics for Disabled People: Equality and Human Rights Commission response to the UN Special Rapporteur on the rights of persons with disabilities call for evidence on the right of persons with disabilities to participate in decision-making, available [here](#) [accessed: 6 December 2016].

¹⁰³ A total of 3,201 responses were collected in the study, from 21 local authorities, a response rate of 35%. Welsh Government (2 May 2014), Local Government Candidates Survey 2012, p. 13, available [here](#) [accessed: 14 April 2016].

¹⁰⁴ Welsh Government (March 2014), Report of the Expert Group on Local Government Diversity, available [here](#) [accessed: 6 December 2016].

¹⁰⁵ Welsh Government (March 2014), Expert group's action plan and timetable and Welsh Government responses, available [here](#) [accessed: 6 December 2016].

¹⁰⁶ The programme is looking for people who are one or more of the following: 45 or under, female, lesbian, gay, bisexual or transgender, from an ethnic minority, or disabled. Welsh Government (13 December 2016), Diversity in democracy programme: Launch article, available [here](#) [accessed: 6 December 2016].

¹⁰⁷ Welsh Government (13 October 2016), Cabinet Secretary praises progress of diversity in democracy programme, available [here](#) [accessed: 21 December 2016].

Annex: Recommendations

The following recommendations are for the Welsh Government in relation to disabled people's rights in Wales. They are supplementary to the recommendations included in *Disability Rights in the UK*.

Enhancing the status of CRPD in domestic law (Articles 3, 4)

CRPD in Welsh law and policy

1. The Welsh Government should:
 - build the CRPD into legislation in a similar way to the UNCRC
 - use opportunities afforded by the Well-being of Future Generations Act to promote the CRPD.

Equality and non-discrimination (Article 5)

Equality Act 2010, Specific Duties

2. The Welsh Government should ensure that the PSED Specific Duties in Wales are used to promote and protect the UNCRPD and wider human rights in Wales.

Accessibility (Articles 9)

Housing

3. The Welsh Government should:
 - monitor the implementation of Part 4 of Housing (Wales) Act 2014 and the Renting Homes (Wales) Act 2016 to ascertain whether they succeed in increasing the supply of, and reducing waiting times for, accessible housing
 - monitor the impact of housing standards in providing appropriate, accessible housing for disabled people

- promote and improve the use of Accessible Housing Registers (AHRs) to match disabled people with accessible or adapted properties more quickly.

Transport

4. The Welsh Government should take further steps to improve the accessibility of public transport, setting priorities and targets in consultation with disabled people.
5. The Welsh Government should explore how best it can ascertain if the expanded criteria of the Blue Badge Scheme is successful in promoting accessibility for disabled people in Wales.

Information and communication

6. The Welsh Government should ensure that services are aware of what accessible communication is, how it is implemented and what their duties are, including closing the digital inclusion gap. This is especially important for Government departments and public bodies.

Independent and adequate standard of living and social protection (Articles 19, 20, 26, 28)

Poverty and material deprivation

7. The Welsh Government should:
 - ensure that tailored and targeted support for disabled people is available within tackling poverty initiatives
 - capture data relating to poverty and differences between disabled and non-disabled people in the WIMD and the index of Child Deprivation.

Disproportionate impact of social security reforms on disabled people

8. The Welsh Government should continue efforts to mitigate as far as possible any adverse impacts on disabled people of the UK Government's welfare reforms.

Adult social care and support

9. The Welsh Government should:
 - monitor the impact of the Social Services and Well-being (Wales) Act 2014 in terms of the CRPD rights, especially articles 19 and 28
 - ensure that the Social Services and Well-being (Wales) Act 2014 is implemented in a way that progresses CRPD rights in Wales.

Independent living funding

- 10.** The Welsh Government should ensure that Welsh Independent Living Grant recipients and disabled people with complex care needs continue to receive the care and support they require to live independent lives from 2019.

Employment (Article 27)

Employment gap and barriers

- 11.** The Welsh Government should ensure that supporting disabled people into employment is a target within employment and skills programmes.

Education (Articles 24, 7)

Educational attainment and additional learning needs

- 12.** The Welsh Government should:

- ensure that the implementation of the new system that follows the passing of the Additional Learning Needs Bill is adequately resourced to contribute to closing the educational attainment gaps for disabled pupils
- monitor the impact of the measures in the Additional Learning Needs Bill, once enacted, on outcomes for disabled children.

Transition from school

- 13.** The Welsh Government should ensure that programmes to reduce the number of NEETs include tailored and targeted actions to support disabled young people to remain in or pursue education, training or employment.

Review of higher education funding

- 14.** The Welsh Government should consider the recommendations of the Diamond review of higher education funding in Wales with regard to disabled students, in order to remove barriers to education and improve attainment levels.

Health and life (Articles 25, 10)

Inequalities in health access and outcomes

15. The Welsh Government should:

- identify priority actions to address inequalities in physical and mental health access and outcomes for disabled people
- identify actions to address the lack of published evidence relating to access to healthcare services for disabled people in Wales, especially outcome-based monitoring
- ensure that access to health services for learning disabled people and uptake of annual health checks continues to be monitored and evaluated, including geographic variations across Wales
- establish programmes to improve accessible information and health literacy for people with learning disabilities.

Freedom from exploitation, violence and abuse (Article 16)

Bullying

16. The Welsh Government should work with local authorities to determine the best way to ensure schools collect qualitative and quantitative data on identity-based bullying for all protected characteristics, and use the data to develop strategies to protect pupils.

Participation in political and public life (Article 29)

Representation and participation in the National Assembly and local government

17. The Welsh Government should build on current initiatives to tackle barriers and build confidence amongst disabled people interested in standing for elected office and to support newly elected councillors in their first term of office.

Contacts

This publication and related equality and human rights resources are available from the Commission's website: www.equalityhumanrights.com.

For advice, information or guidance on equality, discrimination or human rights issues, please contact the Equality Advisory and Support Service, a free and independent service.

Website www.equalityadvisoryservice.com

Telephone 0808 800 0082

Textphone 0808 800 0084

Hours 09:00 to 20:00 (Monday to Friday)
10:00 to 14:00 (Saturday)

Post FREEPOST Equality Advisory Support Service FPN4431

Questions and comments regarding this publication may be addressed to: correspondence@equalityhumanrights.com. The Commission welcomes your feedback.

Alternative formats

This publication is also available as a Microsoft Word file from www.equalityhumanrights.com. For information on accessing a Commission publication in an alternative format, please contact: correspondence@equalityhumanrights.com.

© 2017 Equality and Human Rights Commission

Published February 2017

You can download this publication from

www.equalityhumanrights.com

© 2017 Equality and Human Rights Commission

Published: February 2017



Comisiwn
**Cydraddoldeb a
Hawliau Dynol**

**Equality and
Human Rights**
Commission