

Paper 4

Communities, Equality and Local Government Committee

Inquiry into : The future of equality and human rights in Wales

Response from : Disability Wales

1. Introduction

1.1 Disability Wales/Anabledd Cymru is the national association of disabled people's organisations in Wales striving for the rights, equality and independence of all disabled people. Our core role is to reflect the views of our members to government with the aim of informing and influencing policy.

1.2 DW is delighted to have the opportunity to submit evidence to this important inquiry.

2. How well the specific public sector equality duties are functioning in Wales

2.1 There is widespread recognition of the robustness of the public sector equality duties in Wales compared with that pertaining in other nations within the UK. Colleagues in sister organisations outside of Wales regularly comment on this and admire the scope of the Wales specific duties including the requirement on public bodies to involve disabled people amongst others with protected characteristics in identifying equality objectives and drawing up equality plans.

2.2 DW was closely involved in working with Welsh Government in identifying its own equality objectives and developing its Strategic Equality Plan (SEP). DW has an interest across the eight objectives outlined in the plan however there are two key areas of work in which DW have been closely involved and have helped to influence:

Objective 4: the disability hate crime element in 'reducing the incidence of all forms of violence against women, domestic abuse, 'honour' based violence, hate crime, bullying and elder abuse'

Objective 5: tackling barriers and supporting disabled people so that they can live independently and exercise choice and control in their daily lives

2.3 Disability Hate Crime

DW is a member of the Welsh Government's Task Group on developing a Framework for Action on Tackling Hate Crime, established to assist it with fulfilling its equality objective. DW represents the Disability Hate Crime Action Group Cymru which it co-founded with Safer Wales following partnership work with the ACPO Equality and Diversity Forum and the organisation of the first national seminars in Wales on Disability Hate Crime held in 2009.

2.4 Independent Living

Further to DW's successful campaign *Independent Living NOW!*, WG committed to introduce a Framework for Action on Independent Living to deliver objective 5. DW worked co-productively with WG in engaging disabled people and their organisations in developing the Framework and consulting on the draft. The Framework adopted the six calls to action outlined in DW's Manifesto for Independent Living which reflected the priorities identified by our members during the campaign:

1. Improved access to information, advice, independence, advocacy and peer support services for all
2. Availability of accessible and supported housing to meet individual requirements
3. A comprehensive range of options and genuine choice and control in how personalised care and support is delivered
4. Improved access to person centred technology
5. A barrier free transport system, including all modes of transport
6. Enabling access, involvement and social, economic and cultural inclusion for all disabled people.

2.5 DW believes that in relation to disabled people the WG has demonstrated some good practice in the development of its strategic equality objectives. However the crucial next step is achieving the actions and outcomes outlined in the SEP and the effectiveness of monitoring and evaluation arrangements including the continued engagement of disabled people.

2.6 It is to be expected that Welsh Government should show leadership in an area where it has developed the duties. DW is equally interested in the performance of other public bodies many of which are responsible for delivery of services at the local level. DW undertook a brief review of local authority SEPs with the aim of comparing to what extent their objectives overlapped with Welsh Government regarding the areas of independent living and hate crime.

2.7 The majority of local authorities referred to action on Disability Hate Crime due perhaps to the high profile of this issue and the impact of the EHRC's Report *Hidden in Plain Sight*, conversely none specifically mentioned independent living. Some however included objectives on specific issues that feature in the Framework most notably access to information, advice and advocacy, and broader access within society. However some issues were hardly referred to at all including accessible housing and person centred technology. Despite the commitment to access to information, in many cases SEPs were difficult to locate on local authority websites and some were produced in PDF format only which are not accessible to people who use screen readers.

2.8 For DW the lack of synergy between WG and LA SEPs stemmed from them being developed concurrently in a short timescale. Given both Independent Living and Disability Hate Crime are the subject of national strategic Frameworks for Action, our expectation is that future plans will have greater cross-over. However while DW was able to commit staff resources to working with WG regarding its objectives, the majority of local disabled people's organisations operate purely on volunteer effort so without further resources are unlikely to be able to contribute to the development and scrutiny of local plans to the same degree.

2.9 To support the capacity of members, DW has produced a resource that provides members with information, practical advice and case studies re how to use the Equality Act (2010), the Public Sector Equality Duties in Wales and the UN Convention on the Rights of Persons with Disabilities (UNCPRD). Entitled *Know your Rights! Use your Rights! Live your Rights!* and workshops using the pack will be run over the Summer of 2013.

3. The Equality and Human Rights Commission in Wales

3.1 DW has worked closely and productively with the EHRC on a number of areas of mutual concern and interest since its inception in 2007. We have benefited from their active support for DW campaigns such as *Streets Ahead* and *Independent Living Now!* as well as projects such as *Way to Go: Planning for Inclusive Access*. We have also participated in EHRC events on the UNCRPD, Disability Hate Crime and Employment. Resources such as 'How Fair is Wales' have also proved invaluable.

3.2 The work on Disability Hate Crime was a good example where the EHRC's Formal Inquiry which culminated in the report *Hidden in Plain Sight* was able to build upon ground work undertaken by disability organisations and the Police in Wales and resulted in progress such as a pilot Multi-Agency Risk Assessment Conference on Disability Hate Crime and the WG Framework for Action.

3.3 Recent cutbacks by UK Government have led to reduced capacity in the Wales Office which is undoubtedly having an impact on their level of engagement with the work of individual organisations in particular. The loss of the EHRC Helpline is also of concern especially as the new EASS does not have a Wales base. Nearly two-thirds of calls to the former helpline were on disability related issues and while it is too early to judge the effectiveness of the new arrangements, nevertheless the loss of another advice service based in Wales is a blow.

4. The link between poverty and equality and the socio-economic duty

4.1 In recent years DW as with many of its counterparts has focussed on the rights and equality agenda on the grounds that addressing these issues would enable disabled people to participate fully in social, cultural and economic life. Poverty was seen as a symptom of inequality rather than its cause. However the extent of poverty amongst disabled people especially in Wales which in the face of Welfare Reform and cuts in public services is only likely to worsen means that a twin-tracked approach is vital.

4.2 For example a key driver for WG introducing the Framework for Action on Independent Living was its scope for mitigating the effects of financial cut backs.

4.3 DW recognises that the recent Cabinet reshuffle which brings together poverty and equality in one ministerial portfolio provides a significant opportunity to join up areas of work which hitherto have been dealt with separately. One element in particular which could benefit from this focus is around the provision of information, advice and advocacy.

5. Accountability for equality and human rights legislation in Wales

5.1 DW supports the proposal for powers in respect of equality being further devolved. This would help avoid the situation whereby elements of legislation to which commitments have been made in Wales such as the socio-economic duty and the public sector equality duties could be withdrawn or repealed by the UK Government. We reiterate the three EHRC recommendations to the Silk Commission:

- The National Assembly should be given powers to build on equality and human rights legislation including the Equality Act 2010 and the Human Rights Act 1998.
- The National Assembly should be given full primary legislative competence in relation to the Public Sector Equality Duty.
- The National Assembly should be given competence to strengthen its relationship with the EHRC

5.2 DW also calls for the UNCRPD to be fully embraced by the National Assembly and Welsh Government and enshrined not only in Welsh legislation but in the way in which both institutions carry out their functions.