

**The United Kingdom of Great Britain and  
Northern Ireland's 2019 response to select  
concluding observations of the United Nations  
Committee on the Rights of Persons with  
Disabilities:  
Response to recommendation in paragraph 74**

1. This is the response of the United Kingdom of Great Britain and Northern Ireland to the recommendation in paragraph 74 of the concluding observations<sup>1</sup> made by the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) Committee following the UK's periodic review in 2017. This recommendation relates to the findings of the 2016 inquiry report (UN ref. CRPD/C/15/4) carried out under article 6 of the Optional Protocol to the Convention (OP-CRPD).<sup>2</sup>
2. The UK, Welsh and Scottish Governments, and the Northern Ireland Executive share a commitment to supporting and improving the lives of disabled people. This response provides an update on policies and services that are delivered nationally, and on policies that have been devolved which enable the Devolved Administrations to reflect the particular needs of their populations.

## **Recommendation 114a**

Conduct a cumulative impact assessment of the measures adopted since 2010 referred to in this report<sup>3</sup>, related to the rights to independent living and being included in the community, social protection and employment of persons with disabilities. The State party should ensure that this assessment is rights-based, and meaningfully involves persons with disabilities and their representative organizations.

3. Since 2010, and at each annual Budget, the UK Government has published cumulative analysis of the impacts of our tax, welfare and public spending policies on households. We also publish Impact Assessments of individual changes to welfare and use of public funding. The UK Government continues to look closely at the methodological issues around quantitative distributional analysis by protected characteristic, including disability, in addition to improving its processes to take equalities impacts into account in advance of the next Spending Review.
4. For the last ten years the Scottish Government has produced a qualitative impact assessment of budget decisions against all protected characteristics from the Equality Act 2010 (EA 2010)<sup>4</sup>. This Equality Budget Statement is published annually alongside the Scottish Budget. New work on the feasibility of developing a quantitative cumulative impact assessment of spend is currently underway.

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<sup>1</sup><http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhspCUnZhK1jU66fLQJyHlkqMIT3RDaLiqzhH8tVNxhro6S657eVNwuqlzu0xvsQUehREyYEQD%2BldQaLP31QDpRcmG35KYFtgGyAN%2BaB7cyky7>

<sup>2</sup>[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2f15%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2f15%2f4&Lang=en)

<sup>3</sup> 2016 inquiry report: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/326/14/PDF/G1732614.pdf?OpenElement>

<sup>4</sup> <https://www.legislation.gov.uk/ukpga/2010/15/contents>

5. Over recent years the Welsh Government has had a strategic integrated approach to impact assessments for budget decisions, covering all protected characteristics under the EA 2010. These are captured in the Strategic Integrated Impact Assessment (SIIA), published as part of the Wales budget documentation.

### **Recommendation 114b**

Ensure that any intended measure of the welfare reform is rights-based, upholds the human rights model of disability, and does not disproportionately and/or adversely affect the rights of persons with disabilities to independent living, adequate standard of living and employment. To prevent such adverse impacts, the State party should carry out human rights-based cumulative impact assessments of the whole range of intended measures which would impact the rights of persons with disabilities.

6. Great Britain's EA 2010 is instrumental in protecting people with all protected characteristics, including disability. Northern Ireland has the Disability Discrimination Act 1995.<sup>5</sup> The EA 2010's Public Sector Equality Duty<sup>6</sup> (PSED), places a legal duty on public bodies to consider the impact of policies on people with protected characteristics. It ensures there is due regard to the need to eliminate discrimination, harassment, and victimisation in policies and ensures equality of opportunity and fosters good relations for persons with and without protected characteristics.
7. Public bodies must demonstrate how they have considered equality issues in the development, implementation and review of policies, services and processes. They must also show whether these will have an unintended or disproportionate impact on people with protected characteristics, including disabled people, and give this due weight in decision-making. Where equality analyses identify disproportionate impacts on disabled people, organisations should consider options for removing or reducing the likelihood of negative consequences.
8. The intent of the UK welfare system is to provide financial support to those most in need, consequently we continue to amend policies to ensure the system remains fit for purpose. The UK Government are engaging with disabled people to ensure reform options are informed by a variety of perspectives and evidence.
9. Equality impacts have been considered on all major changes to the new benefit system, Universal Credit (UC). The impact of UC on disabled people was set out clearly in impact/equality assessments published during the passage of the Welfare Reform (Bill) Act 2012<sup>7</sup>, which included how we consulted and involved representatives from private, voluntary and public sectors.

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<sup>5</sup> <http://www.legislation.gov.uk/ukpga/1995/50/contents>

<sup>6</sup> <http://www.legislation.gov.uk/uksi/2011/2260/contents/made>

<sup>7</sup> <http://www.legislation.gov.uk/ukpga/2012/5/contents>

10. The UK Government are also responding to concerns regarding the Work Capability Assessment (WCA). This is a functional assessment which considers factors affecting a person's capability to carry out work or work-related activity. It is not condition based and determines eligibility for the income-replacement benefit Employment Support Allowance (ESA) and UC, which also has a health element.
11. In 2016, the Secretary of State for the Department of Work and Pensions (DWP) announced the Government will stop requiring people with the most severe, lifetime conditions to be repeatedly assessed for ESA and UC, unless there is a change of circumstances. A re-assessment criteria was created with healthcare professionals and other stakeholders.
12. The disability benefit, Personal Independence Payment (PIP), is designed to help contribute to the extra costs faced by individuals with the greatest barriers to participation. Over the last year the DWP have provided clearer guidance to improve claimants' experience, including providing on-going PIP payments for those receiving the highest payment rate under PIP, and whose needs are unlikely to change, or who are of State Pension age or over. Also, to improve transparency of PIP face-to-face assessments, the DWP are trialling video recordings. In addition, the assessment providers of PIP have Mental Function Champions who are experienced Health Professionals with relevant work experience of supporting patients with mental ill health problems. They offer advice and support to other Health Professionals who are assessing people who have mental, intellectual, cognitive or developmental disabilities.
13. To ensure the Government continues to provide the right financial support to those who need it most, from 2021, the UK welfare system is creating an integrated health assessment service for both WCA and PIP. We are seeking, with the claimant's permission, ways to share supporting evidence gathered in earlier PIP or WCA assessments, removing duplication and in some cases removing the need for assessments, and how to improve the appeal process for applications initially declined.
14. In June 2019, the Government announced that the DWP will be bringing forward a Green Paper on health and disability support, to enable a conversation about building a welfare system for the future that is an ally of disabled people.
15. From 1 April 2019 Citizens Advice (England and Wales) and Citizens Advice Scotland are delivering the new 'Help to Claim' support to claimants making a new UC claim or moving from a legacy benefit to UC because of a change of circumstances. This independent service offers tailored advice and practical support for people making their UC application and getting their first full correct payment on time. Help to Claim advisers help signpost and connect claimants to other support services where the need is identified. This service is part of the

Government's commitment to making sure the most vulnerable people in society are given the support they are entitled to. Evaluation of the service will begin from Autumn 2019.

16. Through the Social Security (Scotland) Act, the Scottish Government are taking on responsibility for a variety of benefits including disability benefits. The Scottish Government has prioritised support for carers in the social security system by making the Carer's Allowance Supplement the first benefit to be delivered. In April 2020, the Scottish Government will take responsibility for disability benefits that recognise the additional costs of living with a disability or health condition. Through stakeholder engagement areas can be redesigned to meet identified needs.
17. The Welsh Government ensures those individuals who rely on social care at home to support their daily living are not disadvantaged by having a low income. Under the Social Services and Well-being (Wales) Act 2014<sup>8</sup> people who are charged for their homecare are able to retain a key element of their income to meet other daily living expenses.
18. Northern Ireland provides supplementary welfare payments for claimants who are reassessed from Disability Living Allowance (DLA) to PIP and then receive less welfare support. The current payment scheme is due to end on 31 March 2020; considerations about continuing it are ongoing.
19. In Northern Ireland, Independent Living Fund awards are disbursed to disabled recipients who have intensive care needs. The award is used to pay for care agency staff directly, or for recipients to employ their own personal assistant. In 2018/19, the Family Fund provided grants for a range of support to families with a disabled child.

## **Recommendation 114c**

Ensure that any intended legislation and or policy measure respect the core elements of the rights analysed in this report<sup>9</sup>: that persons with disabilities retain their autonomy, choice and control over their place of residence and with whom they live; they receive appropriate and individualized support, including through personal assistance, and they have access to community-based services on an equal basis with others; they have access to security social schemes which ensure an income-protection, including in relation to the extra cost of disability, that is compatible with an adequate standard of living, and ensure their full inclusion and participation in society; and that they have access and are supported in gaining employment in the open labour market on an equal basis with others.

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<sup>8</sup> <https://www.legislation.gov.uk/anaw/2014/4/contents>

<sup>9</sup> 2016 inquiry report: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/326/14/PDF/G1732614.pdf?OpenElement>

20. The UK is committed to implementing the rights set out in the UNCRPD. These rights are reflected in legislation and policy. In addition, as explained in our response to Recommendation 114b, the EA 2010 and Northern Ireland Disability Discrimination Act 1995 also protect people with all protected characteristics, including disability, and place a legal duty on public bodies to consider the impact of policies on people with protected characteristics.

## **Employment Support**

21. The UK Government's goal is to see one million more disabled people in employment between 2017 and 2027, as set out in 'Improving Lives: The Future of Work, Health and Disability'<sup>10</sup> (published December 2017). In the first two years since this aspiration was announced, the number of disabled people in employment has increased by 404,000, making the total number of disabled people in work 3.9 million. The Government is pleased with this progress but wants to do more to see further improvements.

22. The DWP run programmes to provide more personalised and tailored employment and health support to increase employment for disabled people including:

- a) A Personal Support Package for claimants on ESA and UC, introduced from April 2017, designed to expand and improve enhanced support offered to disabled people, to ensure they have the same opportunity as others to benefit from the positive effects of work.
- b) The Work and Health programme, in England and Wales, offers voluntary access to employment support to around 220,000 disabled people.
- c) Access to Work (AtW) provides advice and practical support to employees and their employers for overcoming disability-related workplace barriers. AtW does not replace an employer's duty to offer reasonable adjustments - the scheme only funds support above and beyond reasonable adjustments. AtW customers can now receive an award of up to £59,200<sup>11</sup> per annum to support them to enter or retain employment and also have access to a specialist Mental Health Support Service. In 2017/18, 34,000 people were supported by AtW, the highest number yet, and an increase of 13% on 2016/17. In 2017/18, AtW expenditure increased to £110.8 million, a 4% increase in real terms on 2016/17.
- d) From the end of 2019, more than £40m is being invested into a new Intensive Personalised Employment Support Programme. Over four years

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<sup>10</sup> <https://www.gov.uk/government/publications/improving-lives-the-future-of-work-health-and-disability>

<sup>11</sup> Pound Sterling (GBP)

this will support 10,000 disabled people, who are at least a year away from moving into work.

23. The Good Work Plan<sup>12</sup>, (published December 2018) sets out the Government's vision for the future of the UK labour market, aiming to strike a balance between supporting labour market flexibility and ensuring worker's rights. This will ensure the UK has a labour market that remains flexible, adaptable and fit for purpose.
24. The UK Government want to make flexible working common practice as current analysis<sup>13</sup> shows that disabled workers are more likely to work part time or have differing hours/locations of work. The Government is consulting on whether employers should have a duty to consider if a job can be done flexibly and make that clear when advertising a role. It also considers options for requiring large employers (those with 250 or more employees) to publish their family related leave and pay and flexible working policies. The Department for Business, Energy and Industrial Strategy (BEIS) run a Flexible Working Taskforce with relevant stakeholders to promote flexible working.
25. Following the UK Government's announcement in June 2019, BEIS will also be setting out plans to work with departments, regulators and stakeholders to improve consumer outcomes for disabled people through developing metrics to compare how well companies deliver for disabled customers in essential markets.
26. In December 2018, the Scottish Government published A Fairer Scotland for Disabled People: Employment Action Plan<sup>14</sup>, developed with disabled stakeholders. It commits to at least halve Scotland's disability employment gap by 2038. Consequently, the Scottish Government are investing into a range of programmes, including investing £96m into a devolved employment service: Fair Start Scotland. Scottish Government plans to publish regular monitoring and annual progress reports which will show employment rates, occupations, and pay levels of disabled people.

## **Welfare Support**

27. Information about the UK Government's approach to social security, spending and the extra cost of disability is covered in our responses to recommendations 114b and 114d.

## **Social Care Support**

28. The UK Government want to make personalisation standard across the health and social care system, with up to 2.5 million people benefitting from personalised care by 2023-24 in the National Health Service (NHS). Indeed, the

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<sup>12</sup> <https://www.gov.uk/government/publications/good-work-plan>

<sup>13</sup> <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7540#fullreport>

<sup>14</sup> <https://www.gov.scot/publications/fairer-scotland-disabled-people-employment-action-plan/>

provision of person-centred care is a central component of the NHS Long Term Plan<sup>15</sup>; with a key focus on the individual, their carer and any other person the individual requests, being involved in the development and implementation of their personalised care plan.

29. In England, the Government promotes Personal Health Budgets, giving disabled people more choice and control over how money is spent on their health and wellbeing needs. Following a public consultation, the legal right to personal health budgets will be extended to two other groups of people, provisionally for the end of 2019. This includes those eligible for Section 117 aftercare service for people when they leave hospital, who have been detained in hospital under the Mental Health Act 1983<sup>16</sup>. Section 117 aftercare can include healthcare, social care, employment services and more; as long as the needs arise from or are related to the person's mental condition and helps reduce the risk of their mental condition getting worse. The Government will also be extending the legal right to personal health budgets to people who access wheelchair services, whose posture and mobility needs impact their wider health and social care needs.
30. The UK Government are looking at ways to reduce duplication and provide a more joined-up pathway to care provision for individuals. Therefore, we are trialling joint assessments across health and social care, with the aim of providing more holistic and personalised packages of care.
31. In England, the Care Act 2014<sup>17</sup> sets out a legal duty for Local Authorities to meet adult's eligible social care needs, subject to financial circumstances. It embeds person-centred care as the 'default'- providing a duty on councils to assign a personal budget to those eligible for support, to provide the individual with more choice and control over their care.
32. The Thalidomide Health Grant began in 2012. £80 million was pledged over ten years, in recognition of the complex and highly specialised needs of thalidomiders, particularly as they approach older age. This funding helps thalidomiders to maintain control over their health.

## **Housing Support**

33. The UK Government values the vital role that supported housing plays for many disabled people. The management of supported housing schemes and agreement of placements into them is shared between local authorities and providers.
34. The UK Government provides capital funding through the Disabled Facilities Grant (DFG) to local authorities in England. This helps to meet the cost of home

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<sup>15</sup> <https://www.longtermplan.nhs.uk/>

<sup>16</sup> <https://www.legislation.gov.uk/ukpga/1983/20/contents>

<sup>17</sup> <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

adaptations for eligible disabled people, to enable them to live independently and safely at home. Local housing authorities have a statutory duty to provide adaptations to people who qualify for the grant.

35. The UK Government has invested over £2.7 billion into the DFG (2012-13 to 2019-20) and is providing around 280,000 adaptations in England by the end of 2018-19 (see paragraph 44 for more information). The Government commissioned an independent review of the DFG (published December 2018) which made 45 recommendations about potential changes to the grant.
36. Following the UK Government's announcement in June 2019 the Ministry of Housing, Communities and Local Government will consult on raising mandatory accessibility standards for all new homes in autumn 2019.
37. The Scottish Government fund: Care and Repair Scotland, helps enable older and disabled people to continue living at home. In 2018/19, the Scottish Government provided £10m directly to housing associations to provide adaptations for these tenants.
38. The Welsh Government's Framework 'Action on Disability: The Right to Independent Living'<sup>18</sup> encompasses actions that will enable more disabled people to live independently. This includes a review of aids and adaptations, provision of housing related support and new design and delivery of affordable housing.
39. The Welsh Government has provided £27m per annum to local authorities to enable them to support disabled people in Wales to continue living independently who were previously supported by the Independent Living Fund.
40. The Welsh Government provides funding for housing adaptations to ensure disabled and older people can live safely and independently across Wales and reduce pressure on frontline services. The Welsh Government continue to fund the Supporting People programme to help vulnerable people develop or maintain their ability to live independently.

## **Recommendation 114d**

Ensure that public budgets take into account the rights of persons with disabilities; that sufficient budget allocations are made available to cover extra-costs associated to living with a disability, and that appropriate mitigation measures, with appropriate budget allocations are in place for persons with disabilities affected by austerity measures.

41. The UK Government recognises the extra costs of living with a disability and are committed to providing financial support for those who need it. The UK

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<sup>18</sup> <https://gov.wales/action-disability-right-independent-living>

Government will spend over £55bn this year (2019-20) on benefits to support disabled people and those with health conditions – more than ever before. In 2019-20 spending is up by more than £10bn since 2010 (equivalent to approximately 2.5% of Gross Domestic Product and over 6% of Government spend) and disability benefits spending will be higher in real terms than in 2010 for every year of the forecast, currently to 2023/24. This year (2019/20) spending on the main disability benefits; PIP, DLA and Attendance Allowance (AA), will be over £6bn higher than in 2010 – a record high.

42. To keep people mobile to enable full participation in society the Motability Scheme<sup>19</sup> allows eligible disabled people to lease a new car, scooter or powered wheelchair by using a component of their benefits<sup>20</sup>. The National Audit Office published a report (December 2018) on the Motability scheme and recommended the Government review the value the scheme provides, in light of its objectives for mobility allowances. The Government has accepted these recommendations and will respond in due course.<sup>21</sup>

43. In July 2019 the UK Government announced that Motability will provide substantial financial support to assist disabled people in three areas:

- £1,000 to Motability Scheme customers who lose eligibility to the Scheme as a result of a reassessment such as PIP to PIP review;
- Grants to fund individuals' personal contributions to AtW; and
- Accelerate the current programme being undertaken with the Family Fund<sup>22</sup> to help many more families with severely disabled children under the age of three access mobility support.

While the DWP has worked closely with Motability to design these initiatives, the delivery is the responsibility of Motability and its Board of Governors.

44. The Government has given Councils access to up to £3.9 billion more dedicated funding for adult social care for 2019-20<sup>23</sup>. This includes £240 million for adult social care to alleviate winter pressures on the NHS. A further £410 million is also available for 2019-20 to address pressures on social care for children and adults, including disabled people, and the DFG has £505 million available over 2019-20 to help make homes more suitable for those eligible for the grant. The Government requires local authorities to continue to pool grant funding from the improved Better Care Fund, Winter Pressures funding and the DFG, and they

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<sup>19</sup> <https://www.motability.co.uk/>

<sup>20</sup> Includes higher rate mobility component of Disability Living Allowance, enhanced rate mobility component of PIP, War Pensions Mobility Supplement or Armed Forces Independence Payment award

<sup>21</sup> <https://www.nao.org.uk/press-release/the-motability-scheme/>

<sup>22</sup> [www.familyfund.org.uk](http://www.familyfund.org.uk)

<sup>23</sup> Local government funding for adult social care is generally un-ring fenced and is from a range of sources, mainly Council Tax, Retained Business Rates, and Revenue Support Grant. Since Spending Review 2015, there have also been dedicated funding sources for adult social care.

can also make voluntary contributions. In 2017/18 approximately a third of local government's net current expenditure on adult social care was identified as being spent on people with a learning disability.

45. The Government is committed to integrated, person-centred health and social care. Since 2015, the Better Care Fund has driven forward improved integration of health and social care in England. To support joint planning in local areas we published the 2019-20 Better Care Fund Policy Framework<sup>24</sup> in April 2019.
46. Whilst social security is a devolved matter in Northern Ireland, the benefits system generally corresponds to that overseen by the DWP. In 2017/18, just under £1.3bn was spent in Northern Ireland providing assistance through disability benefits; AA, DLA and PIP. These benefits are designed to contribute to the extra costs individuals with the greatest barriers to participation in life face.

## **Recommendation 114e**

Introduce all necessary adjustments to make fully accessible all information, communications, administrative and legal procedures for all persons with disabilities in relation to social security entitlements, independent living schemes, and employment/unemployment-related support services.

47. Under section 20 of the EA 2010, all organisations, including the UK Government, have a duty to make reasonable adjustments when delivering services. This includes ensuring all information, communication and operations are fully accessible to disabled people.
48. The UK Government want to ensure digital services are accessible for all and encourage improved equality of access to Government information and services.
49. In September 2018, the UK Government introduced The Public Sector Bodies (Websites and Mobile Applications) (No.2) Accessibility Regulations 2018<sup>25</sup>. These aim to improve access to online UK public services and information, especially for disabled and older people.
50. The regulations require public bodies to take measures to improve accessibility of their digital services to a specified standard. Additionally, public bodies will have to publish a statement outlining the accessibility of services and information available through their websites and mobile applications. The regulations build on the existing equalities legislation, making it easier for disabled users to report issues about the accessibility of public sector websites.

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<sup>24</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/795314/Better\\_Care\\_Fund\\_2019-20\\_Policy\\_Framework.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/795314/Better_Care_Fund_2019-20_Policy_Framework.pdf)

<sup>25</sup> <http://www.legislation.gov.uk/ukssi/2018/852/contents/made>

51. The Government Digital Services will provide a proportionate and corrective monitoring function to assess a sample of public sector websites and mobile applications. This sample will be agreed with an independent group of national stakeholders, including representatives of disabled people.
52. The Government's Accessible Information Standard<sup>26</sup> requires health and social care providers to provide disabled people with information in a form they can understand and the communication support they need.
53. The Ministerial Taskforce on Alternative Formats was established in January 2016 to support the DWP to understand how disabled people may have alternative needs when accessing customer information. Members bring evidence of poor service to the attention of the Minister for Disabled People, Health and Work and DWP officials. The DWP then test and trial improvement ideas, products and procedures. The membership consists of both national and local organisations who reflect a broad range of the DWP's disabled customer groups.
54. The Taskforce have supported the DWP in several improvements including the development and testing of Easy Read<sup>27</sup> and British Sign Language (BSL) videos. This has led to the DWP publishing a set of five videos designed to help people understand PIP, and each has BSL and Irish Sign Language translations. The DWP also published a first suite of Easy Read products in January 2019, in line with cross-Government Easy Read standards.
55. In Scotland, the Social Security (Scotland) Act 2018<sup>28</sup> requires Scottish Ministers to have regard to the importance of communicating in an inclusive way, ensuring people with communication difficulties are able to communicate, receive information and express themselves in ways that meet their needs.
56. Scottish Government ensure letters, forms, online guidance and communication materials are written for a reading age of nine and that all online content is compatible with screen reader software platforms. All letters, information and guidance are available in accessible formats.
57. The Scottish Government have a BSL Video Relay Service which provides deafblind interpreters, Text Relay and electronic note taker services. This service has expanded to include access to all national numbers and is always available.

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<sup>26</sup> <https://www.england.nhs.uk/ourwork/accessibleinfo/>

<sup>27</sup> <https://www.gov.uk/government/publications/inclusive-communication/accessible-communication-formats#easy-read-and-makaton>

<sup>28</sup> <http://www.legislation.gov.uk/asp/2018/9/contents/enacted>

## **Recommendation 114f**

Ensure access to justice, by providing appropriate legal advice and support, and including through reasonable and procedural accommodation to persons with disabilities seeking redress and reparation for the alleged violation of their rights covered by this report<sup>29</sup>.

58. The UK Government strongly supports and upholds the rule of law, ensuring access to justice to all. Under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)<sup>30</sup>, cases related to community care, Special Educational Needs and Disability (SEND), disability discrimination, mental health and mental capacity cases are in scope of legal aid, subject to applicants meeting statutory means and merits tests.
59. The UK Government published the LASPO Post-Implementation Review<sup>31</sup> Part 1 in February 2019. The Review made an objective assessment of the impact of legal aid changes made by the LASPO Act against its original objectives. The Government published the Legal Support Action Plan<sup>32</sup> (the Action Plan), building on evidence heard as part of the Post-Implementation Review, and setting out the future direction of Government support to access justice.
60. The Action Plan removed the requirement for applicants in debt, discrimination and SEND cases to first seek advice through a telephone service, and reinstated immediate access to face to face legal advice. The Equality and Human Rights Commission<sup>33</sup> (EHRC), the independent regulator of the EA 2010, supports these changes.
61. The Action Plan outlines the UK Government's vision that complementary forms of legal support should supplement taxpayer funded legal services through legal aid, where appropriate. The most effective of these that supports earlier resolution of people's legal problems will be explored. The Action Plan establishes how the Government will foster a culture of innovation in delivering, and increasing access to, legal support, being mindful of those unable to access digital services.
62. The Government has launched an Access to Justice Advisory Group to bring together expertise and drive research and evidence gathering. This will help identify and guide future research, ensuring we continue to deliver an inclusive, effective and proportionate legal support system.

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<sup>29</sup> 2016 inquiry report: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/326/14/PDF/G1732614.pdf?OpenElement>

<sup>30</sup> A copy of this legislation is available [here](#).

<sup>31</sup> A copy of the LASPO Post-Implementation Review is available [here](#).

<sup>32</sup> A copy of the Legal Support Action Plan is available [here](#).

<sup>33</sup> Further details about the work and projects completed by the EHRC is available [here](#).

63. The EHRC has delivered a Legal Support Project to increase access to justice for people experiencing disability discrimination. The EHRC is increasing its legal capacity to advise on discrimination cases and is developing an inquiry into reasonable adjustments in the criminal justice system for defendants with mental health conditions, learning disabilities, neuro-diverse conditions and acquired brain injury.
64. The Scottish Government has committed to providing short-term assistance where Social Security Scotland has made a decision to reduce or stop a continuing payment, and that decision is subject to a request for re-determination or appeal. Therefore, a person will continue to receive the same level of payment until the outcome of their case is decided, ensuring people are not discouraged from challenging decisions, or from accessing administrative justice by having a reduced income.
65. The Scottish Government has committed to ensuring that people have a right to independent advocacy if, owing to a disability, they require an advocate's help to engage effectively with the Scottish social security system. Individuals can bring a supporter to discussions regarding their entitlements who can make representations on their behalf.
66. In 2018/19, the Welsh Government provided £6m of grant funding to projects providing social welfare rights-based advice on a range of issues, much of which went towards supporting disabled people. Over the year, advice projects helped over 77,000 people secure over £53m in income gains.

### **Recommendation 114g**

Actively consult and engage with persons with disabilities through their representative organizations and give due consideration of their views in the design, implementation, monitoring and evaluation of any legislation, policy or programmatic action related to the rights addressed in this report<sup>34</sup>.

67. The UK recognises the value of disabled people's participation in policy planning and design. As equality is mainstreamed across Government, all departments are responsible for consulting and engaging with disabled people and their organisations on policy issues affecting them.
68. In June 2019 the UK Government announced it was establishing a new disability unit in the Cabinet Office to bring a fresh approach to disability into the heart of Government and to tackle the burning injustice of disability discrimination. The unit will work closely with disabled people to develop a new cross-Government approach to disability, taking sustained and transformative action. The

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<sup>34</sup> 2016 inquiry report: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/326/14/PDF/G1732614.pdf?OpenElement>

Government will commission research to ensure disabled people's lived experience directly inform and shape forthcoming Government policy.

69. In December 2018, the UK Government announced its intention to launch the Regional Stakeholder Network and advertised a call for members and chairs publicly. The Network will provide an opportunity for disabled people and their local organisations in nine regions in England to engage with central Government on issues that affect them. The Network will complement existing, ongoing engagement with disabled people and disability organisations across Government and will enhance engagement at a local level.
70. Government consults widely with stakeholders who have an interest in or may be affected by a proposed new policy or policy change. Consultations from the past year with disabled people and their organisations include:
- a) The UK Government ran a roundtable event with disabled people to inform a consultation on Changing Places toilets. The consultation sought views on the thresholds at which the facilities will be made mandatory in new or largely refurbished buildings.
  - b) The UK Government ran a consultation looking at the ban on the distribution and/or sale of plastic straws, plastic drinks stirrers and plastic-stemmed cotton buds and consulted widely. In response the policy was amended to allow exemptions to the plastic straw ban so that plastic straws will continue to be available through registered pharmacies (in store and online) and through catering establishments for use by disabled people who rely on them to eat and drink safely and independently. The policy will be reviewed to assess impact one year after the ban's implementation.
71. A number of forums with disabled people and their organisations are held across Government to ensure we listen to and implement positive changes for disabled people, including:
- a) The Voluntary, Community and Social Enterprise (VCSE) Health and Wellbeing Alliance (HW Alliance) is jointly managed by the Department of Health and Social Care, Public Health England and NHS England.
  - b) Disabled Persons Transport Advisory Committee (DPTAC) and the Inclusive Transport Strategy Group (ITSG). The ITSG acts as a sounding board to Government as it develops inclusive transport policy interventions. DPTAC are the Government's statutory advisor on disabled people's transport needs.

- c) Parent Carer Forums (PCF) are composed of parents who have children with SEND. There is a PCF in every local area in England and they focus on influencing local SEND policy and operation.
72. The Scottish Social Security Charter<sup>35</sup> bridges the principles in the Social Security (Scotland) Act 2018 with the performance of the Social Security system. A core group, including disabled people, were recruited to oversee the charter's development. A survey and interviews took place for people unable to travel. The Scottish Government is committed to developing a measurement framework with disabled people to evaluate and report on the Social Security system.
73. The Welsh Government have a Disability Equality Forum which allows direct engagement with disabled people and their organisations. The Forum meets twice yearly and is chaired by the Deputy Minister and Chief Whip (who has portfolio responsibility for equality).
74. The development of the Welsh Government Framework 'Action on Disability: The Right to Independent Living' (to be published in summer 2019) has been overseen by a steering group comprising of disability organisations. During its development a consultation and engagement events were held throughout Wales to seek disabled people's, and their organisations, views.

## **Recommendation 114h**

Take appropriate measures to combat any negative and discriminatory stereotypes and prejudices against persons with disabilities in public and media, including that dependency on benefits is in itself a disincentive of employment; implement broad mass media campaigns, in consultation with organizations representing persons with disabilities, particularly those affected by the welfare reform, to promote them as full rights holders, in line with the Convention; and adopt measures to address complaints of harassment and hate crime by persons with disabilities, promptly investigate these allegations, hold perpetrators accountable and provide fair and appropriate compensation to victims.

## **Hate Crime, Online Harassment and Bullying**

75. Hate crime is any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's actual or perceived race, religion, sexual orientation, disability or transgender identity. The UK Government takes all forms of hate crime seriously, including that targeted at disabled people. The legislative framework to tackle hate crime includes provisions for the court to increase a sentence where the offence was motivated by hostility towards a person's disability. The Law Commission is undertaking a full review of hate crime legislation, including the coverage and approach of current hate crime legislative provisions to ensure it remains effective.

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<sup>35</sup> [https://dgxmvz0tqkndr.cloudfront.net/production/images/general/Our-Charter\\_fixed.pdf](https://dgxmvz0tqkndr.cloudfront.net/production/images/general/Our-Charter_fixed.pdf)

76. In 2018, the Government published a refresh of the 2016 Hate Crime Action Plan<sup>36</sup>. It outlines progress against the 2016 Plan, and includes further detail on what more can be done to tackle hate crime, including increasing engagement with disabled stakeholders and considering recommendations made in stakeholder reports.
77. The Government has set out plans to make the UK the safest place in the world to be online in the Online Harms White Paper<sup>37</sup>, (published 2019) which is under consultation. The Government intend to establish in law a new duty of care on companies towards their users, overseen by an independent regulator. This regulator will set clear safety standards, backed up by mandatory reporting requirements and effective enforcement powers, ensuring companies are held to account.
78. To improve online safety, the Government will develop a new online media literacy strategy, taking a coordinated and strategic approach to online media literacy education and awareness.
79. The Welsh Government continues to tackle hate crime in partnership with the Hate Crime Criminal Justice Board Cymru<sup>38</sup> (HCCJBC). The HCCJBC is working with the Disability Equality Forum, convened by the Welsh Government, to examine how to improve disability hate crime reporting, support victims, and bring perpetrators to justice.
80. In Scotland, there is a programme to tackle hate crime and build community cohesion. A Ministerial-led Action Group is taking work forward including launching a hate crime campaign to encourage witnesses to report. In November 2018, the Scottish Government launched a public consultation on what should be included in a new hate crime bill. A subsequent report will be published in summer 2019.
81. Research shows that disabled pupils report disproportionately higher rates of bullying. The Government has sent a clear message to schools that bullying is unacceptable. All schools are legally required to have a behaviour policy that prevents bullying.
82. The UK Government are providing over £2.8m of funding from 2016 to 2020, for anti-bullying organisations to support schools to tackle bullying. This funding

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<sup>36</sup> <https://www.gov.uk/government/news/hate-crime-plan-refreshed-to-protect-victims-and-promote-shared-values>

<sup>37</sup> <https://www.gov.uk/government/consultations/online-harms-white-paper/online-harms-white-paper-executive-summary--2>

<sup>38</sup> Welsh language for Wales

includes projects targeting bullying of particular groups, such as those with SEND, along with a project to report bullying online.

## Campaigns

83. Since October 2018, the Government have run two waves of a national public awareness campaign around hate crime, including scenarios of hate crime towards disabled people to make clear that these are crimes and will not be tolerated.
84. One in four disabled people say negative attitudes from other passengers prevent them from using public transport. As a result, they take a third fewer public transport trips than those without mobility difficulties.<sup>39</sup> Consequently, the UK Government will launch a public communications campaign during 2019 to increase awareness of disabled people's needs, particularly those with hidden disabilities, thus increasing disabled people's confidence to use public transport. The campaign has three target audiences: the travelling public, disabled people and transport operators and engaging with disabled stakeholders and key sector influencers should ensure success.
85. The Department of Health and Social Care is working with stakeholders including autistic people and carers to develop a campaign to improve public understanding of autism, with the aim of creating a more inclusive society in which autistic people can participate fully.
86. The Challenge on Dementia 2020 was published in 2015 with the aim of making England the world leader in dementia care, support, research and awareness. We are committed to involving people with lived experience of dementia in the design of policies and their implementation. As of June 2019, there are over 2.8m Dementia Friends and 356 areas in England committed to being Dementia Friendly Communities, enabling people to live well with dementia.

## Recommendation 114i

Ensure that in the implementation of legislation, policies and programmes, special attention is paid to persons with disabilities living in low income or poverty, persons with disabilities with higher risk of exclusion, such as persons with intellectual, psychosocial or multiple disabilities, women, children and older persons with disabilities; these measures should be put in place within contributive and non-contributive regimes.

87. As explained in our response to 114b, the UK Government believes the PSED, as set out in the EA 2010, provides a mechanism for identifying unintended or

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<sup>39</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/647703/disabled-peoples-travel-behaviour-and-attitudes-to-travel.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/647703/disabled-peoples-travel-behaviour-and-attitudes-to-travel.pdf)

disproportionate impacts of policies on those with protected characteristics including disabled people.

88. In 2019, Scottish Ministers committed to taking forward a review of the effectiveness of the operation of the PSED in Scotland, including regulations made by them under the EA 2010.

### **Recommendation 114j**

Set up a mechanism and a system of human rights-based indicators to permanently monitor the impact of the different policies and programmes relating to persons with disabilities' access and enjoyment of the right to social protection and an adequate standard of living, the right to living independently and being included in the community, and the right to work, in close consultation with persons with disabilities and their representative organizations in all regions and countries that conform the State Party.

89. The Inter-Ministerial Group on Disability and Society (IMG) was set up in spring 2018 to drive forward coordinated action across Government to tackle the barriers disabled people face to full participation in society. The UK Government is determined to build an inclusive society, and the IMG plays an important role in this, as it identifies ways the Government can take forward improvements affecting disabled people, and so continue to make progress on implementing the UNCRPD.

90. The new cross-Government approach on disability announced in June 2019 will establish a team in the Cabinet Office and will include the transfer of the Office for Disability Issues from the DWP to the Cabinet Office. This move recognises that disabled people face barriers across a wide range of areas and coordinated cross-Government action is therefore vital.

91. The UK Government also announced in June 2019 a commitment to strengthen the evidence base on disability and improve engagement with disabled people and their organisations. The Office for National Statistics will develop a national outcomes dashboard for disabled people to increase transparency and accountability, and drive focused action on tackling the barriers that disabled people face. The Government will also commission new research ensuring that disabled people's lived experience directly informs and shapes forthcoming Government policies.

92. As already outlined in our response under 114b and 114i, the PSED provides a mechanism for identifying unintended or disproportionate impacts of policies on those with protected characteristics, including disabled people.

93. In line with its duty to monitor and enforce the EA 2010, the EHRC has been instrumental in providing resources and support in discrimination cases that have

a strategic or wider significance. The EHRC is taking action to improve enforcement of the reasonable adjustments duty<sup>40</sup> against non-compliant employers and service providers.

94. The Scottish First Minister convened an independent Advisory Group on Human Rights Leadership<sup>41</sup>, which in December 2018 recommended legislation to create a new human rights framework. A national taskforce is being established to take forward the group's key recommendations<sup>42</sup>.
95. The Welsh Government is considering options to strengthen and advance equality and human rights in Wales, including options to improve monitoring and evaluation of legislation impacting people with protected characteristics, including disabled people. The Welsh Government will commence part one of the EA 2010, the socio-economic duty, by the end of 2019, a key action to improve safeguards for disabled people.

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<sup>40</sup> <https://www.legislation.gov.uk/ukpga/2010/15/section/20>

<sup>41</sup> <https://humanrightsleadership.scot/>

<sup>42</sup> <https://news.gov.scot/news/new-national-taskforce-to-lead-on-human-rights-in-scotland>