Priorities and work programme 2010/11

Plan of the Equality and Human Rights Commission Disability Committee
Contents

1 Introduction .................................................................................................................. 3

2 The Committee ............................................................................................................ 4
   2.1 Our duties and powers .......................................................................................... 4
   2.2 Our vision .............................................................................................................. 5
   2.3 Our approach and guiding principles ................................................................. 5
   2.4 Our members ....................................................................................................... 6

3 The context of our plan ............................................................................................... 7
   3.1 The significant challenges ahead ......................................................................... 7
   3.2 Opportunities ........................................................................................................ 7

4 Our strategic priorities and key activities: ............................................................... 8
   4.1 Our approach ....................................................................................................... 8
   4.2 Programme 1: Securing, Implementing and Promoting Legislative Change 8
   4.3 Programme 2: Fairer Public Services for All ...................................................... 9
   4.4 Programme 4/5: Promoting Good Relations ...................................................... 11
   4.5 Additional work ................................................................................................. 12
1 Introduction

The Equality and Human Rights Commission (the Commission) aims to reduce inequality, eliminate discrimination, strengthen good relations between people, and promote and protect human rights.

The Commission was established under the Equality Act 2006 and opened in October 2007. We are a non-departmental public body, which means that we are accountable for our public funds but independent of government. We have taken over the roles and duties of the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission and we also have new responsibilities.

The Commission enforces and develops equality legislation on age, disability, gender, race, religion or belief, sexual orientation and transgender status and encourages compliance with the Human Rights Act. We work closely with, and provide advice and guidance to, policymakers, lawyers, government, businesses, the voluntary and public sectors, and individuals.

We have offices in England, Scotland and Wales. For further details please see our website: www.equalityhumanrights.com or contact one of our helplines – contact details can be found on the back cover.

If you require this publication in an alternative format and/or language please contact the relevant helpline to discuss your needs.

All publications are also available to download and order in a variety of formats from our website.
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 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.

The Committee has an agreed annual budget of £110,000. We also have a disability programme director to coordinate the 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 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.
2.4 Our members

**Commissioner Mike Smith**

**Chair:** Ultimate decision-making authority for the Committee. Lead on Tackling Harassment coupled with Programme 4/5 (Promoting Good Relations) and Position on Assisted Dying. Mike also sits on the Social Care Commission’s External Reference Group.

**Kirsten Hearn:** Vice Chair of the Disability Committee

**Liz Sayce:** Lead expert on mental health issues


**Saghir Alam:** Lead on Social Care coupled with Programme 2 (Fairer Public Services for All).

**Andrew Lee:** Lead on promoting awareness, information and advice to marginalised groups and lead on accessible information and communication

**Michelle Valentine:** Lead on employment, skills and benefits coupled with Programme 3 (Advancing Equality in Employment), especially the Private Sector

**Teresa Waldron:** Lead of the Commission’s review on what has been achieved on access

**Bob Benson:** Lead on devolved disability matters (Scotland)

**Rhian Davies:** Lead on devolved disability matters (Wales).

You can find out more about the Disability Committee members and the work of the Committee at: http://www.equalityhumanrights.com/about-us/the-commissioners/disability-committee/

You can contact the Disability Committee by email
3 The context of our plan

3.1 The significant challenges ahead

In our previous work plan, published in early 2009, we reported on the progress made in disability rights over the last 15 years. Whilst progress continues to be made on a number of fronts, it is clear that the changing economic climate may have a disproportionate impact on disabled people, who have historically relied on the public sector for the delivery of services, voluntary sector funding and employment. Counting the Costs a report commissioned by the Commission in Scotland in August 2010, highlighted that Local Authority funding of disability work had reduced by 2 per cent from 2008 to 2010, primarily as the result of initial efficiency savings.

Alongside cuts to public services, and a reduction in funding to voluntary sector 'support services', proposals for the reform of the welfare system may further undermine the advances made by disabled people and their organisations in both securing their rights, and playing a full and active part in society.

3.2 Opportunities

Against a backdrop of cuts it would be very easy to take a reactive approach to our work in the next few years. However, we feel it is important to ensure that we adopt a strategic approach that makes full use our statutory powers and responsibilities in order to:

- maintain the ground already gained
- seek opportunities for new thinking and new ways of doing things
- establish mutually beneficial relationships with disability stakeholders across all sectors.
4 Our strategic priorities and key activities:

4.1 Our approach
The Committee’s work plan for 2010/11 was defined by two key objectives:

- The Committee’s powers and responsibilities as defined in the Equality Act 2006.
- Supporting the delivery of the Commission’s 3 year strategy; embedding the rights of disabled people throughout the Commission’s programme of work.

4.2 Programme 1: Securing, Implementing and Promoting Legislative Change

The Equality Act 2010
The Committee will support the Commission in shaping the development and implementation of disability law, and provide advice and guidance on the production or revision of non-statutory guidance and Codes of Practice.

United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)
In 2009 the UK government ratified the UNCRPD. The government will report to the UN Committee by July 2011 on how it is fulfilling its obligations. The Office for Disability Issues co-ordinates the implementation of the Convention.

The Commission, Scottish Human Rights Commission, Northern Ireland Human Rights Commission and Northern Ireland Equalities Commission have been formally designated as the ‘independent mechanism’ tasked with promoting, protecting and monitoring implementation of the UN Convention on the Rights of People with Disabilities in the UK. These four Commissions will work together to scrutinise the performance of the UK government in relation to the UNCRPD and to produce a shadow report for the UN Committee on how the government is fulfilling its obligations.

The Commission has recently published a guide for disabled people and their organisations on the Convention.
Disability Committee member Diane Mulligan has been selected as UK candidate for the UN expert committee on the rights of disabled people.

**Key activities**

1. Working with the Commission’s human rights lead director to develop the Commission’s approach to UNCRPD.

2. Liaising with Disability Committee and staff leads on issues of relevance to UNCRPD.

3. Influencing the government’s report to the UN.

4. Influencing the approach of the four UK commissions to scrutiny of the government’s performance.

5. Influencing the approach of the four UK commissions to scrutiny of the production of the shadow report.

6. Representing the Commission internationally on UNCRPD.

### 4.3 Programme 2: Fairer Public Services for All

#### Social care

In February 2009, the Commission published ‘From Safety Net to Springboard’, which promoted an approach to social care based on helping people to maximise control over their own lives, to make social and economic contributions and to stay safe and well.

In 2009/10 the Commission developed a memorandum of understanding with the Care Quality Commission. In the current year, the Commission will build on this partnership work.

We are also monitoring the potential impact of public spending cuts on personalisation and the ‘right to control’ for disabled people, carers and other groups. The Coalition Government recently announced its intention to establish an independent commission on the future funding of long-term care.

We are undertaking a formal inquiry into human rights for older people within social care.
Key activities

1. Working with the Commission’s health and social care team to influence the development of the Commission’s agenda on social care.

2. Engaging stakeholders on the Commission’s agenda for social care, based on helping people to maximise control over their own lives, to make social and economic contributions and to stay safe and well.

3. Influencing the development of government policy on social care.

4.4 Programme 3: Advancing Equality in Employment

Employment, skills and benefits

In 2009, the Committee commissioned and published a review of disabled people’s employment position. It confirmed that many disabled people experience barriers in entering and succeeding in employment and that, in spite of legislative change, employment rates for disabled people are still less than half those of non-disabled people. The report suggests that there is a need for:

- greater understanding of the heterogeneous nature of the disabled population
- greater recognition of the significance of intersectionality and the impact of other characteristics such as ethnicity on disabled people’s employment prospects
- harmonisation of categories, since disabled people are defined differently by a range of agencies and for different administrative purposes
- better support for disabled people through transitions
- joined-up working between agencies to maximise the impact of skills, employment, welfare and health policies
- better information for employers and Jobcentre Plus staff about the benefits of employing disabled people and the flexibility and/or support they may need to cope with their conditions.

The Commission supports action to remove barriers to employment and progression for disabled people and increase employment rates. However it recognises the concerns of many disabled people about the process for work capability assessment interviews and fears about
access to benefits. Recent comments by members of the public on the Treasury’s spending review website indicate ongoing hostility to disabled people who are dependent on benefits. A number of correspondents suggested significant cuts to disability-related benefits. The Commission needs to join up its work on welfare benefits and employment policy.

**Key activities**

1. Working with the Commission’s employment and benefits teams to influence the development of the Commission’s agenda on welfare benefits policy and employment policy and the interaction between them.

2. Working with the Commission’s employment team to shape the Commission’s Working Better programme, which will be focusing on disabled people in the current year.

3. Engaging stakeholders on the Commission’s agenda for employment and welfare benefits policy in relation to disabled people.

4. Influencing the development of government policy on employment and welfare benefits in relation to disabled people.

4.4 Programme 4/5: Promoting Good Relations

**Tackling harassment**

On 3 December 2009, International Day of Disabled People, the Commission announced its intention to conduct a formal inquiry into the actions of public authorities to eliminate disability-related harassment and its causes.

Mike Smith, Chair of the Disability Committee, was appointed as the lead Commissioner for the Inquiry.

Following consultation on the draft terms of reference, the final terms of reference were launched in June 2010, alongside a call for evidence.

**Key activities**

1. Working with the lead Commissioner and the Inquiry team to complete the evidence gathering and analysis processes.

2. Working with the Inquiry Team on the development of interim findings and the final report.
3. Working with the Inquiry Team on the launch of the final report and implementation plan.

4. Engaging stakeholders on the Commission’s agenda on disability-related harassment.

5. Liaising with Committee and staff leads on UNCRPD in relation to Article 16 of the UNCRPD.

4.5 Additional work

Position on assisted dying

There has been a great deal of public debate on assisted dying/suicide in recent years.

In 2009 the Commission responded to the Director of Public Prosecution’s (DPP’s) consultation on assisted dying.

This issue is of particular concern to disabled people and opinion is divided.

Key activities

1. Working with staff to finalise the tender for the proposed legal opinion.

2. Engagement with stakeholders on assisted suicide/dying.

3. Liaising with the Group Director Legal, John Wadham, on the Commission’s position in relation to the legal opinion obtained.

Access

The Disability Discrimination Act gave disabled people new legal rights in relation to access to goods, facilities and services. The legislation prompted access improvements, particularly in relation to the built environment, and both the DRC and the Commission have supported test cases under the DDA to extend access.

The Equality Act 2010 has the potential to provide a new impetus on access to goods, facilities and services. Access is also recognised as a key issue within Article 9 of the UNCRPD.
Key activities

1. Working with the Commission's Disability Policy Officer to influence the Commission's review of what has been achieved on access and what barriers remain.

2. Extensive engagement with stakeholders on access needs and barriers.

3. Working with the Commission's Disability Policy Officer and legal teams to influence the development of a regulatory strategy to improve access.

4. Liaison with Committee and staff leads on UNCRPD in relation to Article 9 of the UNCRPD.

Stakeholder engagement

The Committee will seek to engage with a wide range of stakeholders in the delivery of this plan and will support and advise Commission Project Leads on reaching individual strands within the disability community to ensure they are also fully engaged in the Commission’s work.

The Chair will establish a Strategic Disability Forum, with membership drawn from senior leaders of key disability organisations.
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