

## **Debate on Challenges Facing Disabled People in the UK in 2018**

### **House of Lords**

**28 June 2018**

### **Briefing by the UK Independent Mechanism**

#### **1. Summary**

The UK Independent Mechanism (UKIM)<sup>1</sup> welcomes this debate on the challenges facing disabled people in the UK in 2018. We hope this will provide an opportunity for the UK Government to outline the steps it is taking to tackle these challenges, including its progress towards implementing the recommendations of the United Nations Committee on the Rights of Persons with Disabilities (UN Committee).

#### **UKIM's key concerns:**

- Extensive evidence shows that disabled people in the UK face significant challenges to enjoying their rights across all areas of life, including: inaccessible housing, transport and information; barriers to accessing justice; inappropriate or long term placements for people with learning disabilities or autism; the use of restraint in a range of settings; and lack of provision for supported decision-making.
- There are particular concerns about serious regression of disabled people's rights to an adequate standard of living and social protection, and to live independently and be included in the community.
- To date, the UK Government has not made any commitment to implementing the UN Committee's recommendations made in 2017 on steps it should take to comply with the UN Convention on the Rights of Persons with Disabilities (UN Convention). It also rejected the UN Committee's recommendations on social security reform in its 2016 inquiry report.

- Continued lack of action from the UK Government on the UN Committee’s recommendations goes against the UK Government’s stated commitments to equality and inclusion for disabled people, and undermines its position as a global leader on disability rights.

### **We recommend the UK Government:**

- Sets out how it plans to comprehensively address the UN Committee’s recommendations. Implementing these recommendations will be a step towards effectively addressing the challenges facing disabled people in the UK.
- Clarifies whether the new Inter-Ministerial Group on Disability and Society will be the vehicle through which the UK Government will take forward the UN Committee’s recommendations; how it will relate to devolved governments; and how it will work with disabled people’s organisations and UKIM.

## **2. Background**

In 2016, the UN Committee on the Rights of Persons with Disabilities (UN Committee) found evidence of grave and systematic violations of disabled people’s rights to: an adequate standard of living and social protection; work and employment; and independent living.<sup>2</sup>

The UN Committee also raised concerns about these three issues and a range of others – such as barriers to disabled people’s rights in education, access to justice, participation in public life, and healthcare - as part of its first review of the UK’s compliance with the UN Convention in 2017.<sup>3</sup> The UN Committee made over 80 recommendations to the UK Government spanning all areas of life, setting out where it needs to take action to comply with the UN Convention.<sup>4</sup>

The UK Government has asserted its commitment “to equality for disabled people” and “to remove barriers to create opportunities for disabled people to fulfil their potential and be fully participating members of society”.<sup>5</sup>

Internationally, the UK Government promotes itself as a leader in disability rights and a proactive supporter of the UN Convention.<sup>6</sup> However, the UK Government has yet to take concrete steps to address the concerns and recommendations of the UN Committee.

The UK Government has recently announced an Inter-Ministerial Group on Disability and Society.<sup>7</sup> Details of this proposed Group, including how it will relate to devolved governments, involve disabled people’s organisations and

UKIM, and its remit in relation to addressing the UN Committee's recommendations are unclear.

### **3. Issues and evidence**

UKIM is concerned about the lack of progress by the UK Government in protecting and advancing the rights of disabled people in the UK.

Evidence of the challenges facing disabled people, based on information from disabled people and their organisations, disability charities, Parliamentary Committees, academics, churches, trade unions and local and international equality and human rights organisations paints a concerning picture of regression on disabled people's rights.<sup>8</sup> This evidence was highlighted in UKIM's 2017 report to the UN Committee.<sup>9</sup> The submission to the UN highlighted challenges for disabled people across a range of areas including:

- Independent and adequate standard of living and social protection<sup>10</sup>
- Access to justice<sup>11</sup>
- Mental health services<sup>12</sup>
- Inappropriate or long term placements<sup>13</sup>
- Use of restraint<sup>14</sup>
- Supported decision making.<sup>15</sup>
- Gaps in the legal framework for disability discrimination, particularly in Northern Ireland where legislation provides a lower level of protection than the rest of the UK.<sup>16</sup>

UKIM has grave concerns about serious regression of disabled people's rights to an adequate standard of living and social protection, and to live independently and be included in the community. Evidence on these issues presented by UKIM in its most recent submission to the UN Committee shows:

- That a substantially higher proportion of individuals who live in families with disabled members live in poverty, compared with individuals who live in families where no one is disabled, as demonstrated by the UK Government's own statistics;<sup>17</sup>
- A high proportion of disabled people resorting to the use of food banks;<sup>18</sup>
- A higher proportion of disabled people being disadvantaged as a result of the introduction of the Employment and Support Allowance (ESA), particularly the negative impact of Work Capability Assessments and ESA conditionality on the mental health of claimants;<sup>19</sup>

- Disabled people being disproportionately affected by the sanctions regime;<sup>20</sup> and
- Continued regression in disabled people's right to live independently in the community, including the risk of re-institutionalisation posed by funding cap polices of Clinical Commissioning Groups in England.<sup>21</sup>

More recently, in March 2018, a cumulative impact assessment of tax and benefit changes between 2010-2018, commissioned by the Equality and Human Rights Commission (EHRC), shows that households with one or more disabled members will face large and disproportionately negative impacts compared with households with no disabled members, demonstrating continued regression in rights protection for disabled people going forward. The report found that, as a result of reforms, in 2021-2022, households with at least one disabled adult and a disabled child will lose over £6,500 a year – over 13% of their annual income.<sup>22</sup>

In May 2018, the EHRC published its report into housing for disabled people across Great Britain which found that there is a chronic shortage of accessible homes and that disabled people are not getting the support they need to live independently.<sup>23</sup> The report uncovered four major challenges to the right of disabled people to live independently in the community:

- Disabled people are demoralised and frustrated by the housing system
- There is a chronic shortage of accessible homes
- Installing home adaptations involves unacceptable bureaucracy and delay
- Disabled people are not getting the support that they need to live independently.<sup>24</sup>

#### **4. Further information**

UKIM has produced [a comprehensive note](#) providing details of its concerns related to the adverse impact of social security reform on the rights of disabled people, and providing background information about the UN Committee's review of the UK.

Details of UKIM's comprehensive submission setting out the challenges faced by disabled people in the UK are contained in [its 2017 report to the UN Committee](#).

The UN Committee's recommendations for the UK have also been [summarised in an interactive PDF and alternative formats](#).

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<sup>1</sup> In 2009, the UK Government designated the Equality and Human Rights Commission (EHRC), the Equality Commission for Northern Ireland (ECNI), the Northern Ireland Human Rights Commission (NIHRC) and the Scottish Human Rights Commission (SHRC) as the UK Independent Mechanism (UKIM) under the UNCRPD, Article 33. UKIM is tasked with promoting, protecting and monitoring implementation of the UNCRPD.

<sup>2</sup> CRPD Committee (2016) Inquiry concerning the UK carried out by the Committee under article 6 of the Optional Protocol to the Convention, Report, p 21, available [here](#) [accessed 10 November 2016].

<sup>3</sup> The UNCRPD Committee also made concluding observations regarding equality and non-discrimination (Article 5), women with disabilities (Article 6), children with disabilities (Article 7), awareness raising (Article 8), accessibility (Article 9), right to life (Article 10), situations of risk and humanitarian emergencies (Article 11), equal recognition before the law (Article 12), access to justice (Article 13), freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 15), freedom from exploitation, violence and abuse (Article 16), protecting the integrity of the person (Article 17), liberty of movement and nationality (Article 18), living independently and being included in the community (Article 19), freedom of expression and opinion, and access to information (Article 21), right to respect for private and family life (Article 23), education (Article 24), health (Article 25), work and employment (Article 27), participation in cultural life, recreation, leisure and sport (Article 30), statistics and data collection (Article 31), international cooperation (Article 32), and national implementation and monitoring (Article 33). See CRPD/C/GBR/CO/1, 'Concluding Observations on the Initial Report of the UK of Great Britain and NI', 29 August 2017. Available [here](#) [accessed: 21 March 2018].

<sup>4</sup> Ibid.

<sup>5</sup> Office for Disability Issues, 'UK Initial Report on the UN Convention on the Rights of Persons with Disabilities' (ODI, 2011), at para 2.

<sup>6</sup> Ibid.

<sup>7</sup> See: <https://hansard.parliament.uk/commons/2018-05-21/debates/C9F3BE31-D224-4098-B796-C1E05765341E/OralAnswersToQuestions>

<sup>8</sup> This wide range of evidence is referenced throughout UKIM's submission to the UNCRPD Committee. See UK Independent Mechanism (2017), 'Disability Rights in the UK'. Available [here](#) [accessed: 21 March 2018].

<sup>9</sup> Ibid.

<sup>10</sup> UK Independent Mechanism (2017), 'Disability Rights in the UK: updated submission', pp 46-56. Available [here](#) [accessed: 21 March 2018].

<sup>11</sup> Ibid, pp 59-62.

<sup>12</sup> Ibid, pp 68-72.

<sup>13</sup> Ibid, p 74.

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<sup>14</sup> Ibid, pp 81-83.

<sup>15</sup> Ibid, pp 84-85.

<sup>16</sup> Ibid, pp 40-42.

<sup>17</sup> See Department for Work and Pensions, 'Households below average income: An analysis of the income distribution 1994/95 – 2015/16' (DWP, 2016). Available [here](#) [accessed: 21 March 2018].

<sup>18</sup> Loopstra, R. and Lalor, D. (2017), 'Financial insecurity, food insecurity and disability: The profile of people receiving emergency food assistance from the Trussell Trust Foodbank Network in Britain'. Available [here](#) [accessed: 27 July 2017]

<sup>19</sup> See [here](#) [accessed: 27 July 2017] and House of Commons Work and Pensions Committee (2017), 'Disability employment gap – Seventh report of session 2016-17'. Available [here \[accessed: 27 July 2017\]](#), and EHRC (2017), 'Being Disabled in Britain', pp. 65-67.

<sup>20</sup> Local Government Association, 'The Cumulative Impact of Welfare Reform: A National Picture' (LGA, 2017). Available [here](#) [accessed: 21 March 2018]. Recent research commissioned by the Local Government Association on the cumulative impact of welfare reform found that around 900,000 disabled people will see their weekly incomes fall by at least £50 a week by 2020 whilst the average household containing a person with a disability under Universal Credit will be worse off in 2020 by £51.47 per week.

<sup>21</sup> UK Independent Mechanism (2017), 'Disability Rights in the UK: updated submission'. Available [here](#) [accessed: 21 March 2018]. The contents of the UKIM report are congruent to evidence presented to the CRPD Committee by Deaf and Disabled People's Organisations and other civil society organisations.

<sup>22</sup> EHRC (2018), 'The cumulative impact of tax and welfare reforms'. Available [here](#) [accessed 21 March 2018]

<sup>23</sup> EHRC (2018) 'Housing and disabled people: Britain's hidden crisis' Available [here](#) [accessed 25 June 2018]

<sup>24</sup> Ibid.