

P-05-914 Equal Access to Health Care for the Disabled, Correspondence - Equality and Human Rights Commission to Chair, 08.07.20



Comisiwn
Cydraddoldeb a
Hawliau Dynol

Equality and
Human Rights
Commission

Janet Finch Saunders MS
Chair of the Petitions Committee
Senedd Cymru/Welsh Parliament

Wednesday 08 July 2020

Dear Janet,

Subject: Petition P-05-914 Equal access to healthcare for disabled people

I write in response to your letter to June Milligan on 31 March in relation to the above petition that the Petitions Committee is considering. Please accept my apologies for the delay in coming back to the Committee with our response. Please also note that June Milligan is no longer the Wales Commissioner and we have an Interim Chair in post until the appointment of a new Commissioner.

Equal access to health care for disabled people is an ongoing concern for the Commission. Our *Is Wales Fairer? 2018* report highlighted the unequal access to healthcare of disabled people, particularly for people with mental health conditions, Deaf people and people with a learning disability. In our recent submission to the Equality, Local Government and Communities Committee inquiry into the impact of Covid-19 on people on equality we raised concerns

Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

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about the disproportionate impact on access to healthcare for disabled people due to cancellation of treatments and backlogs created by the pandemic.

With specific reference to the issues raised in Petition P-05-914 please find our advice below.

GP surgeries already have a number of legal duties in relation to equality legislation and the subject of the petition would fall under those existing duties.

GP surgeries provide a service and therefore must comply with the duty to make reasonable adjustments found in section 20 of the Equality Act 2010. Our Code of Practice provides more detail and examples of how service providers may meet the duty and states:

“The duty to make reasonable adjustments requires service providers to take positive steps to ensure that disabled people can access services. This goes beyond simply avoiding discrimination. It requires service providers to anticipate the needs of potential disabled customers for reasonable adjustments.”

GPs surgeries are part of NHS Health Boards and therefore they must comply with the general public sector equality duty and specific Welsh duties. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

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- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are sometimes referred to as the three aims or arms of the general equality duty. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Equality Act 2010 states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people

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from different groups. It states that compliance with the duty may involve treating some people more favorably than others.

Guidance to support public bodies in Wales to comply with the public sector equality duty is available on our [website](#).

I hope that provides the information that your Committee requires in considering the petition. Should you require further information or advice please do not hesitate to come back to us.

Yours sincerely,

Rev Ruth Coombs

Head of Wales | Pennaeth Cymru

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