Being disabled in Britain

A journey less equal

Executive summary
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In ‘Being disabled in Britain 2016: A journey less equal’ we assess the state of equality and human rights for disabled people in Britain and set out the key areas requiring improvement. While progress has been made in some areas, the overall picture emerging from the data is that disabled people are facing more barriers and falling further behind.

It is a badge of shame on our society that millions of disabled people in Britain are still not being treated as equal citizens and continue to be denied the everyday rights non-disabled people take for granted, such as being able to access transport, appropriate health services and housing, or benefit from education and employment. The disability pay gap is persistent and widening, access to justice has deteriorated, and welfare reforms have significantly affected the already low living standards of disabled people. It is essential that as a society we recognise and address these structural problems urgently and comprehensively. We are calling for a new national focus on disability rights, so that disabled people are no longer treated as ‘second-class citizens’.

The key challenges to disability equality

In our review ‘Is Britain Fairer?’ (EHRC, 2015), we presented the key equality and human rights challenges for all protected characteristic groups in Britain, and concluded that greater effort was needed to identify the scale and nature of the issues affecting disabled people. This report builds on that evidence and also draws on new quantitative data analysis and our submission to the UN Committee on the Rights of Persons with Disabilities, published in February 2017, to present a fuller and more up-to-date examination of the key challenges facing disabled people in Britain.

Our purpose is to report our findings, set out the challenges for the future, and invite all concerned to address the issues by identifying and implementing the necessary solutions. This report does not speculate on the impact of proposed future legislative or policy changes, nor try to explain the causes of differences, or offer policy solutions.

Our report sets out evidence-based findings in six key areas of life: education, work, standard of living, health and care, justice and detention, and participation and identity. It highlights the key issues described on the next page which are affecting the lives of disabled people in Britain.

Educational attainment of children with Special Educational Needs

| Non-disabled | SEN |
Education

Disabled pupils in England, Wales and Scotland have much lower attainment rates at school than non-disabled pupils, and are significantly more likely to be permanently or temporarily excluded. Furthermore, there is a need to address bullying experienced by disabled children and the levels of support they are offered.

In England and Wales, in 2014/15 the educational attainment of children with Special Educational Needs (SEN) was nearly three times lower than for non-disabled children. Across Britain in 2015/16, disabled young people aged 16-18 were at least twice as likely as their non-disabled peers to not be in education, employment or training (NEET).

Having a degree-level qualification can significantly improve employment outcomes. The employment gap is smaller between disabled (60% employed six months after graduating, in 2009/10) and non-disabled graduates (65% employed) compared with the gap in the general population. Although the qualification gap between disabled and non-disabled people narrowed between 2010/11 and 2015/16, the proportion of disabled people with no qualifications was nearly three times that of non-disabled people in 2015/16, and the proportion of disabled people with a degree remained lower than that of non-disabled people.

Work

Disabled people across Britain are less likely to be in employment than non-disabled people. Since 2010 there has been extensive reform to UK Government employment support programmes (Access to Work and the Work Programme), but there are specific concerns about their effectiveness for disabled people. In particular, non-disabled people (35%) are more likely than disabled people (18%) to get a job on the Work Programme.

Despite an increase in the proportion of both disabled and non-disabled adults in employment in Britain in 2015/16, less than half of disabled adults were in employment (47.6%), compared with almost 80% of the non-disabled adult population, and the gap between these groups has widened since 2010/11.

The disability pay gap in Britain continues to widen. In 2015-16 there was a gap in median hourly earnings: disabled people earned £9.85 compared with £11.41 for non-disabled people. Disabled young people (age 16-24) and disabled women had the lowest median hourly earnings.

Very low numbers of disabled people are taking up apprenticeships, and there has been little improvement in that situation in England and Wales, although Scotland has seen a slight improvement.
Standard of living

More disabled people than non-disabled are living in poverty or are materially deprived. Social security reforms have had a particularly disproportionate, cumulative impact on rights to independent living and an adequate standard of living for disabled people.

UK data from 2014/15 shows that 30% of working-age adults in families where at least one member is disabled were living in households with below 60% of contemporary median income after housing costs, compared with 18% for those living in families with no disabled members. Across Great Britain, 59% of families with children, that were in income poverty and that contained a disabled person, lived in material deprivation in 2014/15, compared with an average material deprivation rate of 20%.

Across the UK, 18.4% of disabled people aged 16-64 were considered to be in food poverty in 2014 compared with just 7.5% of non-disabled people. Disabled people over the age of 65 were twice as likely as non-disabled people in the same age group to be in food poverty: 6.8% compared with 3.3%.

A higher proportion of disabled people have been affected by the under-occupancy charge (‘bedroom tax’) than non-disabled people, as evidenced in the Department for Work and Pension’s Equality Impact Assessment. In England and Wales, at least 47% of housing benefit claimants affected by the under-occupancy charge have a disability. Families with a disabled child have also been affected by the charge.

Disabled people face problems in finding adequate housing and this is a major barrier to independent living. There is a shortage of accessible housing across Britain: of councils in England with a housing plan, fewer than 17% have set out strategies to build disabled-friendly homes. In Scotland the amount of wheelchair-adapted local authority housing for physically disabled people has decreased.

As resources become scarcer, and funding for specialist services for disabled people disappears, disabled people are finding it more and more difficult to access support.

The material deprivation rate for families with children, in income poverty and that contained a disabled member

59% with disabled person
36% of total population
Health and care

Disabled people are more likely to experience health inequalities and major health conditions, and are likely to die younger than other people. The extent of these health inequalities is difficult to assess because of limited data on outcomes for disabled people collected by NHS providers and commissioners. Accessibility of services is problematic, and disabled people are less likely to report positive experiences in accessing healthcare services.

Despite a commitment by governments to make improvements to the provision of mental health services, considerable shortcomings remain in all three countries (England, Scotland and Wales), where disabled adults are more likely to report poor mental health and wellbeing than non-disabled adults. In England, the waiting time target for access to psychological therapies has been cut to 28 days, but some people have waited for over 90 days. The majority of Health Boards in Scotland have failed to meet the target to ensure access to psychological therapies for all patients within 18 weeks from referral to treatment. Reduced funding in specialist child and adolescent mental health service provision in England has amounted to 25% cuts between 2011 and 2013 in some areas; the NHS reports an increase in average waiting times to 15 weeks between 2011 and 2013.

• On average, men with mental health conditions die 20 years earlier than the general population, and women 13 years earlier.

• ‘Do not attempt resuscitation’ (DNAR) notices are being placed on patients’ files without their consent or knowledge.

• Action is needed to reduce the use of physical and chemical restraint for the purposes of behaviour management in hospital and care settings.

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Justice and detention

There is an urgent need for prisons to monitor and report on prisoner mental health. Prisoners are more likely to have mental health conditions compared with the general population, and 70% of prisoners that died from self-inflicted means between 2012 and 2014 had an identified mental health need.

Detentions in health and social care settings under the Mental Health Act 1983 are continuing to increase in England and Wales and this is a strong concern, particularly as evidence suggests there are flaws in the way those detained are assessed and treated.

- The use of section 136 of the Mental Health Act 1983 (under which people are brought to hospital as a ‘place of safety’) increased by 18% to 22,965 in 2016, while the number of detentions in hospitals increased between 2009/10 and 2016 (from 46,600 in 2009/10 to 63,622 in 2016).

The UK continues to be the only country in the European Union with no time limit on immigration detention, and there is a concern that immigration detention facilities are inadequately equipped to deal with detainees who have a mental health condition.

Disabled people in Britain are more likely to have experienced crime than non-disabled people. In Scotland, disabled people were less likely to feel safe walking alone in their neighbourhood after dark compared with non-disabled people. Similarly in England and Wales, disabled people were more likely to feel unsafe walking alone in their local area during the day, and were more likely to report feeling worried about physical attack and acquisitive crime compared with non-disabled people.

Disability hate crimes recorded by the police in England and Wales increased by 44% in 2015/16 on the previous year, possibly reflecting improved reporting and recording practices. Despite this improvement, a joint inspection team from HMI Constabulary, HM Crown Prosecution Service Inspectorate and HMI Probation found that criminal justice agencies do not always understand what forms disability hate crime can take, and that more needs to be done to understand how disabled people experience hate crime. This includes the ways in which disabled people are targeted and the difficulties they face in getting public authorities to respond. In Scotland in 2014/15, crimes reported with an aggravation of prejudice relating to disability increased by 20% compared with the previous year, 86% of which proceeded to court.

Changes to legal aid in England and Wales have negatively affected disabled people’s access to justice in family law, housing, employment, debt and welfare benefits cases. Across Great Britain, there has been a 54% drop in employment tribunal claims on grounds of disability discrimination between 2012/13 and 2015/16.
Participation and identity

Disabled people continue to encounter barriers to exercising their right to vote. Disabled people are also under-represented in political office and public appointments, and face continued challenges to achieving equal representation. There is an urgent need for the implementation of section 106 of the Equality Act 2010, so that political parties are required to publish diversity data about their candidates.

Poor access to transport, leisure and other services can affect the community and social life of disabled people, creating a barrier to independence and their enjoyment of day-to-day activities. Across Great Britain, there was an overall increase between 2009-11 and 2012-14 in the percentage of disabled and non-disabled adults who reported having difficulty accessing services in the areas of health, benefits, tax, culture, sport and leisure. In 2012-14 this was 45.3% for disabled people compared with 31.7% for non-disabled people.

The wide gap in internet usage between disabled and non-disabled people has persisted. The law leaves a degree of interpretation for service providers about how far they are required to go to increase digital accessibility and there is as yet no UK case law precedent on web accessibility to clarify the position. Disabled people reported difficulties accessing their bank, having a credit history and affording insurance, all of which exacerbate the financial penalty they face and can limit their family life and opportunities to learn, work and participate in society.

Negative attitudes towards disabled people remain prominent in Britain, and people with a mental health condition, learning disability or memory impairment remain particularly likely to be stigmatised. Measures of disability prejudice have focused largely on disability as a general category. There is a lack of evidence on how people’s attitudes towards disability differ by disability type.

Poor access to transport, leisure and other services
“Now is the time for a new national focus on the rights of the 13 million disabled people who live in Britain”
Evidence and action on disability rights

More needs to be done to improve the evidence base on the issues facing disabled people. In particular, better evidence is needed about the experiences and outcomes of disabled people who have specific impairments or multiple disabilities, and to understand the issues for disabled people of different ethnic groups, ages or sexual orientations.

Legislation, policies, frameworks and actions plans need to be targeted at addressing the inequalities experienced by disabled people, and their impact on disabled people needs to be monitored and evaluated. For example:

- England, Wales and Scotland have action plans in place to tackle the obesity crisis, but these do not address the specific needs of disabled people, for whom weight and obesity are a particular problem but who may face barriers to forms of physical activity.

- There are inconsistent levels of protection for disabled people. In Scotland, unlike in England and Wales, there is currently no specific offence of emotional abuse under criminal law, which means that perpetrators of this form of abuse cannot be prosecuted for that particular crime.

- There are strong concerns about how the implementation of the Department for Transport’s Accessibility Action Plan is being monitored, despite a House of Commons Transport Committee recommendation that the UK Government publish annual updates about implementation of the plan, including data on changes in the number and types of journeys made by disabled people.

The United Nations Committee on the Convention on the Rights of the Child, the Convention on the Elimination of all Forms of Discrimination Against Women and the International Covenant on Economic, Social and Cultural Rights have all highlighted the disparities that exist for disabled children and adults across all areas of life. This year, the UK Government will be examined on its performance under the Convention on the Rights of Persons with Disabilities (CRPD), with the expectation that it will ensure the resulting recommendations are addressed through legislation, policies, frameworks and action plans. However, there is currently no domestic mechanism requiring Ministers to have regard to the CRPD when developing new policy and law.
Recommendations

This report looks at six key areas of life and finds that disabled people in Britain are experiencing disadvantages in all of them. But our lives are not lived in neat and distinct categories, and it is critical that policy makers and influencers across all sectors recognise how the issues we have identified interact and accumulate throughout disabled people’s life journeys. For example, being unable to access appropriate health services or public transport affects people’s ability to access and benefit from education or work.

We are calling on the UK, Scottish and Welsh Governments to place a new national focus on disability equality, so that the rights of disabled people are fully realised, and to deliver improvements in disabled people’s experience and outcomes.

We recommend that the UK and devolved governments take concerted action to:

1. **Reduce educational attainment and employment gaps for disabled people.**

2. **Ensure that essential services, such as housing, health, transport and justice, meet the particular needs of disabled people and support their independence and wellbeing.**

3. **Promote the inclusion and participation of disabled people in civic and political life.**

4. **Strengthen disabled people’s choice, autonomy and control over decisions and services.**

5. **Improve existing legislation, policies, frameworks and action plans to better protect and promote the rights of disabled people.**

6. **Improve the evidence base on the experiences and outcomes of disabled people and the ability to assess how fair Britain is for all disabled people.**

To support implementation of these recommendations, we will work with governments and key influencers to raise awareness of the evidence – in this report, the CRPD concluding observations and the joint Disability Rights UK, Disability Wales, and Inclusion Scotland report – and to identify the action that needs to be taken to make progress.
Contacts

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